



## **RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

### **CABINET**

**29<sup>TH</sup> APRIL 2021**

#### **PORTH TRANSPORT HUB: COMPULSORY PURCHASE ORDER**

#### **REPORT OF THE GROUP DIRECTOR OF PROSPERITY, DEVELOPMENT AND FRONTLINE SERVICES IN DISCUSSIONS WITH THE CABINET MEMBER FOR ENTERPRISE, DEVELOPMENT AND HOUSING – COUNCILLOR BEVAN AND THE LEADER OF THE COUNCIL AND CABINET MEMBER FOR HIGHWAYS AND TRANSPORTATION - COUNCILLOR ANDREW MORGAN**

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#### **1.0 PURPOSE OF THE REPORT**

- 1.1. The purpose of this report is to seek Cabinet approval to exercise Compulsory Purchase Order powers in respect of land adjacent to the site of the Porth Transport Hub for the purpose of creating a safe access route to the new facility.

#### **2.0 RECOMMENDATIONS**

- 2.1 It is recommended that Cabinet consider the preliminary investment and enabling works carried out in order to prepare the development site for the Porth Transport Hub and the position of the facility as the anchor project within the wider-reaching Porth Town Centre Strategy, and;
- 2.2 Grant authorisation to the Group Director of Prosperity, Development and Frontline Services to:
- 2.3 To take all necessary steps to secure the making, confirmation and implementation of a Compulsory Purchase Order (if required) in respect of the land identified in the reference plan at Appendix [1] to the report including but not limited to the following:
  - All steps up to and including seeking confirmation of the CPO by the Welsh Ministers (or, if permitted, by the Council pursuant to Section 14A Acquisition of Land Act 1981), including the preparation and presentation of the Council's case for any Written Representations, Hearing or Public Inquiry which may be necessary;



- Publication and service of notices of confirmation of the CPO and thereafter to execute and serve any General Vesting Declarations and/or Notices to Treat and Notices of Entry;
- To acquire the necessary interests in the land; and
- Referral and conduct of disputes, relating to compulsory purchase compensation, to the Upper Tribunal (Lands Chamber).

### **3.0 REASONS FOR RECCOMENDATION**

- 3.1 Although the Authority has made its best effort to acquire the necessary land for the provision of the safe access to the Porth Transport Hub development via a mutually beneficial agreement, no such outcome has been achieved at a critical juncture for the project.
- 3.2 Whilst constructive dialogue continues with the affected parties, there is still a risk that the discussions may not yield the required result which would have significant ramifications for the progress and viability of the development.
- 3.3 Although it is still hoped that the land can be acquired via agreement, it has become necessary to develop a case for a Compulsory Purchase Order as a contingency in order to ensure the authority can still acquire the necessary land, which is integral for the provision of safe and secure access to the new Porth Transport Hub.

### **4.0 BACKGROUND**

- 4.1 Enabling vibrant and enticing town centres, with a strong offer which recognises that they are at the heart of our communities, is a clear commitment within Rhondda Cynon Taf County Borough Council's Corporate Plan. The plan also makes a commitment that they will benefit from investment to ensure an attractive environment exists for businesses, residents and shoppers.
- 4.2 To deliver this commitment and to tackle the many challenges faced by our town centres, the solution requires a sophisticated and sustainable approach to regeneration.
- 4.3 As such, the Porth Town Centre Strategy sets out an integrated, co-ordinated and holistic approach to town centre regeneration that takes into account the distinctive role Porth has at the gateway to the Rhondda Valleys and its important location for services, employment, housing and transport function. The Porth Transport Hub is the anchor project within the Strategy that will serve as the key catalyst for the holistic regeneration of the town.



## **5.0 CONTEXT: PORTH TOWN CENTRE STRATEGY**

- 5.1 With the creation of strong, resilient and vibrant town centres as a key component of the Council's 2016-20 Corporate Plan, 'The Way Ahead', The Porth Town Centre Strategy was created to rejuvenate Porth and the surrounding area through a holistic and comprehensive strategy of targeted regeneration. The strategy proposed that this would be cultivated via the delivery of a series of projects based on connectivity, housing and retail and maximising the potential of Porth's geographical and cultural designation as the 'Gateway to the Rhondda'.
- 5.2 The Porth Transport Hub is the largest project within the Strategy's programme and will serve as an anchor for comprehensive regeneration, development and investment across Porth Town Centre and the surrounding area.
- 5.3 Through support from the Cardiff Capital City Deal, modernisation via the South Wales Metro development and an increase in trains on valleys lines from two to four per hour, the development of the Porth Transport Hub is timed perfectly to coincide with the most significant development of the Welsh rail network in decades and provides a prime opportunity to capitalise upon the benefits.

