NOTICE OF MOTION RELATING TO THE CAR PARK BUILT WITH HERITAGE LOTTERY FUNDING TO THE REAR OF FOLEY HOUSE AND HIGH STREET/MARKET STREET, HAVERFORDWEST

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 unused car park adjacent to Foley House which was constructed and completed in January 2011 with tax payers funding, see details below. This car park can then be used by the residents of the area to park their vehicles utilising the residents parking permit policy.

Funding details:

- Heritage Lottery Fund £230,688
- WAG £191,167
- Cadw £100,000
- PCC £336,526
- £858,381.

I also raised this notice of motion on the 16.06.2014 and a similar one in 2012.

This notice of motion also has the support from Director of Development and Director of Transportation, Housing & Environment in his report dated 02.11.2015 to Cabinet. In recommendation (A) it states:

a. That Cabinet approves the Council applying for Compulsory Purchase Order powers to acquire the car park adjacent to Foley House for the purpose of permit holder car parking by residential and commercial occupiers within the vicinity.

As such I call on Pembrokeshire County Council to fully implement recommendation (A) with immediate effect.

The report considered by Cabinet is attached as Appendix A.

Cabinet’s Decision was to recommend that Counsel’s advice be sought on the viability of the agreements currently in place to acquire the car park by the end of November 2016.
RECOMMENDATION

That Council be recommended to seek Counsel’s advice on the viability of the agreements currently in place to acquire the car park by the end of November 2016.

Background Documents: None
NOTICE OF MOTION RELATING TO THE CAR PARK BUILT WITH HERITAGE LOTTERY FUNDING TO THE REAR OF FOLEY HOUSE AND HIGH STREET/MARKET STREET, HAVERFORDWEST

The following 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 unused car park adjacent to Foley House which was constructed and completed in January 2011 with tax payers funding, see details below. This car park can then be used by the residents of the area to park their vehicles utilising the residents parking permit policy.

Funding details:

<table>
<thead>
<tr>
<th>Funding Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heritage Lottery Fund</td>
<td>£230,688</td>
</tr>
<tr>
<td>WAG</td>
<td>£191,167</td>
</tr>
<tr>
<td>Cadw</td>
<td>£100,000</td>
</tr>
<tr>
<td>PCC</td>
<td>£336,526</td>
</tr>
<tr>
<td></td>
<td>£858,381</td>
</tr>
</tbody>
</table>

I also raised this notice of motion on the 16.06.2014 and a similar one in 2012.

This notice of motion also has the support from Director of Development and Director of Transportation, Housing & Environment in his report dated 02.11.2015 to Cabinet. In recommendation (A) it states:

a. That Cabinet approves the Council applying for Compulsory Purchase Order powers to acquire the car park adjacent to Foley House for the purpose of permit holder car parking by residential and commercial occupiers within the vicinity.

As such I call on Pembrokeshire County Council to fully implement recommendation (A) with immediate effect.

Councillor Tudor’s written submission in support of his Notice of Motion is attached as an Appendix.
The purpose for the construction of the car park to the rear of properties on High Street and Market Street was to provide parking for these buildings in order to bring their upper floors back into beneficial use. The Council’s involvement (apart from constructing the car park with HLF monies) relates to ownership of the only access to the car park, which runs through the side of the grounds of Foley House.

In response to Councillor Tudor’s Notice of Motion from 2014, reports were considered by Cabinet on 6 October, 2014, 18 May, 2015 and 2 November, 2015. These resulted in the Council obtaining consent from the Heritage Lottery Fund to widen the purpose for which the grant monies were given, such that the car park can also be used for permit holders, focussing on the use by residential and commercial occupiers within the vicinity.

The most recent decision from Cabinet was that Officers continue to negotiate with the landowners to encourage them to jointly sign up to a formal car park management agreement, and that the application for Compulsory Purchase Order (CPO) powers be approved, in order to bring the car park into proper use if negotiations were unsuccessful.

At present, the HLF funded car park remains in the ownership of each of the properties in which back gardens it is located. Until the ownership or management of the car park can be dealt with as a single entity its use will not be possible. With the lack of success in negotiating such an agreement between the respective property owners, it now falls to compulsory purchase to bring this matter to a head.

Whilst negotiations will continue with the landowners, it is recommended that the Compulsory Purchase Order previously approved by Cabinet is now pursued.

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 Council proceeds with the application for a Compulsory Purchase Order to enable it to acquire the car park for the purpose of permit holder car
parking by residential and commercial occupiers within the vicinity, whilst at
the same time continuing to pursue negotiations with the landowners.

**REASON FOR RECOMMENDATION:**

*To address a Notice of Motion referred from Council and Cabinet resolutions.*

---

**Background Documents:**

Cabinet reports of 6.10.2014, 18.5.2015 and 2.11.2015
Cabinet report of 23.5.2016 relating to Haverfordwest Townscape Heritage Initiative and 29 High Street
Supporting Submission - Notice of Motion relating to the Car Park built with Heritage Lottery Funding to the rear of Foley House and High Street/Market Street, Haverfordwest

This car park of 43 spaces was constructed with tax payer’s money:

- Heritage Lottery Fund £230,688
- WAG £191,167
- Cadw £100,000
- PCC £336,526
- £858,381

and was designed and built to serve the business premises on the left hand side of Haverfordwest High Street. The land that was used to build the car park on was derelict gardens owned by the various properties owners on the High Street and Market Street. Once the car park was completed the various businesses would form a group or Trust and assign car parking bays to one another in an amicable and professional manner. Sadly that never happened and as such the car park which cost the Tax Payers (Heritage Lottery funding) £858,381 has been lying idle since construction was completed in January 2011 years.

I did raise a similar notice of motion at full council on 23rd of February 2012 but I did not include the “Compulsory Purchase” aspect, however I do recall Cllr Jamie Adams clearly stating that if this car park did not come into use soon as it was intended for then certainly the issue for residents parking could be explored. Well here we are in 2016 and now the time for action is need as such: “As the Local County Councillor for the “Castle Ward” I call on Pembrokeshire County Council to compulsory purchase the newly created and unused car park adjacent to Foley House. This car park can then be used by the residents of the area to park their vehicles utilising the residents parking permit policy”

I also raised the notice of motion on the 16.06.2014

Councillor T B Tudor