

Cabinet Meeting Resolution

**Executive
Forward Plan
Reference**

E3557

Somer Valley Enterprise Zone - Compulsory Purchase Order

Date of Meeting	11-Jul-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.</p> <p>An in-principle statutory mechanisms resolution was adopted in February 2024. In accordance with the adopted resolution, approval is sought to bring forward a report to Cabinet to determine the use of compulsory purchase powers to acquire the land and rights in land required for the SVEZ scheme.</p> <p>The Council is looking to deliver a mixed used regeneration project in the Somer Valley, predominantly on the land forming part of the 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 highways 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.</p> <p>It is therefore necessary to consider the statutory mechanisms available to the Council, via a Compulsory Purchase Order, to enable the acquisition of the land parcels should ongoing negotiations not lead to private treaty acquisitions.</p>
The decision	<ol style="list-style-type: none"> (1) To approve the area to be the subject of a compulsory purchase order (CPO) or supplemental CPO shown edged red on the plan at Appendix 1 (the CPO Map), which identifies the outline area of the land, interests, and new rights to be acquired for the SVEZ Scheme (the CPO Land) by voluntary acquisition or compulsory purchase. (2) To authorise the making of a CPO or supplemental CPO pursuant to s226(1)(a) and 226(3) of the Town and Country

Planning Act 1990 and s13 of the Local Government (Miscellaneous Provisions) Act 1976 for the acquisition of land, interests, and new rights within all or part of the area identified as the CPO Land, for the purposes of facilitating the development of the SVEZ Scheme.

- (3) To authorise all necessary steps to be taken to secure the making, confirmation and implementation of a CPO(s) including the publication and service of all notices, requisitions for information, statement of reasons and the preparation and presentation of the Council's case at any public inquiry required to secure confirmation of the CPO(s) by the Secretary of State.
- (4) To note, and give due regard in determining whether or not to authorise the promotion of the CPO(s), the public sector equality duty contained in section 149 of the Equality Act 2010 (PSED) and the requirements of the Human Rights Act 1998, as detailed further in section 11 and Appendix 2 of the report.
- (5) Subject to confirmation of the CPO(s), to delegate authority to the Executive Director of Sustainable Communities to acquire all the land and rights over the CPO Land, including service of a general vesting declaration, notice to treat and/or notice of entry, subject to any compensation to be paid being within the SVEZ Scheme budget as set out in section 8 of the report.
- (6) To delegate authority to the Executive Director of Sustainable Communities to make any necessary amendments to the CPO(s) including, if required, to reduce the extent of the CPO Land to align with works and land requirements and (once the boundary is finalised) update the CPO Map to reflect on a plot-by-plot basis the extent of acquisition and rights required.
- (7) To delegate to the Executive Director of Sustainable Communities for payments of over £500,000), in consultation with the S151 Officer authority to:
 - (i) Authorise agreements to be entered into with landowners to secure the withdrawal of objections to the COP(s) and to authorise the Executive Director of Sustainable Communities to take all necessary steps to acquire by agreement land and/or rights forming part of the CPO Land, subject to any consideration payable being within the SVEZ Scheme budget as set out in section 8 of the report;
 - (ii) to negotiate and settle all necessary

