

<b>Notice of:</b>	<b>EXECUTIVE</b>
<b>Decision Number:</b>	EX38/2023
<b>Relevant Officer:</b>	Alan Cavill, Director of Communications and Regeneration
<b>Relevant Cabinet Member:</b>	Councillor Mark Smith, Cabinet Member for Levelling Up Place
<b>Date of Meeting:</b>	16 October 2023

## **THE BLACKPOOL BOROUGH COUNCIL (MULTIVERSITY) COMPULSORY PURCHASE ORDER 2023**

### **1.0 Purpose of the report:**

- 1.1 The seeking of authority to make a Compulsory Purchase Order under Section 226(1)(a) of the Town and Country Planning Act 1990 (as amended by section 99 and Schedule 9 of the Planning and Compulsory Purchase Act 2004) in respect of the acquisition of land and premises within the area edged red on the map (“the Order Land”) shown below as Appendix 4a to the Executive report, titled Compulsory Purchase Order map (“the Map”) in order to acquire compulsorily all interests in the Order Land required to facilitate the proposed development referred to in this report.

### **2.0 Recommendation(s):**

- 2.1 To authorise the making of a Compulsory Purchase Order to be known as The Blackpool Borough Council (Multiversity) Compulsory Purchase Order 2023 (“the Order”) under Section 226 (1)(a) of the Town and Country Planning Act (as amended by section 99 and Schedule 9 of the Planning and Compulsory Purchase Act 2004) for the acquisition of the Order Land being land which it thinks, if acquired, will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land, and that such 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, as described in this report.
- 2.2 On the basis that there is a compelling case in the public interest to making the Order, to authorise the Director of Communications and Regeneration to:
- i. take all necessary steps to secure the making, confirmation and implementation of the Order including (but not limited to) updating the draft Statement of Reasons (Appendix 4b to the Executive report) as deemed appropriate, the publication and service of all notices and the presentation of the Council’s case at any Public Inquiry;

- ii. acquire interests in land within the area shown on the Map either by agreement or compulsorily;
- iii. approve agreements with landowners and others having an interest in the area to be subject to the Order setting out the terms for the withdrawal of objections to the Order including where appropriate seeking agreements effecting the delivery of any part of the development and making arrangements for rehousing or relocation of occupiers.

2.3 To authorise the Director of Communications and Regeneration to progress any road closure orders either in-house or by instruction to the developers of the Multiversity.

2.4 To note the decision in EX 20/2023 (Town Centre Car Parking Strategy) regarding financial provision for acquiring additional sites and to approve the extension of the area of opportunity purchase for car parking to include the Multiversity Compulsory Purchase Order Land to cover any additional costs of land acquisition for the car parking elements of the Multiversity proposals should it be required. (See Appendix 4c to the Executive report).

2.5 To authorise the Head of Legal Services to enter into the legal documentation necessary in connection with the acquisitions of the remaining Order Land following confirmation of the Order.

**3.0 Reasons for recommendations:**

3.1 To enable the development of a major educational facility together with associated public realm.

3.2 The conclusions section of the background information at 6.20 outlines the steps already taken, expanded further in the Statement of Reasons, why the Council believes there is a compelling case in the public interest formally to make a Compulsory Purchase Order whilst continuing to negotiate for the acquisition of the outstanding properties which is completely in accordance with Government guidance.

3.3 Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.4 Is the recommendation in accordance with the Council's approved budget? Yes

4.0 Other alternative options to be considered:

None - if the Council does not proceed with the Order it would put into jeopardy the delivery of the development with its attendant benefits.

**5.0 Council Priority:**

4.1 The relevant Council Priority is: "The economy: maximising growth and opportunity across Blackpool".

## **6.0 Background Information**

6.1 Executive Decision EX17/2023 gave “in principle” authority to make a Compulsory Purchase Order. Since then the Council has continued to attempt to make contact with all parties (successfully in the vast majority of cases) holding legal interests that fall within the Order Land, consulting with owners and occupiers subsequent discussions and negotiations are ongoing. Out of a total of over 60 properties required for the scheme, a significant proportion of properties have been completed or are in advanced stages of acquisition and the Council already owns approximately 30% of the Order Land.

Notices under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 together with a “Form for Giving Information” have been served on those persons who are named as Freehold and Leasehold owners and mortgages in the proprietorship and charges registers of the H M Land Registry.

The information received back in those forms together with the information held at H M Land Registry will populate an accurate list of legal interests which will form the schedule to the Compulsory Purchase Order.