## **6.0 THE PORTH TRANSPORT HUB**

- 6.1 The Porth Transport Hub will be a structure adjacent to the existing Porth Train Station platform which will serve as a transport interchange, linking bus passengers via the new Transport Hub with the existing rail platform. It will be conveniently built at the North end of Hannah Street, allowing easy access for residents, visitors and workers into the heart of Porth Town Centre.
- 6.2 The total land footprint of the Porth Transport Hub is approximately 3,400 square metres. The complete site encompasses a plot of land created through the purchase and demolition of three key structures; the vacated Barclays Bank building; Porth Farm Surgery and the Alec Jones Day Centre; services from which have been relocated to the nearby Porth Plaza Community Hub.
- 6.3 In order to provide a safe route to the Porth Transport Hub, it is necessary to construct a new access route off Porth Street, Porth. Rights of access will be maintained for the adjacent nightclub and telephone exchange to allow for continued use of their rear car parks and entrances.
- 6.4 To construct this new access route additional land must be acquired.



## **7.0 LAND TO BE ACQUIRED THROUGH COMPULSORY PURCHASE**

- 7.1 The land to be acquired comprises an area of 369m<sup>2</sup> and is located to the East of Porth Street adjacent to a private access lane on its Northern boundary, which is currently within the ownership of Rhondda Cynon Taf County Borough Council (See appendix 1).
- 7.2 The land is located at the Northern boundary of the British Telecom site and comprises of a flat area of tarmac which forms an access point off Porth Street. This leads to the rear of the building which is in the ownership of British Telecom but has shared access rights with the adjacent property owners (Meadbro Ltd, owners of the adjacent Squares Nightclub) and leads to a lockable double gated access, with key access controlled by Meadbro Ltd.
- 7.3 The site boundary is formed by an access gate on the Western edge which forms the main access / egress to the site; a 1500mm high chain link fence on the Northern side which runs the full length of the boundary; a rendered brickwork wall along the Eastern edge and the British Telecom building on the Southern edge.
- 7.4 While the land in question is generally used for access for British Telecom vehicles (and a right of way for vehicles for Meadbro Ltd), British Telecom engineers also use the South Western area for parking for two non-service vehicles. There is also an area for loading mid-way along the building elevation and a number of access chambers containing British Telecom services which require unfettered access periodically.

## **8.0 JUSTIFICATION FOR COMPULSORY PURCHASE**

- 8.1 As part of the Porth Transport Hub development, the Council has maintained consistent, constructive and positive engagement with the parties affected in order to reach a mutually beneficial agreement which would allow the Council to utilise the land in question as part of the Porth Transport Hub development.
- 8.2 Despite the Council's best efforts over an extensive period of time, no suitable agreement with the affected parties has been reached to date. In its attempts to reach an agreement, the Council has worked to ensure that the affected parties would have continued and unfettered access to their properties for the purposes of their business. Additionally, the Council has offered to address any concerns over the acquisition, such as guaranteed rights of access and additional security features for the land in question.
- 8.3 There has been consistent discussion via email and telephone over the proposals and multiple site meetings have been facilitated by the Council in order to properly illustrate the proposals. A range of feedback has been taken on board



by the Council and considerable progress has been made recently in working to acquire the land from the affected parties via agreement.

- 8.4 Council representatives have worked closely with the affected parties **to develop heads of terms** for a mutually beneficial agreement. This agreement would see the Council acquire the land in return for reasonable compensation, without the need for a Compulsory Purchase Order. Negotiations suggest that the affected parties are close to agreeing the heads of terms in principle. Feedback has been provided by the affected parties on the proposals which the Council continues to address in order to maximise the potential for a successful agreement.
- 8.5 Whilst acquiring the land via agreement is the preferred route there is still a risk that discussions may be unsuccessful in producing such an outcome. Therefore, it is necessary at this point in time to begin Compulsory Purchase Order proceedings as a contingency in order to acquire land that is integral to the project's success.
- 8.6 The land in question is critical to the Porth Transport Hub development as a safe access route. Significant analysis of the proposals and any alternatives has been conducted by the Council with no suitable alternative being determined. The land to be acquired through this proposal has been judged by multiple professionals to be necessary to deliver the safest viable route to the new Porth Transport Hub. Given that the development is now at a critical stage, with construction due to start in early summer, the acquisition of the land in a timely manner is essential for the development.

## 9.0 NEXT STEPS

- 9.1 In order to proceed with a CPO, the Council will need to prepare a Statement of Reasons which will set out why it is necessary to exercise CPO powers. A Land Reference plan will also need to be prepared detailing the land to be acquired.
- 9.2 Once these have been finalised the CPO will be drafted and sealed. Notice of making the CPO is then published in the press, erected on site and provided to the landowners and other parties who have a legal interest (if any). The CPO is then submitted to the Planning Inspectorate for confirmation. Depending on whether relevant objections are received, the CPO may be considered following written representations, a hearing or a public inquiry.
- 9.3 The Welsh Ministers will then refuse or confirm the CPO with or without modification. If no objections are received and the order may be confirmed without modification the Welsh Ministers may permit the Council to confirm the CPO under section 14A Acquisition of Land Act 1980. If the CPO is confirmed the Council will need to take the necessary steps to acquire the land. This will be by serving a Notice to Treat and a Notice to Enter or by making a General Vesting Declaration. Compensation will also need to be agreed with the affected parties.



