

**THE WEST NORTHAMPTONSHIRE DEVELOPMENT CORPORATION  
(ST PETER'S WATERSIDE, 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”) in support of the making of The West Northamptonshire Development Corporation (St Peter’s Waterside Northampton) Compulsory Purchase Order 2012 (“the Order”).
- 1.2 The Order was made by the Corporation pursuant to a resolution of the Corporation’s board on the 15<sup>th</sup> February 2012. The Corporation intends to submit the Order to the Secretary of State for Communities and Local Government (“the Secretary of State”) for confirmation.
- 1.3 The Order has been made pursuant to section 142(1) 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. Specifically, the Order is sought because the Corporation wishes to bring forward the development of the land in accordance with its objectives in section 136 of the 1980 Act, namely to secure the regeneration of its area. The ODPM Circular 06/2004 - Compulsory Purchase and the Crichel Down Rules (“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 of Appendix D of the Circular)
- 1.4 The land the subject of the Order (“the Order Land”) forms part of the St Peter’s Waterside Area in Northampton and comprises an under-used town centre brownfield site. The redevelopment of the St Peter’s Waterside Area is a long standing objective of planning policy at a local level and the site is at the heart of Northampton’s Enterprise Zone. It 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. Further 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 homes for Northampton.
- 1.5 Planning permission has already been granted for an Innovation Centre within the Order Land which is envisaged will represent the first phase of development in the St Peter’s Waterside Area. It is anticipated that this will act as a catalyst for the redevelopment of the remainder of the St Peter’s Waterside Area in subsequent phases providing office and residential uses. The current fragmented ownership of the Order Land acts as a barrier to the planned regeneration of the whole site.
- 1.6 The Corporation has for some time endeavoured to secure the acquisition of all interests in the Order Land by agreement. Unfortunately this process has been unsuccessful and the main outstanding interests in the Order Land to be acquired are detailed in section 3 of this statement.
- 1.7 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.
- 1.8 This statement has been prepared in accordance with paragraphs 35 and 36 and Appendix R of the Circular.

## 2 THE WEST NORTHAMPTONSHIRE DEVELOPMENT CORPORATION

- 2.1 The Corporation is an urban development corporation as defined in section 135 of the 1980 Act and was constituted under Schedule 26 of the 1980 Act.
- 2.2 The Corporation was established by the West Northamptonshire Development Corporation (Areas 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 objectives and general powers of urban development corporations, with the principal objective being for the urban development corporation 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 set out in section 142 of the 1980 Act which provides 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; and
  - (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 provides that this acquisition power applies to 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 2008 (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 amended the jurisdiction of the Corporation's powers. The remaining planning powers transferred back to the local authorities on 1 April 2012.
- 2.9 The local planning authorities retained 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 The remit of the Corporation is to focus on major development opportunities where strategic intervention is required to facilitate development.

### **3 THE CURRENT POSITION**

- 3.1 The Order Land comprises of approximately 2.4 hectares of land located between St Peter's Way and the Brampton branch of the River Nene, extending from Black Lion Hill in the west to Towcester Road in the east. It forms part of the wider St Peter's Waterside Area which has been allocated for comprehensive regeneration. St Peter's Way and Towcester Road form two important gateways into Northampton town centre and as such, the Order Land and the wider St Peter's Waterside Area represents a key opportunity to bring forward new investment in Northampton.
- 3.2 The Order Land is more specifically described in the schedule of interests accompanying the Order and is identified on the Order map. It generally comprises of the following land and property:
- (a) Landscaped verge, footpath and steps from Green Street to Black Lion Hill;
  - (b) Cleared site formerly known as United Social Club;
  - (c) Car parking bay north of Green Street;
  - (d) Landscaped verge to Green Street and St Peter's Way;
  - (e) Car park spaces, verge and highway known as Green Street;
  - (f) Cleared site west of St Peter's Way;
  - (g) Bank and bed of River Nene known locally as Mill Race;
  - (h) Commercial unit and parking south west of Green Street and north east of the River Nene;
  - (i) Retail unit south west of Green Street and north east of the River Nene;
  - (j) Commercial unit known as St Peter's House;

