

<b>16 January 2018</b>		<b>ITEM: 6</b>
<b>Planning, Transport, Regeneration Overview and Scrutiny Committee</b>		
<b>Purfleet Centre Update</b>		
<b>Wards and communities affected:</b> West Thurrock and South Stifford		<b>Key Decision:</b> Key
<b>Report of:</b> Rebecca Ellsmore, Programme Manager (Purfleet)		
<b>Accountable Head of Service:</b> Steve Cox, Corporate Director, Place		
<b>Accountable Director:</b> Steve Cox, Corporate Director, Place		
<b>This report is Public</b>		

### **Executive Summary**

The Purfleet Regeneration programme has been the subject of a number of Cabinet decisions since 2011. With the recent submission of the outline planning application for the masterplan the project is now moving into the delivery stage. This positive forward step has triggered the need for a new set of approvals to ensure that delivery can be progressed with the development partner Purfleet Centre Regeneration Ltd ("PCRL") and that the Council is in a position to fulfil its obligations under the Development Agreement (the DA)

This report highlights recent progress on the project and considers the next steps required. Under the terms of the DA the Council is responsible for leading on the land assembly to secure the site for redevelopment. Considerable focus is therefore given to the Compulsory Purchase Order (CPO) process as this is a significant decision for the Council to make. Using CPO powers should not be taken lightly but in this scheme it is likely that use of the powers will be required to complete the land assembly process and at this stage it is thought that a compelling case in the public interest can be made. Cabinet will be asked to resolve as a matter of principle that the Council is prepared to use its CPO powers on the basis that more detailed reports will come forward at a later date when approval to make the order is required and further work on the relevant documentation has been completed. In the meantime the Council will continue to progress negotiations to secure remaining land parcels by private treaty.

The report also describes the good progress being made on securing an Integrated Medical Centre as part of the scheme and on wider project decisions that will be forthcoming in the coming months.

**1. Recommendation(s).**

**1.1 Members of Overview and Scrutiny committee are asked to comment on the recommendations to be presented to Cabinet (below) and give their thoughts on the use of Compulsory Purchase Powers to secure the delivery of this significant regeneration scheme.**

**1.2 Cabinet will be asked to:**

- a) note progress on the Purfleet Centre Project;**
- b) agree these recommendations on the basis that a full Compulsory Purchase Order (CPO) can only be made by Cabinet at a future Cabinet meeting.**
- c) resolve as a matter of principle, that the Council is prepared to use its compulsory purchase powers pursuant to section 226(1)(a) of the Town and Country Planning Act 1990 to acquire land to deliver the comprehensive regeneration of Purfleet Centre;**
- d) note that the regeneration team is progressing negotiations to acquire the land and interests required by private treaty and to delegate authority to the Corporate Director, Place in consultation with the Portfolio Holder for Regeneration to approve and enter into agreements with the owners and/or occupiers of the land so as to facilitate its acquisition;**
- e) note the progress on the land referencing exercise and, if required, delegate authority to the Corporate Director, Place in consultation with the Portfolio Holder for Regeneration and Assistant Director of Law and Governance to issue requisitions for information pursuant to section 5A of the Acquisition of Land Act 1981 to persons who have a potential legal interest in or who occupy the area in respect of which compulsory purchase powers are proposed to be used;**
- f) authorise the regeneration team under the direction of the Corporate Director, Place to undertake the work needed to prepare for the making of a possible Compulsory Purchase Order(s)(CPO) together with the associated documentation;**
- g) delegate authority to the Corporate Director, Place in consultation with the Portfolio Holder for Regeneration to finalise and enter into the CPO Indemnity Agreement;**
- h) resolve that any land acquired by the Council by private treaty within the area shown red on the plan at Appendix 1 in order to facilitate the Purfleet Centre Project shall be acquired for planning purposes pursuant to section 227 Town and Country Planning Act 1990;**

