

Report to: District Council

Date: 5 June 2008

Report of: Executive Member for Regeneration

Subject: Compulsory Purchase Order – St John's Square, Seaham

Ward: All Seaham Wards

1 Purpose of the Report

- 1.1 To seek formal approval to amend the St John's Square, Seaham CPO boundary area to include two additional parcels of land.

2 Consultation

- 2.1 Consultation has been undertaken with the Director of Regeneration and Development, the Council's legal representatives and partner organisations Durham County Council, Seaham Town Council and County Durham PCT. The parties referenced fully support the action proposed.

3 Background

- 3.1 Members will recall from previous reports to Executive dated 20th March 2007 and 20th July 2007 of the intention to undertake a comprehensive redevelopment scheme at St John's Square in Seaham. The District Council also endorsed a report in March 2008 to utilise CPO powers in respect of the scheme.

4 Position Statement and Option Appraisal

- 4.1 It is proposed to make the CPO under section 226(1)(a) of the Town & Country Planning Act 1990 and if necessary section 13 of the Local Government (Miscellaneous Provisions) Act 1976.
- 4.2 The Council can make a CPO under section 226(1)(a) where it thinks "that the acquisition will facilitate the carrying out of development/re-development or improvement on or in relation to the land" and it thinks 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 their area. Under section 13 of the Local Government (Miscellaneous Provisions) Act 1976 the Council may if necessary compulsorily acquire such new rights over land as are specified in the CPO.
- 4.3 The Council endorsed the case in support of the use of these powers in March 2008.
- 4.4 To facilitate the development a number of parcels of land in unknown ownership and other third party land interests need to be acquired. Where ownership is known negotiations with the owner is already underway with a view to acquiring by agreement. However if negotiation fails the CPO will be required to purchase this land and the land in unknown ownership, which are important to the redevelopment of the Square. The negotiations to acquire by agreement and the CPO will be progressed in parallel.
- 4.5 The two further parcels of land (both also in unknown ownership) have been identified for inclusion in the CPO following discussion with the Council's legal advisors. One of the areas of land is situated adjacent to the Department for Work

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and Pensions Job Centre Plus building. The area in question forms a footpath access to the Square. The Department for Work and Pensions Job Centre Plus building owner has been unable to prove title to this land and accordingly it is suggested the CPO boundary area be amended to include this area.

4.6 The second parcel abuts one of the areas of land in unknown ownership within the square and is needed to provide a complete development parcel. The land in question would comprise part of the redeveloped public realm and provide an important link to the Square from Church Street. Legal consultation has recommended its inclusion for the benefit of future maintenance.

4.7 The extent of the two areas is shown along with a revised CPO boundary proposal on the attached plan.

4.8 The inclusion of these land parcels will facilitate the progression of the redevelopment proposals.

5 **Implications**

Financial

5.1 It is not considered there are any additional financial implications associated with the CPO, not otherwise referenced in the report to Council in March 2008.

Legal

5.2 There are no other legal implications associated with the report.

Policy

5.3 There are no policy implications arising from this report.

Risk

5.4 A risk assessment has been completed and the necessary actions required to effectively manage the identified risks have been implemented

Communication

5.5 The necessary statutory notices associated with this CPO will be posted in accordance with prescribed timescales. All other associated communications will be undertaken in consultation with the Council's legal representatives.

Corporate

5.6 The redevelopment of St Johns Square accords with a number of the Council's corporate priorities, but primarily:

Quality services for our people- through the provision of responsive public services commensurate to the needs of the local community of Seaham

Clean, tidy communities - by providing a high quality and sustainable public realm area

Building a healthy community - resulting from highly accessible and enhanced health service provision

Making the District safe - by providing an appropriate mix of development designed to alleviate existing problems associated with the Square

Equality and Diversity

- 5.7 There are no equality or diversity issues arising from this report.

E-Government

- 5.8 There are no e-government issues arising from this report.

Procurement

- 5.9 There are no procurement issues arising from this report.

Human Rights

- 5.10 Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way that is incompatible with the European Convention on Human Rights. Various Convention rights may be engaged in the process of making a CPO, including those under Article 8 and Article 1 of the First Protocol.

The European Court of Human Rights has recognised in the context of Article 1 of the First Protocol that regard must be had to the fair balance that must be struck between the competing interests of the individual and of the community as a whole. Similarly, any interference with Article 8 rights must be necessary as set out in that Article. In this case, any interference with Convention rights is considered justified in the public interest in order to secure the implementation of the redevelopment proposals.

Local Government Review Implications

- 5.11 The scheme has been developed fully on a partnership basis with Durham County Council. There are not felt to be any significant or material local government review implications arising from this report.

6. Recommendation

It is recommended that:

- 6.1 The CPO Boundary Area is amended in accordance with the attached plan to enable the redevelopment of St John's Square to be progressed