

APPENDIX 2

Draft Statement of Reasons for making a Compulsory Purchase order

STATEMENT OF REASONS

WIRRAL BOROUGH COUNCIL (NEW FERRY) COMPULSORY PURCHASE ORDER 2021

TOWN AND COUNTRY PLANNING ACT 1990 THE ACQUISITION OF LAND ACT 1981

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1.0 INTRODUCTION

- 1.1 Wirral Borough Council (" the Council") has made the Wirral Borough Council (New Ferry) Compulsory Purchase Order 2021(' the Order') under section 226(1)(a) of the Town and Country Planning Act 1990. This document is the non-statutory Statement of Reasons ('Statement') prepared on behalf of the Council in accordance with the Ministry for Housing Communities and Local Government Guidance on Compulsory Purchase process and the Crichel Down Rules (July 2019) (the "Guidance") to explain the reasons and justifications for making the Order.
- 1.2 The Council has made the Order to secure outstanding interests and thereby facilitate the development of a mixed-use scheme, which includes 15 houses, 64 apartments and 1,020 sqm of retail space. The site is comprised of land with an area of approximately 1.14 hectares and is located at Woodhead Street car park and land off New Chester Road, land off Boundary Road, land off Bebington Road including existing car park off Grove Street, New Ferry ("the Order Land").
- 1.3 The Council's resolved to grant outline planning permission for the developments identified at 1.2 above on 2nd September 2020, subject to conditions (DPP3/20/00415, DPP03/20/418 AND DPP3/20/00420 refers). The developments are described in the planning permission as:
- (i) Outline Planning Application (with all matters reserved except access) for development of up to 15 houses and 30 apartments on Woodhead Street car park and land off New Chester Road, together with retention of 70 car park spaces for public use;
 - (ii) Outline Planning Application (with all matters reserved except access) for development of up to 11 apartments and 480sqm retail floorspace on land off Boundary Road;
 - (iii) Outline Planning Application (with all matters reserved except access) for development of up to 23 apartments and 540sqm retail floorspace on land off

Bebington Road, including existing car park off Grove Street, together with retention of 8 car park spaces for public use.

(‘the Order Scheme’)

- 1.4 The Order Scheme would transform New Ferry and would make a significant contribution to the economic, social and environmental well-being of the area and deliver very significant benefits including the following; delivering sustainable regeneration of the area with new homes and retail businesses; delivering new infrastructure to improve accessibility to the retail area; environmental improvements which will enhance the area and the overall regeneration with improve social well-being and opportunity in an area that has a range of deprivation challenges.
- 1.5 The Order has been submitted to the Minister for Housing Communities and Local Government for confirmation. If confirmed, the Order will enable the Council to acquire compulsorily the land required to facilitate the Order Scheme. This Statement explains why the Council considers that, for the purposes of the powers enabling the Order, the Order Scheme will contribute to:
- the development, redevelopment or improvement of the Order Land;
 - improving the economic and social well-being of the area of New Ferry through the provision of new housing and additional employment opportunities; and
 - the environmental well-being of the area as a consequence of the public realm improvements
- 1.6 The extent of the Order Land is shown edged red and coloured pink on the Order Map which accompanies the Order (“Order Map”)
- 1.7 Over 75% of the Order Land is owned by the Council, however there are other land interests currently in third party ownership which make up the site comprised in the Order Land. The Council is now seeking to secure ownership of all of the Order Land to ensure that the Order Scheme can be implemented and so that the comprehensive benefits referred to at section 1.4 above are secured.

1.8 The Council has and will continue to take steps to consult and negotiate with third party owners to acquire their interests by agreement, but it is clear that compulsory purchase powers will need to be employed to ensure that the full Order Scheme can be delivered.

1.9 A copy of this Statement, the Order and the accompanying maps and background documents are available for inspection at the following locations:

TBC

They will also be available for inspection on the Council's website (**insert link**)

2.0 ENABLING POWERS

2.1 Section 226(1)(a) of the Town and Country Planning Act 1990 Act (as amended by the 2004 Act) (the "1990 Act") enables a local authority to make a compulsory purchase order if it thinks 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.

