

WRITTEN STATEMENT OF A KEY DECISION
CABINET

ITEM:	URBAN VILLAGE AND CPO LINK ROAD
Members Present	Councillors: JG Jarvis (Leader), H Bramer, RB Hamilton, AW Johnson, PM Morgan, RJ Phillips, GJ Powell, PD Price (Deputy Leader).
Date of Decision:	14 March 2013
Exempt:	No
Confidential	No
Urgency/Special Urgency: (As defined in Constitution)	No
Purpose:	<p>In accordance with the agreed masterplan, to agree the development of land within the City Regeneration area for the purposes of the provision of a link road, highway and other associated infrastructure and mixed uses including housing, employment uses, leisure, retail units, tourism, civic and community uses together with associated public access and public realm, car parking, other new highways and other associated infrastructure, drainage, flood alleviation and associated works.</p> <p>The report seeks to approve the making of the necessary orders but also considers the next steps associated with the development of the Urban Village Phase 1, which forms part of the overall regeneration plans for the City, through the provision of market and affordable housing to meet the high levels of housing need in the County. To support the delivery of Phase 1 of the housing, the report seeks delegated authority for the Chief Officer Finance and commercial to make arrangements to market Council-owned land at Merton Meadow.</p>
Decision:	<p>THAT:</p> <p>(a) the Deputy Chief Executive be authorised to arrange for the making of the County of Herefordshire District Council (Edgar Street Grid and Link Road) Compulsory Purchase Order 2013 under s226(1)(a) of the Town and Country Planning Act 1990, the Local Government (Miscellaneous Provision) Act 1976 and the Acquisition of Land Act 1981 for the acquisition of the land/property and the acquisition of the new rights within the areas coloured pink and blue respectively shown on the plan attached at Appendix 1 (subject to any final amendments of the said plan the Director for Places and Communities considers necessary);</p>

	<p>(b) the Deputy Chief Executive be authorised to arrange for the making of the County of Herefordshire District Council (A465(Link Road) Classified Road) (Side Roads and Other Works) Order 2013 under Sections 14 and 125 of the Highways Act 1980 which provides for the stopping up and improvement of particular side roads which connect with the proposed A465 Link Road in Hereford ("the Link Road Scheme") as shown in the plan attached at Appendix 2 subject to any final amendments of the said plan the Director for Places and Communities considers necessary);</p> <p>(c) the Deputy Chief Executive be authorised, in consultation with the Director for Places and Communities to implement the Orders, including the acquisition of all necessary land and interests and new rights, and to pay compensation including acquisitions agreed by negotiation and to carry out any other additional steps needed for the implementation of the Orders or scheme for the Link Road;</p> <p>(d) the Director for Places and Communities be authorised to procure and let the construction contract, or contracts, for the Link Road and to take all necessary steps to proceed with the scheme implementation;</p> <p>(e) in order to facilitate the delivery of the Urban Village Phase 1 changes to parking provision be agreed;</p> <p>(f) the Chief Officer Finance and Commercial be authorised to market Council-owned land within the area of Merton Meadow and to dispose of the land required to support the delivery of Phase 1 of the Urban Village, subject to achieving value for money.</p>
<p>Reasons for the Decision:</p>	<p>The delivery of the Urban Village development is a strategic priority for the Council in responding to the current and future housing needs of Herefordshire and is highlighted within the Housing Strategy 2012-15 and the Herefordshire Local Investment Plan 2011 – 2026 agreed with the Homes and Communities Agency. It is estimated that up to 800 new housing units could be accommodated within the overall Urban Village, and that 35% will be classified for affordable use.</p> <p>To deliver the redevelopment of the regeneration area, infrastructure enabling works are required including the construction of the Link Road. Large parts of the area are currently inaccessible by car or even on foot, with many dead ends, few landmarks and major physical barriers. The Link</p>

Road will provide access to land for mixed uses including housing, employment uses, leisure, retail units, tourism, civic and community uses together with associated public access and public realm, car parking, other new highways and other associated infrastructure, drainage, flood alleviation and associated works which will improve the city's vitality and promote economic growth, as well as delivering a range of other benefits for pedestrians, cyclists and public transport links.

The Link Road will create a new east / west highways connection through the city and is designed to take significant volumes of traffic from the heavily trafficked inner ring road – and so enable Newmarket and Blueschool Streets to be upgraded for easier pedestrian access within an improved realm and reduction in through traffic that would be transferred to the Link Road. The Link Road and associated new development plots will also enable residual flood risk within the area to be mitigated. The planned improvements to Newmarket and Blueschool Streets enabled by the Link Road will significantly improve the prospects for further investment in the areas flanked by these streets, contributing to the regeneration of the city.

On 14 June 2012 Cabinet authorised the Chief Officer Finance and Commercial, in consultation with the Director for Places and Communities, to proceed with acquisitions through negotiations with the possible affected landowners as regards the acquisition of all necessary land interests. The council is currently negotiating the acquisition of land, easements, rights over land, and rights of access by agreement to enable the Link Road works to progress and agreement with some landowners has already been reached. However the negotiations have been inconclusive to date in acquiring all the required interests and it is necessary for the council to use its powers of Compulsory Purchase to enable the council to acquire the land and interests needed to deliver the Link Road needed for the scheme and to enable the redevelopment of plots to come forward to meet with the aspirations of partners and landowners.

