



WNDC Public Board Minutes

Present

John Markham (JM) (Chair)

Cllr. Joy Capstick (JC)

Cllr. Richard Church (RC)

Cllr. Tim Hadland (TH)

Cllr. Chris Millar (CM)

Deirdre Newham (DN)

In attendance:

Peter Mawson (PM) Chief Executive

Roger Mendonca (RM) – Deputy Chief Executive & Chief Operating Officer

Chris Garden (CG) – Director of Regeneration and Development

Gillian Rutherford (GR) – Head of HR

Gail Mathers (GM) – Board Secretary

David Richardson – SNR Denton (Legal advisor to WNDC)

Henry Church – CBRE (CPO advisor to WNDC)

Chris White – CBRE (Commercial property advisor to WNDC)

Paper Reference: 2012-01-03-02

Minutes from Special Board Meeting held at

WNDC

Meeting Rooms 1 & 2

10:00am

13 December 2011

Paper reference	Minutes	Action
1. n/a	<p>Apologies</p> <p>Apologies were received from John Weir, Cllr Mary Clarke, Cllr Jim Harker, Adrian Arnold and Ann Battom</p>	
2. n/a	<p>Declaration of Interests</p> <ul style="list-style-type: none"> • JM declared a personal non-prejudicial interest as a member of the Enterprise Zone Board. • TH declared a personal non-prejudicial interest as a member of the Enterprise Zone Board and member of Northampton Borough Council. • RC declared a personal non-prejudicial interest as a member of Northamptonshire County Council. 	
3. Paper Ref. 2011-07-01-01	<p>Avon Nunn Mills Northampton – Compulsory Purchase Order 2012</p> <p>PM introduced the report. In discussion the following points were made:</p> <p>3.1 Avon Nunn Mills is a significant site situated next to the River Nene and an ideal location for high quality office and residential development.</p> <p>3.2 WNDC has been working with its partners to bring forward a high quality scheme that will transform this brownfield site.</p> <p>3.3 A significant amount of progress has been made to ensure the necessary infrastructure is in place to support the development of this site.</p> <p>3.4 At the September 2011 and November 2011 Board meetings the Board was provided with updates regarding the Avon Nunn Mills project where it was hoped to bring forward a CPO for the purchase only in relation to the land in unknown ownership.</p> <p>3.5 Following the failure of Persimmon Homes to agree the final draft of the Collaboration Agreement, there is now an urgent need to progress a revised CPO strategy.</p>	

- 3.6 Reference was made to Appendix 2 – Land Ownership Plan with the principal landowners being Avon Cosmetics Limited, Homes and Communities Agency, Network Rail, Persimmon Homes and George Wimpey East Midlands. The Corporation also owns a relatively small amount of the site adjacent to the Avon Cosmetics Limited land.
- 3.7 A key difficulty with the delivery of comprehensive development is a strip of land in unknown ownership that is required to deliver the road infrastructure to access the site.
- 3.8 WNDC has been progressing proposals for the new Nunn Mills Road which will provide access to the site. Planning permission for the road was granted on 6 December 2011.
- 3.9 In order to secure the regeneration of these key sites in a comprehensive manner and given that they are an integral part of the Northampton Waterside Enterprise Zone, a revised CPO strategy needs to be progressed.

Compulsory Purchase – Options

- 3.10 Professional advice has been provided by CBRE together with SNR Denton to seek an alternative CPO strategy for Avon Nunn Mills.
- 3.11 Four options have been explored, with CBRE advising on the advantages and disadvantages of each option.
- 3.12 Board agreed the recommendation to progress Option Four – the comprehensive acquisition of all of the Avon Nunn Mills development land to the north of the abandoned railway together with such land to the south of the railway needed to ensure delivery of the link road.

Programme

- 3.13 A programme set out in paragraph 3.5 of the report has been developed to bring forward the Order on the basis shown in Option 4.

Financial Implications

3.14 There are potentially two key areas of financial exposure in progressing the Order:

3.14.1 The cost of progressing the CPO process.

3.14.2 The amount of compensation to which affected parties will be entitled, following the compulsory purchase.

3.15 Board were advised that, in the light of the advice received from WNDC's professional advisors on the possible maximum compensation payable, the Corporation has the financial capacity to acquire all of these interests.

