

Council

Bicester Town Centre Redevelopment Compulsory Purchase Order

18 October 2010

Report of Head of Regeneration and Estates

PURPOSE OF REPORT

To seek authorisation for the making of a compulsory purchase order to facilitate the implementation of the redevelopment scheme (as proposed by Town Centre Retail (Bicester) Ltd and described in this report) to assemble the land interests required for the scheme, such interests being identified on the Order map and described in the schedule of land interests annexed to this report.

This report is public

Recommendations

The Council is recommended to resolve to make a compulsory purchase order in respect of:

- (1) the land shown coloured pink on the map attached at appendix one under Section 226(1)(a) of the Town and Country Planning Act 1990 (as amended) because it thinks that the acquisition will facilitate the carrying out of the development, redevelopment or improvement on or in relation to the land, and the development, redevelopment or improvement is likely to contribute to the promotion or improvement of the economic, social and environmental well-being of Bicester and the surrounding district; and
- (2) the new rights in relation to the land shown coloured blue on the map at appendix one under Section 13 of the Local Government (Miscellaneous Provisions) Act 1976, such land and new rights being described in the schedule of land interests at appendix two.

Executive Summary

Introduction

- 1.1 At its meeting on 19 July 2010 Council confirmed that it was minded to make a compulsory purchase order to acquire land and new rights to facilitate the redevelopment scheme being promoted by Town Centre Retail (Bicester) Ltd.
- 1.2 Since this resolution referencing agents employed by the Council have investigated the title to the site, and have contacted all known landowners

and other interested parties to establish their interest in the site.

- 1.3 As a consequence of this work the attached CPO map (showing land to be acquired coloured pink and new rights to be acquired coloured blue) has been prepared. This now reflects the land interests which have been identified as necessary in relation to the proposed redevelopment scheme.
- 1.4 Since the resolution on 19 July 2010, Town Centre Retail (Bicester) Ltd has also continued with its efforts to acquire outstanding land interests by agreement. Whilst some progress has been made with such acquisitions, a number of interests remain to be acquired.
- 1.5 The making of a CPO does not mean that negotiations for the acquisition by agreement of the outstanding land interests will cease. During the CPO process the developer will continue to try and acquire these interests by agreement, if it is possible to do so on reasonable terms.
- 1.6 When the Council resolve to make the CPO, notice of the making of the CPO will be published, and interested parties will be notified. There will then be a 3 week period within which any objections must be made. If no objections are received, the order may be confirmed by the Council itself. In the event that an objection is made by parties who have a legal interest in the affected land and property, it will be necessary to hold a public inquiry to consider the objections. In this event it is likely to be at least 9 months before the outcome of the inquiry is known.

Proposal

- 1.7 For the reasons set out in this report, Members are recommended to authorise the making of a CPO. In deciding whether to proceed with the CPO Members attention is drawn to Section 6 of this report which explains the statutory and advisory issues and criteria, which a local authority should consider and take into account in deciding whether to make a CPO, and also to paragraph 7.8 of the report which explains human rights considerations.

