

TITLE OF REPORT: REFERRAL FROM LETCHWORTH COMMITTEE – 1 MARCH 2010 – COMPULSORY PURCHASE ORDERS – THE WYND, LETCHWORTH GARDEN CITY

The following is an extract from the Draft Minutes of the Letchworth Committee meeting held on 1 March 2010.

113. COMPULSORY PURCHASE ORDERS – THE WYND

The Principal Planning Officer presented the report of the Strategic Director of Planning, Housing and Enterprise regarding Compulsory Purchase Orders – The Wynd. He introduced Mr Peter Seaborn and Mr Paul Wooten of Eversheds the NHDC solicitors for this matter and gave an update to the report which had been presented to the Committee including:

- Update on delivery
That the Foundation was working towards acquiring an anchor store and had some interest however they would not be seeking other pre-lets until an anchor store tenant had agreed terms, the Foundation would seek a residential development partner to assist with the delivery of this element of the proposal. In regard to the sound investment test, the Foundation would continue to monitor the market.
- Reasonable prospect
That circular advice required local authorities to be confident that, should it confirm to exercise its powers of compulsory purchase, there is a reasonable prospect of scheme delivery and that NHDC views that the Foundation's update on delivery confirmed the NHDC position that there was a reasonable prospect that they would deliver the scheme.
- Land referencing
That Persona had been employed to undertake an independent land referencing exercise on behalf of the Council. This exercise was not yet complete but the latest results suggested that the Foundations records on the remaining leases on the site were comprehensive, with only minor differences between their records and the results of the land referencing process. This review was on-going and would continue to inform the process.
- Negotiations
That, in respect of the remaining tenancies and leases, the Foundation was continuing to negotiate with those affected in an attempt to assist relocation and/or acquire these interests by private treaty. Currently there would appear to be 9 tenancies which had not agreed short term leases, been contracted out or agreed relocation. There were also a number of table 2 interests which remained.

The Principal Planning Officer informed Members that NHDC Officers had held meetings with all those who had requested appointments which informed Officer understanding of their position in relation to on-going negotiations. These meetings had raised a number of issues and concerns which were being pursued with the Foundation and that NHDC's role was to facilitate these discussions. He advised that it may be that the current order land boundary is amended to exclude various interests from the Compulsory Purchase Orders, provided the development could still be completed and that remaining leases may be acquired between now and 8 April which will also exclude these interests from the Compulsory Purchase Orders. The Principal Planning Officer stated that NHDC remained satisfied with the Foundation's approach to negotiations with those affected and that, on this basis, a compulsory

purchase was justified in order to complete the land assembly to enable the delivery of this important town centre redevelopment scheme, although this position remained under constant review as discussions continued and land referencing results were confirmed. He reminded Members that they must be mindful that the whole purpose of a compulsory purchase was to acquire interests compulsorily which by inference means against the wishes of those affected and that, if agreement could not be reached despite using reasonable endeavours, a Compulsory Purchase Order was justified as a last resort.

Members debated the report including that Officers should be complimented on the high standard of the report; that paragraph 7.64 of Appendix 4 "Draft Statement of Reasons" should be amended to reflect that the Town Centre Strategy was supported by the proposals; how many of the 3 tests needed to be satisfied in order for the Compulsory Purchase orders to be agreed; what assurance could be given that the development would be built and whether Officers were satisfied with the evidence regarding the sound investment test.

The Strategic Director of Planning, Housing and Enterprise advised Members that this report would be considered by Cabinet on 30 March 2010 and Council on 8 April 2010.

The Principal Planning Officer informed Members that Officers had been advised by the Foundation that the sound investment test would not be satisfied in the current economic climate, however The Foundation had informed Officers that sufficient economic recovery was likely to have taken place in order to deliver the scheme in 2013.

Mr Wooten of Eversheds informed Members that only 1 of the 3 tests had to be satisfied in order to proceed with the Compulsory Purchase orders and that there was a requirement to demonstrate that there was a reasonable prospect that the development would occur, and that all information presented to date satisfied that requirement.

RESOLVED: That paragraph 7.64 of Appendix 4 "Draft Statement of Reasons" be amended to reflect that the Town Centre Strategy is supported by the proposals;

RECOMMENDED TO COUNCIL:

- (1) That the Letchworth Committee strongly supports the progress towards re-development of the Wynd, Letchworth Garden City;
- (2) That the Letchworth Committee supports the recommendation below:
"That, on the basis of current evidence on land referencing and negotiations with those potentially affected by a Compulsory Purchase Order (position to be updated as evidence is gathered), Members agree to authorise the use of the Council's powers of compulsory purchase under section 226(1)(a) of the Town and Country Planning Act 1990 (as amended) to facilitate the delivery of the Wynd redevelopment scheme."

REASON FOR DECISION: To enable Letchworth Area Committee to comment on the Compulsory Purchase Orders – The Wynd prior to consideration by Council on 8 April 2010.

[Note: The report to which this referral relates is Item 9 on this agenda]