- i) **note that pursuant to sections 203 and 204 of the Housing and Planning Act 2016, land acquired under sections 226 or 227 of the Town and Country Planning Act 1990 may then be developed and used in accordance with planning permission for the proposed scheme notwithstanding any interference with any subsisting interests, rights or restrictions (subject to the payment of compensation calculated in accordance with sections 7 and 10 of the Compulsory Purchase Act 1965);**
- j) **in the event that Blight Notices under section 150 of the Town and Country Planning Act 1990 are served upon the Council, delegate authority to the Corporate Director for Place, in consultation with the Portfolio Holder for Regeneration and the Director for Law and Governance to acquire land or reject the Blight Notices as appropriate;**
- k) **delegate authority to the Corporate Director for Place, in consultation with the Portfolio Holder for Regeneration, the Assistant Director for Law and Governance and the Council's section 151 Officer to grant any approvals necessary in order to allow the Purfleet Centre Project to progress.**

## **2. Introduction and Background**

- 2.1 The aim of the report is to provide an update on the Purfleet Centre Project and to seek the views of Planning, Transport and Regeneration Overview and Scrutiny Committee on a number of approvals sought from Cabinet to continue the Project into the next stage.
- 2.2 Purfleet is one of the six Growth Hubs in the Borough as identified within the Council's Economic Development and Regeneration Strategies and the Local Development Framework. Whilst the majority of the Borough's growth is 'private sector' led; the Purfleet Centre Project is the largest regeneration programme which the Council is directly involved with, owing to the use of its significant land holding in the area. The Council has set out a vision to create a destination in Purfleet, a new town centre to support the development of more housing but also to address existing deficiencies in services and facilities and to maximise the benefit of Purfleet's riverside location.
- 2.3 Previous Reports have secured approvals from Cabinet to progress a number of workstreams relating to the Project. Specifically, the Council resolved on 9<sup>th</sup> November 2011 to support in principle only the use of compulsory purchase powers should it become necessary. Further, in October 2015, Cabinet approved a recommendation to award the contract for the delivery of the Project to Purfleet Centre Regeneration Limited ("PCRL"). Subsequent to this, a Development Agreement was entered into between PCRL and the Council in January 2016. Given the time that has passed and the evolution of the project since the previous Report, Members are being asked to reconfirm their support for the Project, to give further delegated authority to Officers to take decisions which would enable the

Project to be delivered and specifically to reconfirm their support for the likely use of compulsory purchase powers.

- 2.4 There has been significant, positive progress on the Project in recent months. A change to the internal structure of PCRL has seen Swan Housing Association take over the Project Manager, Construction Manager and Guarantor roles previously held by L&Q New Homes. This has created renewed momentum in the Project and, working as the new team, PCRL submitted an outline planning application for the Project in December 2017.
- 2.5 As Masterplan designs have been crystallised through the development of the planning application, PCRL requested that a number of changes be made to the Concept Scheme. These changes were approved by the Council prior to the submission of the planning application and include:
- increasing the size of Phase 1 enabling significant infrastructure (such as the replacement of the level crossing at Purfleet Station with a vehicle and pedestrian bridge, improved station facilities, developing the town centre and providing a new, Integrated Medical Centre) to be delivered earlier in the development programme than was originally anticipated;
  - Identifying a site for the Integrated Medical Centre which can be delivered in line with the Council and Thurrock Clinical Commissioning Group's aspirations for an operational facility in 2020.
  - increasing the density of the proposed residential accommodation around the town centre and railway station, making a valuable contribution to the Council's housing targets; and
  - including provision of 30% of the residential units in the first phase of the Project to be delivered as Shared Ownership properties.
- 2.6 Site investigations, not requiring planning permission, started on site in early December. This work will inform the future detailed design work and is a visible indicator to the local community that the Project is progressing.
- 2.7 As is stated above, an outline planning application for the Project was submitted in December 2017. The application seeks to secure outline consent for up to 2850 new homes, retail, commercial, health and education uses, upgraded station facilities, a film and TV studio complex and associated infrastructure such as new roads, open space and river wall works. The full description of development is included at Appendix 2.
- 2.8 The proposed development is considered by the Council in its role as development partner to be broadly consistent with the proposals for the area set out in the adopted Thurrock Core Strategy. The Core Strategy was adopted in December 2011 and subsequently amended in January 2015. The Core Strategy designates the site of the proposed development as a Key Regeneration and Growth Location Area, including as a location suitable

for new housing, education, community and retail facilities, employment uses and other appropriate forms of development.