Background Information

- 2.1 On 3 November 2003 the Executive resolved to progress the redevelopment of Bicester town centre by retaining consultants to undertake a study, in order to establish the capacity of the site identified in the Council's draft Local Plan to accommodate the proposed redevelopment, and the financial viability of such a scheme. It also instructed officers to prepare draft supplementary planning guidance (SPG) for these proposals for public consultation.
- 2.2 The financial viability and deliverability study, undertaken by CB Richard Ellis reported in April 2004 and, concluded that the site has capacity to accommodate a new foodstore, replacement car parking, a new bus interchange, a cinema, some further retail and restaurant uses, and potentially a new public library. The study also noted that there was occupier demand for this range of uses, and that such scheme was likely to be financially viable.
- 2.3 On 4 May 2004 the Executive approved the study and authorised officers to proceed with public consultation of the draft SPG.
- 2.4 On 1 November 2004 the Executive considered the outcome of the public consultation and approved the final version of the SPG for formal adoption.
- 2.5 Also on 1 November 2004 the Executive considered a report setting out proposals suggesting how this redevelopment might be bought forward and approved a development brief to be issued to potential development partners, setting out a proposed legal framework under which a scheme could be delivered. The Executive confirmed at that time that, if the chosen development partner was not able to secure all the necessary land and property for the scheme, having used reasonable endeavours to do so, subject to any pre-conditions having been satisfied, the Council would be willing to consider making a compulsory purchase order to enable the redevelopment to proceed.
- 2.6 The Council subsequently undertook a two stage process to choose a development partner for this project. A Project Board was established early in 2005, in accordance with Council's normal project management procedures, to oversee the project.
- 2.7 Early in 2005 the development opportunity was advertised in the property press and details were mailed to a list of potential developers and agents by the Council's retained retail development consultants. Eleven companies responded to the development brief by submitting initial proposals for redevelopment of the site, and these were considered by the Project Board on 21 March 2005. The Project Board consequently shortlisted four developers, who were invited to submit detailed proposals for the Council's consideration. One of these developers subsequently decided to withdraw, and consequently three detailed submissions were received.
- 2.8 The detailed submissions and associated financial proposals were considered by the Project Board on 22 July, when presentations were made by the three developers. The outcome was that the Board recommended that Stockdale Land/Sainsbury's be appointed as the Council's development partner. Stockdale Land and Sainsbury's subsequently formed a company, Town Centre Retail (Bicester) Limited to undertake the redevelopment. TCR is now owned by

Sainsbury's whilst Stockdale Land continue to act as development manager.

- 2.9 A Development Agreement was exchanged on 25 March 2010. The Agreement provides for the freehold of part of the site, currently owned by Sainsbury's/TCR, to be transferred to the Council, and leased back to TCR for a term of 999 years. Other properties are to be held by TCR freehold. The Agreement is conditional on all land interests required for the Scheme being acquired, and permits TCR to request the Council to consider making a compulsory purchase order in the event that TCR is unable to acquire any of these interests on reasonable terms.
- 2.10 At the time of its appointment Sainsburys/TCR and the Council owned a significant part of the site. Other property interests have since been secured by TCR, but a number of interests remain to be acquired.

3 Planning Policy Context

- 3.1 The planning policy context for town centre redevelopment has evolved over the past few years. Set out below is the relevant planning policy guidance framework.
- 3.2 At a national level, guidance on town centre uses is provided by the recently published PPS4 "Planning For Sustainable Economic Growth". (This replaces earlier guidance on retail development contained in PPS6 – Planning for Town Centres, which was applicable at the time the decision was taken upon the first planning application referred to at paragraph 5.1 below). PPS4 contains town centre policies relating to retail development, leisure and entertainment facilities (including cinemas, restaurants and health and fitness centres), offices and arts, culture and tourism development. The policies still require a sequential assessment for applications of the above types with a focus on providing the development as centrally as possible in the interests of sustainability and ease of access. In paragraph 10 of PPS4 it is stated that to help achieve sustainable economic growth one of the Government's objectives is to "promote the vitality and viability of town and other centres as important places for communities" and to do this "the Government wants new economic growth and development of main town centre uses to be focused in existing centres, with the aim of offering a wide range of services to communities in an attractive and safe environment and remedying deficiencies in provision in areas with poor access to facilities".
- 3.3 Other relevant national guidance is contained in PPS9 Biodiversity (with regard to the intended re-alignment of Town Brook), PPS5 Planning and the Historic Environment (which provides policy advice with regard to development affecting heritage assets, notably listed buildings and buildings in conservation areas and archaeology), PPG13 Transport (town centre location and parking levels), and PPS25 Development and Flood Risk (again regarding re-alignment of Town Brook).
- 3.4 The South East Plan was withdrawn by the Secretary of State in July 2010. It contained policies which stated that the prime focus for development in the south east should be urban areas; in a sustainable way; and with retail development concentrated in town centres; and that community facilities should be located to reduce travel impacts. The specific policy for Central Oxfordshire in the Plan identified Bicester as a main location for development. Whilst the withdrawal of the South East Plan removes the policy basis for this strategy, the letter to Chief Planning Officers from Steve Quartermain of CLG dated 6 July 2010 confirms that PPS4 remains and applies the same basic strategy nationally.
- 3.5 At the time of the submission of the planning application referred to in paragraph 5.1

below, the strategic policy framework included the Oxfordshire Structure Plan 2016. The South East Plan replaced the Structure Plan upon its approval in 2009, with the exception of three policies which were “saved”. None of the saved policies are relevant to the Scheme.

