

THE WEST NORTHAMPTONSHIRE DEVELOPMENT CORPORATION
(AVON NUNN MILLS, NORTHAMPTON) COMPULSORY PURCHASE ORDER 2012

THE LOCAL GOVERNMENT PLANNING AND LAND ACT 1980

AND

THE ACQUISITION OF LAND ACT 1981

STATEMENT OF REASONS

1 INTRODUCTION

- 1.1 This document is the Statement of Reasons of West Northamptonshire Development Corporation ("the Corporation") for the making of the West Northamptonshire Development Corporation (Avon Nunn Mills, Northampton) Compulsory Purchase Order 2012 ("the Order"). The Order was made by the Corporation on [xxx] 2012, pursuant to a resolution of the Corporation's board on 13 December 2011.
- 1.2 The Corporation will submit the Order to the Secretary of State for Communities and Local Government (the "Secretary of State") via the National Unit for Land Acquisitions and Disposals ("NULA") for confirmation.
- 1.3 The land included in the Order ("the Order Land") is identified in Plan 1 (see Section 15). This statement has been prepared in accordance with paragraphs 35 and 36 and Appendix R of ODPM Circular 06/2004 - Compulsory Purchase and the Crichel Down Rules ("the Circular"). The Order has been made under section 142 of the Local Government Planning and Land Act 1980 ("the 1980 Act") in order to acquire land for the purposes of carrying out the Corporation's regeneration functions. In particular, the Corporation is seeking to assemble the land in the Order and the Order, if confirmed, will facilitate the redevelopment of the Order Land, which comprises 41 Hectares. The main landowners of the Order Land are set out later in this statement. The Corporation has sought to facilitate the regeneration of the Order Lands in collaboration with these landowners in order to ensure that the redevelopment of the area is brought forward in a comprehensive and integrated manner. However, it has not been able to find a form of collaboration which has been acceptable to all parties, and the arrangements for collaboration have come to an end. Further, notwithstanding this, there remain other interests outside of those owned by the main landowners which are required for the Order Land to be redeveloped.
- 1.4 In addition to acquiring the land needed for the regeneration of the Order Land, the Order will, if confirmed, authorise the Corporation to acquire freehold land for construction space, as this approach is required by law. However, in reality such land will only be required for a temporary period during construction and acquisition is sought on this basis.
- 1.5 The Order further seeks the acquisition of rights for crane oversailing, and rights to widen and improve the existing bridges over the River Nene.
- 1.6 The Order is sought because the Corporation wishes to bring forward the development of the Order Land in accordance with its objectives in Section 136 of the 1980 Act, namely to secure the regeneration of its area. The Circular highlights the importance of the Corporation's compulsory purchase powers in securing its statutory objectives: *"the acquisition of land and buildings, whether by compulsory purchase or other means, is one of the main ways in which*

an Urban Development Corporation (UDC) can take effective steps to secure its statutory objectives” (paragraph 2 Appendix D of the Circular).

- 1.7 The redevelopment of the Order Land has support in national and regional planning policy, in the saved policies of the Northampton Borough Local Plan and in the emerging Local Development Framework, and the principle of the redevelopment of the area has been established through resolutions to grant planning permission for mixed use, residential, employment and leisure development across the Order Land. In addition, detailed planning permission has previously been secured for a road into the Order Land from Bedford Road, to facilitate redevelopment. It is clear that the principle of development on the Order Land, including the provision of a new access into the Order Land from Bedford Road, is acceptable in planning terms.
- 1.8 The Corporation considers that the regeneration of the Order Land is a vital component to meeting its objectives and to providing new prestigious office space and new houses for Northampton. The Corporation has identified in its Business Plan for 2010/2011 the need to assist with the provision of infrastructure and access improvements to enable Avon Nunn Mills to come forward for redevelopment. On the 28 September 2010 the Government outlined five key projects upon which the Corporation should focus, this included the Avon Nunn Mills project. It identified that in the remaining life of the Corporation focus should be placed on using its land assembly and related powers to bringing the key projects to market successfully. Therefore the compulsory acquisition of this land fits with the policy direction that has been given by Government.
- 1.9 The Corporation is firmly of the view that there is a compelling case in the public interest for it using its powers of compulsory acquisition to facilitate the regeneration of the Order Land.

