

## DECISION ITEM

| REPORT OF  | MEETING | DATE            | ITEM NO |
|--|---------|-----------------|---------|
| RESOURCES DIRECTORATE  | COUNCIL | 7 FEBRUARY 2022 | 10      |
| <b>PURCHASE OF LAND ADJACENT TO SQUIRES GATE STATION - CPO</b> |         |                 |         |

### PUBLIC ITEM

This item is for consideration in the public part of the meeting.

### SUMMARY

At the Finance and Democracy Committee on the 28<sup>th</sup> June 2021, a report was presented to the Committee regarding the next stages of acquiring land adjacent to Squires Gate Station. Consideration was given to the Council pursuing a Compulsory Purchase Order to acquire land to allow an accessible route to Squires Gate Station platform.

The Committee recommended that Full Council approval be given to allow the compulsory purchase order to proceed.

### RECOMMENDATIONS

Council is recommended:

To approve 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 to authorise expenditure of up to £6,000 in 2021/22 fully funded from the 2021/22 approved Capital Budget

### SUMMARY OF PREVIOUS DECISIONS

Finance and Democracy Committee - 28<sup>th</sup> June 2021:

It was RESOLVED to:

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.

Finance and Democracy Committee – 24<sup>th</sup> June 2019:

It was RESOLVED:

1. That officers approach Network Rail with a request that the Network Rail Fund, or contribute to funding of, the purchase of the land and the associated legal fees in the first instance;
2. If 1. Above is unsuccessful, to approve the purchase of approximately 35.6 square metres of land adjacent to Squires Gate Station for the sum of £3,000 plus payment of the vendors legal costs up to £2,400 i.e. to a total cost of no more than £5,400 in the absence of recouping any of those costs;
3. To approve an addition to the Council's Capital Programme for 2019/20 in the sum of £5,400 to be met from the Capital Investment Reserve for the purchase of the land adjacent to Squires Gate Station as described above;
4. To approve expenditure in the maximum sum of £5,400 for the purchase of the land adjacent to Squires Gate Station as described above; and
5. To approve the granting of a long ground lease of this land, once purchased, to Network Rail to include the transference of responsibility for management and maintenance of the land.

### CORPORATE PRIORITIES

|  |   |
|--|---|
| Economy – To create a vibrant and healthy economy        | √ |
| Environment – To deliver services customers expect       |   |
| Efficiency – By spending money in the most efficient way |   |
| Tourism – To create a great place to live and visit      | √ |

## REPORT

### BACKGROUND

1. Since 2018 the Council and the South Fylde Line Community Rail Partnership have been working together to try and achieve the delivery of a step-free accessible route to Squires Gate Station Platform.
2. The station platform can currently only be reached via a flight of 30 steps. This means wheelchair users and others cannot access the station platform unless they are able to use the steps.
3. To provide the step-free accessible route a small parcel of land approximately 35.6m<sup>2</sup> is required to be purchased. The land sits between land owned by Persimmon Homes and the station platform. The land is shown in Appendix 1.
4. The land is unregistered and enquires have been made since 2018 to identify the owner of the land. A full background of the enquires made can be shown in the Finance and Democracy report dated 28<sup>th</sup> June 2021.
5. As a result of enquires and title checks, no freehold or leasehold interests have been able to confirm ownership of the land and as a result ownership remains unknown.<sup>1</sup>
6. The use of Compulsory Purchase Powers is now required as there is no realistic prospect of the Council acquiring the land by any other means and delivering the step-free accessible route.

### PROPOSED ACTION

7. The Council resolved on the 5<sup>th</sup> July 2021 that it would approve in principle the making of a Compulsory Purchase Order ('CPO').
8. The power to obtain the land under compulsory purchase powers is in Section 226(1)(b) of the Town and Country Planning Act 1990 which gives a Local Authority, (subject to the approval of the Secretary of State) power to compulsorily acquire land for "a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situate".
9. The CPO can only be made after several preparatory steps, including making all practicable enquires to identify the owner of interests in the land and the preparation of a CPO scheme, which is the formal document intended to justify the acquisition and use of compulsory powers.

<sup>1</sup> We had engaged with solicitors for someone who claimed to own the land, but they ultimately didn't prove their title to it

10. Officers have now prepared the compulsory purchase documentation in detail, which includes the draft order as shown in Appendix 3.
11. Officers seek a resolution to formally make the CPO. The CPO would then be made as soon as practicable after the resolution.

#### FINANCIAL IMPLICATIONS

12. Within the Capital programme, £3,000 has been allocated for purchase of the land and £2,000 plus VAT for legal fees. A 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 will be allocated, subject to Council approval of the CPO.

#### COMPENSATION

13. Under the CPO powers if a local authority is acquiring land then compensation is to be paid to the owners of the interests in the land; either by agreement or, if no value is agreed, by a tribunal. The compensation is based on the open market value of the land taken and considers any loss caused for damage to any retained land of the affected party or any loss caused by losing possession of the land.
14. It is not possible to be certain of the compensation that would be awarded at a tribunal. Professional valuation evidence would provide a strong indication of the likely range by assessing the value of the land. It is expected that the amount will be within the £3,000 already allocated for the purchase.

| IMPLICATIONS                            |  |
|---|--|
| Finance                                 | Full Council is requested to authorise expenditure of up to £6,000 for the compulsory purchase order for land adjacent to Squires Gate Station fully funded from the 2021/22 approved Capital Budget |
| Legal                                   | Full Council is requested to give approval for making of a Compulsory Purchase Order for land adjacent to Squires Gate Station.  |
| Community Safety                        | None   |
| Human Rights and Equalities             | To create an accessible access to enable those with restricted mobility to use Squires Gate Station.   |
| Sustainability and Environmental Impact | None   |
| Health & Safety and Risk Management     | None   |

| LEAD AUTHOR | CONTACT DETAILS   | DATE                          |
|-------------|---|-------------------------------|
| Carly Smith | <a href="mailto:Carly.smith@fylde.gov.uk">Carly.smith@fylde.gov.uk</a> – 01253 658509 | 24 <sup>th</sup> January 2022 |

| BACKGROUND PAPERS                      |                            |                                  |
|--|----------------------------|----------------------------------|
| Name of document                       | Date                       | Where available for inspection   |
| Finance and Democracy Committee Report | 28 <sup>th</sup> June 2021 | <a href="#">Committee Report</a> |
| Finance and Democracy Committee report | 24 <sup>th</sup> June 2019 | <a href="#">Committee Report</a> |

#### Attached documents

Appendix 1 – Plan of land adjacent to Squires Gate Station

Appendix 2 – Draft CPO Order/Statement of Reasons.