Notwithstanding the progress on acquisitions to date, acquisition by agreement of all the Order Land is deemed not possible within a realistic timeframe or at all. As is often the case with large regeneration projects, it is considered that the use of Compulsory Purchase powers is required to successfully effect site assembly within a reasonable timeframe.

## **6.2 Planning Position**

Where an order is made under Section 226(1)(a) of the 1990 Act the Council must have regard to the provisions of the development plan, any extant planning permissions and any other considerations which would be material to the determination of an application for planning permission for development of the Order Land. The Council should consider, as far as possible, whether there would be any obvious reason why planning permission should be withheld.

In the case of the Multiversity proposals they contribute to the achievement of the objectives in accordance with the Council’s Local Plan – Part 1: Core Strategy (2012-2027) which was adopted in January 2016, and the Blackpool Town Centre Strategy Update approved in March 2023

The Council has a long held aspiration to secure major investment in the area and both the adopted and local plan policies seek to encourage major redevelopment in this location. The proposals accord with national, regional and local planning policies and with the regional economic strategy.

### 6.3 **The Development.**

An Outline Planning Application is in the final stages of design and is scheduled to be submitted this autumn (with all matters reserved for future approval) for a new higher education-led mixed use development across severable plots comprising a new education campus (Use Class F1(a)) including for potential ancillary Café/ Restaurant Use (Class E(b)) and commercial office/ research and development floor-space (Use Class E(g)), creation of new public realm and associated landscaping, highway works and other associated works, following demolition of the existing buildings/ structures

### 6.4 **Statutory Powers of the Local Authority**

By virtue of section 226(1)(a) of the Town and Country Planning Act 1990, (as amended by section 99 and Schedule 9 of the Planning and Compulsory Purchase Act 2004) the Council, as the Acquiring Authority, on being authorised to do so, is able to acquire land by compulsory means if it thinks that it will facilitate the carrying out of development, redevelopment, or improvement on or in relation to the land.

6.5 The Council cannot exercise its power under section 226 (1)(a) unless and in accordance with section 226 (1)(a) it thinks that the development/re-development or improvements proposed will achieve any one or more of the following objects:

- The promotion or improvement of the economic wellbeing of the area.
- The promotion or improvement of the social wellbeing of the area or
- The promotion or improvement of the environmental wellbeing of the area

The acquisition of the Order Land will facilitate the carrying out of development which will deliver an area which results in public benefits including the raising of the quality of the environment of this part of town and establishing a major educational facility with associated benefits such as employment opportunities. The rationale for this is set out more fully in the Statement of Reasons (Appendix 4b to the Executive report).

6.6 In terms of the economic, social and environmental benefits associated with the acquisition, the proposal is also entirely consistent with the Council's Community Strategy.

6.7 As regards the fundamental tests as to whether compulsory acquisition is justified, namely - is there a compelling case in the public interest - and any of the objectives in section 226 (1)(a) are met. For the reasons set out in this report – and expanded upon in the draft Statement of Reasons - officers are of the view that there is such a compelling case in the public interest and nothing short of the compulsory acquisition of the land will facilitate the much-needed redevelopment of the Order Land. It is also clear that the land cannot be assembled without the use of compulsory purchase powers and thus the use of the Compulsory Purchase Order powers is a last resort.

### 6.8 **Highways**

To deliver the site for the proposed development Highways Closure Orders will be required. The Council will progress any such Highways Closure Orders which will require a separate applications to the Secretary of State in respect of any Highways affected by the development proposals.

6.9 There are no designated footpaths affected by the development.

6.10 **Statement of Reasons**

A detailed Statement of Reasons in support of the making of the Order will be finalised in accordance with the guidance contained in the Department of Levelling Up Homes and Communities Guidance on Compulsory purchase process and the Crichel Down Rules and a copy of the final Statement of Reasons will be served on each person with an interest in the Land.

6.11 The draft Statement of Reasons is at Appendix 4b and this will be updated as is appropriate prior to the date on which the Order is made.

6.12 **Viability of Scheme and Timing**

6.13 The final terms of each acquisition will be subject to valuation and negotiation. The budget for the acquisitions and demolition of property has been agreed as part of the Town Deal allocation for the Multiversity Site assembly. Should the costs of acquisition exceed the budget provided in the Town Deal allocation, these costs will be borne by Blackpool Council as set out in Appendix 4c (exempt from publication).

6.14 **Negotiations**

The Council has the responsibility for ensuring that every effort has been made to acquire all the Order Land and property interests by agreement. These negotiations – set out in detail at Section 8 of Appendix 4b to the Executive report - are continuing as far as possible although it now appears that there is no reasonable prospect that the site can be assembled in a timely fashion without resorting to powers of compulsory acquisition. Negotiations will continue throughout the compulsory purchase process.

