

**Cabinet**

**17 March 2021**

**Agnes Street, Stanley – Proposed  
Compulsory Purchase Order**

**Ordinary Decision**



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## **Report of Corporate Management Team**

**Amy Harhoff, Corporate Director of Regeneration, Economy and Growth**

**Councillor Kevin Shaw, Cabinet Portfolio Holder for Strategic Housing and Assets**

### **Electoral division(s) affected:**

Tanfield

### **Purpose of the Report**

- 1 To seek authority from Cabinet to make a Compulsory Purchase Order (CPO) pursuant to section 226(1)(a) of the Town and Country Planning Act 1990 (“the Order”) in relation to a site known as Agnes Street in Stanley.
- 2 To seek authority from Cabinet to take all ancillary steps necessary in order to secure the confirmation of the Order and purchase of the Land.
- 3 To agree to the principle of the acquisition of land required for the CPO by agreement in advance of CPO should this be possible.
- 4 To agree to the Council paying required compensation as appropriate.

### **Executive summary**

- 5 Development on the site known as Agnes Street has been a long-term aspiration for Durham County Council (“the Council”) and is identified in the Stanley Masterplan as a site that requires improvement, due to its negative impact on the locality. This regeneration focus on an undeveloped site is consistent with the recently approved Towns and Villages strategy with one of its key priorities around addressing vacant buildings and derelict or underused land. The full site being considered

for development is shown edged in red on the plan attached at **Appendix 2** (“the Development Site”). Almscliffe Properties (Agnes St) Ltd (APL) has secured options over the majority of the Development Site, including Council owned land, and pre-lets from occupiers in a process commenced in 2019. Planning permission was granted in respect of the Development Site on 1 July 2020. The development approved is for the erection of three retail units, including one drive-thru (Class A1, A3 and A5 use) with associated landscaping, parking and access.

- 6 The Council owns four parcels of land within the Development Site. These are coloured yellow (ref DU313012), light blue (ref DU312924), bright green (ref DU312039) and dark green (ref DU227842) on the plan attached to this report at **Appendix 3** (“the Council’s Land”).
- 7 That part of the Development Site coloured dark blue on the plan attached to this report at **Appendix 3** (ref DU243218) is owned by Whitehall Executive Developments Ltd (WEDL) and is subject to an option granted to APL (“WEDL’s Land”).
- 8 The parcel of land shown red on the plan attached to this report at **Appendix 3** (ref DU343266) is owned by Northern Gas Networks Ltd and will remain in situ and unaffected by the proposed development.
- 9 The hatched areas shown on the plan attached to this report at **Appendix 3** are not registered at Land Registry, and despite repeated attempts, it has not been possible to trace the owners or any person with an interest in these hatched parcels of land. These hatched areas of land are required in order to provide the necessary car parking and utility areas associated with the proposed development. It is proposed to make a compulsory purchase order in respect of this unregistered land (“the CPO Land”).
- 10 That part of the Development Site shown coloured dark green on the plan attached to this report at **Appendix 3** has been marketed by DCC, most recently in 2018, alongside the land coloured dark blue (and which is owned by WEDL). After marketing, WEDL agreed to dispose of its land (via way of an option) to APL on condition that APL acquires an unencumbered freehold interest in further land to facilitate their development.
- 11 APL’s development requires the Development Site to allow enough area for its proposals to be deliverable. In summary this includes all the land parcels described at paragraphs 6-7, plus the CPO Land. The CPO Land which currently forms part of the unadopted highway known as Agnes Street, is proposed to form the only access into the development.
- 12 The Council has searched paper records and Land Registry data to try to establish any person with an interest in the CPO Land. Direct

approaches have also been made to previous landowners to ascertain any knowledge of potential ownerships but with no success. In addition, site and press notices were issued by APL as part of the planning application process with no person coming forward to claim a legal interest in the CPO Land.