### **Integrated Medical Centre (IMC)**

- 2.9 The DA includes provision for a 'health facility' as part of the development. The Council and CCG have been working together to develop strategic proposals to address the local GP shortage, enhance outcomes for patients and improve the quality of health care infrastructure. A network of four Integrated Medical Centres which bring together GP facilities, wider health care services and complementary support such as housing and employment services are proposed. The Centres will integrate these services to respond to multiple issues with a single, coordinated offer to patients.
- 2.10 The Council and CCG want the Purfleet Integrated Medical Centre to be within the Purfleet Centre regeneration boundary and have been working in partnership to develop a brief for the facility and to work up a programme to secure the necessary approvals from NHS England. To this end, the Council and CCG jointly commissioned Currie and Brown to develop a Schedule of Accommodation for the IMC. This information has been shared with PCRL to ensure that the aspirations for the scale and scope of this facility are understood and can be accommodated within the development. Based on the Schedule of Accommodation, PCRL have reviewed their proposals and identified a site which can accommodate the scale of accommodation required and which can be delivered in the anticipated timescale (with the centre being operational in 2020). This location is reflected in the outline planning application and further details will come forward in a reserved matters application in 2018.
- 2.11 Whilst proposals around the funding of the IMC and its long term management need to be further developed there are clear advantages to including the IMC in the PCRL development and using a single developer partner. PCRL see the facility as an integral part of their proposals and are happy to take on the Developer role. Given the tight timescale for delivery using PCRL who have an architectural team in place and an established programme to secure planning permission is thought to be the most expedient delivery route.
- 2.12 It is proposed that an outline business case to secure NHS approval for the IMC's will be developed in 2018. This business case will include further details on floor layouts, capital cost, delivery timescales and head leaseholder arrangements.

### **Land Assembly**

- 2.13 The delivery of the Purfleet scheme will require the Council to acquire land interests and rights within the area identified on the plan at Appendix 1. The Council, and its appointed surveyors (CBRE) have been in discussions with those parties who have an interest in or occupy the land for many years. A number of acquisitions have been achieved and at present the Council owns around 30 hectares of the 58 hectares required.

- 2.14 Discussions are ongoing with the landowners and occupiers who hold interests in the remainder of the site. Of the outstanding acquisitions the majority of the sites are in industrial usage but three residential properties remain as well as the Network rail land and a few small slithers of land which have been detached from previous developments.
- 2.15 Heads of terms have been agreed on two of the outstanding sites and acquisitions are expected to complete in 2018. CBRE, on behalf of the Council, is in very advanced discussions on an option agreement to secure a significant site in Botany Quarry.
- 2.16 The Council has submitted an application to Land Registry to register a number of unregistered land parcels within the red line. A decision is currently awaited.
- 2.17 PCRL have signed a Basic Asset Protection Agreement (BAPA) with Network Rail which is a positive first step to commencing meaningful discussions with Network rail on acquiring their land that is within their ownership.
- 2.18 Several of the industrial owners have suggested that they would be willing to sell their sites if they can find a suitable alternative location. In line with Department for Communities and Local Government (DCLG) Compulsory Purchase (CPO) guidance the Council has provided undertakings to several owners to cover the costs of site search agents to assist with this process.
- 2.19 It should be noted that many of the land owners have been in discussions with the Council, and previously with the former Development Corporation, for many years. There is some scepticism that the project will happen which is making them reluctant to sell their interests. The submission of the planning application, this report to support in principle a CPO and the positive press statements that have recently been issued will reinforce the Council and PCRL's commitment to delivering the scheme and may help to move some discussions forward.
- 2.20 In the event that it is not possible to acquire the land and interests in land by negotiation then, under the terms of the Development Agreement, the Council is required to consider the use of its compulsory purchase (CPO) powers to assemble the land to deliver the Purfleet Project, subject to there being a compelling case in the public interest to use CPO powers.

### **3. Issues, Options and Analysis of Options**

#### **CPO Powers**

- 3.1 In the event that CPO powers are to be used, the appropriate power would be Section 226(1)(a) of the Town and Country Planning Act 1990. This enables acquiring authorities with planning powers to exercise their compulsory acquisition powers if they think that acquiring the land in question will facilitate the carrying out of development, redevelopment or improvement on, or in relation to, the land being acquired.