Owing to the number of owner/occupiers and tenants affected the Council has established a “friendly-face” contact in the Infusion Team (separate from those negotiating to acquire the properties) to guide and liaise with owner occupiers and tenants through the process. This will continue even after the making of the Order. This is an approach which the Council has used before and involves people entirely separate to the acquisition and negotiating team engaging with the persons affected and liaising with the acquisitions and negotiation team.

6.15 **Human Rights and the Case for Compulsory Acquisition.**

The Human Rights Act 1998 places direct obligations on public bodies such as the Council to demonstrate that the use of compulsory purchase powers is in the public interest, and that the use of such powers is proportionate to the ends being pursued.

6.16 The Council must be sure that the purpose for which it is making the Order sufficiently justifies interfering with the human rights of those with an interest in the land affected. It is acknowledged that the compulsory acquisition of the Order Land will amount to an interference with the human rights of those with an interest in the Order Land. These include rights under Article 1 of the First

Protocol of the European Convention on Human Rights (“ECHR”) (which provides that every natural or legal person is entitled to peaceful enjoyment of his possessions) and Article 8 of the ECHR (which provides that everyone has the right to respect for his private and family life, his home and his correspondence).

- 6.17 There must be a balancing exercise between the public interest and the individual’s rights and any interference with these rights must be necessary and proportionate. “Proportionate” in this context means that the interference must be no more than is necessary to achieve the identified legitimate aim. In this instance, officers are of the view that there is a compelling case in the public interest for compulsory acquisition of the Order Lands, which outweigh such rights. Further, as it appears it will not be possible to acquire the lands and interests needed to deliver the development by agreement in a timely fashion, the use of compulsory purchase powers in this matter is proportionate. This will be explained in the Statement of Reasons.
- 6.18 Those whose land or property is taken will be paid compensation in accordance with the Compulsory Purchase Order Compensation Code.
- 6.19 The development proposals deliver key objectives of planning policy and the statutory development plan with clear benefits resulting from the realisation of the development proposals as referred to in this report and the draft of the Statement of Reasons.

Without the use of the Council’s powers of compulsory purchase, the much needed regeneration and redevelopment of Multiversity will not be achievable, as it appears there is no possibility that all the land necessary to deliver the redevelopment will be acquired by agreement.

In pursuing the Order, the Council has carefully considered the balance to be struck between the effect of compulsory acquisition on individual rights and the wider public interest in the redevelopment of the Talbot Gateway area. Interference with Convention rights is considered by the Council to be justified here in order to secure the economic regeneration, environmental and public benefits which the proposals will bring.

6.20 **Conclusions**

Including highways, the Council now has a freehold interest in some 25% of the Order Land. Whilst significant progress on acquisitions has been made negotiations to date have failed to achieve the voluntary acquisition of all the interests in the Order Land. Whilst negotiations will continue, and it is hoped that it will be possible to acquire more interests voluntarily, it would currently appear that compulsory purchase powers are needed to achieve the necessary site assembly. It is a last resort.

- 6.21 There is a compelling case in the public interest for the compulsory acquisition of interests in the land in order to facilitate the redevelopment of Multiversity and it is considered that the rights enjoyed by individuals who have an interest in the Order Land by virtue of the ECHR are outweighed by the public interest served by making the order and achieving the redevelopment, thus delivering the many public benefits that flow from it.

6.22 Does the information submitted include any exempt information? No

Although Appendix 4c Financial Considerations currently exempt from publication by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972. It is considered on balance that the public interest would be not served by publishing information at this stage.

## 7.0 List of Appendices:

Appendix 4a: Map of "Order Land" edged red.

Appendix 4b: Draft Statement of Reasons

Appendix 4c : Financial Considerations (exempt from publication)

## 8.0 Financial considerations:

8.1 The Council will incur, for which budgetary provision exists as outlined under EX 35/2022, namely;

1. The cost of making the Order and the cost of any public inquiry held to consider any objections to the making of the order.
2. The cost of dealing with any Blight Notices, which may be served on the Council
3. In the event of the Order being confirmed:
  - a) The cost of acquisition of the interests within the Order Land together with Professional fees and Stamp Duty including Statutory loss payments (which are Home Loss and Disturbance typically) and any interest payable where land is entered upon in advance of completion of the acquisition, and
  - b) The cost of any application to the Lands Tribunal to determine the amount of compensation payable in the absence of agreement.
  - c) The cost of making and registration of a General Vesting Declaration
4. Appendix 4c (exempt from publication) identifies how the Council will ensure that the costs of acquisition and site preparation of the Order Land will be addressed in the event that with the passage of time the Town Deal budget requires supplementing

