



St Edmundsbury Borough Council

Cabinet Decisions Notice

(Published: Thursday 26 February 2015)

The following decisions were taken by the Cabinet on **Tuesday 24 February 2015** and, if not called in by Councillors, will come into operation on Friday 6 March 2015. A decision may be called in, in accordance with the Procedure Rules contained within Part 4 of the Council's Constitution, by five Councillors submitting the required call-in request form to the Acting Solicitor to the Councils (e-mail: democratic.services@westsuffolk.gov.uk) **by 5.00 pm on Thursday 5 March 2015.**

Should you have a query regarding any of the decisions taken, contact should be made with the named officer in the first instance, either on the telephone number listed against their name, or via email using the format firstname.surname@westsuffolk.gov.uk. Alternatively, you may also contact the relevant Portfolio Holder on the telephone number listed against their name, or via email using the format firstname.surname@stedsb.gov.uk. Contact may also be made via Democratic Services, West Suffolk House, Western Way, Bury St Edmunds, Suffolk IP33 3YU

Agenda Item and Report No.	Declarations of Interest/Dispensations Granted	Decision(s) (including recommendations to Council)	Reason(s) for Decision(s)	Other Options Considered and Reasons for Rejection	Contacts
Item No. 2 Report No: CAB/SE/15/016	None	<p><u>Suffolk Business Park Land Assembly</u> RECOMMENDED TO COUNCIL: That</p> <p>(1)it makes the St Edmundsbury Borough Council (Suffolk Business Park Infrastructure) Compulsory Purchase Order 2015 ("the Order") under section 226(1)(a) of the Town and Country Planning Act 1990 (as amended) and the Acquisition of Land Act 1981 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976 and all other enabling powers, for the acquisition of all legal estates and interests in the land and the acquisition of rights within the areas shown hatched on the draft Order map produced as Appendix 1 to Report No:</p>	To meet the objective of the Council to achieve development of Suffolk Business Park, the Cabinet supported the recommendations to facilitate the site assembly by the acquisition of property through a Compulsory Purchase Order. Appropriate attempts to resolve the matter by negotiation have been, and will continue to be made, before the recommendations are put to full Council on 25 March 2015.	Not to use compulsory purchase powers would result in the Eastern Relief Road not progressing and funding falling away. Suffolk Business Park cannot be delivered without the Eastern Relief Road. Appropriate attempts to explore options with the landowner will however, continue which would remove the need for the	<p><u>Portfolio Holder:</u> Cllr John Griffiths 01284 757001</p> <p><u>Officers:</u> Steven Wood Head of Planning and Growth 01284 757306</p> <p>Andrea Mayley Economic Development and Growth 01284 757343</p>

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		<p>CAB/SE/15/016 with such amendment to the final land take and plot boundaries and to substitute the taking of new rights as an alternative to the acquisition of title as may be considered necessary and approved by the Head of Planning and Growth, the Section 151 Officer and the Monitoring Officer, in consultation with the Leader of the Council, for the purposes of securing mixed use development including the provision of the Eastern Relief Road linking Moreton Hall/Suffolk Business Park at Lady Miriam Way to Junction 45 of the A14 Trunk Road;</p> <p>(2)it notes that the draft Order map shows areas hatched where the intention is for the acquisition of all interests in the land other than those of the acquiring authority;</p> <p>(3)following confirmation of the Order by the Secretary of State, it authorises the use of the General Vesting Declaration procedure and notice to treat, notice of entry and conveyance where necessary in accordance with the Compulsory Purchase (Vesting Declarations) Act 1981 and the Compulsory Purchase Act 1965 to implement the St Edmundsbury Borough Council (Suffolk Business Park Infrastructure) Compulsory Purchase Order 2015;</p> <p>(4)it approves the acquisition and appropriation of the land required for</p>		<p>Council to invoke its compulsory purchase powers.</p>	

