

Council



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Council** held on
Wednesday 25 March 2015 at **6.30 pm** at the **Conference Chamber, West**
Suffolk House, Western Way, Bury St Edmunds IP33 3YU

Present: **Councillors**

Mayor Robert Everitt
Deputy Mayor Patrick Chung

Trevor Beckwith	Ian Houlder	Christopher Spicer
Sarah Broughton	Helen Levack	Clive Springett
Tony Brown	Tim Marks	Sarah Stamp
Terry Buckle	Paul McManus	Peter Stevens
Terry Clements	Sara Mildmay-White	Jim Thorndyke
Robert Clifton-Brown	David Nettleton	Paula Wade
Jeremy Farthing	Alaric Pugh	Julia Wakelam
Phillip French	Dave Ray	Frank Warby
Anne Gower	Joanna Rayner	Patricia Warby
John Griffiths	Karen Richardson	Adam Whittaker
Diane Hind	Marion Rushbrook	
Paul Hopfensperger	Angela Rushen	

By Invitation:

45. **Apologies for Absence**

Apologies for absence were received from Councillors Byrne, Cockle, Farmer, Oliver, Redhead, Simner, Beccy Hopfensperger and Doroghty Whittaker.

46. **Public Participation**

Claire Reid of Moreton Hall, Bury St Edmunds asked Councillor Griffiths, Leader of the Council why the compulsory purchase order did not include the land where an unsafe cycle/pedestrian path meets the Eastern Relief Road. There should be a clear division between the path and the road such as a barrier.

In response Councillor Griffiths agreed that this would be looked at in details and that the Head of Planning and Regulation would review the intended cycle route and then provide a written response.

47. **Review of Constitution**

In introducing this item, Joy Bowes, Service Manager (Legal), informed members that the recommendations were to approve the draft Articles and Procedure Rules as included in Appendix A subject to the amendments that were included in a revised Appendix B tabled at the meeting (and is attached to these minutes).

On the motion of Councillor Ray, seconded by Councillor Farthing and duly carried, it was

RESOLVED: That

(1) the revised sections of the Constitution set out at Appendix A, with any amendments arising from consideration of the comments in Appendix B and tabled at the meeting, as replacements for the equivalent parts of its current constitution be approved; and

(2) the Monitoring Officer be authorised to make changes or corrections to the text, numbering or layout of the adopted revised Constitution that are necessary for consistency, accuracy, grammatical correctness and sense, and to remove any parts of the existing constitution implicitly made redundant by the adoption of the revised version or which are otherwise obsolete, prior to publication; and

(3) the Monitoring Officer be authorised, in consultation with the Leader and Chief Executive, to make any interim changes to those sections of Part 3 containing functions of the Cabinet and committees that are necessary to give effect to decisions made at the Annual Meeting prior to the adoption of a revised Part 3 at the July meeting of Council.

48. **Suffolk Business Park Land Assembly**

The Council considered Report No: COU/SE/15/015 (previously circulated) which sought approval for the making of a Compulsory Purchase Order (CPO) and associated issues.

Councillor Griffiths, Leader of the Council, drew relevant issues to the attention of Members. He reminded Members that Cabinet had approved in principle the making of a CPO at their meeting on 10 February 2015 as negotiations between the Council, Churchmanor Estates Company PLC and Taylor Wimpey UK Ltd had stalled. Since then, negotiations and discussions had taken place but a satisfactory resolution had not yet been found.

Cabinet had considered that if it did not seek to use its compulsory purchase powers, this would result in the Eastern Relief Road (ERR) not progressing and therefore at their meeting on 24 February 2015 had recommended that Council should approve the making of the CPO. Negotiations would continue between all parties with a view to finding a solution without the need for a CPO, but if necessary, a paper would be taken to Council before any CPO action was taken.

Some concern was raised by councillors who felt that negotiations should continue without using a CPO as this could be seen to be depriving rightful

owners of their land. The response given was that negotiations had been continuing for some time and although it was still hoped that an agreement would be reached in due course without the need for a CPO, the Council needed to provide some certainty to the timetable to avoid losing funding from other sources.

Joy Bowes, Service Manager (Legal) referred Members to sections 4.2 and 4.6 of Report No: COU/SE/15/015, which clarified the process for a CPO.

On the motion of Councillor Griffiths, seconded by Councillor Farthing and duly carried, it was

RESOLVED: That

(1) 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: COU/SE/15/015 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, is made; and

(2) the draft Order map that shows areas hatched where the intention is for the acquisition of all interests in the land other than those of the acquiring authority, is noted; and

(3) following confirmation of the Order by the Secretary of State, 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, is authorised; and

(4) the acquisition and appropriation of the land required for 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, is approved; and

(5) delegated authority be given to the Head of Planning and Growth and Section 151 Officer in consultation with the Leader of the Council to:

(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 be confirmed

(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 compulsorily, including prior to the making of the Order; and, where appropriate, to agree terms for relocation; and

(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

(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.