3.6 The non-Statutory Cherwell Local Plan contains Policy S14 which states:

(a) **SITES IN THE TOWN CENTRE WITH REDEVELOPMENT POTENTIAL**

S14 LAND TO THE WEST OF SHEEP STREET AND EAST OF MANORSFIELD ROAD, AS DEFINED ON THE PROPOSALS MAP WILL BE SAFEGUARDED TO FACILITATE THE PROMOTION AND IMPLEMENTATION OF A COMPREHENSIVE MIXED-USE DEVELOPMENT THAT COMPRISES USES FALLING INTO CLASS A1, A2, B1, D1 AND D2 OF THE TOWN AND COUNTRY PLANNING USE CLASSES ORDER 1987 (AS AMENDED) THAT WILL ENHANCE THE STATUS, VITALITY AND VIABILITY OF BICESTER TOWN CENTRE. DEVELOPMENT THAT PREJUDICES THE IMPLEMENTATION OF THIS POLICY, PARTICULARLY PIECEMEAL DEVELOPMENT WITHIN THE AREA WILL NOT BE PERMITTED.

3.7 Policy S14 is explained as follows:

“It is acknowledged in this chapter that the Town Centre serves the day to day needs of the local population who also travel to neighbouring centres for higher order comparison goods, higher order services and leisure facilities. The rate of residential growth in the town over the last two plan periods has significantly overtaken the rate of commercial investment. This issue was raised at consultation meetings with the public prior to the preparation of the deposit draft plan. Many local people consider that further residential development should be restricted until improved shopping and leisure facilities have been provided.

To address the imbalance, land between Sheep Street and Manorsfield Road, and anchored by Franklins Yard to the north and Crown Walk to the south, will be promoted for redevelopment for a mix of uses comprising, inter alia, food and comparison shopping, cinema, library and art centre, offices and improved car parking, bus station and shopmobility facilities. This mix of use and improvements is consistent with the Council’s consultant’s recommendations as set out in the Urban Design Study (1996), Bicester Shopping and Commercial Leisure Study (1998) and Bicester Integrated Transport and Land Use Study (2000). The Council commissioned further studies during 2003 and 2004 to confirm the feasibility and viability of the proposals set out in Policy S14.

The area is in multiple ownership, and about 50% of it is owned by the Council. The Council reserves the right to exercise its compulsory purchase powers to implement the regeneration of the area.

The redevelopment must accommodate all buildings fronting Sheep Street between Tesco and Crown Walk. Elsewhere a selective approach to retention and development will be considered.

The redevelopment must protect and improve the network of lanes between

Sheep Street and Bure Place. Where appropriate the lanes will be extended to Manorsfield Road, constructed to accommodate cyclists and adopted as public highway. The development must be outward looking providing positive frontages with public access to Sheep Street, St Johns Street and Manorsfield Road.

Supplementary planning guidance will be prepared by the Council to establish detailed land use planning, transport and design requirements. The Council will aim to have granted planning permission for a comprehensive development and attain all the necessary consents by the end of the plan period.”

3.8 In November 2004 the Council adopted a supplementary planning guidance (SPG) document with regard to the redevelopment of this area. This guidance amplifies and elaborates upon the provisions of Policy S14 of the Non-Statutory Cherwell Local Plan but does not have Development Plan status. As adopted guidance, it is used as a material consideration in determining planning applications for comprehensive redevelopment of this area and to ensure that no ad-hoc development proposal would prejudice the comprehensive development of the area. The document sets out the land use components required by the Council which includes a foodstore, other retail and A3 units, a cinema, public library, bus interchange, and replacement/additional car parking. It also sought the re-provision of the shopmobility and pop-in centre provision. It was suggested that the development could also provide an opportunity for residential development and the creation of attractive public open spaces.

