

COMPULSORY PURCHASE ORDER IN RESPECT OF LAND AT ETHELDORE/WOOD AVENUE, HOCKLEY

1 SUMMARY

- 1.1. The Council's formal resolution is sought to the making of a compulsory purchase order in respect of the residual unassembled land at Etheldore/Wood Avenue. This is necessary to facilitate the comprehensive redevelopment of the site in accordance with the planning consent and the Development Plan Policy for this area.

2 INTRODUCTION

- 2.1 In 1997 the Council entered into an agreement with Countryside Residential Ltd subject to the grant of planning consent, for the sale of approximately 1.4 hectares of land, which it owned in Etheldore Avenue and Wood Avenue. In accordance with the Local Plan and the Design Brief for the site, the agreement envisaged the use of compulsory purchase powers to achieve a comprehensive development as the balance of the land was in diverse and in some cases unknown ownership and required assembly to facilitate the residential redevelopment of the area.
- 2.2 Planning permission was granted on the 11th January 2000 following the completion of an agreement under s 106 of the Town and Country Planning Act 1990 and the land in the Council's ownership has since been sold to the developer.
- 2.3 Over the time the Developer has been involved with this site they have made considerable efforts to trace the owners with a view to negotiating terms to acquire all the land within the development site. This has largely been successful, with the exception of the plots shown hatched on the attached plan which are not in the ownership of the developer. Whilst negotiations are still continuing it is unlikely that all these areas will be secured without the use of compulsory purchase powers. The contract states that the Council will use powers of compulsory acquisition of "key parcels of land as an act of last resort" to bring about the comprehensive development of the site.
- 2.4 In order to satisfy the Design Brief and meet the Council's housing allocation targets it is necessary that the area is developed in a comprehensive manner, and to this end Policy H4 of the Rochford District Local Plan provides (inter alia):

“Consideration will be given, if appropriate, to the use of compulsory purchase powers in order to ensure that the development is put into effect in the plan period.”

This provision is reflected in the Design Brief.

3 PROPOSAL

- 3.1 To meet the above objective and the Council’s obligations arising from its agreement with Countryside the use of compulsory purchase powers to acquire the residual plots of land are now considered to be necessary.

4 ENVIRONMENTAL IMPLICATIONS

- 4.1 These have been fully examined at the planning application stage.

5 RESOURCE IMPLICATIONS

- 5.1 The Developers would be required to meet the full costs of the process, including all reasonable legal expenses incurred by the Council

6 PARISH IMPLICATIONS

- 6.1 The site is located in Hockley Parish.

7 LEGAL IMPLICATIONS

- 7.1 The Council has an obligation to facilitate the comprehensive development of the site.

8 RECOMMENDATION

- 8.1 It is proposed that the Sub-Committee **RECOMMENDS**
- (1) That the Head of Legal Services completes an agreement with Countryside Residential Ltd relating to the acquisition and transfer of the residual areas of land to the Company at no cost to the Council and on such other terms and conditions as agreed by the Head of Legal Services.
 - (2) That the Council makes a Compulsory Purchase Order pursuant to the powers contained in Section 226 of the Town and Country Planning Act 1990 in respect of those areas of land at Etheldore/Wood Avenue shown hatched on the attached plan which Countryside Residential Ltd has not acquired, in order to secure the carrying out of the approved development . (HLS)

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Background Papers:

None.

For further information please contact Albert Bugeja on (01702) 318130.