49. **Schedule of Referrals**

(Councillor Buckle left the meeting during the consideration of this item.)

(A) 1. Suffolk Business Park Land Assembly

The recommendations emanating from the Cabinet's consideration of this report were contained within Report No: COU./SE/15/015, 'Suffolk Business Park Land Assembly', which had already been considered as Agenda Item 4 on this special full Council agenda.

(B) 1. – Suffolk Business Park/Easter Relief Road, Bury St Edmunds: Update

The report relating to this item (CAB/SE/15/021) had previously been circulated as a late item as Appendix A to Report: COU/SE/15/016.

Councillor Griffiths, Leader of the Council provided an update on the Eastern Relief Road project. Council had already committed £4.5m of funding for the works of providing electricity to serve the Suffolk Business Park at its meeting on 24 February 2015. At that time it was considered that NALEP would be able to provide a loan for the full amount but it was now clear that they would consider a loan of £1.4m instead. Therefore approval of the full amount of funding was now sought as a worst case scenario. The Council would continue to work with all partners to ensure a satisfactory conclusion.

Councillor Griffiths confirmed that proper transport plans including cycle paths would be sought from Suffolk County Council (SCC).

On the motion of Councillor Griffiths, seconded by Councillor Farthing and duly carried, it was

RESOLVED: That

(1) £4,528,871 from within the Council's capital programme, be allocated by the Section 151 Officer, initially financed from capital receipts, with a view to the project being funded by a combination of £1.4m from Taylor Wimpey, a £1.4m loan from New Anglia Local Enterprise Partnership (NALEP), and a loan from Suffolk County Council. Following the conclusion of the negotiations with these parties and the outcome of the NALEP application, if there is any shortfall, this would be funded by the Council and recovered through the loan repayments by Taylor Wimpey, as set out in 2.9 and 2.10 of Report No: CAB/SE/15/021; and

(2) all of the above be subject to the satisfaction of the Section 151 and Monitoring Officers, in consultation with the Leader of the Council; and

(3) subject to Recommendations (1) and (2) above, delegated authority be granted to the Head of Planning and Growth, in consultation with the Leader of the Council, to enter into a loan agreement with Taylor Wimpey to commission the electricity infrastructure works.

(B) 2. – Transfer of land to Suffolk County Council for new High School at Moreton Hall, Bury St Edmunds

The report relating to this item (CAB/SE/15/022) had previously been circulated as a late item as Appendix B to Report: COU/SE/15/016.

Councillor Stevens introduced this report which underlined the determination of the council to deliver infrastructure to the residents in Moreton Hall and St Edmundsbury in general, and to provide educational and leisure facilities.

A capital contribution would be made to SCC for sports provision within the site and the Council would retain the lease on site to ensure that these leisure facilities remain. The facilities would be flexible rather than aimed at specific sports. There would be a fitness suite, two studios, sports hall, and pitches available for community use in the evenings and at weekends and it was not anticipated that availability for the community would decrease as the school expanded.

On the motion of Councillor Stevens, seconded by Councillor Stamp and duly carried, it was

RESOLVED: That

(1) 11.38 acres of land be transferred to Suffolk County Council for the construction of a new upper school at Moreton Hall, Bury St Edmunds, as detailed in Section 1 of Report No: CAB/SE/15/022, for the sum of £193,460

subject to a 125 year lease back of the land forming part of the shared community sports provision and an accompanying dual use agreement, whilst ensuring the commercial advantage of the Council's ransom strip is maintained; and

(2) a capital contribution of £1,366,460 be made to Suffolk County Council towards a shared community sports provision within the site made up of the balance of:

(a) £813,000 capital allocation for Bury Town FC relocation;

(b) £360,000 anticipated future s106 contributions for sporting facilities at

(c) the capital receipt of £193,460 detailed in (1) above; and

(3) delegated authority be given to the Head of Operations, in consultation with the Portfolio Holders for Waste and Property, and Leisure, Culture and Heritage, Chief Executive, s151 Officer and Monitoring Officer, to agree the terms of all legal agreements necessary to give effect to the above.

(B) 3. – Public Service Village Phase II: Update and next phase

Councillor Griffiths, Leader of the Council, informed Members that as three of the four recommendations were decisions that could be taken within the Cabinet's executive powers, consideration of this referral from Cabinet was no longer required and a new report would comb back to Council at a later date.

The Meeting concluded at 10.10 pm

Signed by:

Mayor
