

**THE ST HELENS BOROUGH COUNCIL (ST HELENS TOWN CENTRE)  
COMPULSORY PURCHASE ORDER 2022**

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**CLOSING SUBMISSION OF THE ORDER MAKING AUTHORITY**

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**INTRODUCTION**

1. On 9<sup>th</sup> November 2022, St Helens Borough Council resolved to use compulsory purchase powers to make the St Helens Borough Council (St Helens Town Centre) Compulsory Purchase Order 2022 (the Order).<sup>1</sup>
  
2. The Order has been made under section 226(1)(a) of the Town and Country Planning Act 1990.
  
3. The proposed acquisition will facilitate the carrying out of development/redevelopment/improvement on to land in St Helens' town centre (within the terms of s.226(1)(a)), comprising a First Phase Development involving the demolition of several existing buildings, including the Hardshaw Centre, and their replacement with a mix of uses including residential units, commercial, hotel, retail, food and drink uses, a purpose built market hall, an improved and extended bus station and community and learning uses, with associated access, servicing, infrastructure, public realm and landscaping. Such a comprehensive transformational proposal is (undoubtedly) likely to contribute to the achievement of the promotion or improvement of the economic, social or environmental well-being of the borough of St Helens (see s.226(1A)).

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<sup>1</sup> See CD D1

4. If confirmed by the Secretary of State for Communities and Local Government (SOS), the CPO (CD D1) will enable the Council to acquire compulsorily the land and rights over the order land (described in paragraph 2 of the CPO).
5. The Submissions of the Council should be read together with the Statement of Reasons (CD D3) and the Statement of Case (CD D4).

### **THE ENABLING POWER FOR THE CPO**

6. The Council has made the Order pursuant to its powers under section 226(1)(a) of the Town and Country Planning Act 1990 (the 1990 Act).
7. Section 226(1)(a) of the 1990 Act enables the compulsory acquisition of land where an acquiring authority thinks the acquisition will facilitate the carrying out of development, redevelopment or improvement on or in relation to land and where the acquiring authority thinks the development, redevelopment or improvement is likely to contribute to the achievement of the promotion or improvement of the economic and/or social, and/or environmental well-being of the authority's area.
8. The Council is exercising its powers under section 226(1)(a) because it has not (yet) been possible to acquire by agreement all interests that are required for the Scheme.

### **GUIDANCE**

9. DCLG Guidance on the exercise of CPO Powers (CD A8) sets out that a CPO should only be made where there is a "compelling case in the public interest" (para 2). Compulsory purchase is intended as "a last resort" in the event that efforts to acquire by agreement fail (*ibid*). However, the Guidance also recognises that, given the amount of time needed to complete the statutory procedures, it may often be sensible to initiate

compulsory purchase in parallel with negotiations with landowners (*ibid*). In keeping with such Guidance, the Council has undertaken lengthy negotiations with landowners and remains hopeful of a successful outcome.

10. However, should such negotiations fail (for whatever reason), the Council submits that the CPO complies with the statutory and/or planning guidance tests i.e. there is a compelling case in the public interest for the CPO. Indeed, there is no robust evidence to the contrary.

### **THE MAKING OF THE ORDER**

11. On 9 November 2022 the Council’s Cabinet resolved to make and promote the Order (Cabinet Report and Minutes of meeting CD D6). The Order was then prepared in the Form numbered 1 in the 2004 Regulations, sealed and dated on the 9 December 2022 (CD D1). <sup>[REDACTED]</sup><sub>[REDACTED]</sub>
12. Notice of the making of the Order, in the Form numbered 7 in the Compulsory Purchase of Land (Prescribed Forms) (Ministers) Regulations 2004 (“2004 Regulations”), was published in two issues of the St Helens Star dated 15 December 2022 and 22 December 2022 and the time allowed for objections was in excess of 21 days. A total <sup>[REDACTED]</sup><sub>[REDACTED]</sub> of 10 objections were made to the Order, comprising:
  1. Angela Hindley (CD D8) (now withdrawn (CD D29)); <sup>[REDACTED]</sup><sub>[REDACTED]</sub>
  2. Punch Partnerships (PML) Limited (CD D9); <sup>[REDACTED]</sup><sub>[REDACTED]</sub>
  3. Scott Hindley (CD D10) (now withdrawn (CD D31)); <sup>[REDACTED]</sup><sub>[REDACTED]</sub>
  4. Amy Lewis (CD D11) (now withdrawn (CD D32)); <sup>[REDACTED]</sup><sub>[REDACTED]</sub>
  5. Noel Hesketh (CD D12) (now withdrawn (CD D30)); <sup>[REDACTED]</sup><sub>[REDACTED]</sub>

