



WNDC Public Board Minutes

Present

John Markham (JM) (Chair)

John Weir (JW) Vice-Chairman

Cllr. Joy Capstick (JC)

Cllr. Richard Church (RC)

Cllr. Tim Hadland (TH)

Cllr. Chris Millar (CM)

In attendance:

Peter Mawson (PM) Chief Executive

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

Chris Garden (CG) – Director of Regeneration and Development

Adrian Arnold (AA) – Director of Planning Services

Ann Battom (AB) – Head of Finance and Resources

Gillian Rutherford (GR) – Head of HR

Gail Mathers (GM) – Board Secretary

Paper Reference: 2012-02-01-01

Minutes from Special Board Meeting held at

WNDC

Meeting Rooms 1 & 2

1:00pm

15 February 2012

Paper reference	Minutes	Action
1. n/a	<p>Apologies</p> <p>Apologies were received from Cllr Mary Clarke, Cllr Jim Harker and Deirdre Newham.</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. • JC declared a personal non-prejudicial interest as a member of Northampton Borough Council. 	
3. Paper Ref. 2012-02-01-01	<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 St Peters Waterside is a significant site situated alongside St Peters Way and is bordered by the Brampton branch of the River Nene in the west as well as Towcester Road and the existing commercial development in the south and east, which is a key site within the Northampton Waterside Enterprise Zone (NWEZ).</p> <p>3.2 The Waterside has been identified to have the potential to become an important business location, attracting investment into Northampton Town Centre.</p> <p>3.3 Plans for the first stage of the development have been brought forward in the form of the Northampton Innovation Centre.</p> <p>3.4 WNDC continues to work with its partners, including National Grid in order to transform this brownfield site. High level meetings continue to take place with National</p>	

	<p>Grid but as yet no formal decision has been taken to decommission the gas holders.</p> <p>3.5 WNDC is seeking approval to use its powers of compulsory (CPO) to complete the first phase of St Peters Waterside. A plan defining the area in question was tabled for discussion.</p> <p>3.6 The purpose of the CPO is to acquire one key land interest and clear the title of the other land within the order boundary, and forward regeneration. The report sets out the case and the financial implications in progressing the CPO.</p> <p>3.7 The key land interest is that of Capital & Provident (C&P) who acquired the site at the height of the property market with the intention of delivering a private sector development. To date no firm proposals have been made by C&P for the redevelopment of their site which is a block to the comprehensive redevelopment of the Waterside area.</p> <p>3.8 This is key to encouraging the development of this part of the NWEZ and to bringing forward high quality office development to support new jobs, new homes and new investment in Northampton.</p> <p>Programme</p> <p>3.9 A programme (set out in paragraph 4.5 of the report) has been developed to bring forward the Order.</p> <p>Financial Implications</p> <p>3.10 There are potentially two key areas of financial exposure in progressing the Order:</p> <p style="padding-left: 40px;">3.14.1 The cost of progressing the CPO process.</p> <p style="padding-left: 40px;">3.14.2 The amount of compensation to which affected parties will be entitled, following the compulsory purchase, regarding which the Corporation has taken advice from CBRE.</p> <p>3.11 The most significant cost is the compensation payable to</p>	
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C&P for their land interests. CBRE will further review the likely compensation payable for all land interest within the Order Land. . Discussions with adjacent land owners will take place with respect to them providing WNDC with an indemnity for any potential compensation that might arise from the inclusion of additional land at their request.

3.12 The Board to note that, in light of the advice received from the Corporation's professional advisors on the possible maximum compensation payable, the Corporation has the financial capacity to acquire all of the interests which would be subject to compulsory acquisition. As with any commitment of WNDC capital funding this will be subject to authorisation by DCLG, which will be secured prior to the Order being made.

Legal Implications, interference with Rights and Human Rights Considerations

3.13 The Board were appraised of the above matters, dealt with at paragraphs 6.0 – 6.6, 6.7 – 6.9 and 6.10 – 6.11 of the report respectively.

Conclusions

3.14 WNDC will continue to seek to purchase the outstanding interests in the Order Land by agreement following the Board's resolution, throughout the compulsory purchase process and up to the point it becomes necessary to vest land in the Corporation for comprehensive regeneration of the Order Land.

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 (St Peters Waterside, 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 the land shown edged red on the plan at Appendix One of this report (“the Order Land”), being land which is needed to facilitate the comprehensive regeneration of the Order Land, 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 agreements and protections are in place, to:

2.1 Finalise the precise extent of the Order Land and agree the Order map;

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. as necessary, submitting the draft Order, including the draft Order map, 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 Order (should confirmation be authorised) and the acquisition of land;
- e. the submission of the Order to the Secretary

	<p>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, lawyers 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 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</p>	
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	<p>thereto.</p> <p>2.9 Authorise the making or submission of application(s) for “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, lawyers 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> <p>3. Note the draft St Peters Waterside CPO Schedule.</p>	
9.	<p>There being no further business the meeting closed at 1:35pm</p> <p>Gail Mathers</p> <p>Board Secretary</p> <p>15 February 2012</p> <p>Signed by the Chairman:</p> <p>Dated:</p>	