2 THE WEST NORTHAMPTONSHIRE DEVELOPMENT CORPORATION

- 2.1 The Corporation is an urban development corporation as defined under section 135 and constituted under Schedule 26 of the 1980 Act.
- 2.2 The Corporation was established by the West Northamptonshire Development Corporation (Area and Constitution) Order 2004 (SI2004/3370) for the purpose of regenerating the Northampton, Daventry and Towcester areas.
- 2.3 Section 136 of the 1980 Act sets out the objects and general powers of UDCs. The principal objective of a UDC is to secure the regeneration of its area. Section 136(2) states that this object is to be achieved by:
- (a) bringing land and buildings into effective use
 - (b) encouraging the development of existing and new industry and commerce

- (c) creating an attractive environment; and
- (d) ensuring that housing and social facilities are available to encourage people to live and work in the area.

2.4 Section 136(3) of the 1980 Act states that for the purpose of achieving its objects the Corporation may:

- (a) acquire, hold, manage, reclaim and dispose of land and other property;
- (b) carry out building and other operations;
- (c) seek to ensure the provision of water, electricity, gas, sewerage and other services;
- (d) carry on any business or undertaking for the purposes of the object;
- (e) generally do anything necessary or expedient for the purposes of the object or for purposes incidental to those purposes.

2.5 The compulsory purchase powers of the Corporation are then set out in section 142 which states that an urban development corporation may acquire (by agreement or, on being authorised to do so by the Secretary of State, compulsorily):

- (a) land in the urban development area;
- (b) land adjacent to the area which the corporation requires for purposes connected with the discharge of the corporation's functions in the area;
- (c) land, whether or not in or adjacent to the area, which the corporation requires for the provision of services in connection with the discharge of the corporation's functions in the area.

2.6 Section 142(4) of the 1980 Act states that this covers both land and new rights over land.

2.7 The process for compulsory purchase of land is set out in the Acquisition of Land Act 1981 (as amended by the Planning and Compulsory Purchase Act 2004). The Circular provides guidance to acquiring authorities in England making compulsory purchase orders to which the 1981 Act (as amended) applies.

2.8 Subsequent to its creation, the Corporation was granted specified planning powers by virtue of the West Northamptonshire Development Corporation (Planning Functions) Order 2006 (SI 2006/616) which was effective from 6 April 2006. The planning powers granted to the Corporation were subsequently amended by the West Northamptonshire Development Corporation (Planning Functions)(Amendment) Order 2011 (SI 2011/560), which was effective from 1 April 2011. This later order amends the jurisdiction of the Corporation's powers. It is

envisaged that the remaining planning powers will be transferred back to the local authorities on 1 April 2012.

- 2.9 The local planning authorities retain plan-making powers, but the Corporation produces its own regeneration frameworks and strategies which need to take account of the statutory Development Plan for the respective areas.
- 2.10 With these powers of planning and land assembly, the remit of the Corporation is to focus on development opportunities where strategic intervention is required to facilitate development.

3 THE CURRENT POSITION

- 3.1 The Order Land lies to the south east of the Northampton town centre and is bounded to the north by an open car park, Becket's Park and adopted highway known as Nunn Mills Road. To the west it is bounded by residential development and by Cotton End and London Road, and to the south and east it is bounded by Delapre Park and lake, an area of green space with wildlife habitats, and a landscaped and accessible frontage to the river.
- 3.2 The Order Land principally comprises land falling within three main-parcels, as described below and shown on Plan 2 attached to this statement (see Section 15). The remainder of the land subject to the Order is described under the heading "Other Parts of the Order Land".

Southern Parcel

- 3.3 This lies to the south of the disused railway line which crosses the site, and is bounded to the south by Ransome Road. This land is shown shaded light brown on the attached Plan 2, and is owned by the Homes and Communities Agency. It is under-used and unattractive, and a substantial part of the site is former landfill and is contaminated.

The Western Parcel

- 3.4 North of the railway line, and west of the existing public footpath which runs north/south past the existing Avon headquarters building, lies the former Avon headquarters and former manufacturing/production site. This site is shown shaded pink on the attached Plan 2, and is owned by Avon, apart from the headquarters building (shaded yellow on Plan 2) which was initially sold to Merchant Developments and subsequently sold to Bisney Oriental Ltd. The former Avon manufacturing function which was located here has been moved abroad, but Avon have constructed and occupy a new corporate headquarters building on the site. The remainder of the former Avon site comprises unused buildings and vacant land, most of which is currently being demolished. The Western Parcel also includes a Grade II listed engine shed which is likely to be retained in the redevelopment proposals described further below.

- 3.5 In the south west of the Western Parcel lies a small area of land off Southbridge Road shaded light blue on Plan 2 owned by the Corporation. This land was acquired specifically for the purposes of helping to deliver the comprehensive redevelopment of the Order Land.