6. Merseytravel (**CD D13**) (now withdrawn (**CD D28**)); <sup>[1]</sup><sub>[SEP]</sub>
  7. Mark Ashcroft (non-qualifying objector) (**CD D14**); <sup>[1]</sup><sub>[SEP]</sub>
  8. Michelle Thomas (non-qualifying objector) (**CD D15**);
  9. Stefan Kwasek (non-qualifying objector) (**CD D16**);
  10. Andey Cheetham (non-qualifying objector) (**CD D17**).
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13. The objections of Merseytravel, Angela Hindley, Noel Hesketh, Scott Hindley and Amy Lewis have since been withdrawn and Merseytravel strongly support the confirmation of the CPO.
  14. The only remaining qualifying objector to the CPO is Punch Partnership (PML) Limited. In essence, their objection questions whether there is a compelling case to include the Swan Public House in the CPO. The objection of the Landlady (Angela Hindley) on this point has been withdrawn.
  15. Savills objected to the confirmation of the Order in a letter, dated 17<sup>th</sup> July 2023. The OMA have responded to that objection in a letter, dated 24<sup>th</sup> July 2023. This provides a complete answer to the objection.

### **CONFIRMATION OF THE ORDER**

16. The Guidance provides the following advice on the factors which the SoS will take into account in deciding to confirm an Order under s.226(1)(a):<sup>2</sup>

*Any decision about whether to confirm an order made under section 226(1)(a) will be made on its own merits, but the factors which the Secretary of State can be expected to consider include:*

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<sup>2</sup> See Para 106

• *whether the purpose for which the land is being acquired fits in with the adopted Local Plan for the area or, where no such up to date Local Plan exists, with the draft Local Plan and the NPPF;*

• *the extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area;*

• *whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means. This may include considering the appropriateness of any alternative proposals put forward by the owners of the land, or any other persons, for its reuse. It may also involve examining the suitability of any alternative locations for the purpose for which the land is being acquired.*

### **THE ORDER LAND**

17. The land proposed to be compulsorily acquired is shown coloured pink on the Map attached to the CPO (See CD D2).
18. Full details of the ownership of each interest in the Order Land are contained in the Schedule to the Order, as amended (CD D1).
19. The Order Land comprises the First Phase Development, which forms part of the Planning Permission (CD C1). The Order Land is the land bound by Corporation Street to the north, Hall Street to the east, Church Square to the south and Library Street to the west (CD D2).

### **THE PLANNING PERMISSION**

20. ECF's proposals for the comprehensive regeneration of the town centre (which includes, amongst other areas, the Order Land) were approved in hybrid form under planning permission reference P/2022/0212/HYBR on 31 March 2023 (CD C1), subsequently amended via a Non-Material Amendment (reference A/2023/0008/NMA, approved 2 June 2023, Appendix IJ2) ("the Scheme").

21. The Scheme is helpfully illustrated in the Book of Plans (CD I) and comprises:

- Site clearance and preparation works, including removal of hardstanding areas and vegetation, where necessary;
- Demolition of the majority of existing buildings. The former M&S building in the west of the application site and a substation in the east of the site will not be demolished. The buildings proposed for demolition are as follows:
  - (i) The Hardshaw Centre;
  - (ii) St Mary's Shopping Arcade;
  - (iii) The Market; and
  - (iv) The Multi Storey Car Park (MSCP);
  - (v) Swan Hotel and Fish and Chip shop to the immediate east of the bus station; and
  - (vi) All buildings in the block of retail units bounded by the bus station to the east, Bickerstaffe Street to the south and west, and Corporation Street to the north.
- Construction of a series of new buildings, up to 6 storeys (Ground plus 5 storeys) in height, which are for a range of uses as detailed in the development schedule (CD C7) and are presented as two options (options only affect Plots 4 and 11):
  - Up to 7,854 sq m Gross Internal Area (GIA) of retail/leisure/food & drink floorspace, including a market, kiosks, and other retail units (Option A) (Option B: up to 8,134 sq m);

