



**FYLDE BOROUGH COUNCIL (LAND ADJACENT TO SQUIRES GATE RAILWAY STATION)
COMPULSORY PURCHASE ORDER 2022**

Statement of Reasons

1. Property Details

- 1.1** Fylde Borough Council (“the Council”) has made the Fylde Borough Council (Land Adjacent to Squires Gate Railway Station) Compulsory Purchase Order 2022 (“the Order”) under section 226(1)(b) of the Town and Country Planning Act 1990.¹
- 1.2 If confirmed by the Secretary of State for Levelling Up, Housing and Communities, the Order will enable the Council to acquire compulsorily certain land adjacent to Squires Gate Railway Station (the “Order Land”) in order to enable access to the rail network at Squires Gate Railway Station (“the Station”) for wheelchair users and others.²
- 1.3 The Order Land is comprised of a small parcel of land adjacent to Squires Gate Railway Station which is approximately 35.6m² in area and shown edged in red on the attached plan.
- 1.4 The Land is currently unregistered at HM Land Registry. As a result of enquires and title checks as per clause 5; no freehold or leasehold interests have been able to be confirmed and the land is therefore in unknown ownership.

2. The Need for the Compulsory Purchase Order

- 2.1 The purpose of the CPO is to facilitate the improvement of the derelict piece of land to construct a disabled access to the Station.

¹ Which is required for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated.

² This contributes to the promotion or improvement of the economic and social well-being of the area.

2.2 If the Council does not use the compulsory purchase powers, there is no realistic prospect of it acquiring the land and therefore providing the access that is required.

3. Background

3.1 The Station can presently only be reached via a flight of 30 steps from Squires Gate Lane. This means that wheelchair users and others who are unable to use the steps are not able to access the Station.

3.2 The Council resolved 5 July 2021 as follows:

1. *Approve, in principle, to the making of a Compulsory Purchase Order for land adjacent to Squires Gate Station to enable an accessible route to the station platform to be created; and*
2. *Note that a report was presented to Finance and Democracy Committee (28 June 2021) to request Delegation of authority to the Director of Development Services to acquire the land by purchase outside any compulsory purchase process provided that the purchase price and other terms are, in his opinion, broadly consistent with the aspirations and expectations of the Council; and*
3. *Note that a report was presented to Finance and Democracy Committee (28 June 2021) to request a funded capital budget increase of £1,000 in 2021/22 from the Capital Investment Reserve for additional legal and surveying fees associated with the CPO process subject to Council approval of the Compulsory Purchase Order.. It considered a report setting out the outcome of efforts to acquire the Order Land by agreement and recommending compulsory acquisition, if a final attempt to acquire the property by agreement should prove unsuccessful.*

3.3 The Council further resolved on XXXXX as follows:

XXX

4. The Enabling Power

4.1 Section 226(1)(b) of the Town and Country Planning Act 1990 gives a Local Authority, with the approval of the Secretary of State, power to compulsorily acquire land which is required for a purpose which it is necessary to achieve in the interests of the proper planning of the area which the land is situated.³

5. Efforts to locate the owner

5.1 The land is not registered at HM Land Registry (“HMLR”).

³ The Act gives the facility to carry out any development, redevelopment, or improvement on or in relation to land.

- 5.2 The Council has made extensive efforts over several years to try and locate the owner or qualifying persons.⁴ Inquiries have been made based upon information gathered through inspection of the Land registry title documents, site inspections and enquires, reviewing historic planning permissions and writing to all the owners of adjacent land. Unfortunately, all attempts to find the owner have been unsuccessful, save as set out in paragraphs 5.4 to 5.6.
- 5.3 In particular, Network Rail have advised they were not the owners and hold no interest over the Order Land and Persimmon Homes, who have constructed a housing development on the adjacent land, have advised the Order Land is not within their curtilage and they do not own the land.
- 5.4 On the 15th April 2019, Norman Blair of Blair Estates claimed he was the owner of the land and advised he would transfer the land to the Council for a sum of money plus legal fees.
- 5.5 The Council agreed to purchase the land and pay the legal costs, provided that the Mr Blair first registered their ownership with HMLR. Mr Blair advised that he was only willing to proceed if the Council guaranteed that costs would be covered even if the registration process failed. The Council were not willing to commit public money to the process with the risk that they did not acquire the land. The Council negotiated a purchase price and legal fees based on the title being registered, and this was accepted by the Mr Blair. Mr Blair advised that he had given his solicitor formal instructions to proceed with this matter and prepare a statutory declaration to enable registration of the Order Land with HMLR.
- 5.6 Subsequently, between 2019 and 2021 the Council communicated with Mr Blair's solicitors regarding the registration of the land.
- 5.7 The Council followed up the process at least monthly during this period. However, on the 2nd March 2021 the Council was advised by the solicitors that they had received no further instructions to progress. As Mr Blair had not registered the Order Land at HMLR and had not produced any evidence that satisfied the Council of his ownership of the Order Land, it was determined to pursue the acquisition of the Order Land by compulsory purchase.
- 5.8 The Acquiring Authority has not identified any land within the Order Land that is owned by another local authority, by the National Trust or which forms part of a common, open space land or field, garden, or allotment.