- 3.2 The wide power in section 226(1)(a) is subject to subsection (1A) of section 226. This provides that the acquiring authority must not exercise the power unless they think that the proposed development, redevelopment or improvement is likely to contribute to achieving the promotion or improvement of the economic, social or environmental well-being of the area for which the acquiring authority has administrative responsibility.
- 3.3 DCLG Guidance, “Compulsory purchase process and The Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion” (2015), (“the Guidance”) sets out guidance for local authorities regarding the making of CPOs. The Guidance includes key policy tests which need to be satisfied before a CPO can be confirmed. Crucially, before progressing a CPO members must be satisfied that there is a compelling case in the public interest for making and promoting a CPO, that the use of the powers is necessary and proportionate, and that the public benefits associated with the proposed regeneration will clearly outweigh the interference with the rights of those affected. These matters are referred to below, and will be considered further in detail in any future report to Cabinet to seek authority for any CPO to be made.
- 3.4 The objectives of the Purfleet Centre scheme and the public benefits that it will realise are of critical importance to the economic, social and environmental wellbeing of the area. Accordingly, whilst any case for making a CPO will be rehearsed in a future report to Cabinet, officers are of the view that a compelling case in the public interest for making and promoting a CPO(s) could be made out; the use of the powers could be seen as both necessary and proportionate; and the public benefits associated with the proposed regeneration are likely to outweigh the interference with the rights of those affected.
- 3.5 An indicative CPO timetable is included below which outlines the steps necessary to be undertaken prior to the making of any compulsory purchase order, and an estimated timetable from then on until the acquisition of land pursuant to a compulsory purchase order. It can be seen that the preparatory work before making a CPO requires a minimum of 6 months. Once a CPO has been made, if objections are received and a public local inquiry is required, there is approximately a 16 month period from making a CPO until the date that the land may be acquired compulsorily as a minimum.

3.6 An Indicative CPO Timetable

<b>Task</b>	<b>Date</b>
Outline planning application submitted	15 <sup>th</sup> December 2017
CPO request notice	February 2018
CPO Indemnity Agreement	February 2018
Phase 1A Reserved Matters submission	February 2018

Land referencing including service of statutory requisitions if required	February 2018-May 2018
Prepare Statement of Reasons	February 2018-May 2018
Prepare draft CPO, CPO Plan, and CPO schedule	March 2018 – May 2018
Report to Cabinet seeking formal approval to the making of a CPO	June 2018
Make CPO	June 2018
Notice of Making of CPO is served	June 2018
CPO objection period ends	July 2018
Estimated date of CPO Public Inquiry	December 2018
Estimated date of Secretary of State's decision to confirm CPO	June 2019
Publish and Serve Notice of Confirmation and Notice of Intention to make a General Vesting Declaration (GVD)	June 2019
CPO 6 week challenge period expires	July 2019
Earliest date for execution of GVD	July 2019
Earliest date land can vest in the Council (3 months after GVD)	October 2019

- 3.7 Compulsory purchase orders include a Schedule of interests which should include the names and addresses of every party that has an interest in the land proposed to be acquired, including all freehold owners, tenants, other occupiers, and anyone else with a legal interest in the land such as an easement or covenant. In order to establish the parties who should appear in the Schedule, an initial land referencing process was commenced by the Corporation and is now being updated by the Council. Depending on when the Order is made this may need further review. The plan at Appendix 1 shows the current site boundary deemed to be required for the Purfleet scheme. The final land area to be included in the CPO must be clearly shown on a plan when the Order is made. Until this point there remains some flexibility and the boundary can be amended if required.

3.8 The scheme as currently envisaged is divided into four phases described below:

- Phase 1 – area to the west and south of the railway station to Cory's Wharf jetty
- Phase 2 – Southern area of Botany Quarry
- Phase 3 – Northern area of Botany Quarry
- Phase 4 – Area to the East of Cory's Wharf jetty

The partnership is currently considering whether a single phase CPO encompassing all four phases or a multi-phase CPO delivering the site in more than one parcel is the most appropriate mechanism to secure the ownership of the required area. For a CPO to be successful there must be a level of evidence that the entire scheme is deliverable.

3.9 The point at which this evidence can be demonstrated is likely to be different for the residential and more commercial elements of the scheme (such as the Film and TV studios). The availability of this evidence as well as the proposed development programme and the combined public benefit will inform the decision on whether to pursue a single phase or multi-phase CPO. The rationale for this will need to be clearly justified in the documentation which will accompany the making of the CPO(s). At this stage Cabinet is only asked to approve the principle of using CPO powers - full details on the number of CPOs, the areas to which they relate and the future uses of the acquired land will come forward in a later report to Cabinet seeking formal approval to the making of a CPO(s).