## **10.0 EQUALITY AND DIVERSITY IMPLICATION**

10.1 An Equality Impact Assessment (EqIA) form has been completed for this project, in accordance with The Council's Equality Impact Assessment Guidance (2015). The initial EqIA screening process did not identify any high or negative impacts on any particular group or groups, thus a full EqIA is not required for this project.

## **11.0 CONSULTATION**

11.1 The development of the Porth Town Centre Strategy included full and comprehensive consultation involving direct interface with the public through events scheduled in Porth and the surrounding area throughout November and December 2018.

11.2 Events were programmed in Porth Plaza; Morrisons Supermarket Porth; Gilfach Goch Community Centre; Tonyrefail Leisure Centre; Rhiwgarn Community Centre and Ferndale Library. This programme of events offered the Council and public an opportunity to participate in the development of the series of projects contained within the Porth Regeneration Strategy, including the Porth Transport Hub.

## **12.0 FINANCIAL IMPLICATION(S)**

12.1 The Compulsory Purchase Order will generate financial implications by means of the fees to be incurred undertaking the statutory processes involved in seeking confirmation of the Order. If confirmed, the Council will need to agree and pay the settled compensation amounts (if the compensation cannot be agreed this may mean that the matter is referred to the Lands Tribunal). It is considered that the approved budget in place for the development of the Porth Transport Hub means that there is sufficient existing resource in the capital programme to fund the recommendations.

## **13.0 LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED**

13.1 The Council has the power to make the CPO under the provisions of the Acquisition of Land Act 1981 and Highways Act 1980.

## **14.0 LINKS TO THE CORPORATE AND NATIONAL PRIORITIES AND THE WELL-BEING OF FUTURE GENERATIONS ACT.**

14.1 The delivery of this project will contribute to the Council's corporate priorities:





- Economy – building a strong economy
- People – promoting greater connectivity and independence
- Place – creating neighbourhoods where people are proud to live and work

14.2 Enabling vibrant and enticing town centres, with a strong offer, which recognises that they are at the heart of our communities is a clear commitment within Rhondda Cynon Taf County Borough Council's 2016-20 Corporate Plan "The Way Ahead". The strategy is consistent with the sustainable approach promoted by the well-being of Future Generations (Wales) Act through the five ways of working:

14.3 **Long term** – the Porth Transport Hub development is an investment designed to bring significant long-term benefits to the town, its people and the local economy. The facility will promote greater use of public transport; provide an opportunity to physically regenerate the town and attract greater investment into Porth as an excellent place in which to visit, live and work.

14.4 **Prevention** – Once constructed and complemented by the increase in trains from two to four per hour, the Porth Transport Hub will enable access to a seamless and integrated transport system for the public; preventing significant traffic congestion and pollution in the region from worsening.

14.5 **Integration** – The Porth Transport Hub will help deliver a number of the objectives identified within the Council's Corporate Plan. The Hub is also firmly established within the Porth Town Centre Strategy as the key basis for providing holistic and comprehensive physical and economic regeneration throughout the Town.

14.6 **Collaboration** – Constructive partnerships with other public services and third sector organisations such as Transport for Wales are critical and intrinsic to the success of this project.

14.7 **Involvement** – Extensive public consultation has been carried out; with 83% of local respondents agreeing that improving connectivity within the town centre and surrounding areas through the development of the Transport Hub was important in the regeneration of Porth.

14.8 This approach makes a direct contribution to the seven national well-being goals, in particular a prosperous Wales, a resilient Wales, a healthier Wales, a Wales of cohesive communities and a more equal Wales.

## 15.0 CONCLUSION

15.1 This report sets out the reasons a Compulsory Purchase Order is necessary to acquire the land to develop the Porth Transport Hub and the steps required.



15.2 The acquisition of the necessary land would enable the progression of the Porth Transport Hub development, which would bring improved connectivity within the wider area. The development has the potential to attract more people to the town to work, live, visit and invest.

**Other Information:-**

***Relevant Scrutiny Committee***

Public Service Delivery, Communities and Prosperity Scrutiny Committee

***Contact Officer:***

Derek James / Roger Waters





**LOCAL GOVERNMENT ACT 1972**

**AS AMENDED BY**

**THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

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AND TRANSPORTATION - COUNCILLOR ANDREW MORGAN**

**Item:**

**Background Papers**

None.

Appendix

**Appendix 1.0: Map of the Site of the Porth Transport Hub and Sections of Land to be Acquired (1; 1b; 9)**



