

9<sup>th</sup> July 2015

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

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

<b>EXEMPT INFORMATION</b>
NOT CONFIDENTIAL

<b>PURPOSE</b>
<ul style="list-style-type: none"> <li>● To set out for Cabinet the current position in relation to the acquisition of land and property assets on Tinkers Green regeneration site.</li> <li>● To set out the land and property asset acquisitions required for the regeneration site.</li> <li>● 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</li> </ul>



<b>RECOMMENDATIONS</b>
<ul style="list-style-type: none"> <li>● It is recommended that Cabinet note the current position of land and property asset acquisitions on the Tinker's Green regeneration site.</li> <li>● It is recommended that Cabinet approve the making of a compulsory purchase order under Section 17 of the Housing Act 1985 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 Tinkers Green Estate (shown edged black on the plan at Appendix 1) to facilitate redevelopment for housing purposes</li> <li>● 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 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;</li> <li>● 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 Tinkers Green Scheme.</li> <li>● It is recommended that delegated authority be given to the Solicitor to the Council in consultation with the Director of Assets &amp; Environment to take all</li> </ul>

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 an 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 28<sup>th</sup> November 2012 Cabinet approved recommendations contained in a Feasibility Study to regenerate the Tinkers Green Estate (along with the Kerria Estate) A decant process commenced in 2014 and remains ongoing. It is expected that all buildings on the site will be empty and can be demolished in time for redevelopment to commence in 2017. Outline planning permission was granted for the site on 9<sup>th</sup> June 2015 and it is anticipated that, subject to achieving the subsequent reserved matters planning permissions, redevelopment of the site will be complete by 2019.
  - Cabinet previously approved "in principle" the making of a compulsory purchase order for the scheme on 6<sup>th</sup> 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 housing purposes are contained within Part II, Section 17 Housing Act 1985
  - ODPM Circular 06/04 Appendix E specifies that the acquisition of land under Section 17 of the Housing Act 1985 must achieve a qualitative or quantitative housing gain. The Tinkers Green scheme will achieve both of these.
  - A copy of the Plan shown the land for which authority is sought to CPO is at Appendix 1. The full case for making the CPOs 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.

## **RESOURCE IMPLICATIONS**

The 2015/2016 HRA business plan approved by Cabinet on 19<sup>th</sup> February 2015 allocates a total budget of £30.87 million for Regeneration Projects, of which £11.75m is allocated specifically to Tinkers Green.

Budget of £700k 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 and preparation for any Public Inquiry (should objections to the CPO 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 17 of the Housing Act 1985 allows the Council to acquire land or houses for the erection of houses as well as for other ancillary housing purposes.
- 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 17 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 6<sup>th</sup> November 2014

#### **REPORT AUTHOR**

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#### **LIST OF BACKGROUND PAPERS**

#### **APPENDICES**

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

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