

**RECOMMENDATIONS TO CABINET – 10 JUNE 2015 FROM THE JOINT MEETING OF THE REGENERATION & DEVELOPMENT AND ENVIRONMENT & COMMUNITY PANEL HELD ON 3 JUNE 2015**

**RD&EC10: CABINET REPORTS**

**(i) Cabinet Report - Fields in Trust**

The Chief Executive presented the Cabinet report which sought approval to enter into a Deed of Dedication with Fields in Trust (formerly the National Playing Fields Association) for Sports Pitches on the Lynnsport Site.

He explained that further to the work that had taken place to take forward the Major Housing development on the Lynnsport site the Council had agreed that no development would take place on the River Lane sports pitches. The site fitted the eligibility criteria for a Field in Trust and this would ensure that the area was permanently protected. Ownership of the site would remain with the Borough Council. It was proposed that the site would be included within the Fields in Trust Centenary Fields project which was aimed at securing recreational spaces in honour of the memory of those who lost their lives in World War I.

The Portfolio Holder for Regeneration and Industrial Assets, Councillor Beales reminded those present that he had moved an amendment at Full Council to protect the area in question.

The Portfolio Holder for ICT, Leisure and Public Space, Councillor Pope explained that he supported the proposals which would create a permanent green space in the area which could be enjoyed by local residents.

The Chairman thanked the Chief Executive for the report and invited questions and comments from the Panels, as summarised below.

In response to a question from Councillor Bambridge, the Portfolio Holder for ICT, Leisure and Public Space explained that the report only dealt with the area at River Lane. Other areas would need to be considered on their own merits if it was felt that they should be protected.

In response to a question from Councillor Smith, the Chief Executive confirmed that a plaque would be erected on site to inform the public that it was a protected field and would recognise those who lost their lives in World War I.

In response to a question from Councillor Tyler, the Chief Executive and Portfolio Holder confirmed that publicity would also be carried out to raise awareness of the protected field.

**RESOLVED:** That the Regeneration & Development and Environment & Community Panel supports the recommendations to Cabinet as follows:

That Cabinet agrees to:

- a) Enter into a Deed of Dedication with Fields in Trust for the open space shown in Appendix 2 in the report as a Centenary Field.
- b) Delegate authority to the Executive Director, Commercial Services in consultation with the Cabinet Member for ICT Leisure and Public Space to agree the Deed of Dedication with Fields in Trust.

## **(ii) Cabinet Report - King's Lynn Surface Water and Highway Infrastructure improvements and Major Housing Development at Lynnsport and Marsh Lane – Compulsory Purchase Orders**

The Chief Executive presented the Cabinet report which sought approval to facilitate the delivery of upgrades and improvements to the surface water infrastructure for King's Lynn and the provision of additional surface water storage capacity. He explained that the report considered two pieces of land that would need to be acquired in order to take forward the Housing Development at Lynnsport and Marsh Lane. The first site was required for the pumping station. The site was currently not owned by the Council, nor the Water Management Alliance. The report sought authority for the site to be acquired by the Council through the use of Compulsory Purchase Order powers if required.

The other piece of land to be acquired was to facilitate the widening of the drain in order to comply with a one in two hundred year event. The proposal was to widen the drain in order to increase capacity. Discussions were ongoing with the land owner regarding the Council acquisition of the land and it was hoped that an agreement would be negotiated. If necessary Compulsory Purchase Order powers could be utilised to acquire the site, but it was hoped that this would not be necessary.

The Chief Executive explained that the owners of the site for the pumping station could not be identified, so the only way to effectively acquire the site was through a Compulsory Purchase Order. As part of the Compulsory Purchase Order the site would have to be advertised, which may result in the owner coming forward. If the owner emerged further down the line once the site had been acquired by the Council the Council would pay them the current market value of the site, the funds for this would be ringfenced.

The Chairman thanked the Chief Executive for his report and invited questions and comments from the Panels, some of which are summarised below.

In response to a question from Councillor Crofts, the Chief Executive explained that in both cases it had been proven that the land was essential for development of the site and this would allow Compulsory Purchase Powers to be utilised if required.

Councillor Mrs Watson asked if the Council had been maintaining the parcel of land, for which the owner could not be identified, should the piece of land not be transferred to the Councils ownership. The Chief Executive commented that the Property Services Manager had advised that using Compulsory Purchase Order powers was the most effective way of acquiring the site.

In response to a question from Councillor Tyler, the Corporate Project Officer explained that landscaping would take place around the pumping station and a safety audit had been carried out for the new road, as a result of the safety audit measures such as turning arcs had been included into the scheme for the pumping station.

The Portfolio Holder for Environment, Councillor Long explained that the pumping station was critical for the town centre and without the infrastructure none of the development would be able to go ahead due to the risk of flooding.

In response to a question from the Chairman, the Corporate Project Officer explained that if the land owner and Council could come to an agreement regarding the widening of the drain, it would be cheaper than going down the route of a Compulsory Purchase Order.