- (k) Residential premises at 24, 26, 28, 30, 32, 34, 36, 38, 40 and 42 Tanner Street;
  - (l) Highway and verge known as Tanner Street;
  - (m) Small commercial unit known as 43 Tanner Street;
  - (n) Advertising hoarding, verge and footpath at St Peter's Way;
  - (o) Highway and verge known as St Peter's Way;
  - (p) Highway known as Western Wharf and public footpath known as Riverside Walk;
  - (q) Landscaped area to the south of St Peter's Way; and
  - (r) Verge, scrubland, bridge and highway known as Towcester Road.
- 3.3 The Corporation has for some time sought to acquire as many interests in the Order Land as possible by private agreement. The Corporation will, in tandem with securing confirmation of the Order, continue to negotiate with the owners of interests in the above land and property in order to bring forward so far as possible site assembly by private agreement.

- 3.4 The outstanding land and property interests can be grouped into the following principle categories:

***Land comprising former St Mark's Church and Car Parking***

- 3.5 The land comprising the former St Mark's Church together with adjoining car parking on Green Street was acquired by Capital & Provident Management Limited in August 2007 for redevelopment. The land was cleared of buildings and pre-application discussions were undertaken with the Corporation, as local planning authority, for a mixed use residential and hotel scheme in 2008. Since then redevelopment proposals do not appear to have been progressed due to the present uncertain economic climate. The land is now in the ownership of Messlorne LLP and lies vacant.
- 3.6 The Corporation has endeavoured to engage with the owners of the land for some time and, in August 2011, made a formal offer to acquire the land. No response to that offer has been received to date.

***Various WNDC tenants of dwellings in Tanner Street and St Peter's House including National Tyres***

- 3.7 WNDC has, by agreement, secured ownership of the freehold interest in the majority of the central part of the Order Land stretching from Green Street to Towcester Road.
- 3.8 The only occupying interests are the short term tenants of dwellings in Tanner Street and the businesses occupying St Peter's House and adjacent land. These interests are let either on a year to year basis or, in the case of National Tyres, for the remainder of their lease (expiring in December 2014). The residential tenancies can be brought to an end by notice to quit without the need for the Order. The

Corporation is, and will continue to work with, the business occupiers to secure their relocation to alternative premises.

***Highway and verge at Black Lion Hill, St Peter's Way, Tanner Street and Towcester Road and footpath leading to the Brampton Arm of the River Nene and St Peter's Way***

- 3.9 Part of the subsoil under the highways, the grass verges and the scrubland as described above is in the ownership of Northamptonshire County Council ("NCC").
- 3.10 Part of the verge is in the ownership of Northampton Borough Council ("NBC") which is, in part, occupied by advertising hoardings.
- 3.11 The remainder of the land is in unknown ownership although it is believed to be owned by NCC and NBC but this cannot be evidenced as it is not registered and no deeds exist.

***Riverside Walk, access to the dwellings and half widths of highway and the river itself***

- 3.12 The land comprises part highway and part river bank. It is largely in unknown ownership, save for parts in the ownership of NCC and the Estate of Elizabeth Mary Thomas. The Corporation is now dealing with the sole surviving Executor through his legal advisors.
- 3.13 The Environment Agency is believed to have an interest in respect of that part of the land forming the river bank.

***Verge, scrubland, bridge and highway at Towcester Road***

- 3.14 Part of the subsoil under the highway, the verge and the scrubland as described above is in the ownership of Northamptonshire County Council. The remainder is in unknown ownership.

***Landscaped area adjacent to footpath leading from St Peter's Way***

- 3.15 The land comprises a grassed area adjacent to the roundabout at St Peter's Way. It is in unknown ownership.

***Highway known as Western Wharf and landscaped area to the south of St Peter's Way***

- 3.16 The land comprises part highway by the entrance to the Carlsberg brewery and part landscaped area adjoining the highway. Other than its status as adopted highway, this land is in unknown ownership.
- 3.17 National Grid appears to have an interest in the land by virtue of the gas pipes running through it.