### **Public Interest**

3.10 Whilst this report only seeks an 'in principle' decision from Cabinet that it is prepared to authorise the use of CPO powers to facilitate the Purfleet Scheme, officers would provide the following guidance at this stage on the implications of pursuing CPO action. The Guidance confirms that *'an acquiring authority should be sure that the purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected. Particular consideration should be given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention.'* The United Kingdom is party to and bound by the ECHR, which was incorporated into domestic legislation by the Human Rights Act 1998. Accordingly, the Council is required to take into account such rights when making its decision. The implications will be dealt with in full in a subsequent report requesting approval for the making of the proposed CPO.

3.11 Before deciding whether to authorise any CPO, Cabinet will need to consider the balance and compatibility between the compulsory powers sought and the rights enshrined in the ECHR and whether there is a compelling case for a CPO in the public interest which means that the acquisition of land to

enable the scheme to proceed will bring benefits to the area, which could not be achieved without the use of compulsory purchase powers.

### **Alternative Options**

- 3.12 If the Council decides not to commence preparations for a possible compulsory purchase order at this stage, this could call into the question the Council's commitment to the delivery of the Purfleet Centre scheme. This could undermine the Council's private treaty negotiations with owners, its relationship with PCRL, and discussions with other key stakeholders. In turn, this could give rise to uncertainty and delay to the delivery of the Purfleet Centre project and the much needed economic, social and environmental well-being benefits that it will realise.

### **Wider Project Decisions**

- 3.13 The submission of the outline planning application in December 2017 was a significant step forward in the delivery of the Purfleet scheme. This marks the start of the delivery phase of the Project and the Council will therefore have to make a number of decisions over the coming months and years.
- 3.14 In early 2018 it is anticipated that PCRL will submit to the Council for approval a Phase Proposal which will describe how Phase 1 will be delivered. Approval of this document is the next key decision that the Council need to make. Following the Phase Proposal, a number of reserved matters planning applications will come forward for discrete areas within Phase 1. In accordance with the DA the Phase 1a reserved matters application will be submitted in February 2018. In addition the Council and PCRL need to jointly make decisions on the delivery mechanisms for both the Integrated Medical Centre and the new Primary School.
- 3.15 Any approvals required under the Development Agreement are subject to the agreed review and approval process which, on most occasions, gives the Council 30 days to approve or reject submitted items. As these timescales will not fit with Cabinet decision making schedules this report requests delegation to the Corporate Director, Place in consultation with others to make the decisions necessary to ensure that the project can progress through the delivery phase.

## **4. Reasons for Recommendation**

- 4.1 Whilst significant progress has been made to date by the Council with private treaty negotiations and discussions with landowners and occupiers will continue, Officers consider that it is unlikely that all necessary interests can be acquired through negotiation. Furthermore, there are a number of unknown ownerships and title anomalies which could prejudice the delivery of the scheme and may not be capable of satisfactory resolution without the exercise of CPO powers. Officers are therefore of the view that the use of compulsory purchase powers may be necessary to facilitate the development of the Purfleet Centre site.