2.2 Section 226(1)(a) of the 1990 Act states that a local authority must not exercise its powers under section unless it thinks 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.

2.3 The Council is satisfied that the proposed Order Scheme will result in overwhelming social, economic and environmental well-being improvements to the area through redevelopment of the Order Land with a comprehensive development providing new high quality new housing, and retail and improvements to the public realm.

2.4 The Acquisition of Land Act 1981 sets out the process for compulsory acquisition and applies to the Order, and the acquiring authority is the Council.

2.5 The making of the Order is consistent with the Guidance, and in particular Section 1 which provides advice on orders made under section 226 of the 1990 Act.

3.0 DESCRIPTION OF ORDER LAND

- 3.1 The Order Land¹ is delineated in red and shown coloured pink on the plan attached to the Statement of Reasons at Appendix 1.
- 3.2 The Order Land forms part of a site of approximately 1.14 hectares, within the area of New Ferry. Within the Order Land boundary are a number of land and building interests still in private ownership. The former properties at 41- 43 Bebington Road and 54 - 66 Bebington Road were demolished by the Council in 2017, and 68 - 72 Bebington Road in 2020, pursuant to section 84 of the Building Act 1984 and the Order Land is vacant land.
- 3.3 Details of the ownerships and other interests in the Order Land to be acquired are listed in the Schedule² annexed to the Order in Appendix 3.
- 3.4 The Council has carried out Land Registry searches and a review of available deeds and similar information. IT has also served Service of Requisitions for Information pursuant to section 16 of the Local Government (Miscellaneous Provisions) Act 1976 on behalf of the Council and a review of information returned in response. The Council has also carried out site inspections.
- 3.5 It is considered the Schedule to the Order is therefore as accurate as it can be based on diligent inquiries made on behalf of the Council.
- 3.6 The Order Map indicates the area within which a number of land interests are sought to be compulsorily acquired. The Order Map has been carefully delineated to ensure that the parcels of the land to be acquired includes only the land that is required to facilitate the delivery of the Order Scheme.

4.0 REASONS FOR COMPULSORILY ACQUIRING THE ORDER LAND

- 4.1 Past attempts to develop the Order Land have been unsuccessful in most cases, due to a mismatch between the landowners' assessments of market value and the
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assessment of the Council. In some cases, owners have not responded to the Council despite repeated attempts to contact them.

- 4.2 The Council has been seeking to assemble the Order Land required for the Order Scheme since January 2019.
- 4.3 To deal with any unregistered titles or possible implied or other rights which may exist over the site. It is considered prudent and necessary to include the entire site in the Order **(TBC)** so that any private express or implied rights, covenants or other interests that may have been granted, entered into or acquired over the Order Land or any part of it can be dealt with.
- 4.4 The decision to use compulsory purchase powers is considered to be a last resort to ensure the delivery of the Development.
- 4.5 The interests to be acquired include those of freehold landowners, and any private express or implied rights that may have been granted over the Order Land. A summary of the main land interests are as follows (plot numbers are as referred to in the Order Map and Order Schedule):
- 4.6 Formal written offers to acquire their land interests were sent to the relevant landowners by the Council between January 2019 and present date, but agreements to acquire the parcels of land have not yet been finalised.

5.0 HOUSING & PLANNING POLICY BACKGROUND

- 5.1 The borough's Housing Strategy (The Wirral Plan a 2020 Vision: Wirral's Housing Strategy) outlines the Council's overall strategic objectives for housing. It sets out a vision for "more and better, well-managed affordable housing in mixed income, mixed tenure successful places." The Housing Strategy overall supports the key objectives of the Order to ensure the safety of the residents and also the surrounding neighbouring housing. The Housing Strategy also supports the subsequent residential redevelopment of the Order Land.

