

Agenda Item No: 9.8 **Report No:** 87/15
Report Title: Compulsory Purchase - Land Adjacent to Robinson Road Waste & Recycling Depot in Newhaven
Report To: Cabinet **Date:** 6th July
Cabinet Member: Cllr Andy Smith
Ward(s) Affected: Newhaven Denton and Meeching
Report By: Alan Osborne, Director of Corporate Services
Contact Officer(s)-

Name(s): Mark Reynard
Post Title(s): Head of Legal
E-mail(s): Mark.reynard@lewes.gov.uk
Tel No(s): 01273 471600

Name(s): Bee Lewis
Post Title(s): Head of Property & Facilities
E-mail(s): Bee.lewis@lewes.gov.uk
Tel No(s): 01273 661101

Purpose of Report:

This report seeks authorisation to build a case for compulsory acquisition of the leasehold interest in land adjacent to Robinson Road Waste & Recycling Depot in Newhaven (Appendix B).

Officers Recommendation(s):

- 1 To authorise officers to gather information and establish the case for compulsory purchase of the land as set out in paragraph 2.5.
 - 2 To authorise officers to bring a further report to Cabinet in September 2015 when full information concerning the case for compulsory purchase should be available.
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Reasons for Recommendations

- 1 To enable a case to be made for the compulsory acquisition of the leasehold interest.
- 2
- 2.1 The land at Robinson Road (Appendix B) has been identified as having potential for an affordable housing scheme, delivering much needed homes for

people within Lewes district. The freehold of the whole area is owned by LDC, but part of it is leased. The leasehold land is required as part of the proposed affordable housing scheme. The Council cannot obtain vacant possession of the leased land until the lease comes to an end or it is acquired. The Council has entered into negotiations to purchase the leasehold interest but to date the negotiations have not been successful. We must therefore consider the potential for compulsory acquisition of the leasehold interest.

- 2.2** Powers to acquire land compulsorily are set out in various Acts including the Town and Country Planning Act 1990. The 1990 Act provides that a local authority may be authorised by the Secretary of State to acquire compulsorily any land if they think the acquisition will facilitate the carrying out of development, re-development or improvement provided they think this is likely to contribute to one or more of the specified objects. One of the objects is the promotion or improvement of the social well-being of the authority's area.
- 2.3** The 1990 Act also provides that the authority may acquire by agreement any land that it could acquire compulsorily. Government guidance advises that the acquiring authority should attempt to acquire the land by agreement before using its compulsory purchase powers.
- 2.4** The Council does not have the power to compulsorily acquire land until the Secretary of State confirms (i.e. authorises) a Compulsory Purchase Order (CPO). Circular 06/2004 sets out the Government's policy. The Circular provides that the Secretary of State must be satisfied on a number of issues before the CPO can be confirmed. These include the following:
- a clear strategic framework
 - a relevant planning framework
 - a clear and compelling end-use that is compatible with a clear strategy for achieving it.
 - a proposal that contributes to the well-being of the authority's area objectives is crucial.
- 2.5** A considerable amount of work is required before a CPO can be made. The compulsory purchase process consists of a number of stages. LDC has already identified the land required, including defining the boundaries. The next stages include:
- Information gathering, to collect and record information on land ownership and occupation, building upon what is already known, the purpose being to identify everyone who has a legal interest in, or right to occupy, the land.
 - Establishing a sound case for compulsory purchase, including demonstrating that the proposed acquisition is justified to secure well-being.
- 2.6** When these stages have been completed there will be sufficient information to ask Cabinet whether it wishes to make a formal resolution authorising the use of

compulsory purchase powers. Officers are proposing to prepare a further report for consideration by Cabinet in September 2015.

Financial Appraisal

- 3** Completing the work identified at paragraph 2.5 above requires the use of officer time and external resources including obtaining advice from lawyers specialising in compulsory purchase procedures and law. The extent of the likely external expenditure will be reported to Cabinet at the meeting on 6th July. Funding will be released from the General Fund Unallocated Reserve to support this external expenditure.

Legal Implications

- 4** The main legal implications are set out in the body of this report.

This report is not recommending that Cabinet resolves to make a CPO at its meeting on 6th July. Any decision to move forward with compulsory purchase should be the subject of a separate report in September 2015 when all the relevant information concerning the case for compulsory purchase will be available.

The Council should be ready to resume negotiations for acquisition of the land by agreement (on a subject to contract basis). This will strengthen the case for compulsory purchase if it is not possible to acquire the leasehold interest by agreement.