- 13 The Council and APL have considered options in how to bring the development forward without recourse to acquiring the CPO Land, but none are acceptable for securing development finance, nor unconditional pre-lets.
- 14 Officers are satisfied that no option other than the freehold purchase of the whole of the Development Site is likely to result in the delivery of the scheme. Given that significant efforts have been made unsuccessfully to trace any person with a legal interest in the CPO Land and no person has been identified, the Council considers that the only realistic option available to ensure delivery of the scheme is to make a Compulsory Purchase Order (“CPO”) in respect of the CPO Land. The CPO Land is shown in greater detail on the Order Map attached to this report at **Appendix 4**.
- 15 Powers exist under section 226(1)(a) of the Town and Country Planning Act 1990 to compulsorily purchase land if the acquiring authority is satisfied that it is necessary in order to deliver the development redevelopment or improvement on or in relation to land and that it is likely to contribute to the promotion or improvement of the economic, social or environmental well-being of their area.
- 16 Subject to legal and other issues being resolved, the Council is satisfied, as acquiring authority, that there is a compelling case in the public interest in favour of making a CPO pursuant to section 226(1)(a) of the Town and Country Planning Act 1990 to acquire the CPO Land.

## **Recommendation(s)**

- 17 Cabinet is recommended to:
  - (a) resolve that the use of Compulsory Purchase powers under section 226(1)(a) of the Town and Country Planning Act 1990 and any necessary powers in relation to new rights under Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 are justified in order to facilitate the carrying out of development, re-development or improvement on or in relation to the Development Site by the compulsory acquisition of the CPO Land;
  - (b) approve the draft County Council of Durham (Agnes Street) Compulsory Purchase Order 2021 as attached at **Appendix 5**, the Order Map comprising the CPO Land as attached at

**Appendix 4** and the draft Statement of Reasons made in support of the Order and attached at **Appendix 6** (“the Statement of Reasons”);

- (c) resolve to authorise the making of the County Council of Durham (Agnes Street) Compulsory Purchase Order 2021 under section 226(1)(a) of the Town and Country Planning Act 1990;
- (d) authorise the Head of Legal and Democratic Services to make such changes to the draft Order, the Order Map (within the red line boundary as shown on the Order Map) and Statements of Reasons as considered necessary;
- (e) authorise the Head of Legal and Democratic Services to take all necessary steps to secure confirmation of the Order, to confirm the Order as an unopposed order if authorised to do so and to secure the acquisition of all third party interests in the CPO Land and any new rights and the removal of any occupants from the Land (noting that there are none identified);
- (f) authorise the Head of Legal and Democratic Services, following confirmation of the Order, to publish and serve all appropriate notices of confirmation of the Order and to make one or more general vesting declarations or serve notices to treat and notices of entry (as appropriate) in respect of the CPO Land;
- (g) authorise the Head of Legal and Democratic Services to initiate or take part in any arbitration or proceedings before the Upper Tribunal (Lands Chamber) or the Courts in order to resolve any disputes as to compensation or other payments payable for any interests in the CPO Land or arising from the making or confirmation of the Order or securing possession of any part of the CPO Land or title to any part of the CPO Land or the removal of any occupants or apparatus of statutory undertakers or communication code operators;
- (h) authorise the Head of Corporate Property and Land to acquire any of the land, currently in unknown ownership should the ownership become established before any CPO is confirmed. Such acquisitions will be on effective CPO terms.