3.9 The SPG sets out the possible gateway points, the linkages that are possible to the existing shopping facilities in Sheep Street, and Crown Walk. It discusses scale and massing, the need for local distinctiveness, and the basic ideas for landscaping etc. Detailed discussion on the requirements of the highway authority with regards to access, parking and servicing, and the operation of the bus interchange are also set out.

4 Planning Position

4.1 In this policy context TCR submitted a planning application (reference number 07/00422/F) on 1 March 2007 for a supermarket, cinema, civic building including library, bus interchange, 25 shops/restaurants, 526 car parking spaces, 19 residential units, other ancillary town centre uses and the diversion of Town Brook. This development was considered to be EIA Development for the purposes of the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999. An Environmental Statement was consequently submitted in relation to the application together with other supporting documentation. The Environmental Statement identified significant economic and employment benefits and the other submitted documentation identified improvements to the townscape, especially in relation to the rear of Sheep Street and the surface car parking. Enhancements to the Conservation Area were also identified where service yards are screened and contained by the development arrangement.

4.2 The South Area Planning Committee considered this application on 12 July 2007 and resolved to grant planning permission subject to a legal agreement in respect of off-site infrastructure. That permission was issued following completion of an agreement on 3 September 2009.

- 4.3 In conjunction with planning application reference number 07/00422/F, TCR submitted, also on 1 March 2007, an application for listed building consent (reference number 07/00427/LB) to demolish the single storey addition to the rear of 27 Sheep Street and an application for conservation area consent (reference number 07/00428/CAC) for the demolition of 7-9 St Johns Street, buildings to the rear of 81-85 Sheep Street, 6-21 Wesley Lane, building to the rear of 71 Sheep Street and 4-8 Evans Yard. Listed building consent and conservation area consent were granted in respect of these applications on 13 July 2007.
- 4.4 In conjunction with the submission of pre-commencement conditions details pursuant to the initial permission (07/00422F) TCR submitted to the local planning authority an application to revise the wording of conditions 2, 3, 27 and 57 (reference number 09/01686/F) on 20 November 2009. This variation application, to enable early implementation of highway works and the relocation of Town Brook to the west of Manorsfield Road, was approved on 29 January 2010. This approval was subject to necessary and appropriate amendments to the previous legal agreement.
- 4.5 A further planning application, reconfiguring the central part of the site (reference number 09/01687/F), was submitted on 23 November 2009. This application was for a foodstore, non-food retail units, cinema, car parking and other general town centre uses. At its meeting on 18 February 2010 the Planning Committee resolved to approve the application subject to necessary and appropriate amendments to the previous legal agreement. A revised agreement has consequently been concluded and planning permission was granted on 13 August 2010.
- 4.6 A further application (reference number 10/00086/NMA) for non-material amendment to the initial scheme (regarding minor amendments in relation to the area described in paragraph 6.2 below as "Block C Retail") was submitted by TCR on 1 October 2010. In addition, a revised application for listed building consent for alterations to the rear of 27 Sheep Street is also to be submitted shortly. These amendments have evolved since the detailed design of the initial scheme. They are minor in nature and do not influence the land interests required for the scheme.

5 The Scheme

- 5.1 The scheme proposed to be implemented by TCR is consequently a comprehensive redevelopment, in line with the Council's adopted planning policies, to provide a town centre expansion with a mix of uses to complement the existing facilities in Bicester. The scheme has been carefully designed, following extensive consultation with the local planning authority, statutory consultees and the local community and interested parties, to provide suitable additional retail and leisure floorspace within the town centre in a location which is preferable for these types of use.
- 5.2 The scheme comprises the following elements:

Enabling Works

These works, consisting of off-site and on-site works, open up the development site.

The off-site enabling works include diverting Town Brook from the east to the west side of Manorsfield Road, highway works to form the new alignment of Manorsfield Road (including demolition of 7-9 St Johns Street), together with associated utility services diversion works and works associated with the temporary relocation of the

bus interchange to Market Square and displaced parking to the Cattle Market.