The Eastern Parcel

- 3.6 To the north of the disused railway line and east of the existing footpath lies the former Nunn Mills power station and a disused industrial estate. The power station has been decommissioned for some time and the majority of the structures on the eastern parcel have been demolished. All that remains is part of the power station to the northern-most part of this part of the site. An electricity substation is housed on the first floor of this building. A larger substation is also located on the eastern edge of the site. With the exception of the sub stations this area is generally level and comprises a mixture of derelict overgrown land and concrete 'platforms'.
- 3.7 This land is shown shaded purple on the attached Plan 2, and is owned jointly by George Wimpey East Midlands Ltd and Persimmon Homes Ltd.

The Other parts of the Order Land

- 3.8 The railway line and former rail lands are owned by Network Rail and are shaded green on Plan 2. It is proposed that air rights to deliver the road infrastructure are acquired by the Corporation.
- 3.9 The land to the north of the River Nene comprises a car park which is part-owned by the Homes and Communities Agency and leased by Northampton Borough Council ("the Council"), and part-owned by the Council. This land is shown shaded dark brown on Plan 2.
- 3.10 There is a small area of land which is located running as a thin strip through part of the Order Land, between the Western and Eastern Parcels, which is in unknown ownership.
- 3.11 The northern part of the River Nene and its bank, to the east and west of the existing bridge, are also in unknown ownership.

Current access into the Order Land

- 3.12 Nunn Mills Road currently runs from Bedford Road into the Order Land and is adopted highway for approximately 60 metres from the junction with Bedford Road. It provides access to the surface level car park owned by the Homes and Communities Agency and the Council. The adopted highway terminates shortly after the coach entrance to the car park where it adjoins the existing bridge over the River Nene.
- 3.13 The land to the west of Nunn Mills Road, opposite the car park, is an area of open space (Becket's Park) owned and maintained by the Council. Nunn Mills Road continues and bridges over the River Nene and proceeds into the Order Land, and this part of the road is owned by

Avon. However, from the point at which it passes the new Avon headquarters to the point at which it abuts the disused railway, the ownership of the corridor is partly unknown. It is known that there are both public and private rights of way running along parts of it.

- 3.14 On a continuation from the end of the adopted highway, a public footpath continues in a southerly direction and runs between the Eastern and Western Parcels. It then crosses the disused railway (beyond the Order Land). As it connects with Ransome Road to the south it provides a link into Delapre Park. It is understood that this right of way has historically linked Northampton town centre to Delapre Abbey and Park to the south.
- 3.15 Beyond the Avon headquarters, the standard of repair of the footpath deteriorates and it is dominated by weeds and litter. The boundaries of the footpath with the Avon site and the Nunn Mills power station site have been defaced with graffiti.
- 3.16 The railway line divides the Southern Parcel from the rest of the Avon Nunn Mills Site. This route is safeguarded, but that designation may change in the future.

4 THE PLANNING POSITION

- 4.1 The Circular states that where planning permission will be required for a scheme for which a compulsory purchase order is sought, and has not been granted, there should be no obvious reason why it might be withheld (paragraph 23 of the Circular). The provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 require that a scheme which is the subject of a planning application should be in accordance with the development plan, unless material considerations indicate otherwise.
- 4.2 The documents which comprise the development plan for the Order Land comprise the East Midlands Regional Plan (March 2009) ("EMRP"), which includes the Milton Keynes Sub Regional Strategy ("MKSM SRS"). At the local level, the relevant planning policy is set out in the saved policies of the Northampton Local Plan (June 1997) ("the Local Plan"). Emerging policy at the local level takes the form of the West Northamptonshire Pre-Submission Joint Core Strategy (2011) ("the draft CS"), and the Northampton Central Area Action Plan Pre Submission Draft (November 2010).

National Policy

- 4.3 It is clear that the redevelopment of this previously-developed land, being close to the town centre, and capable of being well served by public transport, would comply with important aspects of national planning policy.

Regional Policy

- 4.4 The EMRP considers the strategic role that Northampton should play in the East Midlands region and the Milton Keynes South Midlands sub-region. It sets out that Northampton will

develop as a Principal Urban Area for the Milton Keynes South Midlands sub-region and the wider region. It sets out that the Northampton Implementation Area (NIA) will be a focus for growth with 40,375 dwellings being constructed between 2001 and 2026. Development of the Order Land will play a significant role in contributing towards housing delivery within Northampton. Whilst the Government has stated its intention to abolish Regional Strategies, and has included a provision to this effect in the Localism Bill currently in Parliament, the Corporation are of the view that the approach contained in the EMRP for Avon Nunn Mills is correct.