## Background

- 18 Regenerating our Towns and Villages has been a long-standing priority of the Council, as we seek to maximise investments to create employment opportunities and improve the built and natural environment. Vacant buildings and derelict and underused land can have a negative impact on our towns and villages by attracting anti-social behaviour, fly tipping, becoming overgrown or simply unsightly. This can be at the detriment to the quality of life of our residents and a barrier to private investment.
- 19 The strategic approach to regeneration across Stanley has been established through masterplan documents, first adopted by Cabinet in March 2012 with a Masterplan update report following in December 2016. These documents set out the main actions that will help to create a revitalised, accessible and attractive town centre and provide the policy context for regeneration across Stanley town centre.
- 20 The proposed actions for the Masterplan are grouped under six key themes:
  - (a) creating development and inward investment opportunities, Including specific reference to the Agnes Street site as a development opportunity;
  - (b) improving permeability;
  - (c) improving the town centre offer;
  - (d) improving town centre facilities;
  - (e) improving the appearance of the town centre;
  - (f) supporting local businesses.
- 21 Potential actions agreed through the masterplan process included the preparation of Development Briefs for each site in conjunction with owners, pro-active marketing of Council owned sites, and provision of pre-application advice. This led to the marketing of the Council's Land with WEDL's Land.
- 22 The proposed development of the Development Site is also in line with the emerging Strategy for the Regeneration of the County's Towns and Villages. The Towns and Villages approach to regeneration was first approved by Cabinet in 2018 with the Strategy and Investment plan following in October 2020 and February 2021. These documents highlight the changing needs of town and village centres and the need for a toolbox of approached to progressing Regeneration opportunities. The pilot work undertaken since the approach was agreed has

consistently identified significant instances of vulnerable, vacant or redundant land and buildings, which currently detract from the built environment. With appropriate intervention such sites can support prosperity in our towns and villages through utilising their economic potential, allowing for opportunities for redevelopment and investment, ensuring community and social value by addressing issues of anti-social behaviour and by creating an attractive appearance and safe local environment.

## **Stanley – Market Position**

- 23 Retail property demand in Stanley had been low for a number of years, compounded by the failure to deliver a consented supermarket development within the town. However, the sale of the Clifford Centre land holdings and subsequent redevelopment of a new Home Bargains store in 2018 and the development of a McDonalds store in 2019 complemented investment by Aldi in the development of a new store on the former DCC Bus station site, has led to an upturn in retail demand across Stanley. Vacancy rates across Stanley town centre have stabilised and despite challenging market conditions, occupancy rates across the town centre have increased between 2019 and 2020, alongside the overall increase in units.
- 24 Stanley benefits from having a regionally significant road network within close proximity to its centre, and as such is able to command “roadside” uses adjacent to its town centre. There have been consistent levels of enquiries for these “roadside” uses, but there has generally been a low-level demand for town centre retail units in the area, despite the road networks’ proximity to the Town Centre. The Agnes Street site is well located in proximity to the road network and development would form a gateway to the north of the town.
- 25 It is therefore felt in regeneration terms that development of this site will not only help the general economy of Stanley, but also direct future demand towards the town centre.
- 26 From a regeneration perspective, now the scheme has secured planning consent, the delivery of such a scheme will secure the investment and new jobs associated with this site.

## **The Site**

- 27 The Council owns various parcels of land within the Development Site. These are described in the table below:

<b>Colour on the plan at Appendix 3</b>	<b>Summary Details</b>
<b><u>Yellow</u></b> <b><u>(DU313012)</u></b>	Lying to the North East of Agnes Street, this area is currently informal highway verge, and has an adopted footpath running across part of it. It amounts to approximately 284m <sup>2</sup> . It was compulsory purchased as part of the Stanley Town Centre Bypass in 1972/3 and is held as Highway.
<b><u>Dark Green</u></b> <b><u>(DU227842)</u></b>	Lying to the South of Agnes Street and amounts to approximately 833m <sup>2</sup> It is held as Surplus.
<b><u>Light Blue</u></b> <b><u>(DU312924)</u></b>	Lying to the East is highway verge west of the A693 Roundabout. It amounts to approximately 74m <sup>2</sup> . It is held as Highway, though not adopted.
<b><u>Bright Green</u></b> <b><u>(DU312039)</u></b>	To the east of the site off the A693 roundabout, amounting to 75m <sup>2</sup> . This is held as adopted highway.