The on-site enabling works consist of demolition works to 4 – 7 Evans Yard, 9-21 Wesley Lane and properties in the Crown Walk Shopping Centre, namely 21 Crown Walk (Pop-in Centre) and the rear of the 24-25 Crown Walk Shopmobility Unit), together with service infrastructure works and archaeological investigations.

Block A Leisure/Retail

Situated in the middle of the development site, this block accommodates the 7-screen cinema for Apollo, 6 new retail/restaurant units ranging from 1,160 gross internal area to 4,955 square feet (ground floor) with 3 small kiosk units fronting onto Manorsfield Road. This block is designed for the tenants to provide additional sales/storage space by the inclusion of mezzanine floors as part of their fit-out works. Works involve provision of vertical circulation to the two levels of car parking over which is provided by means of lifts and stairs with the vehicular car park ramps located at the northern end of this block. The block will also house the local amenities of the shop-mobility unit, pop-in centre and public toilets.

Block B Foodstore

Situated to the southern end of the development site, this block accommodates the supermarket providing food and comparison shopping with café at ground floor and mezzanine levels. The store also contains ancillary staff accommodation, plant and bulk storage. Vertical circulation to the two levels of parking over is provided by means of lifts, travellators and stairs.

Car Park

Blocks A and B are connected by the two levels of parking over, providing 566 car parking spaces.

Block C Retail

Situated to the eastern side of the development site, this block contains 6 new retail units ranging from 736 square feet (ground floor GIA) up to 4,598 square feet (ground floor G1A)] and comprise approximately 10,000 square feet in total (with the ability for first floor trading as well). In addition there are 3 small kiosks, and alternation works to link into the existing retail units in the Crown Walk Shopping Centre and extensions to the rear of several units in Sheep Street.

Public Realm

The external works of paving and soft landscaping will create the streetscape and public realm, notably the two new public squares, to a high standard. The Millets unit (26-27 Crown Walk) will be demolished as part of the public realm works to enable the external paving to be carried through Crown Walk Shopping Centre, providing vibrant pedestrian linkages to Sheep Street and Market Square.

- 5.3 The scheme has been designed in such a way as to provide for the future development of a civic building by the Council on land in its ownership adjoining the north-west end of the site, which currently comprises the Franklins Yard public car park.
- 5.4 Construction of the scheme, to be implemented by TCR, has been broken down into several inter-linked phases. Through careful planning, it is proposed to overlap

these phases to reduce the overall construction period from commencement to scheme opening to approximately 2 years in order to minimise affects upon the local community. The proposed phasing is as follows:

Off-Site Enabling Works

As described at paragraph 5.2 above – approximate construction period 8 months

On-Site Enabling Works

As described at paragraph 5.2 above – approximate construction period 7 months

Shell Construction

Base build construction comprising the new buildings including car park, and external works of paving and soft landscaping to complete the streetscape and public realm – approximate construction period 16 months.

Fit-Out Works

Works by Sainsburys, Apollo and various retail and leisure tenants to prepare their new facilities for trading – approximate construction period 4 months.

6 Compulsory Purchase Powers

6.1 The Council has the power in section 226 of the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004) to make a compulsory purchase order in respect of any land in their area if the Council thinks that the purchase of the land will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land.

6.2 The Council may not exercise the power unless it considers that the development, redevelopment or improvement is likely to contribute to the achievement of any one or more of the following objectives:

- The promotion or improvement of the economic well-being of their area
- The promotion or improvement of the social well-being of their area
- The promotion or improvement of the environmental well-being of their area.

6.3 It is immaterial that the development, redevelopment or improvement may be carried out by a third party.

6.4 Section 13 of the Local Government (Miscellaneous) Provisions Act 1976 enables the Council to compulsorily acquire new rights.