- Up to 24,678 sq m GIA of office floorspace (Option B) (Option A: up to 10,950 sq m GIA);
  - Up to 340 sq m GIA of arts/leisure/community/retail floorspace;
  - Up to 423 residential units (Option A) (Option B: up to 374 units);
  - A hotel of up to 155 beds (Option A only); and
  - Redeveloped bus station and ancillary bus station facilities (Plot 1 / 2 / 4).
- Pedestrian and vehicle access improvement works, including access reconfiguration around the redeveloped bus station;
  - Provision of up to 175 car parking spaces and cycle parking in line with local authority requirements; and
  - Landscaping and public realm improvement works.
22. The works comprising the First Phase Development are set out at IJ 2. The remainder of the floorspace will be delivered through subsequent phases (“the Second Phase Development”), once the First Phase Development has commenced. This includes plots 7 to 11 of the hybrid permission comprising:
- Plot 7: up to 90 residential units & 553 sq m of retail/leisure/food and drink/ commercial / drinking establishment floorspace;
  - Plot 8: up to 90 residential units & 553 sq m of retail/leisure/food and drink/ commercial / drinking establishment floorspace;
  - Plot 9: up to 88 residential units & 745 sq m of retail/leisure/food and drink/ commercial / drinking establishment floorspace;
  - Plot 10: up to 750 sq m of retail/leisure/food and drink/

commercial / drinking establishment floorspace and 3,450 sqm of office floorspace; and

- Plot 11: up to 90 residential units & and 500 sq m of retail/leisure/food and drink/ commercial / drinking establishment floorspace (Option A) or up to 780 sq m of retail/leisure/food and drink/ commercial / drinking establishment floorspace & 13,728 sqm of office floorspace.

23. The Supreme Court has held that an OMA can take into account off-site benefits of a development, provided that such benefits were related to or connected with the development for which the CPO was made (*Sainsburys Supermarkets Ltd v Wolverhampton CC and Tesco Stores Ltd* [2011] 1 AC 437). The fact that the First Phase development will create the platform for the second phase development is, therefore, a material consideration. The benefits of the Second Phase development cannot, however, justify this CPO.

### **BACKGROUND TO THE DEVELOPMENT**

24. St Helens saw rapid development through the Industrial Revolution but, as a relatively modern town, has been left with a legacy of derelict and contaminated land, poor health, high unemployment, low educational attainment and poor town centre environment. The dead hand of dereliction and decay has lain heavily over this Borough for at least a generation (going back to the period of de-industrialisation in the early 1980's).
25. The Indices of Deprivation (2019) St Helens Summary Report (IJ7) provides 39 indicators across 7 domains (see IJ at 4.1 et seq). They make for grim reading (see p.5):
- St Helens is now ranked as the 26<sup>th</sup> most deprived LA;



- St Helens has been ranked 51<sup>st</sup> (2010), 36<sup>th</sup> (2015) and 26<sup>th</sup> (2019). The indices of multiple deprivation are therefore worsening over time;
- There are 29 LSOA's (neighbourhoods) in the 10% most deprived nationally;
- There are 50 neighbourhoods in the 20% most deprived nationally;
- 6 LSOA's are within the 1% most deprived nationally;
- The domains of greatest concern are health deprivation, employment deprivation and income deprivation;
- St Helens is the 8<sup>th</sup> most deprived (health), 9<sup>th</sup> most deprived (employment) and 34<sup>th</sup> most deprived (income);
- 16,585 people in St Helens are employment deprived. 32,195 people live in income deprived households;
- Nearly a quarter of the population of St Helens live in the most deprived neighbourhoods. That is 42,877 people (an increase of 26% from 33,926 in 2010).
- 9,269 children live in the most deprived neighbourhoods;
- The most relatively deprived LSOA within St Helens is Parr Stocks Road, which sits on the border of the town centre. It is the 27<sup>th</sup> most deprived LSOA in the country (out of 32,844) (IJ at 4.5);
- The town centre and immediate surroundings is therefore characterised by IMD.