4.5 The Northampton Implementation Area ("NIA") is covered within the MKSM SRS. Policy 2 states "*new development will be delivered through a combination of urban regeneration and intensification and the development of new sustainable urban extensions*". The Order Land will provide a key contribution towards urban regeneration and will contribute significantly towards the following NIA objectives set out in policy 2:

- provide for housing growth using both greenfield and previously developed land, but maximising opportunities for recycling redundant and under-used urban land especially at nodal sites and on good-quality public transport routes;
- provide an adequate choice of high-quality employment sites for targeted office and high-value knowledge-based industries and existing key sectors, making a realistic assessment of the prospects for continuing use of older sites and including an appropriate degree of mixed use on suitable sites, both new and existing.

4.6 The Northampton Central Area is covered within policy 3 of the MKSM SRS. The development of the Order Land will provide a key contribution towards the objective of making the central area the focus of a range of employment opportunities with a particular emphasis on offices, through the provision of large office space through to small office suites in both new and converted accommodation.

Local Policy

4.7 The redevelopment and regeneration of this part of Northampton is also a long-standing objective of planning policy at the local level. On 21 September 2007 the Secretary of State confirmed that a number of policies in the Local Plan would be saved. These included Policy D17, which states: "*planning permission will be granted for a mix of residential, business and leisure uses within the Southbridge area and also retail uses at the Power Station site, Nunn Mills, subject to the necessary infrastructure being provided*". This acknowledges that the area presents an opportunity for major regeneration projects to provide new homes, jobs, leisure and community facilities together with landscaped open spaces linking nearby parkland and adjacent watercourses.

- 4.8 The supporting text describes the area as being predominantly vacant and derelict. It was recognised that the area presented an opportunity for major regeneration to provide new homes, jobs, leisure and community facilities together with open spaces linking nearby park land and adjacent watercourses. Some retail use was considered appropriate provided it did not compete with existing district centres. It was recognised that road access was poor and that new infrastructure had to be provided as part of the development proposals. It was also recognised that development of the area would be achieved by pooling together private and public sector finance.
- 4.9 Since adoption of the Local Plan in 1997, a large part of the Southbridge Road area has been developed for residential use and substantially occupied. This area lies to the west of the Order Land. A Development Brief for Nunn Mills was approved by Northampton Borough Council in September 1998. The brief states that the redevelopment should incorporate a comprehensive mixed use scheme. An interim policy statement was approved by the Borough Council in September 2003. The General Strategy of the statement sets out that *'The combined Ransome Road/Nunn Mills area is an outstanding opportunity to create a new community in the heart of the Northampton. The comprehensive redevelopment of the Ransome Road area is supported.'*
- 4.10 In 2002 English Partnerships (the Homes and Communities Agency's predecessor) and the Council signed up to the Northampton Brownfield Initiative which provided for the development of three sites including the Southern Parcel of the Order Land. As a result of the initiative, flood defence works have been carried out which will benefit the Order Land.
- 4.11 The draft Core Strategy, prepared by the West Northamptonshire Joint Planning Unit, was issued for public consultation in January 2011, and this consultation was closed in March 2011. The draft Core Strategy sets an objective to support Northampton town centre, which is to: *"support the regeneration of Northampton's town centre by making it the focus of high quality retail, employment, leisure and cultural development at the heart of Northamptonshire and to support the delivery of the Northampton Central Area Action Plan"* (chapter 4, paragraph 4.63, objective 5).
- 4.12 The draft Core Strategy identifies that the Order Land /Ransome Road site will be flagship mixed use development, providing up to 2000 homes and major commercial development (chapter 12, paragraph 12.14).
- 4.13 The Northampton Central Area Action Plan Pre-submission Draft (November 2010) ("the CAAP") sets the most recent planning policy context for Northampton Town Centre. The Order Land falls within the boundary of the area that is considered by the Central Area Action Plan. It identifies the site as a "Major Development Site", the objectives for which are set out in Policy 29 ("The Waterside: Avon/Nunn Mills/Ransome Road").

