

Subject:
The Valley Centre, Rawtenstall
– Site Assembly

Status: For Publication

Report to: Cabinet

Date: 19th September 2007

Report of:
Head of Economic Regeneration and Strategic Housing

Portfolio Holder: Regenerating and Promoting Rossendale

Key Decision: No

Forward Plan General Exception Special Urgency

1. PURPOSE OF REPORT

- 1.1 To advise Cabinet of the actions necessary for Rossendale Borough Council to acquire land and property interests as an essential step in securing the comprehensive redevelopment of the Valley Centre, Rawtenstall.

2. CORPORATE PRIORITIES

- 2.1 The matters discussed in this report impact directly on the following corporate priorities and associated corporate objectives:
- Delivering Regeneration across the Borough (Economy, Housing)
 - Promoting Rossendale as a cracking place to live and visit (Economy)

3. RISK ASSESSMENT IMPLICATIONS

- 3.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:
- Failure to give a clear message to the current owners and occupiers of the Valley Centre that the Council is determined to secure the comprehensive redevelopment of the site.
 - Failure to secure the programme for land assembly.

4. BACKGROUND AND OPTIONS

4.1 Government Advice (ODPM Circular 02/2003 para21) states that:

“acquiring authorities should consider when the land they are seeking to acquire will be needed and, as a contingency measure, plan a compulsory purchase timescale at the same time as conducting negotiations. Indeed, given the amount of time that needs to be allowed to complete the CPO process, it may often be sensible for the acquiring authority to initiate the formal procedures in parallel with such negotiations”.

It is advised that a compulsory purchase order will likely be needed to underpin the acquisition strategy for the Valley Centre redevelopment. Given the project timescale and the advice in Circular 02/2003, an early resolution in principle to this effect will act as a marker to show owners and occupiers on the site, that the Council is now taking positive action to progress the scheme. This is the usual way in which site acquisitions are progressed in such circumstances. The process of CPO also serves to achieve early confirmation of title issues and of land rights generally this is essential to avoid risk that a comprehensive development might be prejudiced by an ownership interest being “missed”.

4.2 It is proposed that the Council make any compulsory purchase order using its powers under Section 226 of the Town and Country Planning Act 1990. These powers may be exercised in respect of land which:

- is suitable for and required in order to secure the carrying out of development, redevelopment or improvement; or
- is required for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated.

4.3 The key actions required as part of the compulsory purchase process are:

4.3.1 Negotiations with the current owners and occupiers of the site. These will continue throughout the compulsory purchase order process.

4.3.2 Land Referencing. Specialist land referencers will be appointed to undertake the land referencing exercise. The land referencers will require the power to serve formal requisitions for information that is requested in this Report. Land referencing will build upon the title information already held by the Council and will lead to the production of a schedule of all the legal interests in the site. This schedule will form part of the Compulsory Purchase Order itself.

4.3.3 Preparing the Compulsory Purchase Order, all associated notices and the Statement of Reasons. The Government Office for the North West offers and recommends a service where it will check draft CPO “paperwork” prior to a formal CPO resolution being made and it is strongly advised that this service be

taken up. The Statement of Reasons is a comprehensive document which will set out the case in support of the use of compulsory purchase order powers. In the Statement of Reasons the Council will explain in detail why there is a case in the public interest to justify the compulsory purchase acquisition of the Valley Centre Site.

4.3.4 Obtaining Council authority to make the Compulsory Purchase Order.

Subsequent to this Report a further report will be put to the Council seeking the Council's authority to make the compulsory purchase order. It is currently envisaged that this report will be considered at a meeting of the Council later this financial year.

4.3.5 Making the Compulsory Purchase Order. Subject to the decision of the Council a Compulsory Purchase Order will be made immediately thereafter. Once the Order has been made the Council must serve notice of making of the Order on all owners and occupiers of the site. There is a 21 day objection period following the service of these notices.

4.3.6 Dealing with any objections lodged against the Order. If no objections are received to the Compulsory Purchase Order, the papers are sent to the Secretary of State who should confirm the order. Once this is done, notice of the confirmation of the order will be served on all those with an interest in the site. In the event that objections are lodged, and they are not withdrawn, the Secretary of State will arrange for a public inquiry to be held to consider the case for the Compulsory Purchase Order and the objections.

4.3.7 Transfer of Ownership to the Council. Once the Compulsory Purchase Order has been confirmed by the Secretary of State, the Council can acquire title to the site either by executing a General Vesting Declaration or by service of Notice to Treat.

4.3.8 Land to be acquired. The land to be acquired by the Council for the development is shown edged in red on the plan attached to this Report. Acquisition by the Council of all land within this boundary is required to take forward the development scheme on the comprehensive basis required by the Council.

4.3.9 Options.

1. To confirm that if necessary the Council will utilise its compulsory purchase powers under Section 226 of the Town and Country Planning Act 1990 for the purpose of the redevelopment of the Valley Centre, Rawtenstall.
2. To defer confirming this
3. To decline to confirm this.

4.3.10 The use of the Council's power under Section 226 of the Town and Country Planning Act 1990 will likely be needed in order to achieve site assembly and deliver the comprehensive development within the proposed time frame of the scheme. **Option 1** is timely as it will assist current work to achieve site

acquisitions via negotiation by offering certainty to the process of land assembly. **Option 2** would give a very unclear message to the current owners and occupiers of the site, and the wider community. It would also create uncertainty as to the scheme and would not assist the progress of the Project. This option is likely to jeopardize the programme for land assembly. **Option 3** would require the scheme to be abandoned as this would preclude the use of the only mechanism available to the Council to ensure site assembly in order to deliver the comprehensive development scheme.

Option 1 is strongly preferred as this will give certainty to the critical land assembly stage of the scheme and underpin current negotiations in relation to ownership interests.

5. COMMENTS OF THE HEAD OF FINANCIAL SERVICES

- 5.1 A letter from the Developer requesting the making of a Compulsory Purchase Order and agreeing to meet all associated costs will be required before an actual CPO resolution is made.

6. COMMENTS OF THE HEAD OF PLANNING, LEGAL AND DEMOCRATIC SERVICES

- 6.1 The use of compulsory purchasing powers represents a clear interference with rights under Article 1 of the First Protocol of the European Convention on Human Rights (EHCR). Article 1 rights however are not absolute and public bodies may deprive an individual's property where it is in the public interest and subject to conditions provided for by the law. This interference must however be "proportionate".

It is considered that in this case the use of CPO powers is in the public interest because full land assembly is required for comprehensive development and that comprehensive development will achieve very significant benefits in the public interest. A comprehensive development scheme will deliver the most substantial regeneration benefits to the local area and the District as a whole.

7. COMMENTS OF THE HEAD OF HUMAN RESOURCES

- 7.1 There are no specific human resources implications arising from this Report.

8. CONCLUSION

- 8.1 It is in the best interests of the Council and of the local area to agree, if necessary, to use its compulsory purchase powers

