



POLICY AND RESOURCES COMMITTEE

Wednesday, 17 March 2021

REPORT TITLE:	NEW FERRY – IMPLEMENTING THE REGENERATION PLAN
REPORT OF:	DIRECTOR OF LAW AND GOVERNANCE

REPORT SUMMARY

The report provides for consideration the final recommendations of the Economy Regeneration and Development Committee in respect of New Ferry – Implementing the regeneration plan.

The report recommends the acceptance of the making of a Compulsory Purchase Order(s) (“the Order”) under the Town and Country Planning Act 1990, Section 226(1)(a), and section 13 of the Local Government (Miscellaneous Provisions) Act 1976 for the acquisition of land and new rights in respect of the area identified in the plan and table in an appendix attached to this report to enable the regeneration of New Ferry to be undertaken and the process for the Order shall be subject to following the procedures laid down by the Acquisition of Land Act 1981. And that the Economy, Development and Regeneration Committee be authorised to make all necessary further decisions that are not otherwise delegated to officers, in relation to the Compulsory Purchase Order and consequential on the Compulsory Purchase Order including the selection process for and approval of a development partner the structure of that partnership arrangement whether through a land transaction or otherwise and any related land transactions and settlement of compensation and the engagement of appropriate advisors to advise on compensation for any business interests.

The full report was presented to the Economy, Regeneration and Development Committee on the 4 March and is attached as an appendix.

RECOMMENDATION/S

The Economy, Regeneration & Development Committee are requested to make a recommendation to Policy and Resources Committee to approve the following:

(1) the making of a Compulsory Purchase Order(s) (“the Order”) under the Town and Country Planning Act 1990, Section 226(1)(a), and section 13 of the Local Government (Miscellaneous Provisions) Act 1976 for the acquisition of land and new rights in respect of the area identified in the plan and table in an appendix attached to this report to enable the

regeneration of New Ferry to be undertaken and the process for the Order shall be subject to following the procedures laid down by the Acquisition of Land Act 1981.

(2) the draft skeleton Statement of Reasons attached as an appendix to this report, which (in addition to the information in this report) sets out the justification for making the Order.

(3) the Director of Regeneration and Place in consultation with the Director of Law and Governance be granted delegated authority to:

(a) finalise the Statement of Reasons.

(b) draft the Order Map and Schedule before the making of the Order (if required).

(c) negotiate, agree terms and enter into agreements with interested parties including agreements for the withdrawal of blight notices and/or the withdrawal of objections to the Order and/or undertakings not to enforce the Order on specified terms, including (but not limited to) where appropriate seeking the exclusion of land or rights from the Order, making provision for the payment of compensation and/or relocation.

(4) the Director of Law and Governance be granted delegated authority to:

(a) take all steps to secure the making, confirmation and implementation of the Order including the publication and service of all notices and the promotion of the Council's case at any public inquiry.

(c) in the event the Order is confirmed by the Secretary of State, to advertise and give notice of confirmation and thereafter to take all steps to implement the Order.

(d) take all steps in relation to any legal proceedings relating to the Order including defending or settling claims referred to the Upper Tribunal and/or applications to the courts and any appeals.

(5) That where required to assist in the delivery of the New Ferry Preferred development option and may be appropriated for planning purposes pursuant to the Local Government Act 1972 to enable Section 203 of the Housing and Planning Act 2016 to be utilised to override any third-party rights of land or part thereof.

(6) That the Economy, Development and Regeneration Committee be authorised to make all necessary further decisions that are not otherwise delegated to officers, in relation to the Compulsory Purchase Order and consequential on the Compulsory Purchase Order including the selection process for and approval of a development partner the structure of that partnership arrangement whether through a land transaction or otherwise and any related land transactions and settlement of compensation and the engagement of appropriate advisors to advise on compensation for any business interests.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 This matter is being referred to Policy & Resources Committee because the Economy, Regeneration and Development Committee is recommending acceptance of the making of a Compulsory Purchase Order(s) (“the Order”) under the Town and Country Planning Act 1990, Section 226(1)(a), and section 13 of the Local Government (Miscellaneous Provisions) Act 1976 for the acquisition of land and new rights in respect of the area identified in the plan and table in an appendix attached to this report to enable the regeneration of New Ferry to be undertaken and the process for the Order shall be subject to following the procedures laid down by the Acquisition of Land Act 1981. This decision will involve the acquisition of land and property and in accordance with the Council’s Constitution considerations regarding land and property including major acquisition and disposals, which includes reserved decision making concerning any purchase, sale or transfer of a value in excess of, or likely to exceed, £100,000 is reserved to Policy & Resources Committee.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 Members could decide not to proceed with the Order. In such case all the land will not be acquired by agreement, and the regeneration masterplan would not be fully delivered. The partial redevelopment of Council owned sites would result in piecemeal development and leave a number of derelict and dilapidated properties remaining in New Ferry. Not proceeding with the Order would impact negatively on the economic, social, and environmental well-being of the area leading to further decline in the retail centre, with significant impact on the local community and businesses. It would also damage the reputation of the Council, which has pledged to support New Ferry’s recovery and regeneration.
- 2.2 There are other alternative compulsory purchase powers including powers under section 17 of the Housing Act 1985. It is considered that proceeding with the powers under Section 226(1)(a) of the Town and Country Planning Act 1990 is the most appropriate choice as the New Ferry Regeneration Plan provides for a mix of housing and retail.