3.16 Any commitment of WNDC's capital funding is subject to approval by DCLG, which will be secured prior to the Order being made.

Legal Implications, interference with Rights and Human Rights Considerations

3.17 The Board were apprised of the above matters, dealt with at paragraphs 5.0 – 5.6, 5.7 – 5.9 and 5.10 – 5.11 of the report respectively.

Conclusions

3.18 WNDC intends to submit the Order, the Draft Order Map and Order Schedule to the National Unit for Land Acquisitions and Disposals for a technical review of the draft documents. Every effort will be made to acquire the land and property interests by agreement until such point at which it becomes necessary to implement the Order to maintain the programme for the delivery of the Avon Nunn Mills project.

IT WAS RESOLVED THAT THE BOARD:

1. **Authorise** the making of a Compulsory Purchase Order (CPO), to be known as the West Northamptonshire Development Corporation (Avon Nunn Mills, Northampton)

Compulsory Purchase Order 2012 ('the Order') under Section 142 of the Local Government Planning and Land Act 1980 and the Acquisition of Land Act 1981 for the acquisition of land and the creation of rights within the area described in this report and shown edged red on the Plan at Appendix One of this report, being land and rights which are needed to facilitate the comprehensive regeneration of the land subject to the Order, which falls within the Corporation's area, as described in this report.

2. **Authorise** the Chairman, in consultation with the Chief Executive, subject to him being satisfied that the appropriate legal agreement and protections are in place, to:

2.1 Finalise the precise extent of the land and new rights to be acquired by the CPO and agree the Avon Nunn Mills CPO Plan;

2.2 Take all necessary steps (prior to and after the application of the Corporation's Seal to the Order) to secure the making, confirmation and implementation of the Order including (but not limited to):

- a. finalising the Statement of Reasons;
- b. submitting the draft Order, including the draft Order plan, to the National Unit for Land Acquisition and Disposal for technical review prior to making the Order;
- c. the publication and service of all notices that may be required;
- d. the placing of site notices and press notices, including (but not limited to) those arising from the making of the Order, the holding of any Public Inquiry, the confirmation of the

	<p>Order (should confirmation be authorised) and the acquisition of land and rights;</p> <p>e. the submission of the Order to the Secretary of State for confirmation and the taking of such steps as may be necessary to secure the confirmation of the Order;</p> <p>f. the presentation of WNDC's case at any Public Inquiry, including the preparation and submission of evidence as is necessary to any public inquiry or other procedure which is convened to consider objections to the Order, including enlisting the assistance of external consultants, solicitors and Counsel to assist in the preparation and presentation of evidence at any inquiry.</p> <p>2.3 Confirm the Order in the event that no objections are received against it and the Secretary of State confirms that the Corporation may so authorise.</p> <p>2.4 Request confirmation of the Order with modifications if it appears expedient for the confirmation of the Order.</p> <p>2.5 Negotiate terms for the acquisition of the interests subject to the Order and the acquisition of those interests by agreement.</p> <p>2.6 Once the Order becomes operative, to serve notices to treat and notices of entry under the Compulsory Purchase Act 1965 and/or execute general vesting declarations under the Compulsory Purchase (Vesting Declarations) Act 1981.</p> <p>2.7 Approve agreements with landowners and others having an interest in the area to be subject to the Order setting out the terms for the withdrawal of</p>	
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	<p>objections to the Order.</p> <p>2.8 If the question of compensation is referred to the Upper Tribunal, to take all necessary steps in relation thereto.</p> <p>2.9 Authorise the making and serving of “stopping up orders” under Section 247 of the Town and Country Planning Act 1990, and/or any necessary highway diversion and closure orders and traffic regulation orders, including enlisting the assistance of external consultants, solicitors and Counsel to assist in the same.</p> <p>2.10 Authorise, where necessary, interference with rights as set out in this report.</p> <p>2.11 Authorise and agree to commit to compensation payments as appropriate in accordance with the CPO Compensation Code.</p>	
9.	<p>There being no further business the meeting closed at 10:35am</p> <p>Gail Mathers</p> <p>Board Secretary</p> <p>13 December 2011</p> <p>Signed by the Chairman:</p> <p>Dated:</p>	