

Cabinet Meeting Resolution

**Executive
Forward Plan
Reference**

E3487

**Somer Valley Enterprise Zone In Principle Statutory
Mechanisms**

Date of Meeting	1-Feb-24
The Issue	<p>BANES has undertaken a procurement exercise to secure strategic and implementation advice on the statutory mechanisms available to the Council to enable delivery of the commercial outcomes at Somer Valley Enterprise Zone (SVEZ) through the acquisition of land parcels. Approval is sought to bring forward, an in-principle resolution to adopt the appropriate statutory mechanisms available to the Council to enable the acquisition of land at SVEZ and to facilitate the delivery of the project.</p> <p>Rationale for Decision The Council is looking to deliver a mixed used regeneration project in the Somer Valley, predominantly on the land forming part of the Somer Valley Enterprise Zone (SVEZ) which is held in multiple ownerships. The SVEZ has been allocated for mixed use development in the Council's local plan since 2007 but has not been bought forward by the private sector. In addition to the development of the SVEZ, there are a number of highway works that will be necessary in order to deliver the project, including a new access from the A362 and network junction interventions.</p> <p>The Local Planning Authority (LPA) is promoting a Local Development Order (LDO) across the SVEZ, and highway enabling works to assist in bringing the site forward.</p> <p>In order to secure delivery of the outcomes at SVEZ the Council needs to acquire the majority if not all of the land within the SVEZ as well as several small parcels of land outside of the highway boundary. It is therefore necessary to consider the statutory mechanisms available to the Council to enable the acquisition of the land parcels should ongoing negotiations not lead to private treaty acquisitions.</p> <p>Financial and Budget Implications The SVEZ has WECA IF programme funding to deliver the LDO alongside s.106 contributions. An Outline Business Case+ (OBC+) is being prepared to secure funding for the project, with submission targeted for January 2024. A funding bid will be made to the Investment Fund to support land acquisition.</p> <p>Other options considered The land has been allocated since 2007 without the private sector bringing the site forward. The Council is promoting the LDO and land acquisition to enable delivery.</p>
The decision	1. To note the ongoing progress which has been made towards the

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acquisition of land required to develop the Somer Valley Enterprise Zone (SVEZ) Scheme.

2. To authorise the carrying out of formal land referencing (including the procurement of a land referencing agent and the issue requisitions for information under the Acquisition of Land Act 1981 and/or any relevant or associated statutes) across the area being considered for the SVEZ Scheme in order to identify landowners, their interests and to gather as much information as possible about the land. This will include full due diligence and financial evaluation to ensure value for money.
3. To authorise the entry into negotiations by the Council (and on behalf of the Council) with landowners and others with an interest in the relevant land required for the delivery of the SVEZ Scheme in order to acquire land and rights by agreement where possible.
4. To authorise the acquisition of land or rights required for the SVEZ Scheme subject to relevant financial limits, whereby the decision to proceed with any purchase in excess of the SVEZ Scheme budget would be referred to [Cabinet /Single Member Decision] for authorisation.
5. To delegate to the Director of Regeneration and Housing and the Director of Sustainable Communities (or [the Monitoring Officer / Executive Member] for payments of over £500,000), in consultation with the S151 Officer, authority to take all necessary steps to acquire by agreement land and/or rights required for the SVEZ Scheme and to negotiate and settle all necessary compensation and professional fees (including interim payments) as agreed with landowners, where compensation is within the SVEZ Scheme budget. This will be subject to full due diligence and financial evaluation to ensure value for money and that commitments are in line with approved scheme budgets.
6. To authorise the taking of all steps (including the drafting of a CPO and related documentation) necessary to prepare for a subsequent report to Cabinet to determine the use of compulsory purchase powers to acquire the land and rights in land required for the SVEZ Scheme.

Rationale for decision

The Council is looking to deliver a mixed used regeneration project in the Somer Valley, predominantly on the land forming part of the Somer Valley Enterprise Zone (SVEZ) which is held in multiple ownerships. The SVEZ has been allocated for mixed use development in the Council's local plan since 2007 but has not been bought forward by the private sector. In addition to the development of the SVEZ, there are a number of highway works that will be necessary in order to deliver the project, including a new access from the A362 and network junction interventions.

The Local Planning Authority (LPA) is promoting a Local Development Order (LDO) across the SVEZ, and highway enabling works to assist in bringing the site forward.

In order to secure delivery of the outcomes at SVEZ the Council needs to

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	<p>acquire the majority if not all of the land within the SVEZ as well as several small parcels of land outside of the highway boundary.</p> <p>It is therefore necessary to consider the statutory mechanisms available to the Council to enable the acquisition of the land parcels should ongoing negotiations not lead to private treaty acquisitions.</p>
Other options considered	Please refer to Appendix 1 of the report (Statutory Mechanisms).

The Decision is subject to Call-In within 5 working days of publication of the decision