

9th July 2015

**REPORT OF THE
Portfolio Holder for Economy and Education**

**COMPULSORY PURCHASE ORDER FOR LAND AND PROPERTY ON THE KERRIA
REGENERATION SITE**

EXEMPT INFORMATION
NOT CONFIDENTIAL

PURPOSE
<ul style="list-style-type: none"> ● To set out for Cabinet the current position in relation to the acquisition of land and property assets on Kerria regeneration site. ● To set out the land and property asset acquisitions required for the regeneration site. ● To seek full approval for the making of a Compulsory Purchase Order in respect of remaining interests in the Estate land shown at Appendix 1

RECOMMENDATIONS
<ul style="list-style-type: none"> ● It is recommended that Cabinet note the current position of land and property asset acquisitions on the Kerriaregeneration site. ● It is recommended that Cabinet approve the making of a compulsory purchase order or orders under section 226(1)(a) Town and Country Planning Act 1990 in respect of acquisition of all remaining outstanding interests and any new rights (if required) under Section 13 of the Local Government and Miscellaneous Provisions Act 1976 in the Kerria Estate (shown edged black on the plan at Appendix 1) ● It is recommended that Cabinet authorises the Director of Assets and Environment to negotiate the acquisition of all remaining interests and rights in land shown single edged black at Appendix 1 in advance of and alongside the making of the Compulsory Purchase Order(s) if voluntary negotiations are unsuccessful as well as to agree costs and/or compensation relating to the land edged black or the CPO payable as a result of giving effect to the above recommendations; ● It is recommended that Cabinet authorises the Director of Assets and Environment to make/initiate any appropriate agreements/applications/licences under the Highways Act 1980 (including but not limited to section 38 and/or section 278 agreements) and to submit an application under section 247 Town and Country Planning Act 1990 to stop up any highway within the area edged black at Appendix 1 as is or are necessary for the Kerria Scheme. ● It is recommended that delegated authority be given to the Solicitor to the Council in consultation with the Director of Assets & Environment to take all

necessary steps to give effect to the above recommendations including (but not limited to) execution of documents as required to secure the making, confirmation and implementation of the Compulsory Purchase Order and presentation at any Public Local Inquiry including the service of notices to give effect thereto including High Court Enforcement Officer's notices and (if granted power to do so by the Secretary of State) to confirm the Compulsory Purchase Order and to complete acquisitions of land and rights within the area shown edged black at Appendix 1.

EXECUTIVE SUMMARY

- The regeneration of the Tinkers Green and Kerria Centre estates form an important ambition for the Council and on 28th November 2012 Cabinet approved recommendations contained in a Feasibility Study to regenerate the Kerria Estate (along with the Tinkers Green Estate). A decant process commenced in 2014 on the Tinkers Green estate and remains ongoing. The decant programme on the Kerria estate is due to commence early 2016. It is expected that all buildings on the site will be empty and can be demolished in time for redevelopment to commence in 2017/18.
- Cabinet previously approved "in principle" the making of a compulsory purchase order for the scheme on 6th November 2014. It was stated at that meeting that a further report would be produced prior to making.
 - The dedicated legal powers under which a local authority may acquire land including by compulsory purchase for development, re-development or improvement) are contained within section 226(1)(a) Town and Country Planning Act 1990. Under Section 226(1A) the power must not be exercised unless the local authority consider the development, re-development or improvement is likely to contribute to the promotion of the economic, social or environmental well being of their area
 - A copy of the Plan showing the land for which authority is sought to CPO is at Appendix 1. The full case for compulsory purchase is set out in more detail in Appendix 2. Human rights are considered in Appendix 3. An Equalities Analysis for CPO has been provided at Appendix 4.
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RESOURCE IMPLICATIONS

The 2015/2016 HRA business plan approved by Cabinet on 19th February 2015 allocates a total budget of £30.87 million for Regeneration Projects, of which £6.7m is allocated specifically to Kerria.

Budget of £500k has been allocated within this overall project budget to allow for the acquisition of land and property at the current market rates along with compensatory payments as assessed by our appointed agent in accordance with current legislation; these values are subject to challenge and sufficient allowance will be needed within the budget to meet any additional costs. Budget has also been allocated to cover the costs of making and confirming the CPO, preparation for any Public Inquiry (should objections be made). All costs are monitored and reported to Cabinet as part of the Quarterly Healthcheck Report.

External agents have been appointed to assist with the CPO process and this support will continue throughout the project until matters have been concluded.

No additional staffing resource will be required to deliver this process.

LEGAL/RISK IMPLICATIONS BACKGROUND

- Section 226(1) allows the Council to acquire land for the purposes of development, re-development or improvement, so long as it thinks this will contribute to promotion or improvement of economic, social or environmental well-being of the area
- Failure to acquire the property and land assets in a timely manner would be detrimental to the delivery of the project.
- The Council will need to evidence how it meets the requirements set out in Section 226(1) as well as the tests set out in Circular 06/2004 and the relevant Annexes (summarised in this report), in order to make its case that the CPOs should be made.
- In considering whether to make the CPOs the Human Rights Act 1998 applies. The relevant rights that have been considered are set out in Appendix 3.

SUSTAINABILITY IMPLICATIONS

None specifically identified.

BACKGROUND INFORMATION

Cabinet has previously approved “in principle” the making of a CPO in its report dated 6th November 2014

REPORT AUTHOR

Paul Weston, Head of Asset Management

LIST OF BACKGROUND PAPERS

APPENDICES

- Appendix 1– CPO Area edged Black
- Appendix 2 - Justification for CPO
- Appendix 3 – Human Rights
- Appendix 4 – Equalities Analysis