26. It is therefore clear that:

- (i) Deprivation has worsened (and materially worsened) since the adoption of the Plan in 2012, relative to other areas; and
- (ii) The imperative for regeneration expressed in the Core Strategy has increased (and materially increased) since the adoption of the new Plan.

27. Addressing such indices of multiple deprivation requires a multi-faceted approach. The socio-economic context demands comprehensive regeneration of the Borough generally and the town centre in particular (see IJ section 4). The LPA has recently granted a number of planning permissions for significant employment sites. The regeneration of the town centre is the last piece of the jigsaw.
28. It is in this context that successive statutory development plans have made the regeneration of St Helens, with the transformation of the town centre, the primary objective:
- (i) See the UDP (1998) – IJ at 4.19; and
  - (ii) Core Strategy (2012) – IJ 4.21.
29. Unfortunately, previous (targeted) attempts to regenerate the town centre have failed (ST at 4.2). The requirement for a comprehensive transformation of the town centre is overwhelming. It has not been contested by any objector. Such an approach is expressly consistent with this Government’s Levelling Up Agenda, the Northern Powerhouse and the requirement to *Build, Build, Build* in response to the Coronavirus pandemic
30. The need for this scheme (and this CPO) is clear and compelling (see analysis at ST section 4 and IJ section 3). Widespread structural changes in the retail market (IJ at 3.9 et seq) have resulted in an oversupply and lack of variety of retail and leisure floorspace. The town centre is dominated by retail uses which are no longer fit for purpose (IJ at 3.9). The levels of vacancy are huge. There is no Grade A office space (IJ at 3.58) and a very limited hotel offer (3.69). There is a clear need to reduce the available retail floorspace, whilst improving the public realm, delivering a new market, hotel and office offer. There is a further need to

repopulate the urban core (not least to reduce pressure on GB and SL sites). The evidence strongly suggests that there is a market for such an improved offer if it is provided in high quality units (IJ section 3). The spiral of decline can be arrested if addressed decisively and comprehensively.

31. In that context, the scheme has not emerged in a vacuum. The scheme has emerged from a number of studies which strongly support it:
  - (i) The (draft) St Helens Town Centre Strategy (ST at 4.8 and CD G5);
  - (ii) The Growing Our Economy Cabinet Report (IJ at 4.23 and App IJ 9);
  - (iii) Our Borough Strategy (ST at 4.17 and IJ at 4.32 and CD B1);
  - (iv) The Inclusive Growth Strategy (2023-2028) (IJ at 4.38 and CD G1);
  - (v) The Towns Fund which granted £25m (IJ at 4.42 and 4.46);
  - (vi) The St Helens Town Investment Plan (2021) (IJ 4.47 and CD G6);
  - (vii) The Masterplan Development Framework (IJ at 6.41 and CD B3).
  
32. The scheme (and the CPO) are expressly consistent with, and strongly supported by) at least a decade of independent technical analysis. Such analysis has informed the recently adopted statutory development plan, which *expressly* supports this proposal.
  
33. Further, any redevelopment of the town centre requires high quality accessibility by rail and bus (which themselves must be linked). The current bus station has been compromised by a previous failure to acquire the Swan PH (AC at 3.3). Its current operation is unacceptably compromised (AC at 3.6) and at capacity. It is no longer fit for purpose

and requires redevelopment with or without the wider scheme. The redevelopment of the bus station is further supported by:

- (i) The requirement for a Green Bus Corridor (AC at 3.9);
- (ii) The St Helens TCS (AC at 4.1.1);
- (iii) The Liverpool City Region Sustainable Transport Strategy (AC at 4.2);
- (iv) The imperative for bus reform (AC at 4.3);
- (v) The LCA declared climate emergency (June 2019) and the goal to become carbon neutral in 2040 (AC at 4.4).

34. In all the circumstances, therefore, all of the evidence and analysis supports the comprehensive regeneration and redevelopment of the town centre and the redevelopment and improvement of the Bus Station, so that it is fit for purpose (now and in the future). This is the briefest context to the issues raised by the Guidance.