- 4.14 The CAAP notes that the Order Land is "*an extensive area of vacant, derelict, underused, previously developed land...given its size and location the area provides the opportunity to create a development that positively addresses the vision of the Central Area and the Waterside. It will provide a substantial residential community...on the Avon Nunn Mills site in particular, there is potential to accommodate substantial amounts of high quality office floor space, to mirror that of the new Avon European Headquarters*" (paragraph 6.11.1).
- 4.15 The CAAP goes on to explain, at paragraph 6.11.9, that it will "*be necessary to create a new access corridor from Bedford Road to London Road to allow development of the sites to be completed.*"
- 4.16 Policy 29 itself states that the Order Land will be developed in a comprehensive and complementary way to function as single community. It states that development here should include :
- up to 2,000 dwellings;
 - approximately 16,000 sq m of business space (B1) in addition to the existing Avon headquarters;
 - neighbourhood retail and commercial leisure facilities;
 - a two form entry urban primary school, community centre and pre-school nursery;
 - the development of a green space corridor, riverside path, river crossings, and links to the nearby open space and recreation areas;
 - an extended electrical transformer site; and
 - transport and highway improvements.
- 4.17 As can be seen, the principle of a significant and comprehensive redevelopment of the Avon Nunn Mills site is firmly established in planning policy and in key documents supporting that policy, and has been for a long time. Various planning applications have been submitted by parties over time in attempts to bring forward the area for development.

5 PLANNING HISTORY OF THE AVON NUNN MILLS SITE

- 5.1 An outline planning application was submitted by Gallagher Estates and Avon Cosmetics in 2004 to the Council (reference N/2004/0265) for a mixed use development of both the Eastern and Western Parcels incorporating residential, community facilities, local leisure and retail centre, access arrangements at Bedford Road and a new Southbridge Road with associated works. It included an access road into the Order Land to link with the land to the south of the railway. The Council resolved to grant permission for the scheme subject to completion of a

section 106 agreement and other technical matters. However, before planning permission was granted, in 2006 the Corporation were given development control functions for certain types of application, and this application was then considered by the Corporation (under reference WN2006/0014). The Corporation also resolved to grant permission on 16th January 2007 subject to the completion of a section 106 agreement. Since 2007 this application has not been actively progressed by the applicant.

- 5.2 Also in 2004, an application was submitted to the Council (reference N/2004/0510) by English Partnerships and Network Rail for a mixed use scheme in the Southern Parcel. The application was for a mixed use scheme comprising 800 dwellings, the retention of the railway line, and new bridges over the tracks and adjacent water courses, providing connections between the Southern Parcel and the land to the north of the railway. This application was also transferred to the Corporation in 2006 (reference WN2006/0016/OUTWNN).
- 5.3 The Corporation considered the application on the 16th January 2007 and resolved to grant permission subject to completion of a s106 agreement. Given the time that had elapsed since its submission in 2004 further information updating the 2004 submission was prepared during 2009/2010 and submitted. On the 14th September 2010 the Corporation's Northampton Area Planning Committee resolved to approve the planning application (WN2006/0016/OUTWNN) subject to the completion of a section 106 agreement and other technical matters.
- 5.4 In 2007 a detailed application was submitted by George Wimpey to the Corporation to create an access road into its site from Bedford Road (reference 07/0406/FULWNN). The road would facilitate access to the Avon headquarters and would proceed into the Order Land. However, it did not extend to connect with the Southern Parcel. It would not, therefore, deliver the optimum regeneration capacity of the Order Land. Planning permission was granted for this access road by the Corporation on 3 December 2008. However, it has not been implemented and due to the unknown ownership identified in the section on the Order Land, its implementation is unlikely.
- 5.5 In 2011 a detailed application was submitted by West Northamptonshire Development Corporation (reference 11/0044/FULWNN) for an access road. The proposed Nunn Mills Road would provide a link between Bedford Road and London Road and provides access to the development parcels both north and south of the railway. Through providing a link across the railway the road would provide more opportunities for comprehensive regeneration than the 2007 application (07/0406/FULWNN). Planning permission for the road was granted by the Corporation on the 6 December 2011.
- 5.6 It can be seen that as well as there being an established and long-standing planning policy objective to redevelop the Order Land, a number of schemes have been approved in principle by the Council and (following it gaining its development control function) the Corporation. However primarily due to the delivery issues in relation to the unknown owner land this scheme.