28 In addition to the Council Land the other land parcels within the Development Site boundary are as detailed in the table below:

<b>Colour on the plan at Appendix 3</b>	<b>Summary Details</b>
<b><u>Dark Blue</u></b> <b><u>(DU243218)</u></b>	Centrally located within the site boundary and extending to 907m <sup>2</sup> . The land is owned by WEDL. An option was granted to APL on 8 April 2019 which has been extended to December 2022.
<b><u>Red</u></b> <b><u>(DU343266)</u></b>	This land houses a Gas Governor House and is shown at Appendix 2 as being excluded from the development. Rights and access to the Gas Governor House will to be incorporated in the scheme.
<b><u>Bright Blue / Hatched area</u></b> <b><u>(unregistered)</u></b>	This land extending to 97m <sup>2</sup> is unregistered but remains subject to a highway dedication agreement dated 14/02/1974 linked to the development of the Stanley Town Centre bypass. It is currently laid out as informal highway verge.
<b><u>Hatched Area</u></b> <b><u>(unregistered)</u></b>	This land lies to the east and west of the site, within the proposed development boundary and extends to 1001m <sup>2</sup> (including the bright blue area as well) It is a mix of unadopted highway and informal highway verge.

## Development Site History

- 29 The Dark Green and Dark Blue sites have individually and as a combination of the two, been marketed and had planning permission on various occasions as per the table below. Further details are not known.

<b>Planning Proposal</b>	<b>Permission Date</b>
Drive thru restaurant (Class A3)	17.06.1998
Food supermarket	0.2.06.2000
Erection of six dwellings	06.07.2007
Application to extend the time limit for implementation of the erection of six dwellings from previous planning application 1/2007/0498	29.09.2010
Two storey fast food restaurant	28.02.2012



- 30 In 2018 the Dark Green site, owned by the Council was marketed alongside the Dark Blue site owned by the adjacent landowner WEDL, which led to number of bids being received including one from APL.
- 31 Initially, WEDL did not wish to proceed with any of the bids, so the site was held in abeyance. In due course APL managed to negotiate with WEDL and now hold an option in respect of WEDL's Land. This option is in place until December 2022.
- 32 APL then approached the Council to acquire / option the Dark Green land in early 2019.
- 33 After due diligence, APL advised that additional land, which had not been included in the marketing exercise, was required to create a development envelope. This comprises the orange, light blue and light green land in the Council's ownership. This is required to enable development of sufficient number of units and associated car parking.
- 34 In addition, further land, not in the Council's ownership, is required to make the development envelope. This land is unregistered and is shown hatched in Appendix 3.
- 35 The Council's Land has been optioned to APL until December 2022 ("the Council's Option Agreement"). The Council's Option Agreement also includes an obligation for the Council to transfer the CPO Land to APL in the event the CPO is confirmed.
- 36 Given the overall regeneration aspirations and emerging delivery strategy within Stanley, the Council entered into a dialogue with APL following the marketing exercise, to consider various options which may prove effective in creating the required site area.
- 37 It is unlikely that the Council would achieve any meaningful development on its residual land holdings in isolation.
- 38 The only scheme available to the Council, which is satisfactory to the adjoining landowner WEDL, is that being proposed by APL.
- 39 The Council is comfortable that the full land envelope is required for APL's development, as it relates to the quantum of land required to achieve pre-let needs and planning requirements.

## **Options**

- 40 The options available to the Council are either agree to make a CPO or refuse to make a CPO.

