



CABINET - 18TH SEPTEMBER 2012

SUBJECT: MARKHAM COLLIERY (WEST OF RIVER SIRHOWY) PROPOSED PURCHASE – REVISION TO ACQUIRING PROVISION

REPORT BY: CHIEF EXECUTIVE

1. PURPOSE OF REPORT

- 1.1 At its meeting on 8th March 2011 Cabinet agreed to compulsory purchase land at the former Markham Colliery under the provisions of the Planning and Compulsory Purchase Act 2004. This report seeks authorisation to compulsory acquire the same area under provisions contained in the Countryside Act 1968.

2. SUMMARY

- 2.1 The report seeks to amend the legislation under which the compulsory acquisition of land is progressed from that previously agreed by Cabinet.

3. LINKS TO STRATEGY

- 3.1 The proposals for the former Markham Colliery complex form the backbone of the Upper Sirhowy Valley Local Action Plan through the North Sirhowy Valley Design Study. The proposals have strong links with all four themes of the Community Plan but perhaps notably the Living Environment and Regeneration themes. The redevelopment of the former colliery also has strong links with the Sustainable Development Strategy in so much that it promotes healthier and more fulfilled lives whilst also promoting reduced resource consumption and addressing issues of climate change. The proposals are contained within the newly approved Local Development Plan for the County Borough. Planning consent for the creation of a Country Park was granted on the 4th November 2011.

4. THE REPORT

- 4.1 A copy of the report approved by Cabinet at its meeting of 8th March 2011 is attached as appendix 1. This report relates to the same area of land and has come about as a result of advice from the Head of Legal and Governance.
- 4.2 Cabinet approval was given to proceed with the acquisition of the site utilising the provisions contained under section 99 of the Planning and Compulsory Purchase Act 2004. The Head of Legal and Governance advises that as the land sought to be acquired is for the purpose of creating a country park it would be more appropriate to proceed with the acquisition utilising provisions contained under the Countryside Act 1968. Cabinet approval is needed to amend the provisions under which acquisition is sought and this report recommends accordingly.

5. EQUALITIES IMPLICATIONS

- 5.1 An EqIA is not needed because the issues covered have previously been considered by the Council during the Cabinet meeting of the 8th March 2011.

6. FINANCIAL IMPLICATIONS

- 6.1 The proposed land acquisition would be funded through the Heads of the Valleys Initiative. The on going costs of managing the land would be met largely from grant aid from the Heads of the Valleys Initiative until the end of the 2012/13 financial year. Thereafter costs would be met through Planning budgets.

7. PERSONNEL IMPLICATIONS

- 7.1 There are currently no personnel implications.

8. CONSULTATIONS

- 8.1 There are no consultation replies, which have not been incorporated into the recommendations.

9. RECOMMENDATIONS

- 9.1 In pursuance of the powers contained in Section 7 (4) of the Countryside Act 1968 and all other enabling powers, a Compulsory Purchase order of the land described in this report and identified on the plan displayed at this Cabinet meeting to be known as the Caerphilly County Borough Council (Former Markham Colliery, West of River Sirhowy, Markham Redevelopment) Compulsory Purchase Order 2012 be made and sealed by the Council and that notice thereof be duly given and published and that the same be submitted to the National Assembly for Wales for confirmation.
- 9.2 Notwithstanding the recommendation at 9.1 above pending the making of the Compulsory purchase Order officers be authorised to seek to acquire the land by agreement with the interested parties.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 To progress proposals for the former Markham Colliery and surrounds.

11. STATUTORY POWER

- 11.1 The Compulsory Purchase Order would be undertaken by powers contained in Section 7 (4) of the Countryside Act 1968.

Consultees: Principal Solicitor (Geoff Gordon)
Cllr Ken James Cabinet Member for Regeneration Planning and Sustainable
Development
Cllr Leon Gardiner Argoed Ward Member
Anthony O' Sullivan Chief Executive Officer
Pat Mears Head of Regeneration and Planning
Norman Liversuch Manager Countryside and Landscape Services
Chief Property Officer (Mark James)
Principal Engineer (Kevin Kinsey)

Background Papers:

Appendices:

Appendix 1: Report approved by Cabinet at its meeting of 8th March 2011.