## **9.0 Legal Considerations**

- 9.1 Section 226(1) (a) of the Town and Country Planning Act 1990 (as amended by section 99 and Schedule 9 of the Planning and Compulsory Purchase Act 2004) empowers the Council, subject to confirmation by the Secretary of State, to acquire compulsorily land that it thinks will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land.
- 9.2 However, under section 226(1A) of the Act, the power may only be used by the Council if it thinks that such development, redevelopment or improvement is likely to contribute to the achievement of the promotion or improvement of the economic, social or environmental well-being of the area. If an Order is made, and objections are made, the Secretary of State may arrange a public inquiry to consider them. If the Order is confirmed and the powers are exercised, those whose land is taken are entitled to compensation under the Compulsory Purchase Order Compensation Code.
- 9.3 If the Order is confirmed, the legal documentation for the acquisitions of the remaining Order Land will be prepared and completed by Corporate Legal Services in accordance with head of terms for each acquisition to be provided by the Director of Communications and Regeneration (Growth and Prosperity Team, Communications and Regeneration Directorate).

## **10.0 Risk management considerations:**

- 10.1 Without confirmation of an Order there would be no real prospect of delivering the scheme. The development requires inclusion of land outside the control of the Council. At this stage it does not appear possible that all the necessary land interests can be acquired by agreement, in a timely fashion, therefore the absence of a confirmed Order is likely to prevent the development progressing.

## **11.0 Equalities considerations and the impact of this decision for our children and young people:**

- 11.1 The Council has been unable to acquire all the properties by negotiation and on the basis that it now feels there is compelling case in the public interest, it is now right to exercise its powers in relation to a Compulsory Purchase Order under Section 226(1) (a) of the Town and Country Planning Act 1990 (as amended by section 99 and Schedule 9 of the Planning and Compulsory Purchase Act 2004).
- 11.2 An Equality Analysis screening process was undertaken as part of the business case for the Multiversity to assess the impact on protected groups of the making of the Compulsory Purchase Order and the implementation of the Compulsory Purchase Order scheme, in line with the Equality Act 2010.
- 11.3 The outcome of the screening process was that the impact of the development proposals were overwhelmingly positive. In respect of the Compulsory Purchase Order the Council recognises the challenges and disruption that can come from acquiring people's homes and for this reason



representatives of the Council's Infusion Team (who are separate from those negotiating on property acquisitions, have taken extensive measures to engage with all the residents and owners of property in the Compulsory Purchase Order area to determine if they have any particular or specific needs or requirements that they need assistance with and this will continue throughout the Compulsory Purchase Order process

- 11.4 This will be monitored and reviewed throughout the Compulsory Purchase Order process to ensure that any future impact can be measured and mitigated against as necessary.

**12.0 Sustainability, climate change and environmental considerations:**

- 12.1 None directly from the report, although consideration will be given to minimise the carbon footprint of any development during the planning process.

**13.0 Internal/ External Consultation undertaken:**

- 13.1 The Council has made extensive efforts to contact all those affected by the Order. Efforts were made initially in August 2022 to contact freehold and leasehold owner occupiers to inform them of the Council's interest in acquiring their property for the Multiversity project and start voluntary negotiations. Following on from this in September 2022 all parties received correspondence providing general information on the scheme and providing points of contact at the council. At the end of 2022 all legal interests received an initial offer letter from the Council, which encouraged owners to get in contact and start a dialogue with the Growth and Prosperity team.

Update letters were sent to all residents affected by the Multiversity project in early March 2023 by the Infusion team. This invited residents to attend a drop-in engagement session. Whilst owners that had not formally engaged in negotiations received an additional letter that provided transparency on the project and an invitation to attend a face-to-face appointment in April 2023.

To engage with impacted residents across the proposed multiversity site, Infusion hosted a drop-in engagement session on 14 March 2023, which allowed residents to come and ask questions and engage face to face with Council staff.

The meeting was followed up with a letter in April 2023, outlining more information on the Home-Loss Payment and to thank residents for attending the drop-in session. Subsequently, the Infusion Team have been reaching out to tenants, asking for their contact details to be shared by those tenants who are engaged to other tenants that have not made with the Council. To date, Infusion have communicated, sign-posted and provided information for more than 50 households, and been in touch with support organisations as and when needed.