3.0 BACKGROUND INFORMATION

- 3.1 In March 2017 an explosion in New Ferry devastated the heart of the retail centre, destroying businesses and homes, having a significant impact on the local community. Since that time, the Council has been fully supporting the recovery of the area, seeking additional funding to acquire the interests of key properties and parcels of land which will enable the regeneration and redevelopment of the town centre to proceed.

These acquisitions are crucial to the delivery of the New Ferry Regeneration Plan. This was produced by the Council and consulted on in September 2017 and has led to a preferred development option being selected with the support of the community.

The plan seeks to protect local businesses and bring a mix of new residential and retail units into the town to create a sustainable future for New Ferry.

However, negotiations for the acquisition of a number of property interests are not progressing or have reached an impasse. The use of Compulsory Purchase Order(s) powers is therefore recommended as the Council is unlikely to be able to acquire these interests by agreement. Since Members first considered the regeneration plan proposals for New Ferry, a preferred development option has been endorsed by Leader Decision in December 2019. An outline planning application for the preferred development option was approved by the Council in September 2020. An updated viability assessment has also been recently undertaken which is detailed further in this report. This scheme will now be taken forward for delivery and a preferred developer partner will be appointed to deliver the scheme in 2021. It is anticipated that this will be delivered by 2024.

This report provides an update to Members on the progress of the regeneration in New Ferry. It also asks that the Committee recommends to Policy and Resources Committee, the use of Compulsory Purchase Order(s) under the Town and Country Planning Act 1990 are used as a last resort, to acquire property critical to the implementation of the New Ferry Regeneration Plan. Finally, it updates members on the process for identifying a preferred developer to work with the Council on delivering the regeneration.

4.0 FINANCIAL IMPLICATIONS

- 4.1 The financial implications are detailed within the report submitted to Economy Regeneration and Development Committee on 4 March 2021.

5.0 LEGAL IMPLICATIONS

- 5.1 The legal implications are detailed within the report submitted to Economy Regeneration and Development Committee 4 March 2021.

- 5.2 the Policy & Resources Committee is charged by full Council to provide a co-ordinating role across all other service committees and retain a 'whole-council' view of performance, budget monitoring and risk management. In particular, this includes specific responsibility for a decision regarding land and property including major acquisition and disposals, which includes reserved decision making concerning any purchase, sale or transfer of a value in excess of, or likely to exceed, £100,000;

As part of the matter of business that was the subject of the report to Economy, Regeneration and Development Committee falls under that responsibility reserved to the Policy and Resources Committee, the Economy, Regeneration and Development Committee's proposed resolution is presented as a recommendation.

- 5.3 As the decision in this matter is the subject of a recommendation from another Committee, the Policy and Resources Committee must take into account the resolution of that Committee and give due regard to the guidance and comments made by its members. The Policy and Resources Committee must not, however, consider itself bound by that Committee's recommendations or otherwise fetter its discretion; its Members must come to their own decision. In doing so, the Committee

must satisfy itself that it has been provided with all relevant information or a suitable précis to enable it to comply with its duties and make a lawful decision.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

6.1 The resource implications are detailed within the report submitted to Economy Regeneration and Development Committee 4 March 2021.

7.0 RELEVANT RISKS

7.1 The relevant risks are detailed within the report submitted to Economy Regeneration and Development Committee 4 March 2021.

8.0 ENGAGEMENT/CONSULTATION

8.1 The engagement/consultation are detailed within the report submitted to Economy Regeneration and Development Committee 4 March 2021.

9.0 EQUALITY IMPLICATIONS

9.1 The equality implications are detailed within the report submitted to Economy Regeneration and Development Committee 4 March 2021.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 The environment and implications are detailed within the report submitted to Economy Regeneration and Development Committee 4 March 2021.

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APPENDICES

Appendix 1 – Minute Extract
Appendix 2 – Committee Report

BACKGROUND PAPERS

New Ferry Regeneration Delivery Plan, November 2017, GVA Grimley Outline Planning Applications DPP3/20/00415, DPP3/20/00420, DPP3/20/00418 BDP – Masterplan B – see attached appendix 3 Equality Act 2010 Human Rights Act 1998 Guidance on preparing CPO, MHCLG 2019 Equality Impact Assessment, completed February 2021.

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Cabinet Report - New Ferry Regeneration Strategic Acquisitions	17th December 2018
Delegated decision Report - Preferred Development Option for New Ferry	20th December 2019