6 THE ORDER LAND

7 THE REDEVELOPMENT OF THE ORDER LAND

7.1 The development of the Order Land would assist in meeting the objectives of the saved policies of the EMRP, the Local Plan, the draft Core Strategy, and the CAAP as set out above. The redevelopment of the Order Land will deliver a number of public benefits, including:

- (a) the remediation of contaminated land;
- (b) bringing back into use previously-used but now under-used and in parts unsightly and low quality land;
- (c) the opportunity to improve the linkage of the site to the surrounding neighbourhoods and recreational areas such as Delapre Abbey and Park, Midsummer Meadows and Becket's Park;
- (d) providing a significant number of new homes for Northampton, including affordable homes;
- (e) providing a new high-quality business district for Northampton, capable of attracting inward investment and occupiers;
- (f) the creation of a network of new pedestrian and cycle routes;
- (g) the opportunity to bring back into use the listed railway shed, and
- (h) improving public recreational access to, and enjoyment of, the River Nene;

8 THE NEED FOR CPO POWERS

8.1 In order to enable the Order Land to be redeveloped and secure the public benefits identified above, site assembly must take place. The Corporation wishes to pursue the Order to maximise the development potential of the area and deliver the benefits for Northampton town and to contribute to the need for both housing and commercial development. It is clear that the Order will assist the Corporation in achieving its statutory object of securing the regeneration of its area (section 136(1) of the 1980 Act). The Corporation has wide powers of compulsory acquisition under section 142 of the 1980 Act, under which it may acquire land and/or new rights, for the purposes of achieving its objectives.

8.2 The Circular states that a compulsory purchase order should only be made when there is a compelling case in the public interest. Further, Appendix D of the Circular provides guidance on the use by urban development corporations of their powers of compulsory purchase. Paragraph

5 makes it clear that “it is for each UDC to decide how best to use its land acquisition powers to fulfil its purposes” and that “the compulsory purchase powers available to UDCs are expressed in wide and general terms, reflecting both the national importance of the task of urban regeneration and the practical problems of ensuring that wide areas of dereliction or under-use can be returned to beneficial use”. In this instance, the Corporation has decided that it should use its powers to acquire the Order Land to secure the comprehensive delivery of the regeneration of the Order Land.

8.3 In reaching a decision as to whether to confirm a compulsory purchase order made under section 142 of the 1980 Act, the Secretary of State will have in mind the statutory objectives of the UDC set out above, and will wish to consider those matters set out at paragraph 10 of Appendix D to the Circular, namely:

- (a) whether the UDC has demonstrated that the land is in need of regeneration;
- (b) what alternative proposals (if any) have been put forward by the owners of the land or other persons for regeneration;
- (c) whether regeneration is on balance more likely to be achieved if the land is acquired by the UDC;
- (d) the recent history and state of the land;
- (e) whether the land is in an area for which the UDC has a comprehensive regeneration scheme; and
- (f) the quality and timescale of both the UDC’s regeneration proposals and any alternative proposals.

8.4 The points are addressed in turn below.

(a) Whether the UDC has demonstrated that the land is in need of regeneration

8.5 Section 4 above sets out the planning policy in support of development at the Order Land. There is clear and consistent policy support for development in this location particularly given that the Order Land is brownfield land close to the town centre and is capable of being well served by public transport.

8.6 However, for the Order Land to realise its potential for regeneration, site assembly needs to take place and clear the unknown ownership constraint. As set out below, the current landowners have been unable to agree amongst themselves, or in conjunction with the Corporation through attempts to formalise collaboration arrangements. The development of the Order Land will further promote links from the Order Land to Northampton Town Centre, recognising its important role in the settlement hierarchy.

8.7 The Corporation therefore considers that the need for, and planning policy support for, the regeneration of the Order Land is very strong.

(b)-(d) What alternative proposals (if any) have been put forward by the owners of the land or other persons for regeneration, whether regeneration is on balance more likely to be achieved if the land is acquired by the UDC, and the recent history and state of the land

8.8 As set out in Section 5, in 2007 the Corporation granted consent to George Wimpey for the creation of an access road into its site (the eastern parcel). The Corporation is concerned to ensure that the development of the area is planned and delivered in a comprehensive manner, with the various landowners working to common objectives and to a common programme so that the benefits to the community can be maximised and brought forward in a timely manner. Consequently, the Corporation attempted to drive co-operation and co-ordination between the landowners through regular steering group meetings. The Corporation's co-ordinating role also extends to ensuring that resources (both public and private) are available at the right times to ensure the smooth delivery of the project.

8.9 The main landowners of the Avon Nunn Mills Site and the Order Land, together with the Corporation were focused on putting in place a mechanism for ensuring the delivery of the road to provide full access to the Avon Nunn Mills site. However, as is explained below, whilst the principal landowners (the Corporation, Avon, George Wimpey and the Homes and Communities Agency) sought to enter into an agreement governing the acquisition of the land for, and construction of a road to provide access into the Order Land, and bring forward wider development, these arrangements have fallen through. Clearly, the Order is required to acquire title to the land that is currently in unknown ownership.

