

**Cabinet - 21 September 2005**

**Joint Report of the Directors of Urban Environment and Law and Property**

**Dudley Area Development Framework: Compulsory Purchase Powers**

**Purpose of Report**

1. To consider the use of compulsory purchase powers, if necessary, to facilitate the implementation of the Area Development Framework (ADF) and to authorise the acquisition of property and rights within the proposed Compulsory Purchase Order (CPO) by agreement.

**Background**

**Dudley Town Centre ADF**

2. Also on the agenda for this meeting is a report relating to the Dudley Town Centre ADF. If the recommendation to adopt the ADF as supplemental planning guidance is accepted then consideration needs to be given as to how to assemble sites within the ADF boundary for redevelopment and how to protect potential sites from development pressures which are inconsistent with the vision contained within the framework document.

**Forward Plan**

3. This is a Key Decision and appears on the Forward Plan under reference 0233.

**Consultation**

4. As part of the preparation of the ADF the idea of priority development sites or "Opportunity Areas" was proposed and widely supported by the public and key stakeholders. The Framework shows the proposed locations for the opportunity areas together with the range of recommended uses and type of development most suited to each of them.

**Need for Compulsory Purchase**

5. In order to realise the vision for the town centre expounded in the ADF each Opportunity Area needs to be developed in a consistent and comprehensive manner. This will require the assembly of the sites into one ownership by means of agreement or, if necessary, compulsory purchase whether the sites are developed by the Council or a private developer. In the absence of any CPO there are likely to be planning applications made on parts of these sites which will frustrate the overall aims of the Council and there may be some "cherry picking" of key parcels of land by speculators. The implementation of the ADF is expected

to be phased over 10 or 15 years and to avoid unnecessary blight within the town it is essential that a resolution to use CPO powers is only made where there is a prospect of early development. Also, some Opportunity Areas are already in the ownership of the Council or one major landowner and so do not require major site assembly. For these reasons this report recommends the initial use of CPO powers in relation to 5 of the 9 Opportunity Areas so far identified, as shown on the attached plan.

## **Finance**

6. The passing of a Resolution to use CPO powers does not in itself commit the Council to acquire premises or proceed to make the actual Order. A draft Order will only be submitted when a suitable source of funding has been found, either through undertakings from developers, grant funding or allocation from Council budgets. Therefore the recommendation in this report alone does not effect current budget allocations.

## **Law**

- 7 Section 226 (1) of the Town and Country Planning Act 1990 and Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 gives a local planning authority power to acquire compulsorily any land or acquire new rights in their area if the authority think that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land, and if they think that the development, re-development or improvement is likely to contribute to the promotion or improvement of the economic, social and environmental well-being of their area.

Section 227 of the Town and Country Planning Act confers specific but widely drawn powers on a local planning authority to purchase by agreement any land which is required for development or other planning purposes, as defined by section 226 - see above.

Section 120 of the Local Government Act 1972 permits a planning authority to acquire land by agreement for any of its authorised purposes.

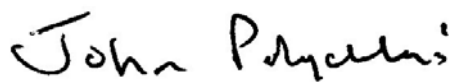
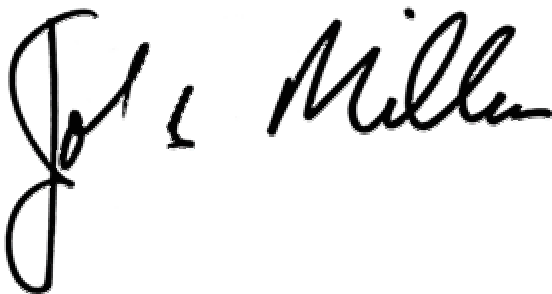
## **Equality Impact**

8. There will be no impact on equal opportunities or diversity as a result of the passing of the resolution to use CPO powers.

**Recommendation**

9. It is recommended that:-

1. Subject, in each case, to the prior approval of a suitable source of funding the Council makes Compulsory Purchase Orders under Section 226 (1) (a) of the Town and Country Planning Act 1990 for the acquisition of the land within one or more of the areas shown on the Plan attached, for the purpose of securing mixed use development including retail, office, residential, leisure and car parking in accordance with the proposals more fully described in the Dudley Town Centre Area Development Framework.
  
2. The Director of Law and Property in consultation with the Cabinet Member for Economic Regeneration be authorised to: -
  - (i) take all necessary steps to secure the making, confirmation and implementation of the Compulsory Purchase Order(s) including the publication and service of all notices and the presentation of the Council's case at any Public Inquiry;
  - (ii) acquire interests in land and new rights within the compulsory purchase order(s) either by agreements or compulsorily; and
  - (iii) Approve agreements with land owners setting out the terms for the withdrawal of objections to the Order, including where appropriate seeking exclusion of land or new rights from the Order and/or making arrangements for relocation of occupiers.
  
3. That the Director of Law and Property be authorised to negotiate and complete any relevant undertaking from a developer(s) and any required development agreement(s) prior to the making of any Order(s).



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**John Millar**  
**Director of Urban Environment**

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**John Polychronakis**  
**Director of Law and Property**

Contact Officer: Ivan Kite  
Telephone: 01384 815318

Email: [ivan.kite@dudley.gov.uk](mailto:ivan.kite@dudley.gov.uk)

## **List of Background Papers**

Dudley Town Centre Draft ADF