

AGENDA ITEM

REPORT TO CABINET

7 SEPTEMBER 2006

**REPORT OF CORPORATE
MANAGEMENT TEAM**

CABINET DECISION/KEY DECISION

Regeneration and Transport-Lead Cabinet Member-Councillor Cook

**NORTH SHORE COMPULSORY PURCHASE ORDER AND DISPOSAL OF LAND IN
COUNCIL OWNERSHIP**

1. Summary

This report updates Members on the progress of the North Shore project and requests Members approval for the use of the Council's CPO powers to acquire land to facilitate the development and to delegate authority to agree the terms of the sale of land in Council ownership needed to facilitate the development.

2. Recommendation

Members are recommended to:-

1. Approve the use of the Council's Compulsory Purchase powers under section 226(1)(a) of the Town and Country Planning Act 1990 (as amended by section 99 of the Planning and Compulsory Purchase Act 2004) to acquire the land and premises required for the implementation of the North Shore regeneration scheme indicated in the plan attached to this report at Appendix 1 or such other land as may be agreed with the Corporate Director of Development and Neighbourhood Services and in relation to the authority to use CPO powers hereby given members agree:
 - 1.1 That the acquisition of the land will facilitate the carrying out of development, re-development or improvement on or in relation to the land
 - 1.2 That the development, re-development or improvement is likely to contribute to the achievement of the promotion or improvement of the economic, social or environmental well-being of the area
2. Delegate authority to the Corporate Director of Development and Neighbourhood Services in consultation with the Director of Law & Democracy and Cabinet Member for Regeneration and Transport to take all actions necessary in accordance with the serving of Requisitions for Information, the making of the CPO, the representation of the Council in relation to any Inquiry, the confirmation of the CPO if authorised to do so by the Secretary of State, the actions necessary following the confirmation of the CPO either by the authority or the Secretary of State, and consequent orders including the service of Notices to Treat or General Vesting Declaration, and all other notices, orders or actions required to give effect to the authorisation to acquire the land compulsorily.
3. Delegate authority to the Corporate Director of Development and Neighbourhood Services in consultation with the Director of Law and Democracy and Cabinet Member for Regeneration and Transport to agree terms with English Partnerships regarding the

sale of land in Council ownership required as indicated on the plan at Appendix 1 to this report or as otherwise agreed by the Corporate Director of Development and Neighbourhood Services, enabling the delivery of the North Shore scheme.

4. Delegate authority to the Corporate Director of Development and Neighbourhood Services in consultation with the Director of Law and Democracy and Cabinet Member for Regeneration and Transport to authorise the stopping up or closure of any necessary highways under the most appropriate legislation to facilitate the implementation of the North Shore project.

3. Reasons for the Recommendations/Decision(s)

To facilitate the implementation of the North Shore project.

4. Members Interests

Members (including co-opted Members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct (paragraph 8) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgment of the public interest (paragraph 10 of the code of conduct).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting is being held, whilst the matter is being considered; not exercise executive functions in relation to the matter and not seek improperly to influence the decision about the matter (paragraph 12 of the Code).

Further to the above, it should be noted that any Member attending a meeting of Cabinet, Select Committee etc.; whether or not they are a member of the Cabinet or Select Committee concerned, must declare any personal interest which they have in the business being considered at the meeting, and if their interest is prejudicial, they must also leave the meeting room during consideration of the relevant item.

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NORTH SHORE COMPULSORY PURCHASE ORDER AND DISPOSAL OF LAND IN COUNCIL OWNERSHIP

SUMMARY

This report updates Members on the progress of the North Shore project and requests Members approval for the use of the Council's Compulsory Purchase Order (CPO) powers to acquire land to facilitate the development and to delegate authority to the Director of Development and Neighbourhood Services and the Cabinet Member for Regeneration and Transport; to agree the terms of the sale of land in Council ownership needed to facilitate the development.

RECOMMENDATION

Members are recommended to:-

1. Approve the use of the Council's Compulsory Purchase powers under section 226(1)(a) of the Town and Country Planning Act 1990 (as amended by section 99 of the Planning and Compulsory Purchase Act 2004) to acquire the land and premises required for the implementation of the North Shore regeneration scheme indicated in the plan attached to this report at Appendix 1 or such other land as may be agreed with the Corporate Director of Development and Neighbourhood Services and in relation to the authority to use CPO powers hereby given members agree:
 - 1.1 That the acquisition of the land will facilitate the carrying out of development, re-development or improvement on or in relation to the land
 - 1.2 That the development, re-development or improvement is likely to contribute to the achievement of the promotion or improvement of the economic, social or environmental well-being of the area
2. Delegate authority to the Corporate Director of Development and Neighbourhood Services in consultation with the Director of Law & Democracy and Cabinet Member for Regeneration and Transport to take all actions necessary in accordance with the serving of Requisitions for Information, the making of the CPO, the representation of the Council in relation to any Inquiry, the confirmation of the CPO if authorised to do so by the Secretary of State, the actions necessary following the confirmation of the CPO either by the authority or the Secretary of State, and consequent orders including the service of Notices to Treat or General Vesting Declaration, and all other notices, orders or actions required to give effect to the authorisation to acquire the land compulsorily.
3. Delegate authority to the Corporate Director of Development and Neighbourhood Services in consultation with the Director of Law and Democracy and Cabinet Member for Regeneration and Transport to agree terms with English Partnerships regarding the sale of land in Council ownership required as indicated on the plan at Appendix 1 to this