- 5.2 The strategic planning framework on the making of the Order consisted of the following key documents:

Council plans available to support this Scheme

Wirral UDP

Wirral (draft) Local Plan

The National Planning Policy Framework (NPPF) 2019

- 5.3 The NPPF is a material consideration. It seeks to ensure that in the pursuit of sustainable development, the three-overarching economic, social and environmental objectives are delivered through the implementation of plans and the application of policies. Section 2 paragraph 8b seeks safe built environments as a key social objective of achieving sustainable development. The NPPF seeks to deliver a sufficient supply of homes, significantly boosting the supply of homes and ensuring that land suitable for housing is developed without unnecessary delay.
- 5.4 The draft Local Plan provides the strategic context for housing need in Wirral. This provides a target of **(TBC)** new homes for the Borough for the period of 2020-2037.
- 5.5 The Wirral Local Plan Issues and Options consultation was published for consultation between January and April 2020. It is currently estimated that The Submission Draft Local Plan will be published for public comment later this year, prior to submission to Secretary of State for independent examination. Once adopted the Wirral Local Plan will replace the current Wirral UDP.
- 5.6 The relevant policies of the development plan - **TBC**
- 5.7 The Council considers the Order Land to be capable of delivering a housing scheme achieving a significant qualitative housing gain; there is also potential to deliver a quantitative housing gain. The commitment to the re-provision of housing and delivery of such gain within 10 years of the confirmation of the Order thus accords with adopted policy.

- 5.8 The new homes to be erected upon the Order Land will provide safe and good quality homes, delivered in an improved physical environment with the new buildings designed to interface with the adjoining streets [and public spaces].
- 5.9 The Council's approach accords with the key relevant principles of the Government's National Estate Regeneration Strategy.
- 5.10 On the basis of the above, the Council contends that the provision of a housing gain also accords with the Councils' established policies and the planning framework.

6.0 CURRENT PLANNING POSITION & ORDER SCHEME

6.1 The Council granted outline planning permission for the Order Scheme in September 2020, subject to conditions (DPP3/20/00415, DPP03/20/418 and DPP3/20/00420 refers). The Development is described in the planning permission as:

- (i) Outline Planning Application (with all matters reserved except access) for development of up to 15 houses and 30 apartments on Woodhead Street car park and land off New Chester Road, together with retention of 70 car park spaces for public use;
- (ii) Outline Planning Application (with all matters reserved except access) for development of up to 11 apartments and 480sqm retail floorspace on land off Boundary Road;
- (iii) Outline Planning Application (with all matters reserved except access) for development of up to 23 apartments and 540sqm retail floorspace on land off Bebington Road, including existing car park off Grove Street, together with retention of 8 car park spaces for public use.

6.2 The Order Scheme is a significant opportunity for economic, social and environmental improvements which can help achieve the broad goals of sustainable development and also help in the wider regeneration of the area.

7.0 JUSTIFICATION FOR USE OF COMPULSORY PURCHASE POWERS

Promotion or improvement of the economic well-being of the area

- 7.1 The centre of New Ferry has been in decline for a number of years. This is evidenced by a number of factors:
- (1) key retailers withdrawing from New Ferry. For example the Co-op that occupied the largest property left in 2017;
 - (2) high vacancy rates (recorded at 34% in 2019); and
 - (3) property conditions deteriorating due to a lack of investment.
- 7.2 The New Ferry Regeneration Delivery Plan has been endorsed by the Council with the aim of reversing this decline by promoting and improving the economic well-being of the area in the following ways:
- (1) a comprehensive strategy for the whole of the district centre is in place;
 - (2) An approved and funded strategic acquisitions programme is in place. This enables the purchase of all the identified key sites and properties in the centre;
 - (3) A bid for additional investment from the Future High Streets Fund has been made to Government and funding of £3.2M has been awarded to provide financial assistance to the regeneration plan and to support infrastructure improvements to improve the accessibility to the centre;
 - (4) The Government's Re-opening High Streets Safely initiative is supporting a number of campaigns to shop safe, shop local which encourages the community to use their local facilities;
 - (5) The New Ferry Community Land Trust has been established to promote the area and work with the local community on local initiatives;
 - (6) The construction of new residential and mixed-use development will create greater diversity in the centre, bringing in new residents, generating increased footfall and condensing the high street. It will also include new retail provision designed to meet current and emerging market requirements.