## **Main implications**

- 41 If a CPO is to be made, the relevant power to make such an order is contained in section 226(1)(a) of the Town and Country Planning Act 1990. This provides that a local authority shall, on being authorised to do so by the Secretary of State, compulsorily acquire any land in their area if the authority thinks that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land and that it is likely to contribute to the promotion or improvement of the economic, social or environmental well-being of their area.
- 42 In order to make a CPO, the Council must be satisfied that there is a compelling case in the public interest in favour of compulsorily acquiring the CPO Land which would justify the interference with the private rights of any person with a legal interest in the CPO Land and that there are no other impediments to delivery of the scheme.
- 43 It is not a trivial matter for a council to compulsorily acquire land. CPO powers should only be exercised as a last resort and where there is a clear justification for doing so. The Council must be satisfied that there is a compelling case in the public interest which justifies depriving the landowners of their interest in the CPO Land.
- 44 Compulsory acquisition of land also has Human Rights implications which must be carefully considered. The following articles of the European Convention on Human Rights are considered to be relevant.
- 45 Article 6 entitles those affected by the powers sought in the Order to a fair and public hearing by an independent and impartial tribunal.
- 46 Article 8 protects the right of the individual to respect for his private and family life, his home and his correspondence. A public authority cannot interfere with these interests unless such interference is in accordance with the law and is necessary in the interests of, inter alia, national security, public safety or the economic wellbeing of the country.
- 47 Article 1 of the First Protocol protects the right of everyone to peaceful enjoyment of possessions. No one can be deprived of their possessions except in the public interest and subject to the relevant national and international laws. As with Article 8, any interference with possessions must be proportionate and in determining whether a particular measure is proportionate a fair balance must be struck between the public benefit sought and the interference with the rights in question.
- 48 The CPO has the potential to infringe the human rights of persons with an interest in the CPO Land.

- 49 The scheme has been designed to minimise interference with the peaceful enjoyment of a person's possessions under article 1 of the First Protocol of the Human Rights Act under which no one is to be deprived of their possessions except in the public interest. Any interference with the right has to be provided for by law and strike a fair balance between the public interest and the protection of the rights of the individual. The Council is satisfied that the land proposed to be compulsorily acquired is limited to the minimum required to result in a viable regeneration scheme. The Council believes that the regeneration of the Development Site is clearly in the public interest and that this outweighs the harm caused by the use of compulsory purchase powers to acquire the CPO Land for the scheme. It is not considered that there would be any unlawful interference with any person's human rights under Article 8.
- 50 In addition, the Council has a statutory duty under Section 149 of the Equality Act 2010 when exercising its functions, to have regard to the need to (a) eliminate discrimination, harassment, victimization and any other conduct that is prohibited under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 51 The Council has considered its public sector equality duty and it is not considered that any factors have been identified which would mean that it would be inappropriate for the Council to proceed with the making of the CPO from an Equalities perspective.
- 52 In order to establish a compelling case in the public interest, one of the first things which needs to be established is whether the making of a compulsory purchase order in respect of the CPO Land would facilitate the carrying out of development, re-development or improvement on or in relation to the CPO Land and that it is likely to contribute to the promotion or improvement of the economic, social or environmental well-being of their area.
- 53 The Council is satisfied that APL is committed to delivering the development of the Development Site (including the CPO Land). In this regard, APL has obtained full planning permission to develop the Development Site. There are therefore no impediments from a planning perspective to the delivery of the scheme.
- 54 In addition, the Council has assessed the pre-let agreements which demonstrate occupier demand and commitment to the units to be provided by the development in this location. Further due diligence has confirmed the developers have the necessary funds in place to deliver the development scheme, and the Council has agreed to fund the

administrative costs of the CPO process together with any land acquisition or compensatory costs arising following confirmation of the CPO. The compensation payable has been assessed as likely to be a maximum of £50,000. However, it is considered that the £100,000 receipt from the sale of the Council's Land and the CPO Land should be ringfenced against such compensation claims, to provide a sufficient contingency fund.