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		<p>the scheme for planning purposes under the provisions of section 122 of the Local Government Act 1972 and section 237 of the Town and Country Planning Act 1990 in conjunction with (3) above to enable the Council to over-ride private rights, easements and interests (including restrictive covenants etc) affecting the land required for the scheme;</p> <p>(5)it gives delegated authority to the Head of Planning and Growth and Section 151 Officer, in consultation with the Leader of the Council to:</p> <p>(i)take all necessary steps as soon as is reasonably practical to secure the making, submission, confirmation and implementation of the Order (and, where appropriate, amendments to the Order by way of exclusion of interests in land or the addition of interests in land including the investigation of ownership interests) including the publication and service of all notices and the presentation of the Council’s case at any Public Inquiry; and subsequent services of Notices to Treat and Notices of Entry or, at their discretion, the execution of General Vesting Declarations as the case may be if the Order is confirmed;</p> <p>(ii)negotiate to acquire all interests in the land and new rights within the Order and rights and interests affected by the Order either by agreement or</p>			

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		<p>compulsorily, including prior to the making of the Order; and, where appropriate, to agree terms for relocation;</p> <p>(iii)approve agreements and undertakings with the owners of any interest in the Order and any objectors to the confirmation of the Order setting out the terms for the withdrawal of objections to the Order including, where appropriate, seeking inclusion in and/or exclusion from the Order of land or new rights; and</p> <p>(iv)in the event that the question of compensation be referred to the Upper Tribunal (Lands Chamber), to take all necessary steps in relation thereto including advising on the appropriate compensation payable and to appoint appropriate consultants if necessary to assist and advise in this regard.</p>			
<p>Item No. 3</p> <p>Report No: CAB/SE/15/017</p>	<p>None</p>	<p><u>Eastern Relief Road, Bury St Edmunds: Update</u> RESOLVED:</p> <p>That the amendment and clarification of resolutions (1) and (2) at its meeting on 2 September 2014(minute 42 refers) in accordance with paragraphs 3.2 and 3.3 of Report No: CAB/SE/15/017, be approved.</p> <p>RECOMMENDED TO COUNCIL: That</p>	<p>The Cabinet supports the recommendations to seek authority to make an application to the New Anglia Local Enterprise Partnership to forward fund electricity infrastructure costs up to £4,528,871 for Suffolk Business Park, including an immediate financial allocation of £356,186; to request delegated authority to enter into legal agreement(s); and to ask for authority to fund specialist advice of £150,000 in relation to the total project. The</p>	<p>Not to commission the electricity works would result in a delay to the programme such that electricity may not be available in time for the first occupiers of the new secondary school, residences or commercial land.</p> <p>To delay the works</p>	<p><u>Portfolio Holder:</u> Cllr John Griffiths 01284 757001</p> <p><u>Officers:</u> Steven Wood Head of Planning and Growth 01284 757306</p> <p>Andrea Mayley Economic Development and Growth</p>

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		<p>(1)subject to the approval of full Council and the satisfaction of the Section 151 and Monitoring Officers, a commitment be made to the full £4,528,871 million programme of works for the provision of electricity to serve Suffolk Business Park, including an immediate financial allocation of £356,186 currently due on 27 February 2015, as detailed in Section 3 of Report No: CAB/SE/15/017;</p> <p>(2)subject to the approval of full Council and the satisfaction of the Section 151 and Monitoring Officers, delegated authority be given to the Head of Planning and Growth in consultation with the Leader of the Council to enter into an agreement or agreements to be entered into by St Edmundsbury Borough Council (SEBC) and the developer/landowner to enable the development of Suffolk Business Park and Eastern Relief Road to enable SEBC to realise a return on its investment in line with the principles approved in the Medium Term Financial Strategy; and</p> <p>(3)Council be asked to approve the financial allocation of £150,000 towards the costs of specialist advice for this project from reserves.</p>	<p>aforementioned will help to enable the overall project to come to fruition.</p>	<p>would adversely affect the programme as above and may result in an increase in costs.</p> <p>Not to secure specialist advice would put the Council at risk of legal challenge and may result in the Council not achieving best consideration for its finances.</p>	<p>01284 757343</p>

Joy Bowes
Acting Solicitor to the Councils
26 February 2015