- 4.2 It is proposed at this time that the Council approves, in principle only, to use compulsory purchase powers pursuant to section 226 of the Town and Country Planning Act 1990 if it becomes necessary to do so. A further report will be brought back to Cabinet should a CPO be required and the Council will need to consider at that time whether there is a compelling case in the public interest to make such an order.
- 4.3 Section 227 of the Town and Country Planning Act 1990 provides that a Council may acquire by agreement any land which they require for any purpose for which a local authority may be authorised to acquire land compulsorily under section 226. Officers consider that any land within the area edged red on the plan at Appendix 1 that may be acquired by negotiation from now on should be held by the Council for planning purposes, consistent with the purposes for which that land would be held by the Council were the land to be acquired compulsorily pursuant to section 226. Land referencing involves a detailed investigation into the identity of all owners, tenants, occupiers and others with legal interests in the order land. This exercise must be carried out thoroughly as errors in the schedule cannot readily be remedied later without the consent of any affected owner/occupier. It may subsequently become expedient for formal requisitions for information to be issued by the Council in order for the Council to satisfy itself before the making of any CPO that reasonable and diligent enquiries have been made to seek to identify all those persons with an interest in the relevant land. Cabinet is therefore requested to delegate authority to the Corporate Director, Place in consultation with the Portfolio Holder for Regeneration and Assistant Director of Law and Governance to approve the issuing of requisitions for information served under the provisions of section 5A of the Acquisition of Land Act 1981 to all potential owners of legal interests within the proposed CPO area.
- 4.4 The costs of progressing the CPO process will be borne by PCRL under the terms of an agreed form CPO Indemnity Agreement which is appended to the Development Agreement dated 11<sup>th</sup> January 2016. Cabinet is therefore requested to delegate authority to the Corporate Director, Place in consultation with the Portfolio Holder for Regeneration to finalise and enter into the CPO Indemnity Agreement.
- 4.5 Other project decisions will need to be taken on Phase Proposals, Reserved Matters Applications and potentially other items. To ensure that the Council can fulfil its obligations under the DA and meet the prescribed approval timelines it is requested that Cabinet delegates authority to the Corporate Director, Place in consultation with the Portfolio Holder for Regeneration, the Director of Law and Governance and the s.151 Officer to take any further decisions that may be required by the project.

## **5. Consultation**

- 5.1 As highlighted previously significant negotiation has taken place with affected landowners with a view to acquiring land by private treaty wherever possible. Landowners are aware that previous in principle resolution to

pursue a CPO has been approved by Cabinet and that Officers will be seeking to renew this approval.

5.2 A significant amount of public consultation has been undertaken in relation to the Project. Some of these elements are highlighted below:

- **Community Design Panel:** 20 volunteers met regularly with PCRL during the design process to identify issues that should be addressed in the development and to input into the design process. The panel last met in November 2017 prior to the submission of the outline planning application;
- **Community Consultation Workshops:** 6 open community consultation workshops were held between April 2016 and December 2016 allowing local people an opportunity to feed into and comment on the masterplan development;
- **Digital engagement and consultation:** Social media channels were set up to encourage people who would not take part in a community consultation to engage with the design team.

5.3 Support from the public is generally high and local residents are excited to see new amenities being planned for their area.

## **6. Impact on corporate policies, priorities, performance and community impact**

6.1 Purfleet Centre is referenced in the Council's Economic Development and Regeneration Strategies and the Local Development Framework. The proposals under consideration will make a significant contribution to achieving the Council's vision for Purfleet and will be of great benefit to new and existing residents.

## **7. Implications**

### **7.1 Financial**

Implications verified by: **Mark Terry**

**Senior Financial Accountant**

The financial return generated by the Project will be received as the development Phases are completed. The mechanism for calculating the return is set out in the DA. Initial details of the first financial return due to the Council will be provided in the first Phase Proposal which is expected February 2018. The Council's advisors, CBRE, will ensure that information provided by PCRL is in line with the agreement, satisfies the viability tests and is based on reasonable inputs and forecasts. The Council must be satisfied that the Phase is viable before reserved matters applications are submitted to the Local Planning Authority. The DA sets out a defined budget held by the Council for land assembly costs. Once this budget is expended

the responsibility to cover future land assembly costs moves to PCRL. The CPO Indemnity Agreement obliges PCRL to cover the costs of a CPO process. It is in agreed form as an annex to the DA but will only be signed following the submission of a CPO request notice under the DA and its acceptance by the Council. The Council will not commence CPO proceedings until this is in place.

Through the DA and the CPO Indemnity Agreement the Council has sufficient protection against costs arising out of the Project. Future returns will be quantified at the relevant Phase Proposal stages. When making value for money decisions in relation to the scheme the Council will take into consideration the financial and non-financial benefits (new housing, new infrastructure, placemaking impact etc) of the Project.

## 7.2 Legal

Implications verified by: **Benita Edwards**

### **Interim Deputy Head of Law (Regeneration)**

Eversheds Sutherland are providing detailed legal advice to the Council on its approach and legal issues and in so doing, they have assisted with the preparation of this report. If a CPO is pursued Eversheds Sutherland will be retained to advise the Council throughout.

Legal Services have also advised in relation to governance and other matters arising in this report and will continue to do so in partnership with Eversheds Sutherland.

