

Executive

Bicester Town Centre Redevelopment – Compulsory Purchase order

11 October 2010

Report of Head of Regeneration and Estates

PURPOSE OF REPORT

To seek approval to the draft compulsory purchase order, and to refer it to the Council for approval on 18 October 2010

This report is public

Recommendations

The Executive is recommended:

- (1) To recommend the Council to resolve to make a compulsory purchase order in respect of the land shown coloured pink and in respect of new rights in relation to the land shown coloured blue on the attached plan.

Executive Summary

- 1.1 On 5 July 2010 the Executive resolved, amongst other things, to recommend to Council that it should resolve as follows:-

To confirm that Council is minded to make a compulsory purchase order in respect of:

(a) the land shown edged red on the plan 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 redevelopment of the land, and the development is likely to contribute to the promotion or improvement of the economic, social and environmental well-being of Bicester and the surrounding district; and

(b) new rights in relation to the land shown hatched red and blue on the same plan as are required to facilitate the redevelopment under Section 13 of the Local Government (Miscellaneous Provisions) Act 1976.

- 1.2 The Council so resolved at its meeting on 19 July 2010.

- 1.3 At the time of these resolutions the plan referred to was indicative. Since

then referencing agents employed by the Council have investigated the title to the site, and have contacted all known landowners to establish their interest in the site.

- 1.4 As a consequence of this work the attached revised plan (showing land to be acquired coloured pink and new rights to be acquired coloured blue) has been prepared, and it is proposed that this be put before the Council for formal approval on 18 October.
- 1.5 Since the Council resolution on 19 July, the developer (Town Centre Retail (Bicester) Limited) has continued with its efforts to acquire outstanding land interests by agreement. Whilst some further progress has been made with such acquisitions, a number of interests remain to be acquired – thus the present recommendation to Council to formally authorise a CPO.
- 1.6 The making of the 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.
- 1.7 When the Council has resolved to make the CPO, the order will be published, and interested parties will be notified. There will then be a three 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 properties, it will be necessary to ask the Secretary of State to hold a public Inquiry to consider the objections. In this event it is likely to be at least nine months before the outcome of the inquiry is known.

Background Information

- 2.1 The background to this proposal was set out in the report to the Executive on 5 July 2010 (which is attached for ease of reference).
- 2.2 In deciding whether to recommend the Council to authorise a CPO to be made Members' attention is drawn to Section 3 of the previous 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. This also includes the affect upon human rights of individuals as set out at paragraph 4.7 of the report.

Key Issues for Consideration/Reasons for Decision and Options

- 3.1 The Council agreed to consider making a CPO when it completed a Development Agreement with Town Centre Retail (Bicester) Ltd, and the developer has requested the Council to make the Order.
- 3.2 Any delay in making the Order may delay progress on the scheme, if the developer is unable to reach agreement for the purchase of the outstanding land required.

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 proceed with the making of the CPO. |
| Option Two | To delay while negotiations continue, although that may well result in delay in delivering the scheme |

Consultations

- | | |
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| General public | There was public consultation before appointing the developer, and on the planning applications which have been determined. |
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Implications

- | | |
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| Financial: | The Development Agreement provides that all costs associated with the compulsory purchase will be reimbursed by the developer

Comments checked by Karen Curtin, Head of Finance
01295 221551 |
| Legal: | The Council must be satisfied that the public interest in taking forward this redevelopment outweighs expropriation of private interests including human rights. |

Comments checked by Pam Wilkinson, Principal Solicitor
01295 221688

Risk Management:

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

Comments checked by Rosemary Watts, Risk Management and Insurance Officer 01295 221566

Wards Affected

All Bicester wards

Corporate Plan Themes

All

Executive Portfolio

Councillor Norman Bolster
Portfolio Holder for Economic Development and Estates

Document Information

Appendix No	Title
Appendix 1	CPO Plan
Appendix 2	Report to the Executive dated 5 July 2010
Background Papers	
Planning Committee report 18 th February Planning Application Ref No 07/00422/F Planning Application Ref no 09/01687/F PPS4 Planning for Sustainable Growth PPS9 Biodiversity and Geological Conservation PPG13 Transport PPS25 Development and Flood Risk South East Plan Cherwell Local Plan (1996) Non-Statutory Cherwell Local Plan (2004) SPG "Land between Sheep St.and Manorsfield Rd"	
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