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	<p>compensation and professional fees (including interim payments) either as agreed with landowners or as determined by the Lands Chamber of the Upper Tribunal in relation to the acquisition of land and/or rights forming part of the CPO Land in accordance with the Land Compensation Act 1961, the Compulsory Purchase Act 1965 and the Land Compensation Act 1973 provisions in force at the relevant time and the body of case law relevant to the assessment of compensation, where any compensation to be paid is within the SVEZ Scheme budget as set out in section 8 of the report</p> <p>(8) To authorise the instruction of the SVEZ Scheme Project Team’s legal advisers, Burges Salmon LLP, to prepare and serve such documentation as may be required for the CPO(s).</p> <p>(9) To note the ongoing progress which has been made towards the acquisition of land required to develop the SVEZ Scheme and the previous decisions outlined in the report.</p>
<p>Rationale for decision</p>	<p>The Council has promoted a Local Development Order (LDO) which applies across the Somer Valley Enterprise Zone, and includes highway enabling works to assist in bringing the site forward. This Local Development Order was confirmed by the Local Planning Authority (LPA) on 22 February 2022.</p> <p>The Council is now taking steps towards making a CPO to acquire the land and rights that are required to deliver the scheme. The purpose of the report is to secure authority to make, serve and publish the CPO and promote it under the relevant statutory processes, including authority to exercise the compulsory purchase powers to acquire land and rights if the CPO is confirmed by the Secretary of State.</p> <p>The Town and Country Planning Act 1990 (TCPA 1990) authorises the Council to compulsorily acquire land that is required to facilitate the redevelopment of the CPO Land to deliver the SVEZ Scheme.</p>
<p>Other options considered</p>	<p>Alternative Sites</p> <p>The delivery of employment space within the CPO Land is a long held corporate priority for the Council. This area was recognised as a major focus for the economic regeneration of the Somer Valley. It has been allocated for commercial uses under the relevant planning policy framework for over 20 years and has been allocated for mixed use employment in the Council’s local plan since 2007.</p> <p>Through the adoption of the LDO, the CPO Land will enable the SVEZ</p>

Scheme to deliver around 1,300 jobs; offering opportunity for the towns and villages and hamlets around Paulton, Westfield, Radstock and Midsomer Norton.

In the early 2000s, a significant proportion of employment in the area was local. Since then, there have been a number of employers lost to the area such as:

- (10) Great Mills DIY Head Office – circa 250 jobs
- (11) Welton Bibby Bag Manufacturing – circa 300 jobs
- (12) Purnells & Sons Printers - at its height circa 2,000 jobs. It closed in 2005 with loss of circa 400 jobs.

The local community in this area has had to adapt and many people now commute. Census statistics from 2021 suggest that 30-50% of the economically active population in the Somer Valley commute over 6 miles to work. Out commuting and car ownership is a significant barrier to job accessibility and disenfranchises the less affluent and it limits opportunities, presenting the only option of commuting miles to work.

The delivery of the SVEZ Scheme within the CPO Land presents the prospect of dormitory towns in the Somer Valley with few quality employment opportunities. In addition, in the coming years, more houses will be built in the area and without action, employment prospects will worsen. The SVEZ Scheme also looks to provide local jobs and address the patterns of out-commuting.

It is the historic allocations and the need for the development in the locality that has driven the site selection. There are no other suitable sites in the Somer Valley that would be able to provide the commercial floorspace and number of jobs that have not already been allocated for development or that would have the surrounding infrastructure required to support the development.

Do nothing

If the Council decided to do nothing it is unlikely the CPO Land will be regenerated and the SVEZ Scheme delivered.

Negotiations for Voluntary Acquisition

As outlined in Appendix 2 of the report land assembly for the SVEZ Scheme is complex, and although the Council has commenced into negotiations with landowners it is currently envisaged that the land and rights required cannot be assembled without the use of compulsory purchase powers. Negotiations with landowners are proceeding, and wherever possible voluntary agreements will be entered into.

However, reliance on voluntary negotiations presents a risk to the SVEZ Scheme because it is unlikely that all affected landowners and interests will enter into agreements voluntarily. The Council will continue all reasonable efforts to acquire the land by agreement in parallel with the

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CPO.

Therefore, the most likely alternative to the use of compulsory purchase powers is that the Scheme will not proceed.

Obtain but not implement the CPO

The option of not implementing the CPO if it is confirmed has also been considered. If agreement is reached with landowners and interests and those with an interest to release the land for redevelopment before it is necessary to exercise the CPO then the decision can be taken not to exercise it. Progression of the CPO in parallel with negotiations provides the option to use powers should they be required, the Council retains the ability not to implement any part of a CPO. A situation where a CPO is obtained but not needed as agreement is ultimately reached is considered a positive outcome in the compulsory purchase guidance.

The Council will take advice on the voluntary acquisition of land as required, but it is intended to enter into option agreements with any willing landowners so that the Council is protected if the SVEZ Scheme does not proceed in future for any reason.

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