### **Making a CPO**

As noted in the report, in due course, Cabinet may be asked to authorise the making of the CPO for the purpose of facilitating the comprehensive redevelopment of the land in accordance with the scheme outlined in the report, which officers consider will make a major positive contribution to the economic, social and environmental well-being of the area. At this stage, approval is sought for preparatory steps, acquisition of land by private treaty and connected matters.

The making of a compulsory purchase Order under S.226 (1) (a) of the Town and Country Planning Act 1990 and the Acquisition of Land Act 1981 is a function which Cabinet may exercise in accordance with the provisions of the Council's Constitution.

Section 226 of the Town and Country Planning Act 1990 enables a local authority to exercise its compulsory purchase powers:

- i. If it considers that acquiring the land in question will facilitate the carrying out of development, redevelopment, or improvement on, or in relation to, the land being acquired (s.226(1)(a)); and

- ii. Provided that it considers that the proposed development, redevelopment or improvement is likely to contribute to achieving the promotion or improvement of the economic, social or environmental well-being of its area (s.226(1A)).

The Council must therefore be satisfied on both counts. In addition, it must take into account any human rights implications as well as the public sector equality duty in section 149 of the Equality Act 2010.

### **Confirmation of a CPO and Acquisition of the Land**

If, following consideration of a further detailed Report, the Council resolves to make the CPO, the Order must be submitted to the Secretary of State for confirmation, notified to those persons affected by it and advertised in the local press. Any party who wishes to object to the making of the CPO has 21 days within which to do so from the date of notification. All statutory objectors have a right to be heard at a public inquiry although it is possible for the Secretary of State to deal with objections in writing. Although any Inquiry will be held on the earliest possible date, typically this could be six months or more after submission of the Order to the Secretary of State.

The Council cannot actually exercise its compulsory purchase powers until such time as the CPO has been confirmed by the Secretary of State or the Secretary of State permits the Council itself to confirm the CPO.

Following confirmation of a CPO the Council has three years within which to exercise the CPO powers. Once the interests included in the proposed CPO area have been acquired for planning purposes, the site will benefit from the operation of Section 203 of the Housing and Planning Act 2016, which (subject to the payment of compensation) extinguishes all existing third party rights that could prevent the development or use of the land from proceeding. The same applies with respect to any land acquired by agreement under section 227 of the Town and Country Planning Act 1990. In both cases, the costs of compensation will be limited to the statutory basis as provided by section 204 of the 2016 Act.

### **Legal Challenge**

Decisions made in the Compulsory Purchase context are subject to challenge on public law grounds in the usual way.

## **7.3 Diversity and Equality**

Implications verified by: **Natalie Warren**

**Strategic Lead, Community Development and Equalities**

The Equality Act 2010 outlines the provisions of the Public Sector Equality Duty (PSED), requires public bodies to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010;
- advance equality of opportunity between people from different groups; and
- foster good relations between people from different groups.

The broad purpose of this duty is to require the Council to pay due regard to considerations of equality in an appropriate and proportionate manner and to take account of how the Council's decisions might impact on different groups across the administrative area including those identified in equality legislation as having protected characteristics, namely: Age, disability, gender, gender reassignment, marriage, civil partnership, pregnancy and maternity, sexual orientation and religion or belief.

This requires elected Members to satisfy themselves that equality considerations are integrated into day to day business and that all proposals put to committees have properly taken into consideration what impact, if any, there is on any protected group and what mitigating factors can be put in train.

The Purfleet Centre Project has the ability to deliver a significant level of change to Purfleet, with the introduction of employment opportunities together with community facilities and diverse housing types which will provide significant growth to the area. Plans are designed to ensure that the new facilities are accessible to both the new and existing communities and the masterplan has widespread community support.

Implementation of the Project will be informed by statutory equality legislation described above as well as by community equality impact assessments.

#### 7.4 **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

The report highlights a range of positive social and economic implications.

#### 8. **Background papers used in preparing this report** (including their location on the Council's website or identification whether any are exempt of protected by copyright):

- None.

#### 9. **Appendices to the report:**

- Appendix 1: Site Boundary Plan
- Appendix 2: Description of Development

**Report Author:**

Rebecca Ellsmore

Regeneration Programme Manager (Purfleet)

Regeneration