#### **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) (“CAAP”).

### **National Policy**

- 4.3 The National Planning Policy Framework (“NPPF”) was issued on 27 March 2012 and replaces all of the planning policy documents listed in its Annex 3. The NPPF confirms that the development plan continues to be the starting point for determining the acceptability of development. There is a presumption in favour of sustainable development which the NPPF identifies as having three “dimensions”, namely an economic, social and environmental role. 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, will contribute to sustainable development in accordance with the NPPF. The redevelopment will contribute towards planning for prosperity (an economic role) and planning for people (a social role).
- 4.4 In relation to the economic role, the NPPF encourages use of the planning system *“to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and requirements, is available to allow growth, including the provision of infrastructure”*.
- 4.5 In relation to the social role the NPPF encourages the planning system as *“supporting strong, vibrant and healthy communities, by providing the supply of housing to meet the needs of present and future generations; and by creating a good quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being”*.

### **Regional Policy**

- 4.6 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 further provides that the Northampton Implementation Area (“NIA”) will be a focus for growth, with policy 2 of the MKSM SRS stating that *“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:

- (a) 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; and
  - (b) 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.
- 4.7 The Northampton Central Area is also 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**

- 4.8 The redevelopment and regeneration of this part of Northampton is a long standing objective of planning policy at local level. On 21 September 2007 the Secretary of State confirmed that a number of policies in the Local Plan would be saved including D30 which states that *“planning permission will be granted on British Gas land at Towcester Road for development which realises or contributes to a mixture of leisure, retail and employment uses, possibly with a minor element of housing”*. This acknowledges that the area surrounding the Order Land presents an opportunity for major regeneration projects.
- 4.9 The draft Joint 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). The Joint Core Strategy is likely to be submitted for examination towards the end of 2012, with adoption by mid 2013.
- 4.10 The draft Northampton Central Area Action Plan (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 CAAP as a major development site. Specifically, policy 26 relating to ‘The Waterside’ provides that *“the Waterside will be transformed into a positive asset for Northampton, truly integrated into and forming a destination within the Central Area as a place in which to live, work and play...”*. The CAAP is likely to be submitted in May 2012 with adoption towards the end of 2012.
- 4.11 Policy 27 of the CAAP relates to ‘The Waterside: Brampton Branch St Peter’s Way’ in which the Order Land falls then more specifically provides that the site is to deliver a *“comprehensive redevelopment.....and in particular will provide:*
- *A development primarily focused on commercial office floor space (up to 43,000 square metres);*

- *Up to 270 dwellings;*
- *A publicly accessible square adjacent to the river as a focal point for ancillary retailing, cafes, restaurants and bars;*
- *The retention and sensitive integration of the existing Victorian brick built former gas company building in to the development;*
- *Improved pedestrian crossings over the inner ring road towards the town centre and Castle Station;*
- *Enhancements to the existing footbridge river crossings within Foot Meadow;*
- *Development that assists in improving character of the inner ring road in terms of townscape and as a pedestrian route;*
- *A landmark building on the gasholder site at the Gas Street roundabout reflecting the historic use of the site;*
- *Four storey development along the St Peter's Way frontage;*
- *Up to six storey development on the landmark buildings located at both the Gateways at the northern and southern extremes of the site;*
- *The provision of a public space consistent with Public Realm;*
- *Re-provision of the existing green space on St Peter's Way elsewhere within the development;*
- *Softening the heavily engineered banks of the river adjacent to Towcester Road to allow a more natural environment and provide easier access to the water's edge".*

#### ***St Peter's Waterside Masterplan***

- 4.12 Alongside the above policy sits the St Peter's Waterside Masterplan which was completed by David Lock Associates for the Corporation in January 2011. In line with policy 27 of the CAAP, it proposes the redevelopment of the St Peter's riverside, of which the Order Land forms part, to create an *"exciting new mixed use quarter with new homes, offices, shops, hotel and bars and restaurants, with a series of riverside buildings surrounding a major piazza space created on the riverside"*.
- 4.13 The preferred option identified by the Masterplan envisages a mixed use development will come forward on the Order Land including some or all of the following uses; office, residential, leisure and recreation. Redevelopment of the Order Land will form the initial phases of the wider St Peter's Waterside regeneration envisaged in the Masterplan.