- 55 It is noted that such actions are considered value for money in creating uplift in the receipt attributable the Council's existing land holding in Agnes Street.
- 56 Council officers are satisfied that there is sufficient investment and commitment to the development from APL. The only significant impediment to delivery is likely to be the required acquisition of the CPO Land.
- 57 Having established that the only impediment to delivery of the Scheme is the purchase of the CPO Land, it is necessary to consider whether there is any suitable alternative land upon which the proposed development could be located. In this regard, APL has undertaken a sequential assessment of development sites across Stanley to ascertain if these could facilitate the development scheme as proposed. These sites have been assessed in terms of their, availability, suitability and viability.
- 58 Under this assessment, 14 sites or properties across the town were identified and excluded through their size and inability to accommodate the scheme. A further four sites were the subject of more detailed considerations due to their potential development footprint. However, this highlighted deliverability issues, principally not meeting the visibility and accessibility required by the end users.
- 59 Officers have assessed APL's sequential assessment and are satisfied that there are no other available suitable or developable sites within or adjacent to the town centre. In addition, officers have considered whether the scheme would be deliverable without making a CPO. Other options including claiming adverse possession of the eastern parcel of the CPO Land and seeking a highway declaration on the land in unknown ownership on Agnes Street have been considered. These alternative options have been dismissed as not achieving sufficient title guarantees to meet the requirements of the proposed retail operators for the site. Officers are satisfied that these alternative options would be extremely unlikely to result in the delivery of the regeneration scheme.

60 Having established that:

- (a) the making of a compulsory purchase order in respect of the CPO Land would facilitate the carrying out of development, re-development or improvement on or in relation to the CPO Land,
- (b) there are no deliverable suitable alternative sites within the locality upon where the development could be located,
- (c) no other option but a CPO is likely to result in the delivery of the regeneration scheme and
- (d) there are no impediments from a financial, planning or other perspective to the delivery of the scheme.

it is necessary to consider whether there is a compelling case in the public interest for making the CPO.

61 Officers are satisfied that the proposed development fits the Council's regeneration aims set out in the Stanley Masterplan and the approved strategy for the Regeneration of the County's Towns and Villages. Officers are also satisfied that significant efforts have been undertaken to identify any person with an interest in the CPO Land. Both the Council and APL have examined land registry information, spoken with adjacent owners and neighbours and those with the benefit of historical covenants, but have not been able to trace any person with an interest in the CPO Land.

62 APL has achieved planning permission for the site at considerable expense and achieved formalised pre-let and agreed build specification agreements with two national quality fast food outlets. These agreements demonstrate the benefits to be secured from the proposed development which include 65 net new job opportunities created upon completion of the scheme alongside 21 full time equivalent construction jobs and indirect support to a further 31 jobs through the development phase. APL has also optioned all other land required outside that in unknown ownership. None-land ownership potential rights over the land are to be dealt with by the APL. These could include current established access rights via Agnes Street and existing utility services within the land.

63 If Cabinet authorises the making of a CPO in respect of the CPO Land, there are a number of formal documents which must be drawn up in support of the CPO (in addition to the Order itself). These documents are the Order Map and the Statement of Reasons. These documents are attached to this report at **Appendix 4 and Appendix 6**.

64 In addition, it should be noted that the Council will receive a receipt for its land parcels under option from APL.

- 65 The key factors to consider in relation agreeing the principle of taking forward a CPO are:
- (a) the Development Site is considered to be undevelopable without securing freehold ownership of the CPO Land;
  - (b) a viable development site is likely to only be achieved through inclusion of the WEDL Land. An option between APL and WEDL has been entered into in respect of the WEDL Land and is the first time a “deal” has been agreed with WEDL;
  - (c) APL has recently secured planning permission to develop the Development Site;
  - (d) achieving development of this site is very much in line with the emerging Strategy for the County’s Towns and Villages and the Stanley Masterplan;
  - (e) the land assembly options outlined in this report detail the reasoning as to why a CPO is the only way to satisfactorily deal with the unregistered land, in order to bring forward the proposed development,
  - (f) in the event that the Council decides not to make a CPO, re-development of the Council’s Land is unlikely to be possible.
- 66 APL has submitted an application to stop up highway rights over the CPO Land pursuant to section 247 of the Town and Country Act 1990. The application is progressing with one standard objection having been submitted by Northern Gas Networks to the stopping up order. It is not considered that this is likely to represent an impediment to the delivery of the scheme, as it is considered that the standard objection is capable of being resolved through negotiation between Northern Gas Networks and APL.