8.10 Details of the planning history of the Order Land are set out at Section 5. It is clear that in order for the development to come forward in a reasonable timeframe, the Corporation must step in and use its powers of compulsory purchase. Comprehensive development on the Order Land has not come forward to date, in part due to unknown ownership of sections of the Order Land and in part due to the failure of collaboration arrangements. For these reasons it is considered much more likely that the Order Land will be developed once acquired by the Corporation in line with the Circular.

(e) Whether the land is in an area for which the UDC has a comprehensive regeneration scheme

8.11 The Order has been sought to facilitate the comprehensive redevelopment of the Order Land. This is in line with the Corporation's statutory objectives of bringing land and buildings into effective use, encouraging the development of existing and new industry and commerce, and

ensuring that housing and social facilities are available to encourage people to live and work in the area.

8.12 There is a clear vision for the Order Land as set out in the planning policy section (section 4).

(f)the quality and timescale of both the UDC's regeneration proposals and any alternative proposals

8.13 The Circular emphasises that the Secretary of State will want to be reassured there is a realistic prospect of the land being brought into beneficial use within a reasonable timeframe (Appendix D, paragraph 12).

9 DEVELOPMENT OF THE ORDER LAND

9.1 As is mentioned above, the main landowners and the Corporation have previously sought to enter into a collaboration agreement which governs the processes for progressing the acquisition of land to provide a new access road, its construction, and its dedication as a public highway. The intention was that this would then encourage delivery across the wider site, now forming the Order Land. However, it has not been possible to agree the final form of collaboration agreement, and in any event some matters were left unresolved by these arrangements. The Corporation is now of the view that comprehensive development in this location can only be achieved through promoting the Order.

9.2 The Corporation will progress the Order with the view to seeking its confirmation by the Secretary of State. In parallel with this process the Corporation will continue to negotiate with the relevant landowners in order to bring forward site assembly by private treaty.

10 OTHER REQUIRED APPLICATIONS, CONSENTS AND ORDERS

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11 SPECIAL CATEGORY LAND

11.1 The Order Land includes land within the definition of 'special kinds of land' in Part II of and Schedule 3 to the 1981 Act, namely:

- (a) Land owned by a local authority - the Council;
- (b) Land acquired, or held, by a statutory undertaker (as defined in section 16 of the 1981 Act) for the purposes of their undertaking (section 16 and Schedule 3, paragraph 3);
and

- (c) Land forming part of an open space. As the Order has been made by a UDC, under Section 17(3) of the Acquisition of Land Act 1981 ("the 1981 Act") the acquisition of local authority owned land is exempt from Special Parliamentary Procedure ("SPP").
- 11.2 Section 17 (3) of the 1981 Act also exempts statutory undertakers' land from SPP where the Order is promoted by a UDC. In order to qualify for special protection under Section 16 of the 1981 Act, the statutory undertaker's land must be held for the purposes of their undertaking i.e. it must be operational land. The schedule identifies all land that is owned by statutory undertakers. It is not considered that the land, rights or interests to be acquired in these areas would have any detriment to the carrying out of the undertakings concerned.
- 11.3 The Order also includes a small amount of land which is within the definition of "open space" pursuant to in Section 19 of the 1981 Act. This land which currently forms part of Becket's Park is needed for the road.
- 11.4 Open space may be subject to SPP unless the Minister is satisfied and certifies that:
- (a) exchange land is being given which is no less in area and equally advantageous as the land/right taken;
 - (b) the land is being acquired to ensure the preservation or to improve the management of the land; or
 - (c) the land affected does not exceed 209m² (250 square yards).
 - (d) in this case, the land falling within Section 19 to be acquired exceeds the prescribed area.
- 11.5 The Corporation if required will apply for a certificate under Section 19 of the 1981 Act in respect of the open space itemised in the Order when the Order is sent to the Secretary of State for confirmation. It is expected that the certificate will be granted at the same time as the Order is confirmed.

12 HUMAN RIGHTS CONSIDERATIONS

- 12.1 The Human Rights Act 1998 incorporated into domestic law the European Convention on Human Rights ("ECHR"). The ECHR includes provisions in the form of Articles, which aim to protect the rights of the individual.
- 12.2 Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with rights protected by the ECHR.
- 12.3 As is clear from the Circular, a compulsory purchase order should only be made where there is a "compelling case in the public interest", and that a public authority pursuing a compulsory

purchase order should be sure that the purposes for which it is making that order sufficiently justify interfering with the human rights of those with an interest in the land affected. In making this assessment, the authority should have regard, in particular, to the provisions of Article 1 of the First Protocol and Article 6 to the ECHR. As the Order Land does not include land which is a dwelling, certain other provisions of the ECHR are not relevant.