## ***Enterprise Zone***

- 4.14 At the Budget 2011 the Government announced 11 Enterprise Zones in some of the country's largest cities as well as inviting applications for 10 more in other areas. Northampton Waterside Enterprise Zone was announced by the government in the second tranche on the 17<sup>th</sup> August 2011. The Order land falls within the Enterprise Zone (EZ) which will offer benefits to businesses locating in the EZ that include discounted business rates, a simplified planning process, superfast broadband and enhanced investment into the area. In announcing the Enterprise Zone the Prime Minister set out *"We are determined to do everything we can to make Britain the best place in the world to start and grow a business. Enterprise Zones are a major step towards delivering this, cutting business taxes, easing planning restrictions and giving business the tools they need to invest and expand. These new Enterprise Zones will be trailblazers for growth, jobs and prosperity throughout the country"*.
- 4.15 The simplified approach to planning for development in the EZ will be through a Local Development Order ("LDO") made under powers in section 61A of the Town and Country Planning Act 1990. This will grant planning permission for development and providing developers undertake development consistent with the contents of the LDO they will not have to go through the formal process of submitting and having a planning application approved. It is considered that this will make the site, which falls predominantly within the St Peter's Way LDO boundary, more attractive to developers as it provides certainty about the development that can be built and reduces the time taken to get through the planning approval process. The LDO is being progressed by the local planning authority and is expected to be adopted towards the end of 2012.

## ***Relevant Planning History of the Order Land***

- 4.16 An outline planning application was submitted by Linfield Limited to the Borough Council in April 2006 (Ref 06/0068/OUTWNN) for a residential redevelopment on the land comprising the former St Mark's Church and car parking (see paragraph 3.5 of this statement). The application was, however, withdrawn in June 2008. As set out in paragraph 3.5 of this statement, ownership of the land changed hands in August 2007 and the Corporation actively engaged with the owners from 2008 regarding the redevelopment of the land. Options considered included a mixed use residential and hotel scheme, student accommodation and a potential joint venture with the Corporation. However, no formal plans were concluded nor any planning application ever submitted.
- 4.17 A detailed planning application (Ref 11/0067/FULWNN) was submitted by the Corporation in November 2011 for a 6 storey building on land formerly occupied by the United Social Club at Green Street. The proposed building is intended for use as an Innovation Centre, a development that will nurture and enable increased new business development across Northampton. Full planning permission was granted in March 2012.

## ***Conclusion***

- 4.18 As evidenced by the above, the principle of a significant and comprehensive redevelopment of the Order Land is firmly established in planning policy and in key documents supporting that policy and has been for a long time.

- 4.19 In conclusion, the Corporation believes there is no obvious reason why planning permission should be withheld for a development in keeping with the preferred option identified in the St Peter's Waterside Masterplan.

## 5 CASE FOR COMPULSORY PURCHASE

- 5.1 In order to enable the Order Land to be redeveloped and secure the public benefits identified in section 4 of this statement, site assembly must take place. The Corporation wishes to pursue the Order to maximize the development potential of the area, deliver the benefits for Northampton town centre and to contribute to the need for commercial development and housing.

- 5.2 It is clear that the Order will assist the Corporation in achieving its statutory object, in section 136(1) of the 1980 Act, of securing the regeneration of its area. 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

- 5.3 The Circular states that a compulsory purchase order should only be made when there is a compelling case in the public interest.

- 5.4 Paragraph 5 of Appendix D of the Circular provides further guidance in relation to urban development corporations:

*“it is for each UDC to decide how best to use its land acquisition powers to fulfill its purposes”*

*“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”*

- 5.5 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.

- 5.6 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 urban development corporation, and will wish to consider those matters set out at paragraph 10 of Appendix D to the Circular, namely:

- (a) whether the urban development corporation 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 urban development corporation;
- (d) the recent history and state of the land;
- (e) whether the land is in an area for which the urban development corporation has a comprehensive regeneration scheme; and

- (f) the quality and timescale of both the urban development corporation's regeneration proposals and any alternative proposals.

5.7 Taking each point in turn:

***Whether the urban development corporation has demonstrated that the land is in need of regeneration***

5.8 Section 4 of this statement demonstrates that there is clear and consistent planning policy support for the redevelopment of the Order Land. The Order Land is presently an under-utilised brownfield site close to Northampton town centre, large parts of which have now fallen into disuse representing a poor reflection of its potential as a key town centre development site. However, for the Order Land to realise this potential for regeneration site assembly needs to take place so that fragmented ownership can be addressed and comprehensive redevelopment can occur. The Corporation therefore considers that the need for, and planning policy support for, the regeneration of the Order Land is very strong.

