

Report to: **Cabinet**

Date: **15 November 2005**

By: **Director of Law and Performance Management and
Deputy Chief Executive and Director of Corporate Resources**

Title of report: **Objections as landowner to the Southern Water Services Limited
(Brighton and Hove Wastewater Treatment Project) Compulsory
Purchase Order (No. 3) 2005**

Purpose of report: **To seek approval of proposed objections as landowner to the
Compulsory Purchase Order (CPO)**

RECOMMENDATIONS

The Cabinet is recommended to agree the attached draft letter of objection for submission to the Secretary of State by 22 November 2005.

1. Financial Appraisal

1.1 Submission of objections to the CPO will not of itself have financial consequences. However, should it be necessary to support the objections at a Public Inquiry there will be costs in terms of staff time and external advisors such as Counsel. Should this prove necessary a further report will be submitted setting out estimated costs.

1.2 The CPO could have a detrimental effect on the value of the Council's land remaining following implementation of the scheme, should it gain planning consent and Southern Water Services Ltd acquire Plot 2 in the CPO.

2. Supporting Information

2.1 Southern Water Services Ltd (SWS) have made a compulsory purchase order covering two parcels of land owned by the Council in Peacehaven. This is to enable them to construct the sewage treatment works which is the subject of two recent planning applications to the County Council as County Planning Authority. One application is subject to an appeal for non-determination being considered by the Planning Inspectorate and is the subject of a report to the Planning and Highways Sub-Committee on 9 November 2005. The other application is under evaluation.

2.2 A plan is attached (appendix 1) showing the Council's land affected as Plots 2 and 4. Plot 2 forms part of an area of surplus land allocated in the Lewes District Council Local Plan for industrial development. The whole of this land is due to be considered for disposal. Plot 4 is the site of a farm access track providing access to Lower Hoddern Farm, but technically it also forms part of the site of Peacehaven Community School.

2.3 No substantive discussions have taken place with SWS concerning their possible acquisition of these plots by agreement.

2.4 Should the County Council as landowner wish to make objections to the CPO, these have to be sent to the Secretary of State before 22 November 2005. Officers have considered the implications of the potential loss of these two plots of land and have drafted a suggested letter of objection to the CPO which is attached as Appendix 2 to this report.

2.5 It is important to note that objections cannot be made relative to matters of compensation, as such issues come under the jurisdiction of the Lands Tribunal and are consequential to the question of whether compulsory acquisition is merited.

2.6 The draft letter of objection therefore addresses non-compensation landowner issues.

2.7 It will be necessary to commence a dialogue with SWS on such landowner issues in parallel with discussions to enable full consideration as Planning Authority.

3. Conclusion and Reason for Recommendation

3.1 The County Council's retained land would be adversely affected should compulsory acquisition proceed as proposed by SWS. To protect the County Council's interest as landowner it is necessary to submit objections to the CPO to the Secretary of State by 22 November 2005.

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