

Meeting: Council

Date: Wednesday 20 February 2013

Subject: Eastbourne town centre – use of compulsory purchase powers

Report of: Councillor Steve Wallis on behalf of the Cabinet

The Council is asked to consider the minute and resolution of the Cabinet meeting held on 6 February 2013 as set out below.

Further copies of the report to Cabinet are available on request – please see end of this report. A copy may be seen on the Council’s website at (go to meeting date 6 February 2013):

<http://www.eastbourne.gov.uk/council/meetings/cabinet/>

The Council is recommended to:-

To endorse the decision of the Cabinet in this matter.

***83 Eastbourne town centre – use of compulsory purchase powers**

- 83.1 Cabinet considered the report of the Senior Head of Development and Environment seeking authority to proceed with all necessary procedures to obtain a compulsory purchase order (CPO) for the compulsory acquisition of properties and interests in the town centre, where appropriate, to facilitate the development of the retail extension to the Arndale Centre.
- 83.2 The regeneration of Eastbourne town centre had been a long standing ambition of the Council and the local community. The expansion of the town’s retail offer was supported both nationally and locally in formal planning policy statements. Performance Retail Limited Partnership (PRLP), the owners of the Arndale Centre, had received a conditional planning consent from the Council on 23 August 2012. Officers were currently negotiating the legal agreement before issuing the formal decision notice.
- 83.3 A project of this size and complexity had a number of work strands to be completed to bring about its implementation. One piece of work was the assembly of the land on which to build the new extension. PRLP did not own all the land that was needed and were currently negotiating with the land owners to acquire and assemble the development site by private

treaty. As PRLP could not require land owners to sell, and in instances where a scheme had significant community benefit and led to the better planning of a town, the law allowed a local authority to compulsorily purchase land and property on the developer's behalf. This would be a last resort after the developer had exhausted all other reasonable routes to acquire the land. In these instances local authorities had the power to acquire land compulsorily and then immediately pass on to the developer. A plan showing the extent of the potential CPO was appended to the report.

83.3 The report outlined the use and procedures in relation to compulsory purchase powers and the need to ensure that any risks associated with the process were properly managed. The Council and PRLP would enter into a CPO costs indemnity agreement under which PRLP would indemnify the Council against all costs arising from the use of the CPO powers.

*83.4 **Resolved (key decision):** (1) That subject to the completion of an indemnity agreement with PRLP Cabinet approves the making of a CPO under Section 226(1)(a) of the Town and Country Planning Act 1990 and Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 in respect of the land and interests and new rights within the area shown edged red on the plan attached to the report for securing the development of the Arndale Centre in Eastbourne Town Centre and that full Council be asked to formally endorse this decision.

(2) That the Senior Head of Development and Environment, in consultation with the Chief Finance Officer and Leader of the Council, be authorised to :-

- (a) Take all necessary steps to secure the making, confirmation and implementation of the CPO including the publication of all notices to give effect thereto;
- (b) complete an indemnity agreement with PRLP to provide for the reimbursement of costs incurred by the Borough Council in processing the CPO;
- (c) make minor or technical amendments to the boundary of the delineated area, if necessary;
- (d) acquire all necessary interests in the delineated area either by agreement or compulsorily;
- (e) support the applicant in any negotiation with any land owner or occupier;
- (f) set out the terms for withdrawal of objections to the CPO;
- (g) make arrangements to assist with any relocation as required;
- (h) to confirm the CPO if granted power to do so by the Secretary of State;
- (i) make arrangements for the presentation of the Borough Council's case for confirmation of the CPO at any public inquiry; and
- (i) exercise the compulsory purchase powers authorised by the CPO by way of general vesting declaration and/or notice to treat and/or notices to enter.

For a copy of the report please contact Local Democracy at 1 Grove Road, Eastbourne, BN21 4TW. Tel. (01323) 415022 or 415021.
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