NOTICE OF MOTION RELATING TO THE PROPOSED FOOTWAY LINK FROM CASTLE LAKE CAR PARK TO CASTLE SQUARE

Cabinet on 3 October 2016 considered a report by the Director of Development arising out of a Notice of Motion submitted by Councillor T B Tudor which had been referred to Cabinet for consideration and report back to Council for determination; such motion being in the following terms:

As the local County Councillor for the Castle Ward, I call on Pembrokeshire County Council to compulsory purchase the land that is required to carry out the long awaited works for a footway/pedestrian link from Castle Lake car park to Castle Square. Design for this scheme has already been prepared quite some time ago.

The report considered by Cabinet is attached as Appendix A.

Cabinet’s Decision was to recommend that the Notice of Motion be adopted and the use of Compulsory Purchase Powers be actively pursued, should the tripartite agreement not be signed by 30 November 2016.

RECOMMENDATION

That Council be recommended that the Notice of Motion be adopted and the use of Compulsory Purchase Powers be actively pursued, should the tripartite agreement not be signed by 30 November 2016.

Background Documents: None
NOTICE OF MOTION RELATING TO THE PROPOSED FOOTWAY LINK FROM CASTLE LAKE CAR PARK TO CASTLE SQUARE

A Notice of Motion submitted by Councillor T B Tudor has been referred to Cabinet for consideration and report back to Council for determination; such motion being in the following terms:

As the local County Councillor for the Castle Ward, I call on Pembrokeshire County Council to compulsory purchase the land that is required to carry out the long awaited works for a footway/pedestrian link from Castle Lake car park to Castle Square. Design for this scheme has already been prepared quite some time ago.

Councillor Tudor's written supporting submission to his Notice of Motion is attached as an Appendix.

This Notice of Motion relates to the Council’s desire to create a pedestrian footway link between Castle Lake car park (one of Haverfordwest’s main town centre car parks) and Castle Square (part of the town centre’s main shopping areas). The scheme has been designed and negotiations had been concluded with the respective landowners, namely the freehold owner of 52 Castle Square and the tenant of the same building.

Having arrived at a negotiated agreement, previous Notices of Motion calling for compulsory purchase powers to be evoked were not adopted.

Notwithstanding the fact that the creation of a much improved linkage between one of the main town centre car parks and the main retail area would directly benefit the owner and occupier of the property alongside such a footway, problems have been experienced in bringing this matter to a conclusion. Initially, the original tenant, 99p Stores, entered into protracted discussions with the Council regarding relocation of air conditioning units and other preparatory works. By the time this matter was concluded, 99p Stores was subject to a takeover by the Poundland group. This proposed takeover was subject to investigation by the Competition and Markets Authority and this further delayed progress.

Once the takeover by Poundland had been legally approved, a further delay occurred with the landlord not formally approving the assignment of the lease
from 99p Stores to Poundland. Since then, Poundland has, itself, been the subject of a further takeover by the South African retail group Steinhoff International.

The Council has continued to seek a negotiated settlement with the parties involved, and has recently been able to obtain verbal and written agreement from the landlord of his intention to proceed with the tripartite agreement. Further, the Property Manager at Poundland has also now indicated, following receipt of agreement from the landlord, that it too is willing to proceed with the tripartite agreement.

Based on this it is believed that the use of compulsory purchase powers, with the associated cost and time implications, can be avoided. However, should the tripartite agreement not be signed by November, entering into the use of compulsory purchase powers maybe the only way of bringing this matter to a conclusion. Cabinet has previously approved the use of compulsory purchase powers, and the recommendation within this report is therefore to actively commence the use of these powers in order to bring the matter to a conclusion, should the tripartite agreement not be signed by the end of November.

Comments by Chief Finance Officer

There would be unbudgeted costs associated with exercising compulsory purchase powers to bring the matter to a conclusion.

Comments by Head of Legal and Committee Services

It is confirmed that the Council has previously resolved to adopt the use of compulsory purchase powers contained in Section 226 of the Town & Country Planning Act 1990. There are specific powers under the 1990 Act, the Equalities Act 2010 and the Human Rights Act 1998 that the Council must have regard to if it utilises its compulsory purchase powers.

Comments by Head of Human Resources

There are no direct human resources issues arising from this report.

RECOMMENDATION:

That the Notice of Motion be adopted and the use of Compulsory Purchase Powers be actively pursued, should the tripartite agreement not be signed by 30 November 2016.

REASON FOR RECOMMENDATION:

To address a Notice of Motion.

Background Documents:
Cabinet reports of 30.11.15, 18.5.15, 6.10.14.
Council report 16.10.14
Supporting Submission - Notice of Motion relating to the Proposed Footway Link from Castle Lake Car Park and Castle Square

Over many years many officers from Pembrokeshire County Council have engaged in dialogue with me regarding their aspirations of a footway link between Castle Square and Castle Lake car park. As the local County Councillor I have always supported this link because it would enhance this unattractive area of the Town and of course improve the existing pedestrian access to the Castle, something I think we all would support and welcome.

I have over the years been told that negotiations are proceeding with the owners of the land in question that would be needed to create this link. I was then informed that negotiations have broken down and that a Compulsory purchase order would be necessary. As such a report went to Cabinet on the 23rd of May 2011 with the following recommendation: “That the Director of Development be authorised to take all necessary steps to secure the making, confirmation and implementation of a Compulsory Purchase Order under the provisions of Section 226 of the Town and Country Planning Act 1990 and if appropriate Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 in respect of land identified on the plan including the publication and service of all notices and the presentation of the Councils case at any public inquiry. Reason for recommendation “To enable the proposed scheme to be achieved.”

Five years after that report to Cabinet we are still talking about this link way but with no progress on the issue. My identical NOM on this subject was rejected by Cabinet with the Cabinet Member Cllr Keith Lewis stating at the Last Full Council Meeting 12.05.2016 that with hindsight he would have wished that my NOM had gone through, well here is another opportunity for my NOM to be accepted by Cabinet.

As such “As the Local County Councillor for the Castle Ward I call on Pembrokeshire County Council to compulsory purchase the land that is required to carry out the long awaited works for a footway/pedestrian link from Castle Lake Car Park to Castle Square. Design for this scheme has already been prepared quite some time ago.”

Councillor T B Tudor