To enable the construction of the Link Road 12 businesses will be required to relocate from within the area, and a number of others will need to change the way they operate from their premises in order to continue trading. In addition other businesses will be required to relocate in order to deliver the comprehensive redevelopment of this area as set out in the Councils planning policy. In the first phase of redevelopment it is anticipated that 3 businesses will need to relocate. Further relocations will be required which may give rise to further CPO's in the future although approval is not being sought at this stage. A Business relocation strategy has been developed to support all affected businesses.

The Side Roads Order (SRO), which will be made under Sections 14 and 125 of the Highways Act 1980, provides for the stopping up and improvement of particular side roads which connect with the proposed A465 Link Road in Hereford and for the construction of new highways and for the stopping up of private means of access to premises and the provision of new

	<p>means of access to them.</p> <p>Negotiated disposal of council-owned land at Merton Meadow should enable, subject to planning consent, the delivery of Phase 1 of the Urban Village, including up to 60 affordable homes.</p> <p>Disposal of Merton Meadow for housing development would lead to the displacement of commuter and short stay parking currently available. It is therefore appropriate that Cabinet gives consideration to possible approaches to mitigating the impacts of any reduction.</p>
<p>Options Considered:</p>	<p>Land negotiations continue without proceeding with a CPO process</p> <p>7.1 Under this alternative, acquisition of the necessary land and interests and new rights are concluded by a negotiated agreement and a CPO process is not initiated.</p> <p>7.2 Negotiations are currently ongoing between Herefordshire Council and the various landowners and businesses with interests in and associations with the land and new rights needed for the Link Road and first phase of urban village redevelopment. It is considered feasible that at some future point a negotiated agreement could be reached in respect of some of the land, interests and new rights required, although there may be adverse implications from a cost and timescale perspective and it may be that not all the required land can be secured this way. Such delays would have a significant, adverse impact upon the Council's ability to attract investment into the regeneration area, undermine confidence and the momentum established in the area.</p> <p>7.3 The alternative option is therefore to continue to pursue negotiated agreement rather than promote a Compulsory Purchase Order (CPO) and bear the risks of delays in implementation and additional costs</p> <p>7.4 A Side Roads Order (SRO) would still be required for the construction of new highways, improvement of highways, stopping up of highways, stopping up of private means of access and creation of new means of access to premises.</p> <p>Advantages of negotiated agreement</p> <p>7.5 A negotiated agreement would negate the need to make a CPO and the possibility of holding a CPO Public Inquiry.</p> <p>Disadvantages of negotiated agreement</p>

	<p>7.6 Disadvantages include:</p> <ul style="list-style-type: none"> • There would be no certainty over timescales for conclusion of an agreement. • There would be no certainty of reaching an agreement and being able to acquire the required land, property and access rights. • There would be an associated risk of cost increases to facilitate a negotiated conclusion. • It would also be difficult to deliver a comprehensive redevelopment of the area due to the uncertainty over the timescale and cost of assembling land to deliver plots appropriate to enable delivery of the Council's policy of the area. <p>7.7 Such uncertainties would make it difficult to engage successfully with private developers, who have the potential to bring significant resources to bear in support of achieving the regeneration of the adjoining land.</p> <p>7.8 This alternative option is not recommended for the reasons listed above at paragraph 7.6 although, in line with the guidance set out in ODPM Circular 06/2004, the council will continue to try and negotiate the acquisition of the necessary land and rights by agreement if the Order is made.</p> <p>Merton Meadow</p> <p>7.9 The council could determine not to dispose of the land at Merton Meadow in support of delivering Phase 1 of the Urban Village at this time. However, this approach would significantly delay the development of a significant proportion of market and affordable homes planned for the Urban Village and would result in Sanctuary Housing Group, as development partner for the affordable housing, being unable to draw down approximately £1.2m of affordable housing grant awarded by the Homes and Communities Agency in support of the Urban Village Phase 1 development. Not proceeding with the Urban Village development could have the effect of jeopardising the securing of CPO powers for the link road.</p>
Conflict of Interest ■ (See below)	
Date the decision is due to take effect:	21 March 2013

COUNCILLOR JG JARVIS: Date: 14 March 2013
LEADER OF THE COUNCIL

- a record of any conflict of interest declared by any executive member who is consulted by the member which relates to the decision;

And

- in respect of any declared conflict of interest, a note of dispensation granted by the relevant local authority's head of paid service.

To be completed by officer:	
Date consent received from Chairman of the General Overview and Scrutiny Committee:	
Subject to Call-in:	This Decision was not called in.
Was the decision modified?	No
If yes Cabinet Member (.....) decision reference:	
If no any comment(s) to be noted	
Date original decision took effect:	21 March 2013