

TITLE OF REPORT: ITEM REFERRED FROM CABINET – 30 MARCH 2010 – COMPULSORY PURCHASE ORDERS – THE WYND, LETCHWORTH GARDEN CITY

The following is an extract from the Draft Minutes of the Cabinet meeting held on 30 March 2010.

143. COMPULSORY PURCHASE ORDERS – THE WYND, LETCHWORTH GARDEN CITY

The Portfolio Holder for Planning and Transport presented a report of the Strategic Director of Planning, Housing and Enterprise updating Cabinet on progress with land assembly in preparation for the proposed redevelopment of The Wynd, Letchworth Garden City, and to endorse the proposed recommendation to Full Council authorising the use of compulsory purchase powers to assist in this process. The following appendices were submitted with the report:

Appendix 1 - Order Land Plan;
Appendix 2 - The Scheme Planning Permission, Conservation Area Consent and Section 106 Heads of Terms;
Appendix 3 - In Principle Compulsory Purchase Order (CPO) Full Council Report (25.09.08);
Appendix 4 - Draft Statement of Reasons;
Appendix 5 - CPO Timeline and Process;
Appendix 6 - Letter from the Letchworth Garden City Heritage Foundation's Board Chairman;
Appendix 7 - Anchor Store Delivery Programme;
Appendix 8 - Letter from Discovery Properties;
Appendix 9 - Tenant Relocation Strategy;
Appendix 10 - Letter from Head of Property Management at the Letchworth Garden City Heritage Foundation.

The Portfolio Holder for Planning and Transport advised that the Letchworth Committee, at its meeting held on 1 March 2010, had strongly supported the proposals and the proposed use of CPO powers.

The Strategic Director of Planning, Housing and Enterprise commented that the report provided the background to the use of CPO powers, and confirmed that the proposed redevelopment scheme for The Wynd was in accordance with the aims and objectives of the Letchworth Garden City Town Centre Strategy. He reminded Cabinet that the Full Council, at its meeting held on 25 September 2008, had agreed in principle to the use of CPO powers for the scheme.

The Strategic Director of Planning, Housing and Enterprise referred to the legislative framework for CPOs and the process for moving the project forward. He drew attention to Section 16 of the report, which summarised each of the various issues identified in the report. He also drew attention to Appendix 4 to the report, which set out the Draft Statement of Reasons to support the Council's proposed use of its CPO powers.

The Strategic Director of Planning, Housing and Enterprise stated that significant progress had been made by the Letchworth Garden City Heritage Foundation in assembling the site. Negotiations were on-going with a small number of tenants and those with easement/right of way interests who had yet to come to an agreement with the Foundation. Officers were tracking these negotiations and facilitating discussions between the various parties.

In terms of the cost of the CPO, the Strategic Director of Planning, Housing and Enterprise confirmed that some time ago the Council had entered into an Indemnity Agreement with the Foundation, which required that all costs would be met by the Foundation.

Cabinet was supportive of the proposed use of CPO powers, and agreed that this support be conveyed to Full Council at its meeting to be held on 8 April 2010.

RECOMMENDED TO COUNCIL: That the proposed Officer Recommendation to Full Council be endorsed, which is 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), authorisation be given to 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 (Letchworth Garden City) redevelopment scheme.

RESOLVED: That the following draft recommendation that would be made to Full Council, based on the current officer position on land referencing and considering the overall case for the Compulsory Purchase Order, be noted:

- "(1) That a Compulsory Purchase Order (CPO) be made (to be known as the North Hertfordshire District Council (the Wynd, Letchworth Garden City) Compulsory Purchase Order 2010) under Section 226(1)(a) of the Town and Country Planning Act 1990 (as amended by section 99 and Schedule 9 of the Planning and Compulsory Purchase Act 2004) for the acquisition of the land known as the Wynd, Letchworth Garden City shown within the area shown edged red and coloured pink on the Plan attached at Appendix 1 to the report, being land which the Council thinks, if acquired, will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land, and that such development, redevelopment or improvement is likely to contribute to achieving the promotion and/or improvement of the economic, social and environmental well-being of the area, as described in this report;
- (2) That the Strategic Director of Planning, Housing and Enterprise and the Acting Corporate Legal Manager and Monitoring Officer, in consultation with the Portfolio Holder for Planning and Transport, be authorised to:
 - (i) make minor modifications, amendments or deletions to the CPO Plan should this be necessary;
 - (ii) take all necessary steps to finalise and secure the making, confirmation and implementation of the CPO including (but not limited to) updating the draft Statement of Reasons as deemed appropriate, the publication and service of all notices and the presentation and promotion of the Council's case at any Public Inquiry;
 - (iii) acquire land and interests within the boundary of the CPO either by agreement or, subject to the confirmation of the CPO, compulsorily;
 - (iv) approve agreements with landowners and any objectors to the CPO setting out the terms for the withdrawal of any objection, including where appropriate seeking agreements effecting the delivery of any part of the development and/or making arrangements for the rehousing or relocation of occupiers;
 - (v) dispose of any land and interests acquired by agreement or compulsorily within the boundary of the CPO to the Foundation in accordance with the terms of the Indemnity Agreement dated 4 December 2008; and
 - (vi) take all necessary steps to secure all necessary orders to extinguish or divert existing public rights of way and highways necessary to achieve the Wynd redevelopment scheme underpinning the CPO."

REASON FOR DECISION: To assist in progressing the Letchworth Garden City Heritage Foundation's scheme for redevelopment of The Wynd, Letchworth Garden City.

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