Promotion or improvement of the social well-being of the area

- 7.3 New Ferry suffers from high levels of deprivation. The Indices of Multiple Deprivation 2019 identifies two of the four Lower Layer Super Output Areas in the immediate proximity of New Ferry Town Centre are in the most deprived 10% in the whole country; with the LSOA to the south west in the most deprived 20%. This has declined further since the previous IMD study in 2015.

- 7.4 There are also significant mobility challenges around New Ferry with 35.1% of local households not having access to a car or van, significantly higher than the national average (26.2%). This means that these households are heavily reliant on New Ferry as the main retail centre within walking distance.
- 7.5 The New Ferry Regeneration Delivery Plan will promote or improve social well-being by:
- (1) creating a diversified retail centre providing a range of uses including retail, residential and community, which will create the area as the social centre of the community.
 - (2) By doing this derelict and vacant properties will be removed which will improve the area and reduce anti-social activity.
 - (3) An improved centre will be more attractive to the local community meaning they do not have to travel to other areas to shop and with the infrastructure improvements proposed, accessibility will be further improved to the facilities which will help to support older people by reducing issues of social isolation.

Promotion or improvement of the environmental well-being of the area

- 7.6 The centre of New Ferry is characterised by a number of vacant sites (caused by the explosion in 2017) which resulted in a number of properties having to be demolished for structural and health and safety reasons. Some of these are vacant sites which are overgrown and not being maintained. This creates an unattractive appearance and a perception of the town and centre, which also attracts fly-tipping.
- 7.7 The implementation of the New Ferry Regeneration Plan will promote or improve the environment of the area by:
- (1) removing vacant sites and vacant and derelict buildings;
 - (2) providing new development which will be built to the latest environmental standards,
 - (3) through good design the environment of the area between the developments will be improved to encourage walking and safe routes,
 - (4) infrastructure improvements [surfacing, lighting, parking areas] will be designed to standards which improve the environment of the area,
 - (5) the Community Land Trust will promote a series of environmental measures to improve alleyways, create a community garden and planters,

(6) routes linking the local school and Port Sunlight will be assessed to improve connectivity in the area.

No planning impediment

7.8 There is no planning impediment to the redevelopment proposals as outline planning permission was granted in September 2020. (insert date and link to approval)

Human rights

7.9 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 will 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). However, the acquisition of land “in the public interest” is specifically allowed by the ECHR. The Council is of the view that there is a compelling case in the public interest for the compulsory acquisition of the Order Land which outweighs the ECHR rights and that the use of compulsory purchase powers in this matter is proportionate as this will improve the economic, social and environmental well-being of the area.

Equality Act 2010

7.10 Pursuant to Part II of the Equality Act 2010, public authorities must, in the exercise of their functions, have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

7.11 Public authorities must have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment; pregnancy and maternity, race, religion and belief, sex and sexual

orientation) and persons who do not share it involves having due regard, in particular, to the need to:

- remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- and,
- encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The Council is not aware of any significant equality and diversity implications arising from the proposals set out within the regeneration plan and this document.

No alternative site or means

- 7.12 The geographical nature of the area, as can be seen from the plan at Appendix X of this report, means that there are no alternative sites or means. The area is an urban area with high density meaning that sites are immediately adjacent to each other and satisfactory re-development is impossible without acquiring the properties outlined in this report.

Compelling case in the public interest

- 7.13 The retail area is in decline. It is characterised by a number of vacant sites, derelict and dilapidated properties and a poor environment. Without intervention, the area will continue to decline and this will have an adverse impact on remaining businesses and the local community. This along with the matters set out above make a compelling case for the Order being in the public interest.

Viability

- 7.14 It is considered that the retail market both nationally and locally has been significantly adversely impacted by the Covid 19 pandemic with demand for units and the values they can attract being significantly reduced. This is the case with the current retail picture for New Ferry also. The residential market has generally held its value and there remains a

demand for this use in New Ferry. With some adjustment between the retail/residential mix across the various development sites within the preferred development option and with the inclusion of some of the £3.2M of the Future High Street Fund, (a grant from Government approved on 26 December 2020), the scheme is viable and therefore can be delivered. The Council has already approved funding of £1.3m in December 2018, to fund property and land acquisitions to enable site assembly to deliver the scheme.