report or as otherwise agreed by the Corporate Director of Development and Neighbourhood Services, enabling the delivery of the North Shore scheme.

4. Delegate authority to the Corporate Director of Development and Neighbourhood Services in consultation with the Director of Law and Democracy and Cabinet Member for Regeneration and Transport to authorise the stopping up or closure of any necessary highways under the most appropriate legislation to facilitate the implementation of the North Shore project.

DETAIL

Background

1. Cabinet members will be aware that Tees Valley Regeneration (TVR) are the responsible agency for the delivery of the North Shore project in Stockton. The core North Shore site is a 56 acre development project proposed for the site which occupies a prime waterfront position on Stockton's Riverside between the Tees Barrage and Princess Diana Bridge.
2. AMEC/Urban Splash have been chosen as the private sector partners with TVR to implement the scheme and Heads of Terms have now been agreed.
3. Acquisition of land and premises is now needed to enable the scheme to progress. TVR have requested that the Council allows the use of its compulsory purchase powers to back up the acquisition process. The relevant powers are vested in the Council through the Town and Country Planning Act 1990 (as amended by section 99 of the 2004 Planning and Compulsory Purchase Act). The extent of land currently known to be required for the North Shore scheme, and as yet not in EP's or TVR's control, is shown on the plan attached as **Appendix 1** to this report. EP and/or TVR will continue to attempt to acquire the required land by agreement, however the CPO may become necessary if agreement cannot be reached. All of the land is required for the project to be successful.
4. There are several pockets of land in Council ownership within the area designated for development for the North Shore scheme. These are also shown in **Appendix 1**. It is proposed that negotiations take place between relevant officers and that the decisions regarding agreements of the sale to EP/TVR be delegated to the Corporate Director of Development and Neighbourhood Services in consultation with the Director of Law and Democracy and the Cabinet Member for Regeneration and Transport.

FINANCIAL AND LEGAL IMPLICATIONS

Financial

5. CPO: The financial costs of the CPO will met by English Partnerships (EP) / Amec / Urban Splash including but not exclusively the legal costs of the making and confirmation of the CPO, any Inquiry costs, the acquisition costs and compensation payable.
6. Land acquired by Stockton on Tees Borough Council (SBC) through the CPO process is to be transferred to EP at £1 subject to the Council being reimbursed for its CPO compensation and CPO costs. (The Council will not retain the land)
7. VAT issues regarding the CPO and the sale of Council land to EP/ Amec /Urban Splash are currently being investigated and discussions are ongoing. The future agreements will ensure that VAT implications on the Council are eradicated or minimised.

Land in Council Ownership:

8. All fees, including legal and surveyors fees, incurred by SBC in the disposition of the land, will be paid for by English Partnerships / Amec / Urban Splash

9. A capital receipt will be received from the sale of the land in Council ownership and negotiations with English Partnerships on the purchase price are ongoing

RISK ASSESSMENT

- 10 CPO :The financial risk to the Council is nil, subject to confirmation regarding VAT, as English Partnerships (EP) / Amec / Urban Splash will cover all financial costs associated with the CPO. This will be subject to a legal agreement with EP / Urban Splash / Amec.

COMMUNITY STRATEGY IMPLICATIONS

Environment

11. The project will see the re use of derelict land for sustainable development. North Shore will enhance Stockton's riverside as a place to live, work and play through high quality urban design linking the Tees Barrage to Stockton Town Centre.

Economic Regeneration

12. Objective 38 'Further Regenerate the Borough and Improve the Local Economy' – continue with major redevelopment projects and take advantage of strategic sites. The North Shore development will boost the local economy significantly when fully developed creating over 2,000 jobs when completed.

CONSULTATION INCLUDING WARD/COUNCILLORS

13. Councillor R. Cook, Cabinet Member for Regeneration and Transport, has been consulted on the CPO powers in order to acquire land necessary for the North Shore scheme.

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Property

No comments

Background Papers

A copy of the North Shore Master Plan can be seen in the Members' library.

Ward(s) and Ward Councillors:

North Shore

Stockton Town Centre Ward
Councillor Paul Kirton
Councillor David Coleman