(i) **Whether the purpose for which the land is being acquired fits in with the adopted Local Plan for the area**

35. The Council submits that the CPO scheme is strongly supported by local and national planning and transport policy. Indeed, planning permission for Phase 1 and 2 has been granted by the LPA on this basis.

(a) **The Development Plan:**

36. The scheme is supported by the Vision and Strategic Objectives of the St Helens Local Plan (adopted July 2022), which regulates the use of land until 2037. In particular (a fuller analysis can be found at IJ 6.6):

- **Policy LPA01 Spatial Strategy** states that the sustainable regeneration of the Borough will be delivered by focusing development on key settlements, such as the St Helens Core Area, with the re-use of

previously developed land remaining a priority. The comprehensive regeneration of the wider Borough will be delivered by the English Cities Fund Regeneration Partnership, through the provision of quality housing, new commercial activity, upgraded infrastructure and the overall improvement of the social and economic viability of the Borough on a phased basis. <sup>[L]</sup><sub>SEP</sub>The Spatial Strategy seeks to protect remaining areas of Green Belt and new development in the Green Belt shall not be approved, unless it falls within one of the exceptions set out in the NPPF. The St Helens borough is constrained by Green Belt which makes it even more important that brownfield sites, such as the town centre, are optimised in order to minimise the future requirement for greenfield and Green Belt land to be developed;

- **Policy LPA02 *Development Principles*** sets out that new development will be required to support the development principles, which include:  
(a) <sup>[L]</sup><sub>SEP</sub>Create sustainable communities with a strong sense of place; (b) Improve the economic well-being of the Borough's residents by reducing inequality and contributing to the regeneration of the borough; (c) Contribute to a high quality built and natural environment by securing high quality design; (d) Making effective use of land, buildings and existing infrastructure; and (e) Minimise the need to travel and maximise the use of sustainable transport;
- **Policy LPA03 *A Strong and Sustainable Economy*** states that the Council will support the creation and expansion of existing tourism, cultural and visitor resources and assets, favourably considering proposals which increase the range and quantity of accommodation in the borough; attract investment; create or safeguard jobs; enable the economic or physical regeneration of a site or area; and improve the quality and diversity of the borough's visitor offer. Proposals for office development will be supported, subject to the satisfaction of other plan policies.

- **Policy LPA04** *Meeting St Helens Borough's Housing Needs* identifies that St Helens Borough has a housing need of a minimum of 10,206 net additional dwellings between the period 1 April 2016 to 31 March 2037 (an average of at least 486 dwellings per annum). The policy continues to state that new development should optimise the amount of housing developed on a site, aiming to achieve at least 40 dwellings per hectare (d.p.h) on sites that are within or adjacent to St. Helens Town Centre.
- **Policy LPA06** *Transport and Travel* outlines that the Council's strategic priorities for the transport network are to facilitate economic growth, enable good levels of accessibility between homes, jobs and services, improve air quality and minimise carbon emissions. <sup>[L]</sup><sub>[SEP]</sub>
- **Policy LPB01** *St. Helens Town Centre and Central Spatial Area* states that the Council will promote the Central Spatial Area as an accessible and high-quality built environment and development will be supported that would support the delivery and implementation of the Council-led strategy for the future regeneration and development of the centre. The policy continues to state that the English Cities Fund Regeneration Partnership will help deliver a comprehensive redevelopment of the Town Centre and Central Spatial Area, including new commercial activity, upgraded infrastructure, the provision of quality housing, and the overall improvement of the social and economic viability of the area. Proposals for housing or a mix of housing within or on the edge of the Town Centre will be supported where they would avoid prejudicing the retail and service role of the Town Centre. <sup>[L]</sup><sub>[SEP]</sub>The Scheme is a direct response to this policy.

37. It is (bluntly) unanswerable that the proposal is *expressly* consistent with the recently adopted development plan. The purpose for which the land is

being acquired fits in with the adopted Local Plan for the area (in the terms of the Guidance).