Risk Management Implications

- 5** Information gathering for CPO purposes is a fall-back position in the event that negotiations with the tenant are unsuccessful. Without the information required to move to the next stage of CPO, it will be unlikely that the Council will be able to gain vacant possession of the land in question. In turn, there will be an impact on the viability of the housing scheme at Robinson Road.

Equality Screening

- 6** There are no equality implications arising from this report. An equality analysis will be carried out as part of the information gathering process and will be presented to Cabinet in September.

Background Papers

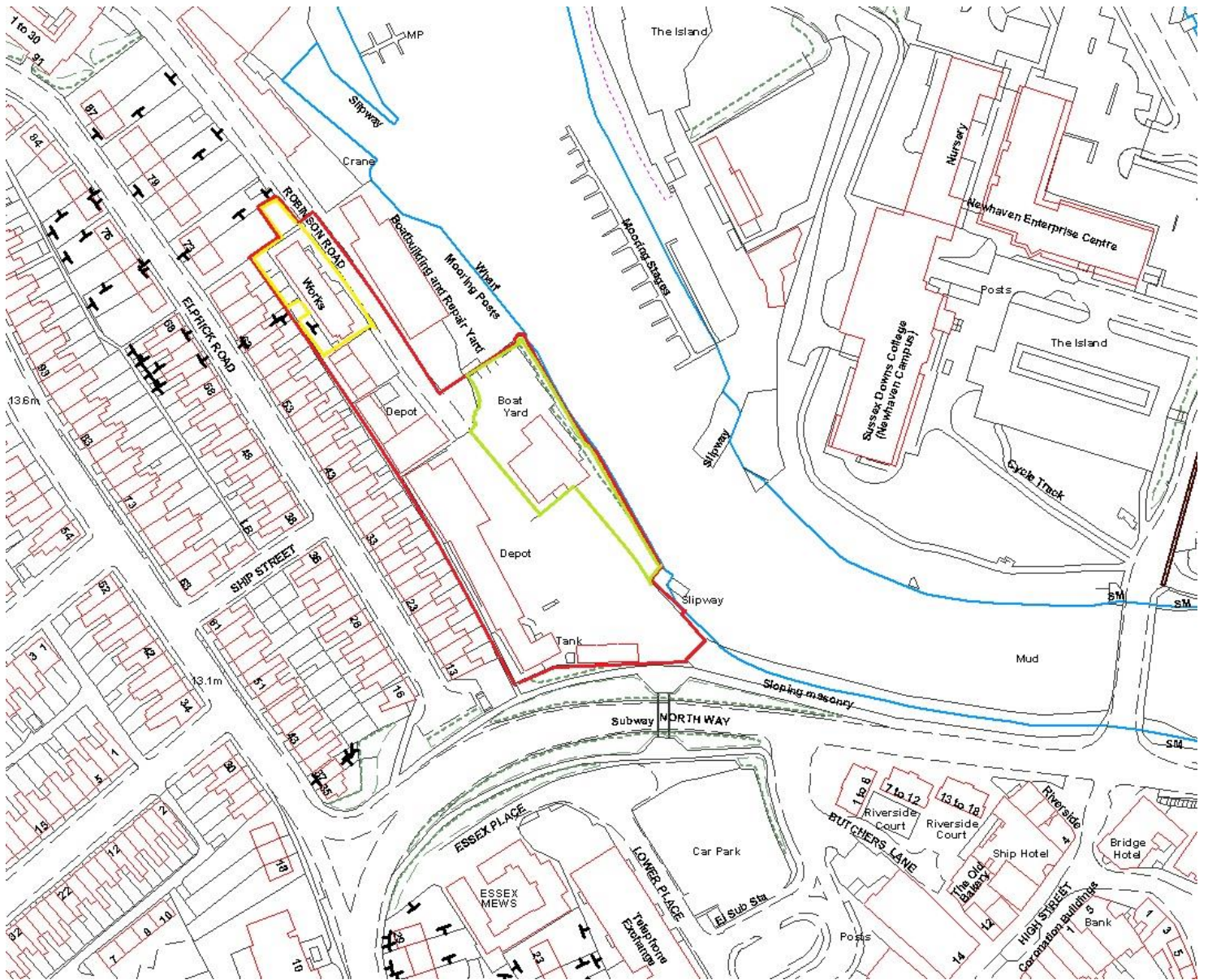
- 7** None

Appendices

Appendix A – Information relating to financial or business affairs EXEMPT



Appendix B: Plan of land ownership at Robinson Road

Appendix B: Plan of land in LDC ownership at Robinson Road



Key

- Land Edged **Red** – Owned By Lewes District Council
- Land Edged **Green** – Leased to Lochin Marine International
- Land Edged **Yellow** – other leased land

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