6.5 ODPM Circular 06/2004 (Compulsory Purchase and the Crichel Down Rules) (“the Circular”) provides guidance to acquiring authorities in England on the use of compulsory purchase powers. Paragraph 1 of the Memorandum to the Circular states:

“Ministers believe that Compulsory Purchase Powers are an important tool for local authorities and other public bodies to use as a means of assembling the land needed to help deliver social and economic change. Used properly, they can contribute towards effective and efficient urban and rural regeneration, the

revitalisation of communities, and the promotion of business – leading to improvements in quality of life. Bodies possessing compulsory purchase powers – whether at local, regional or national level – are therefore encouraged to consider using them proactively wherever appropriate to ensure real gains are brought to residents and the business community without delay”.

- 6.6 Particular guidance on orders made by local authorities under Section 226 of the Town and Country Planning Act 1990 is contained in Appendix A of the Circular. Paragraph 2 states:

“The powers in Section 226 as amended by Section 99 of the Planning and Compulsory Purchase Act 2004 are intended to provide a positive tool to help acquiring authorities with their planning powers to assemble land where this is necessary to implement the proposals in their community strategies and Local Development Documents. These powers are expressed in wide terms and can, therefore, be used by such authorities to assemble land for regeneration and other schemes where the range of activities or purposes proposed means that no single specific compulsory purchase power would be appropriate.”

- 6.7 The Circular requires the Council to have regard to the following when considering making a Compulsory Purchase Order:

- (a) that the purposes for which the Order is being made sufficiently justify interfering with human rights of those with any interest in the land affected;
- (b) the degree to which other bodies (including the private sector) have agreed to make financial contributions to underwrite the scheme and on what basis such contributions or underwriting is to be made;
- (c) evidence relating to financial viability; and
- (d) where the scheme is likely to be blocked by other impediments to implementation.

- 6.8 The Circular looks to acquiring authorities to seek to acquire land by agreement wherever practicable. However, the Circular recognises that it may be sensible for acquiring authorities to start formal compulsory purchase procedures in parallel with their efforts to acquire by agreement. The Circular notes that this has the advantage of making the seriousness of the acquiring authority’s intentions clear from the outset, which in turn might encourage those whose land is affected to enter more readily into meaningful negotiations.

- 6.9 A compulsory purchase order to which there are objections will require confirmation by the Secretary of State to become effective. The Circular provides that any decision by the Secretary of State about whether to confirm an order under Section 226 will be made on its own merit, but the factors that the Secretary of State can be expected to consider include:-

- (a) whether the purpose to which the land is being acquired fits in with the adopted planning framework for the area;
- (b) the extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental well-being of the area;

- (c) the potential financial viability of the scheme for which the land is being acquired; and
 - (d) whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by other means, for example any alternative proposals put forward by the owners of the land.
- 6.10 The Circular requires that a compulsory purchase order should only be made (and confirmed) where there is a compelling case in the public interest.

7 Case for making a Compulsory Purchase Order

- 7.1 As set out above, it is an important policy objective of the Council to secure the redevelopment of Bicester town centre and in particular the part of the town the subject of the scheme.
- 7.2 Besides the encouragement given to local authorities to exercise their compulsory purchase powers in the Circular to promote effective and efficient urban regeneration schemes, paragraph EC5.6 of Planning Policy Statement 4 (PPS4) Planning for Sustainable Economic Growth, states:
- “Local authorities should make full use of planning tools to facilitate development, including compulsory purchase orders....”*
- 7.3 With reference to the statutory criteria for the exercise of compulsory purchase powers, it is considered that use by the Council of its compulsory purchase powers to facilitate the TCR scheme will contribute to the achievement of the promotion or improvement of the economic, social and environmental well-being of the Council’s area.
- 7.4 In particular, it is considered that the scheme will provide a high quality extension to the town centre including greater food and non-food retail floorspace, a cinema and an efficient new bus interchange facility, all of which will contribute to the centre and complement its conservation area status.
- 7.5 The scheme will address the capacity for additional retail and leisure facilities identified by the study undertaken by CB Richard Ellis and will meet the demand for new facilities, as currently assessed by TCR’s retained consultants, Liggins Thomas. The scheme will consequently add to the vitality and viability of the town centre.
- 7.6 As set out in Section 4 above, the scheme accords directly with national, regional and local policies. Planning permission has been granted for the scheme and it is not considered, therefore, that there would be any planning or other impediments to the implementation of the scheme.
- 7.7 Importantly, the scheme will fulfil the Council’s specific aspirations for redevelopment in accordance with the Council’s development brief and the approved SPG. No other site in the locality of the town centre could provide retail and leisure facilities, on the scale of the scheme, to meet these aspirations.