Measure of last resort

- 7.15 It has always been the Council's intention to acquire the required properties by negotiation. However, after extensive negotiations, these are now at an impasse and unlikely to be purchased by agreement. The Council has the funding in place to acquire and relocate or extinguish any businesses, as well as rehousing any residential tenants.

Reasonable prospect of scheme going ahead

- 7.16 The Council has an endorsed regeneration strategy in place with funding to meet the acquisition, legal and enquiry costs to support the CPO. The Regeneration Plan has the support from the local community, Ward Councillors and other key stakeholders such as the Liverpool City Region and Homes England. Furthermore, there is outline planning consent in place, and interest from private sector partners and registered providers in the scheme. The possibility of additional Future High Streets Funding means that there is a reasonable prospect of the scheme going ahead.

Preferred Development Partner

- 7.17 The Council will deliver the preferred development option. It will do this either directly or by working with a preferred developer partner to the Council's own defined timescale. In indicative terms the delivery programme will be as follows;

Future High Street Funding awarded – December 2020

Making of CPO (subject to Member agreement) – June 2021

Preferred Developer identified – July 2021

Completion of CPO – November 2022 (estimated 18 months assuming that the CPO has to run its full course.)

Development of Griffith's site completed by January 2023

Development of 41-43 Bebington Road completed by March 2023

Development of Woodhead Street car park completed by September 2023

New Chester Road site (subject to CPO) completed by September 2024

Bebington Road/Grove Street site (subject to CPO) to be completed by December 2024

7.18 The development partner will work with the Council in progressing with a phased development programme, which is dependent on the Council obtaining full site assembly and the confirmation of the Compulsory Purchase Order.

8.0 ANY SPECIAL CONSIDERATIONS AFFECTING THE LAND

8.1 Some areas of land – the Co-op building and an area owned by Port Sunlight Village Trust – have been included for land referencing purposes as there may be land issues which need to be dealt with in relation to these sites adjacent to the redevelopment sites, to enable that development to take place.

9.0 CONCLUSION

9.1 Given the progress made to date in assembling the required land, and the financial viability assessment, the Council is satisfied that it has necessary acumen, experience and resources to both complete the land assembly and to implement the proposals relating to the Order Scheme.

9.2 The Council has set out above its detailed reasons for making the Wirral Council (New Ferry) Compulsory Purchase Order 2021. In summary these reasons are as follows:

(i) The Council thinks that the proposed Order Scheme will facilitate development which is likely to contribute to achieving the promotion or improvement of the economic, social or environmental well-being of its area, and further details of these are set out in preceding sections;

(ii) The Council considers that there are no impediments to delivering the Order Scheme if the Order is confirmed;

(iii) The proposals for the redevelopment of the Order Land accord with local and national planning policy;

(iv) There is a resolution in place to grant planning permission for the Order Scheme

(v) There is sufficient funding in place to deliver the proposals for the Order Land

(vi) The Order Scheme satisfies the tests set out in the Guidance;

9.3 Having considered relevant National Planning Policy, Guidance and Unitary Development Plan and draft Local Plan Policies the Council is satisfied that there is a compelling need in the public interest for compulsory purchase powers to be sought in order to secure the development, redevelopment or improvement of the Order Land by way of the delivery of the Order Scheme for the economic, social and environmental improvement of this part of the Wirral Borough. The Council has therefore made the Order and asks the Secretary of State to confirm the Order.

10.0 ADDITIONAL INFORMATION FOR PERSONS AFFECTED BY THE ORDER

10.1 The Council will make the Order and associated documents available on its website at www.wirral.gov.uk. To obtain further information or planning-related enquiries please contact David Ball at; davidball@wirral.gov.uk

10.2 Owners and occupiers affected by the scheme who wish negotiate or discuss details of the Order, including selling your property or interest and matters of compensation should contact Steve McMorran at: stevemcmorran@wirral.gov.uk

11.0 RELEVANT DOCUMENTS FOR ANY PUBLIC INQUIRY

11.1 The Council intends to refer to, or put in evidence, the documents (or relevant extracts from those documents) which are listed below. The Council reserves the right to refer to or adduce additional documents.