***What alternative proposals (if any) have been put forward by the owners of the land or other person for regeneration***

5.9 So far as the Corporation is aware, no alternative proposals have been put forward by the owners of the Order Land in recent times. The Corporation is committed to ensuring that the development of the Order Land is planned and delivered in a comprehensive and timely manner that maximises the regeneration benefits available.

5.10 As described above, the owners of that part of the Order Land comprising the former St Mark's Church and car parking by Green Street were positively engaged by the Corporation from 2008 until late 2010. However, the engagement stalled in late 2010 and no acceptable scheme was ever proposed. The Corporation, therefore, does not consider that such proposals would achieve the comprehensive regeneration of the Order Land.

***Whether regeneration is on balance more likely to be achieved if the land is acquired by the urban development corporation***

5.11 The Order Land is presently in a number of different or unknown land ownerships. This constraint limits the ability of the Order Land to be developed in a comprehensive and timely manner. Any site assembly by a third party is unlikely to occur within a reasonable timeframe, particularly in the uncertain economic climate. Accordingly, the Corporation's ability to use compulsory purchase powers to secure site assembly is more likely to achieve regeneration and realise the potential of the Order Land.

5.12 There is strong developer interest for a significant new commercial office development backed by a 'blue chip' occupier on the Order Land. However, this requires the site assembly referred to above to provide the land needed to enable the development. This is only likely to come forward, in the timescales required, if the land is acquired by the Corporation through compulsory purchase.

### ***The recent history and state of the land***

- 5.13 The Order Land is an under-used brownfield site comprising a number of existing sites in different uses, including a car workshop, retail uses and residential use. Large parts of the Order Land have now fallen into disuse and disrepair and generally represent a poor reflection of its potential as a key town centre development site.
- 5.14 The Order Land is further dominated and constrained by the gas holder adjacent to Tanner Street and its associated infrastructure to the east. Specially, the presence of the gas holder imposes planning restrictions, set out by the Health & Safety Executive in its guidance 'PADHI - planning advice for developments near hazardous installations', on the type and scale of development that will be allowed on parts of the Order Land within certain distances of the gas holder. The Corporation is fully cognizant of these restrictions and is actively working with National Grid to overcome them, including by securing the decommissioning and removal of the gas holder in a phased manner.

### ***Whether the land is in an area for which the urban development corporation has a comprehensive regeneration scheme***

- 5.15 The Order has been sought to facilitate the comprehensive regeneration 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.
- 5.16 There is a clear vision for the Order Land as set out in section 4 of this statement. This is reinforced by its inclusion in the recently designated Enterprise Zone.

### ***The quality and timescale of both the urban development corporation's regeneration proposals and any alternative proposals***

- 5.17 The regeneration proposals for the Order Land and the wider St Peter's Waterside Area, including National Grid sites, have been the subject of a comprehensive masterplan undertaken by David Lock Associates for the Corporation. This aimed at identifying the best option to bring forward its regeneration. This masterplan is being refined to consider current developer interest and in light of the site's designation as part of the Enterprise Zone for which an LDO is being progressed. Notwithstanding this, development will be in line with the overall principles of the DLA masterplan which have been incorporated into the emerging CAAP. The strategy is to create a high quality environment that will deliver a new mixed use quarter, led by commercial office development plus homes and ancillary shops, providing the jobs and wider economic benefits associated with these uses. The Corporation is not aware of any alternative proposals which would secure a high quality comprehensive redevelopment of the Order Land in this way.
- 5.18 The Circular emphasizes that the Secretary of State will want to be reassured that there is a realistic prospect of the Order Land being brought into beneficial use within a reasonable timeframe (Paragraph 12 of Appendix D). It is considered that the creation of the Innovation Centre within the Waterside EZ and Order Land will act as a catalyst promoting further development within the area. The Corporation has already received expressions of interest from potential development partners and occupiers and will continue to progress such discussions in tandem with securing the Order. The Corporation is therefore confident that the regeneration

proposals for the Order Land are deliverable within a reasonable timeframe. In addition it is the intention of WNDG to secure delivery of the site in a phased manner to comprehensively deliver the masterplan proposals.