**RESOLVED:** That the Regeneration & Development and Environment & Community Panel supports the recommendations to Cabinet as set out below:

1. That Cabinet authorise the Property Services Manager to acquire the land, or secure rights as necessary, identified within this report, in consultation with the relevant Portfolio Holder.
2. That the Council makes a Compulsory Purchase Order (or Compulsory Purchase Orders) in respect of the parcels of land and interests referred to pursuant to Section 226(1)(a) Town and Country Planning Act 1990.
3. That the Property Services Manager be given delegated authority to make any necessary changes to the Order plan and to the interest which are to be acquired, should further information come to light requiring such amendments, in consultation with the relevant Portfolio Holder(s).
4. That the Legal Services Manager is given delegated authority to make and complete all necessary documents in relation to the private treaty acquisitions and/or the compulsory purchase orders as necessary.

### **(iii) Exclusion of the Public and Press**

**RESOLVED:** That under Section 100(A)(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act.

### **(iv) EXEMPT Cabinet Report – Acquisition of Morston Assets Sites at the Nar Ouse Regeneration Area**

The Chief Executive presented the Cabinet Report which considered the acquisition of the sites from Morston Assets Administrators in order to facilitate the comprehensive redevelopment of the Nar Ouse Site.

The Chief Executive provided those present with information on background to the NORA site, including information on ownership of the parcels of land on the site and the remediation work which had been carried out on the site. The Chief Executive provided information on the development which had taken place on the site and included housing development, green space, a restaurant and most recently the commencement of works to the King's Lynn Innovation Centre.

The Portfolio Holder for Regeneration and Industrial Assets, Councillor Beales explained that he felt that it was important that the Council acquire the sites available and it was unlikely that the private sector would be able to carry out the required remediation works to bring the sites to a developable standard.

The Chairman thanked the Chief Executive for his report and invited questions and comments from Members of both Panels.

In response to a question from Councillor Mrs Watson, the Corporate Project Officer explained that site inspections were held on an annual basis to determine if there was a Japanese Knotweed problem. Incidents were dealt with as identified.

In response to a further question from Councillor Mrs Watson, the Portfolio Holder for Regeneration and Industrial Assets explained that if housing was to be delivered on parts of the site it would be up to the Council to decide if affordable housing was to be provided and this would have an impact on the return Capital sums to the Council.

In response to a question from Councillor Mrs Bower, the Chief Executive provided the Panel with an overview of matters outstanding with Morston Assets, including the implications of previous agreements made with them.

In response to a question from Councillor Smith, the Portfolio Holder for Regeneration and Industrial Assets confirmed that the Brick Kiln on the NORA site was a listed building and would be protected. He acknowledged that the NORA site was the main route into the town centre and it was therefore important that it presented the right image for King's Lynn. He accepted that this would be a long term process and reminded those present that work had now started on the King's Lynn Innovation Centre which would be a flagship building on the approach to the town.

Councillor Collop explained that he felt it was important for all Members to be involved in the decision making process for development on the NORA site. He suggested that a future Council pre-briefing be arranged to provide Members with the full history of the NORA site. The Portfolio Holder for Regeneration and Industrial Assets, Councillor Beales agreed that it would be useful to hold a briefing for all Councillors on the history of the NORA site. He reminded those present that the report being considered would require full Council approval.

In response to a question from the Chairman, the Chief Executive explained that it was important to keep the process moving, therefore the recommendations within the report afforded officers and Portfolio Holders the flexibility to deal with the process of acquisition. The Chief Executive explained that a conditional offer had been put in on the land, but this would be subject to further discussions.

The Chief Executive suggested that the first word of recommendation two be changed from *Confirm* to *Note* as there would be further negotiations.

In response to a question from Councillor Mrs Watson, the Chief Executive explained that advice from the Section 151 officer would be sought on how best to obtain the funds for the acquisition of the sites and this would be included in a future Cabinet report.

Councillor Bambridge asked if the possible provision of housing on the site would have an impact on the Local Development Framework. The Portfolio Holder for Regeneration and Industrial Assets explained that the Local Development Framework was at examination stage, so could not be changed, but it did open up options on where housing could be delivered in the future.

**RESOLVED:** That the Regeneration & Development and Environment & Community Panel supports the recommendations to Cabinet as set out as follows, with a slight amendment to the wording of recommendation 2:

1. Instruct officers to undertake comprehensive due diligence of the Morston Assets sites including jointly commissioning with the Administrators, detailed site investigations to enable a full assessment of remediation and development costs of the sites.
2. Note conditional offers to the administrators for all of the Morston Assets sites as set out in paragraph 3.1.
3. Subject to the results of the due diligence, delegate authority to the Property Services Manager and Legal Services Manager in consultation with the Leader and Portfolio Holder for Regeneration, to submit revised firm offers to the Administrators to acquire part or all of the Morston Assets land holdings at the Nar Ouse Regeneration Area, subject to the total sum being equal to or less than the sums identified in the conditional offer.
4. Authorise the Legal Services Manager to make and complete all necessary documents in relation to the acquisitions identified in this report.

**RETURN TO OPEN SESSION**