7.8 As explained above, in deciding to make a CPO, the Council should be satisfied that there is sufficient justification for interfering with human rights of those with an interest in the land affected. In this respect the Human Rights Act 1998 incorporates certain provisions of the European Convention on Human Rights, namely:

Article 1 – the right of everyone to peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the relevant national and international laws.

Article 8 – private and family life, home and correspondence. No public authority can interfere with these rights except if it is in accordance with the law and is necessary in the interests of national security, public safety or the economic well-being of a country.

Article 14 – the right to enjoy rights and freedoms in the Convention free from discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, or national or social origin.

In the light of the significant public benefit which would arise from the implementation of the scheme, it is considered that the use of compulsory purchase powers is necessary and proportionate. In particular, it is considered that the CPO would not constitute any unlawful interference with individual property rights. The CPO process provides the opportunity for representations to be made and the holding of a public inquiry in the case of objections by affected parties. Those parties have an entitlement to compensation proportionate to the loss which they incur as a result of the acquisition of their interest in accordance with the statutory compensation code.

7.9 In light of the facts and considerations set out above it is concluded that there is a compelling case in the public interest for the exercise by the Council of its compulsory purchase powers.

8 Key Issues for Consideration/Reasons for Decision and Options

- 8.1 Negotiations with landowners and other interested parties are continuing. The Council hopes to be able to reach agreement to acquire necessary land interests. However, in order to be confident of taking this redevelopment scheme forward in a reasonable timescale the Council needs to approve the use of compulsory purchase powers at this stage. In this respect the Development Agreement obliges the Council to consider the use of compulsory purchase powers, if necessary.

The following options have been identified. The approach in the recommendations is believed to be the best way forward

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| Option One | To authorise the use compulsory purchase powers to take forward this redevelopment scheme |
| Option Two | To delay a decision on compulsory purchase in the hope that negotiations will progress and agreement can be reached |

Consultations

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| General public | Consultation has taken place on this scheme in the context of the Council's policy for redevelopment of the site and, more recently, the planning applications referred to in Section 4 above. |
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Implications

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| Financial: | <p>The Development Agreement provides that all costs associated with the compulsory purchase will be reimbursed by the developer</p> <p>Comments checked by Karen Curtin, Head of Finance
01295 221551</p> |
| Legal: | <p>The Council must be satisfied that the public interest in taking forward this redevelopment scheme outweighs expropriation of private interests including human rights.</p> <p>Comments checked by Pam Wilkinson, Principal Solicitor
01295 221688</p> |
| Risk Management: | <p>Compulsory purchase is a statutory process allowing those who object to lodge their objections and have them heard at a public inquiry. The process itself is open to challenge but the risks of not pursuing the CPO are that the scheme would not proceed</p> <p>Comments checked by Rosemary Watts Risk Management and Insurance Officer 01295 22 1566</p> |

Wards Affected

All Bicester wards

Corporate Plan Themes

All

Executive Portfolio

Councillor Bolster
Portfolio Holder for Economic Development and Estates

Document Information

Appendix No	Title
Appendix One	Order Map
Appendix Two	Schedule of Land Interests
Background Papers	
Planning Application Ref No 07/00422/F South Area Planning Committee Report 12 July 2007 Planning Application Ref no 09/01687/F Planning Committee report 18 th February 2010 PPS4 Planning for Sustainable Growth PPS9 Biodiversity and Geological Conservation PPG13 Transport PPS25 Development and Flood Risk Cherwell Local Plan (1996) Non-Statutory Cherwell Local Plan (2004) SPG "Land between Sheep St.and Manorsfield Rd"	
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