- 5.19 The Corporation considers that the Order is fully justified. The acquisition of all interests in the Order Land is required to enable delivery of the initial phases of a comprehensive regeneration scheme.
- 5.20 The Corporation further considers that the Order is in accordance with all statutory requirements and objectives. There is a compelling case in the public interest for the Order to facilitate the regeneration of the Order Land. It will enable delivery of a high quality regeneration scheme contributing to the economic and social well-being of Northampton town centre.

## **6 OTHER REQUIRED APPLICATIONS, CONSENTS AND ORDERS**

The Corporation intends to make an application to the Secretary of State for an order pursuant to section 247 of the Town and Country Planning Act 1990 authorising the stopping up of highway comprising the embankment to Black Lion Hill to enable the proposed Innovation Centre to be constructed in accordance with the planning permission granted for it in March 2012.

## **7 SPECIAL CATEGORY LAND**

- 7.1 There are no listed buildings in the Order Land.
- 7.2 None of the Order Land is included in a conservation area.

## **8 HUMAN RIGHTS CONSIDERATIONS**

- 8.1 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.
- 8.2 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.
- 8.3 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.
- 8.4 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....”.

- 8.5 Whilst the owners of the land comprised in the Order Land may be deprived of their property if the Order is confirmed and thereafter implemented, 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.
- 8.6 In this case, despite efforts being made, the Corporation has not been able to secure agreements with the owners of the Order Land nor has it been possible to locate the owners of the land in “unknown” ownership. Such parties will be entitled to compensation calculated under the CPO Compensation Code in respect of land acquired by the Corporation pursuant to the Order.
- 8.7 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”.
- 8.8 The regeneration of the Waterside area has been comprehensively consulted upon. There has been an opportunity to make representations regarding the planning policies that promote development of the Order Land. The Corporation has further entered into extensive discussions and negotiations with the affected landowners regarding the future of the area and the regeneration proposals.
- 8.9 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.
- 8.10 The Corporation has carefully considered the matters it has to balance in reaching its decision to progress the Order, and has decided that there is a compelling case in the public interest to proceed with making it, so as to enable the redevelopment of the Order Land to proceed.

## **9 CONCLUSION**

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.

## **10 INFORMATION FOR THOSE AFFECTED BY THE ORDER**

- 10.1 Persons requiring further information regarding the Order should contact Chris Garden or Duncan Harper at the Corporation at P O Box 55, Franklins Gardens, Weedon Road, Northampton NN5 5WU or by email to [chris.garden@wndc.org.uk](mailto:chris.garden@wndc.org.uk) or [duncan.harper@wndc.org.uk](mailto:duncan.harper@wndc.org.uk) or by telephone on 01604 586600.
- 10.2 Copies of the Order, the Map and this Statement may also be inspected during office hours at the Corporation’s offices at Franklins Gardens, Weedon Road, Northampton NN5 5WU. Alternatively these will be available to view on [www.wndc.org.uk](http://www.wndc.org.uk).

## 11 LIST OF DOCUMENTS

11.1 In the event of a public inquiry or written representation procedure, the Corporation intends to refer to or put into evidence the following documents, plans and maps:

- (a) Extracts from the Local Government, Planning and Land Act 1980;
- (b) Extracts from the Acquisition of Land Act 1981;
- (c) Extracts from Circular 06/2004: Compulsory Purchase and the Crichel Down Rules;
- (d) National Planning Policy Framework (March 2012);
- (e) Extracts from the East Midlands Regional Plan (March 2009);
- (f) Northampton Waterside Enterprise Zone Submission (June 2011);
- (g) Extracts from the Northampton Local Plan (June 1997);
- (h) Extracts from the West Northampton Pre-Submission Joint Core Strategy (2011);
- (i) Extracts from the Northampton Central Area Action Plan Pre-Submission Draft (November 2010);
- (j) St Peter's Waterside Masterplan (January 2011);
- (k) West Northamptonshire Development Corporation Board Report dated 15<sup>th</sup> February 2012;
- (l) West Northamptonshire Development Corporation, Northampton Area Planning Committee Report for meeting of 17<sup>th</sup> January 2012 regarding planning application 11/0067/FULWNN and minutes of that meeting;
- (m) Planning permission reference 11/0067/FULWNN relating to the Innovation Centre.

11.2 The Corporation may also refer to other documents in order to address any objections made to the Order.