6. Justification for use of the compulsory purchase powers

- 6.1 The public benefit of this disabled access point is significant and will directly benefit may of the residents of both the adjacent housing development and the wider area.⁵

⁴ This includes an owner, occupier, tenant or person the acquiring authority would be required to give notice to treat (Compulsory Purchase Act 1965, section 5(1)) or a person likely to be entitled to make a claim for compensation under (section 10 of the 1965 Act).

⁵ With due regard to the Equality Act 2010, section 149

- 6.2 Because the area of land is unregistered and no person has been able to produce satisfactory proof of title, the Council have been unable to ascertain the true owner of the Order Land in order to make an offer to purchase the land.
- 6.3 The Council has made sustained efforts over a period of more than 3 years to work with potential owners of the land in order to develop the area and create a accessible route to the Station. The Councils strategy has been to support the development of the Order Land to meet the needs to the local area.
- 6.4 The current state of the land is effectively landlocked and derelict and has a negative effect on the amenities in the surrounding area and specifically for certain groups within society who would benefit from an accessible route to the Station.

7. Proposals for Use or development of the Order Land

- 7.1 The Council will work with Network Rail and Northern Rail to remove the wooden fencing, which is temporarily in place, once the Order has been made the development can progress by removing the fence and vehicular access will be restricted from entering the pedestrian route.
- 7.2 The Council will retain ownership of the Order Land but will grant a long leasehold interest to Network Rail if the Order is made.
- 7.3 The Acquiring Authority will work with all parties who have previously been involved in the project to include:
 - 7.3.1 South Fylde Community Rail Partnership who have discussed the access many times over the years.
 - 7.3.2 Northern's Regional Stakeholder Manager and Northern's Community and Sustainability Manager who have been involved with discussions in the past.
 - 7.3.3 Squires Gate Station Friends Group
 - 7.3.4 Northern Accessibility Improvement Manager.

8. Human rights

- 8.1 The Council has considered whether the powers it seeks to exercise are compatible with the European Convention of Human Rights ("The Convention"). The Convention Rights relevant to compulsory acquisition are as follows:
 - 8.1.1 Article 1 of the first protocol: This protects the rights of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the relevant nation and international laws.
 - 8.1.2 Article 8: This protects private and family life, home, and correspondence. No public authority can interfere with these interests except if it is in accordance with the law and if necessary, in the interests of national security, public safety or the economic wellbeing of the country.

8.1.3 Article 14: This protects the right to enjoy rights and freedoms in the Convention free from discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, or national or social origin.

8.2 The Order would not interfere with any rights protected under articles 8 or 14. The order would engage the rights of the owner of the Order Land under article 1 of the first protocol, in that it would deprive them of possession of the land. However, the acquisition of the Order Land by the Council would be in the public interest because it would enable the provision of an accessible route to the Station, which would otherwise not be accessible to wheelchair users and others with mobility issues, and the compulsory purchase procedure is enshrined in statute and statutory instruments and is therefore in accordance with the law.

9. Public Sector Diversity

9.1 The Council has had due regard to its Equalities Duties as specified under section 149 of the Equality Act 2010 to date and will continue to do so throughout this matter.

9.2 The Council considers the Order to be compatible with the Public Sector Equality Duty and will not have a significant negative impact upon protected groups. Moreover, the purpose of the order is to promote the interests of persons who have a disability relating to mobility by enabling them to access the railway network at the Station.

9.3 The Public Sector Equality Duty has been considered in relation to information known about the Owner and will continue to be applied in future efforts to make contact with the Owner and throughout the compulsory purchase process.

10. Other matters

10.1 The Council is not aware of any special considerations that affect the Order Land.

10.2 Except for the need for the Order to be confirmed, there are no obstacles or prior consents which are necessary to obtain before the Order scheme can be implemented.

10.3 No Government department has expressed views about the proposed development of the Order Land.

10.4 There are no related orders, applications or appeals.

10.5 In the event of there being a public enquiry concerning the Order, the Council would anticipate referring to a plan showing the Order Land and specifications for the proposed works together with the Councils attempts to purchase the Order Land voluntarily.

11. Conclusion

11.1 The Council has made every effort to consult the relevant persons affected by the Order but unfortunately it has not been possible to confirm ownership of the relevant Land. As a result, the

Council is of the opinion that the Owner will not satisfactorily bring the Order Land into beneficial use.

11.2 The Council is still keen to enter into negotiations to acquire the land by agreement, if a request to do so is received from the Owner of the Order Land, in accordance with the advice in the online compulsory purchase guidance published in October 2015, and updated February 2018, by MHCLG, and if the owner is able to satisfactorily evidence their title.

11.3 All reasonable endeavours to trace the Owner and engage with the person who had claimed ownership, so that the Council may encourage and promote a voluntary way forward for the Land, have been exhausted and as a result there is now a compelling case in the public interest for compulsory purchase of the Order Land. Confirmation of the Order is now therefore submitted.