- 12.4 Article 1 of the First Protocol of the ECHR states that “every natural or legal person is entitled to peaceful enjoyment of his possessions” and that “no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by the law and by the general principles of international law...”
- 12.5 Whilst the owners of the land comprised in the Order Land may be deprived of their property if the Order is confirmed and the powers exercised, this will be done in accordance with the law. The public benefits associated with the Order are set out in this statement, and the Corporation consider that the Order strikes a fair balance between the public interest in seeing the regeneration proceed (which is unlikely to happen in the absence of the Order), and the private rights which will be affected by the Order.
- 12.6 In this case, despite efforts being made, it has not been possible to locate the owner of the land in “unknown” ownership. As regards Avon, the Homes and Communities Agency and George Wimpey/Persimmon, the proposed collaboration arrangement has not proved possible to finalise. As regards other owners and those who may have interests in the Order Land (eg statutory undertakers) it is considered that the public benefits justify the interference with their rights. Further, those other third parties will be entitled to compensation calculated under the CPO Compensation Code in respect of land acquired by the Corporation pursuant to the Order.
- 12.7 Article 6 of the ECHR provides that: “in determining his civil rights and obligations...everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law”.
- 12.8 The regeneration of the area has been extensively consulted upon, particularly with the affected landowners. The Corporation has undertaken extensive discussions and negotiations with the affected landowners regarding the future of the area and the regeneration proposals.
- 12.9 In relation to Article 6, there has been an opportunity to make representations regarding the planning policies that promote development of the Order Land. Further representations can be made by way of objections to the Order once made. Where parties object to the Order, the Secretary of State for Communities and Local Government shall arrange either for written representations, or for a public local inquiry to be held to provide those parties with an opportunity to be heard. Should the Order be confirmed, a person aggrieved may challenge the order in the High Court if they consider that there are sufficient grounds for doing so. In relation

to compensation disputes, affected persons have the right to apply to the Upper Tribunal, an independent judicial body. This process is compliant with Article 6.

- 12.10 The Corporation has carefully considered the matters it has to balance in reaching its decision to proceed with the Order, and has decided that there is a compelling case in the public interest to proceed with it so as to enable the redevelopment of the Order Land to proceed.

13 CONCLUSION

- 13.1 For the reasons set out in this statement, the Corporation is of the view that there is a compelling case in the public interest that the Order be confirmed to facilitate the regeneration of the Order Land.

14 INFORMATION FOR THOSE AFFECTED BY THE ORDER

- 14.1 Persons requiring further information regard the Order should contact Chris Garden or Matthew Berry at West Northamptonshire Development Corporation, PO Box 55, Franklins Gardens, Weedon Road, Northampton NN5 5WU (email: chris.garden@wndc.org.uk and matthew.berry@wndc.org.uk) (telephone: 01604 586 600).

15 LIST OF DOCUMENTS

- 15.1 In the event of a public inquiry or written representation procedure, the Corporation would intend to refer to or put in evidence the following documents, maps and plans:
- (a) Local Government, Planning and Land Act 1980
 - (b) Acquisition of Land Act 1981
 - (c) Circular 06/2004: Compulsory Purchase and the Crichell Down Rules
 - (d) Planning Policy Statement 1 – Delivering Sustainable Development
 - (e) Planning Policy Statement 3 – Housing
 - (f) Planning Policy Statement 4 – Planning for Sustainable Economic Growth
 - (g) The East Midlands Regional Plan (March 2009)
 - (h) Northampton Local Plan (June 1997) saved policies
 - (i) West Northamptonshire Pre-Submission Joint Core Strategy (2011)
 - (j) Northampton Central Area Action Plan Pre-Submission Draft (November 2010)
 - (k) Annex One - Order map to be based on the draft CPO plan (Appendix One) as reported to 13 December 2011 Board Meeting (subject to amendment)
 - (l) Annex Two- Plan to be based on the draft Landownership Plan (Appendix Two) as reported to 13 December 2011 Board Meeting (subject to amendment)

Annex One - Order map to be based on the draft CPO plan (Appendix One) as reported to 13 December 2011 Board Meeting (subject to amendment)

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Annex Two- Plan to be based on the draft Landownership Plan (Appendix Two) as reported to 13 December 2011 Board Meeting (subject to amendment)

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