

TRAFFORD BOROUGH COUNCIL

STATEMENT OF EXECUTIVE DECISION

<u>DATE OF DECISION</u>	Monday, 26 February 2018	<u>DECISION MAKER</u>
<u>DECISION REFERENCE</u>	E/26.2.18/5&10	Executive (Councillors Sean Anstee, Stephen Anstee, L. Evans, Hopps, Lamb, Myers, Shaw, Whetton and Alex Williams)

RECORD OF THE DECISION

PROPOSED COMPULSORY PURCHASE ORDER, CHARLTON HOUSE

1. That in principle support be provided for the making of a compulsory purchase order under section 226 of the Town and Country Planning Act 1990 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976 to enable the redevelopment and regeneration of the site shown edged red on the plan in Appendix One to the report.
2. That authority be delegated to the Director of Growth and Regulatory Services in consultation with the Director of Legal and Democratic Services to take all steps necessary to enable a compulsory purchase order to be made including but not limited to:
 - a) the carrying out of land referencing including without limitation the service of notices under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 and/or section 5A of the Acquisition of Land Act 1981;
 - b) the entry onto the Land and other land for the purpose of carrying out surveys pursuant to section 15 of the Local Government (Miscellaneous Provisions) Act 1976;
 - c) the preparation of a draft statement of reasons;
 - d) the preparation of a draft Order and Order Schedule; and
 - e) the preparation of notices to owners, lessees and occupiers, site notices and any other notices required to be served and/or advertised in accordance with the Acquisition of Land Act 1981 should the Executive authorise the making of a compulsory purchase order.
3. That authority be delegated to the Director of Growth and Regulatory Services to negotiate for the voluntary acquisition of land and rights over land needed to enable the Scheme to be delivered in advance of confirmation of a CPO, as if such CPO had been confirmed.
4. That authority be delegated to the Director of Growth and Regulatory Services in consultation with the Director of Legal and Democratic Services to consider alternatives to the use of compulsory purchase powers.
5. That it be noted that before a compulsory purchase order is made a further detailed report will be drafted seeking authority for the making of an Order and that such a report will need to address a number of issues including:
 - a) that the compulsory acquisition is necessary to facilitate the carrying out of development, redevelopment or improvement on, or in relation to, the land being acquired;
 - b) that the Scheme complies with planning policy and the Refreshed Stretford Masterplan (2018);
 - c) that there is a compelling case in the public interest for the land to be acquired which outweighs the interference with the human rights of those with an interest in the land affected;
 - d) that the Scheme will contribute to the promotion or improvement of the economic and/or social and/or environmental well-being of the local area;
 - e) that the Scheme is viable and that there is a reasonable prospect that the Scheme can be implemented within a reasonable timescale;
 - f) that agreements have been entered into with a private sector partner that provides for the delivery of the Scheme and indemnifies the Council in respect of its costs of making the order, seeking its confirmation and compensation payments to affected owners, lessees, occupiers and any other potential claimants;
 - g) that there are no physical or legal impediments to the Scheme proceeding;
 - h) that all reasonable steps have been taken to acquire land and rights over land needed to

deliver the Scheme by negotiation and voluntary agreement;
i) that alternatives to the use of compulsory purchase powers have been considered; and
j) that the compulsory acquisition would not infringe the Council's equality duty.

REASONS FOR THE DECISION

To enable the development of the first phase of student accommodation associated with UA92 at the Charlton House site and to deliver regeneration in Stretford.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED AT THE MEETING/BY MEMBERS

To choose not to use CPO powers to deliver the regeneration of this site, requiring land to be assembled through agreement. This could significantly delay the development if agreement cannot be reached, preventing the delivery of student accommodation and impacting on the timescales to open UA92 and deliver its associated regeneration benefits.

CONFLICTS OF INTEREST DECLARED AND ANY ASSOCIATED DISPENSATION

None.

Scrutiny Call in Deadline

Tuesday, 6 March 2018

Implementation will be on the following working day

PUBLICATION DATE

27 February 2018

RECORDED BY:

Director of Legal & Democratic Services