## **Conclusion**

- 67 The Development Site has been vacant for a number of years and is situated on a gateway site in Stanley.
- 68 It is very unlikely that without securing ownership of the CPO Land that any development would come forward.
- 69 The other conditions associated with the development such as securing the site in known ownership by way of option, and securing a critical level of pre-lets have been achieved, and should the CPO be confirmed and possession of the subject land obtained, then conditions on pre-lets and options become unconditional. Therefore, there is no reason to believe the scheme will not come forward.

- 70 There is budgetary provision for the making of the CPO and any inquiry as a result of such.
- 71 Compensatory and land acquisition matters will be underwritten by the Council. It should be noted that if required, such monies will need to be held on account, pending any claims for compensation coming forward.
- 72 The scheme will bring forward the appropriate redevelopment of the area, and generate 65 jobs, and provide required local retail and food amenities. Officers are satisfied that confirmation of a CPO in respect of the CPO Land will facilitate the carrying out of development, re-development or improvement on or in relation to the Development Site. It is therefore considered that making a CPO is justified as being compelling justification in the public interest and that the making of a CPO will clearly improve the economic well-being of the area.
- 73 Having established that there is a compelling case in the public interest, it is considered that having regard to Human Rights considerations, the public interest in delivering the scheme through the making of the CPO outweighs the private interests of any person with an interest in the CPO Land. In addition, there are no identified issues from an Equalities perspective.

### **Background papers**

- None.

### **Other useful documents**

- Map of the land (Draft)
- Documentation submitted by the APL
- Statement of Case (Draft)
- Schedule of land (Draft)
- Stanley masterplan 2012

### **Author(s)**

Susan Robinson	Tel:	03000 267332
Helen Lynch	Tel:	03000 269732
Stuart Timmiss	Tel:	03000 267334

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## **Appendix 1: Implications**

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### **Legal Implications**

The Council must determine whether or not to exercise its powers to compulsorily purchase the CPO Land on behalf of and in order to facilitate the development of the Development Site. The full implications of this decision are outlined within the body of this report. The report recommends the making of a CPO and the delegation of ancillary powers the Head of Legal and Democratic Services to take such other actions as are necessary to obtain the transfer of the CPO Land to the developer.

### **Finance**

There will be a cost to the Council in making a CPO. Such costs are, as yet, unquantifiable but are likely to be significant. There is budgetary provision from within the Towns and Villages project to support the costs of a CPO Inquiry if required. It should be noted that the Council will receive a receipt for its land holdings once APL's option on the land is exercised. In addition, it should be noted that the Council will need to pay any land acquisition and compensation costs, arising in the event the CPO is confirmed, and any person comes forward to successfully claim a legal interest in the CPO Land. Required funding could be needed to be held on account. The compensation figure has been considered to be a maximum of £50,000, but the full £100,000 receipt should be ringfenced against such claims. This is to offset the risk of such compensations being determined by lands tribunal.

### **Consultation**

Local Ward Councillors Cllrs Charlton and Cllr Milburn and Cabinet Portfolio Holder for Economic Regeneration are supportive of the proposals contained in this report.

### **Equality and Diversity / Public Sector Equality Duty**

None identified. The issues relating to Human Rights and PSED are set out within the body of the report.

### **Climate Change**

Making a CPO is unlikely to have any negative impact upon climate change. Matters relating to the subsequent development are dealt with via the planning permission.

### **Human Rights**

Human rights implications are set out within the report.



## **Crime and Disorder**

None identified.

## **Staffing**

There will be implications on staff capacity, as County Council officers will be required to spend a significant amount of time on this project should the Council resolve to make the CPO.

## **Accommodation**

None identified.

## **Risk**

None identified.

## **Procurement**

None identified.