

PR107/15 SOUTH OXHEY INITIATIVE

This report presented the detailed Compulsory Purchase Order and Appropriation report prepared by Bond Dickinson, the Council's Solicitors in this matter. This was pursuant to the earlier decision to enter into a Development Agreement for the implementation of the South Oxhey Initiative.

It was noted that representation had been made to the Council by a firm of Solicitors representing Thrive Homes, to which officers will reply.

Councillor Matthew Bedford moved, duly seconded, the recommendations as set out in section 1 of the report.

Mr Bowers provided information on the recommendations in the report which covered the compulsory purchase orders, appropriation of land and acquisition of land in South Oxhey.

A Member asked what principles were in place on the compulsory purchases to ensure the Council paid a fair value or provided reasonable compensation and what were the timescales? Mr Bowers advised that the Council would be following the appropriate codes for compensation and ensuring open market value. The timescales for vacation were the public enquiry anticipated to start in Q4 2016 and continuing into 2017 with 3 years to exercise these powers with a minimum notice of 3 months which could be increased to longer periods for possession.

On being put to the Committee the motion was declared CARRIED the voting being unanimous.

RESOLVED:

- 1) approved the resolutions as set out at section 1 of the report as follows:
 - a. To recommend that the Council resolves:
 - b. To make a compulsory purchase order (the **Order**) to acquire compulsorily all or part of the land shown edged red coloured pink (**Order Land**) on the plan attached at **Appendix A** entitled Map referred to in the Three Rivers District Council (Land at Henbury Way, Oxhey Drive, Bridlington Road, St. Andrews Road, The Parade, Prestwick Road, Fairfield Avenue and Station Approach, South Oxhey) Compulsory Purchase Order 2016 (the **CPO Map**) (which may include additional sheets to show the acquisition at different floor levels) in order to enable the implementation of the South Oxhey Initiative redevelopment.
 - c. To delegate to the Solicitor to the Council:
 - i. to agree the wording of the Order, the Statement of Reasons and finalise the CPO Map, and to take all steps necessary to make and confirm the Order; and
 - ii. to take all steps to seek to acquire the necessary interests in land by agreement or by utilising compulsory acquisition powers.

- d. If the Secretary of State authorises the Council to do so, to confirm the Order.
- e. To utilise, where appropriate, either the general vesting declaration procedure under the Compulsory Purchase (Vesting Declarations) Act 1981 or the notice to treat procedure under Section 5 of the Compulsory Purchase Act 1965 in respect of the confirmed Order.
- f. To give authority under Section 6(4) of the Acquisition of Land Act 1981 to dispense with individual service of notices in respect of areas of land where the Council is satisfied that it has not been possible following proper enquiry to establish the ownership of the land in question and for the service of notices in the manner set out in Section 6(4) of the Acquisition of Land Act 1981.
- g. to authorise:
 - i. the appropriation of the land:
 - 1. at Maylands Road, Hallowes Crescent and Hayling Road all as shown on the plans at **Appendix B** having considered any objections received to the same; and
 - 2. forming part of the Order Land which is owned freehold by the Council under the provisions of Section 122 of the Local Government Act 1972

for planning purposes to enable the Council to override third party rights and easements pursuant to Section 237 of the Town and Country Planning Act 1990 as amended; and

- ii. further in respect of the land at Maylands Road its disposal of public open space pursuant to s.233 of the Town and Country Planning Act 1990 having considered any objections received to the same.
- iii. the consideration of any objections be delegated to the Chief Executive in consultation with the Chair of Policy & Resources Committee (P&RC).
- h. That in doing so the Council has considered the provisions of the Equalities Act 2010 and the Human Rights Act 1998 contained in paragraph 16 of this report so far as they might be applicable in deciding whether or not to make the Order and all other statutory powers that the Council seeks to exercise and resolves the following:
 - i. With regard to Article 8 it is considered that in balancing the rights of the individuals who are affected by the Order against the benefit to the community of proceeding with the Order, the making of the Order resulting in the interference with the individuals rights is justified in the interests of improving the economic, environmental and social well-being of the centre of South Oxhey.

- ii. With regard to Article 1 Protocol 1, it is considered that the interference with the individual's property is justified by the advantages accruing to the public by proceeding with the Scheme particularly taking into account the fact that there is a legal right to compensation for the property taken and any rights extinguished under the Order.

2) recommends those resolutions to Full Council for adoption.

RECOMMEND:

- 3) That Council accepts the recommendations of the Policy and Resources Committee.