**13 Background papers:**

13.1 Executive Reports EX35/2022 and EX17/2023

**15.0 Key decision information:**

15.1 Is this a key decision No

This decision is subsequent to other key decisions.

15.2 If so, Forward Plan reference number:

15.3 If a key decision, is the decision required in less than five days? N/A

15.4 If **yes**, please describe the reason for urgency:

16.0 Call-in information:

16.1 Are there any grounds for urgency, which would cause this decision to be exempt from the call-in process? No

16.2 If yes, please give reason

**TO BE COMPLETED BY THE HEAD OF DEMOCRATIC GOVERNANCE**

**17.0** Scrutiny Committee Chairman (where appropriate):

Date Infomed: N/A Date approved:

**18.0** **Declarations of interest (if applicable):**

18.1 None.

**19.0** **Summary of Discussion:**

19.1 Mr Alan Cavill, Director of Communications and Regeneration introduced the item. Mr Cavill highlighted that while the power of Compulsory Purchase Order was not one the Council wanted to use and it was hoping that agreement could be reached to purchase the majority of the properties required. It was necessary to have the powers in place if needed to ensure that the Multiversity scheme which would bring

significant benefits to Blackpool and its residents would be achieved.

Councillor M Smith, Cabinet Member for Levelling up Place, spoke briefly. Councillor M Smith emphasised the need to deal carefully and compassionately with people whose homes were purchased and who needed to move especially long term residents. Councillor M Smith also balanced that need with the positives for Blackpool that the Multiversity development would bring.

## **20.0 Executive decision:**

### **20.1 The Executive resolved as follows:**

1. To agree that Appendix 4c to the Executive report, the Financial Considerations is not for publication by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 as it includes detailed costings that enable the scheme to be viable. The publication of such information could prejudice continuing and future negotiations.

2. To authorise the making of a Compulsory Purchase Order to be known as The Blackpool Borough Council (Multiversity) Compulsory Purchase Order 2023 (“the Order”) under Section 226 (1)(a) of the Town and Country Planning Act (as amended by section 99 and Schedule 9 of the Planning and Compulsory Purchase Act 2004) for the acquisition of the Order Land being land which it thinks, if acquired, will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land, and that such 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, as described in this report.

3. On the basis that there is a compelling case in the public interest to making the Order, to authorise the Director of Communications and Regeneration to:

- i. take all necessary steps to secure the making, confirmation and implementation of the Order including (but not limited to) updating the draft Statement of Reasons (Appendix 4b) as deemed appropriate, the publication and service of all notices and the presentation of the Council’s case at any Public Inquiry;
- ii. acquire interests in land within the area shown on the Map either by agreement or compulsorily;
- iii. approve agreements with landowners and others having an interest in the area to be subject to the Order setting out the terms for the withdrawal of objections to the Order including where appropriate seeking agreements effecting the delivery of any part of the development and making arrangements for rehousing or relocation of occupiers.

4. To authorise the Director of Communications and Regeneration to progress any

road closure orders either in-house or by instruction to the developers of the Multiversity.

5. To note the decision in EX 20/2023 (Town Centre Car Parking Strategy) regarding financial provision for acquiring additional sites and to approve the extension of the area of opportunity purchase for car parking to include the Multiversity Compulsory Purchase Order Land to cover any additional costs of land acquisition for the car parking elements of the Multiversity proposals should it be required. (See Appendix 4c to the Executive report).

6. To authorise the Head of Legal Services to enter into the legal documentation necessary in connection with the acquisitions of the remaining Order Land following confirmation of the Order.

**21.0 Date of Decision:**

21.1 16 October 2023

**22.0 Reason(s) for decision:**

22.1 To enable the development of a major educational facility together with associated public realm.

The conclusions section of the background information at 6.20 outlined the steps already taken, expanded further in the Statement of Reasons, why the Council believes there is a compelling case in the public interest formally to make a Compulsory Purchase Order whilst continuing to negotiate for the acquisition of the outstanding properties which is completely in accordance with Government guidance.

**23.0 Date Decision published:**

23.1 17 October 2023

**24.0 Alternative Options Considered and Rejected:**

24.1 The Executive noted that there were no alternative options if the Council does not proceed with the Order it would put into jeopardy the delivery of the development with its attendant benefits.

**25.0 Executive Members present:**

25.1 Councillor Taylor, in the Chair

Councillors Benson, Burdess, Farrell, Hugo and M Smith

**26.0 Call-in:**

26.1

**27.0 Notes:**

27.1 The Following Non-Executive Members were in attendance: Councillors Galley, Hunter, Marshall and M Scott.