**(b) NPPF:**

38. This proposal seeks to make optimal use of vacant/underused PDL in a highly accessible sub-regional centre, to meet the up to date and identified need for more office, hotel, retail and leisure uses, whilst delivering housing in the most accessible and sustainable location in the Borough, thereby reducing the need for housing on SL or GB. This CPO could not be more strongly supported by the NPPF (IJ at 6.9 et seq). Indeed, it states:

*121. Local planning authorities, and other plan-making bodies, should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield registers or held in public ownership, using the full range of powers available to them. This should include identifying opportunities to facilitate land assembly, supported where necessary by compulsory purchase powers, where this can help to bring more land forward for meeting development needs and/or secure better development outcomes.*

39. The redevelopment and improvement of the bus station is expressly supported by Chapter 9 (IJ at 6.20).
40. It follows that the Scheme is therefore fully compliant with national and local planning policy, both of which are consistent with each other. There is no contrary analysis.

(ii) **The extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area**

41. The well-being benefits of the proposal are set out in the evidence of IJ (section 7). The proposal will deliver significant social benefits (IJ at 7.4); economic benefits (IJ at 7.5) and environmental benefits (IJ at 7.6). In the current socio-economic context, the wellbeing benefits are manifest. Indeed, no-one contests them.

(iii) **Whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means.**

42. The Council's evidence has demonstrated that previous attempts to regenerate the town centre have failed. There is no alternative to comprehensive change. It is not contested and no alternative (beyond continued stagnation and a spiral of decline) has been suggested.

43. There has been a half-hearted challenge to the requirement for the Swan PH to facilitate the redevelopment of the Bus Station. However, no alternative proposal has been advanced. The OMA's and Merseytravel evidence (underpinned by independent technical analysis) is uncontested in respect of:

- The problems with the current facility (AC at 3.3 and 3.6);
- The design constraints of previously leaving the Swan PH (AC at 3.8);
- The essential operational and safety requirements of Merseytravel (AC at 5.2);
- The analysis of 6 potential locations across the town centre (AC at 5.3.4);
- The rejection of all options save the redevelopment of the existing bus station (AC at 5.3.8 and App 10);



- The WSP optioneering process (see AC at 5.4.3 and Technical Report);
- The conclusion that Option 7 was the only plausible option (AC at 5.4.7);
- The analysis of Options 7A to 7O (AC at 5.5.2 et seq);
- The requirement and location of the necessary built infrastructure, which is placed on the site of the Swan PH (a point seemingly not grasped by Savills);
- The necessity for a latest iteration (Option 7P);
- The requirement for a step change in the public realm to provide an appropriate high quality gateway into the town centre;
- The conclusion that Options 7O and 7P are the only plausible options which meet all of the requirements of Merseytravel.

44. Very significant weight should attach to the multidisciplinary iterative design approach which has demonstrated that there is a compelling case in the public interest for (i) the redevelopment of the existing site; (ii) for an expanded bus station; (iii) requiring all of the CPO land. There is no evidence to the contrary. No evidence can be attached to the unsupported lay assertions of Savills, which appear to fail to understand the plans and the requirement for built accommodation.

45. It follows that the scheme's multiple purposes could not be achieved by any other means other than the grant of the CPO.

**(iv) Financial Impediments**

46. There are no financial impediments to this scheme (see evidence of ST at section 7).

47. The indicative construction cost is ~£81m. Acquisition costs are ~£13.88m. The Council (Feb 2023) has committed £72.42m, with £7.24m

from the St Helens Town Deal, £3.25m from Connected Places and £0.81m from the Brownfield Land Release Fund. That leaves a current shortfall but:

- (i) Value engineering after RM could save £11.887m;
- (ii) This takes no account of revenue from the scheme. The sale of the housing to an RP could generate >£5.12m;
- (iii) The cost of the office building is £20.2m. The sale/long leasehold of the building will (at least) wash its face meaning such a sum should either (a) be removed from the construction cost if sold to an institutional investor; or (b) £20.2m should be added to revenue.

48. On any reasonable analysis, there is no financial impediment to the scheme proceeding, even without considering a number of other potential funding sources which St Helens MBC have a track record of securing e.g. LCR SIF or Levelling Up round 3.

49. The Bus Station has been fully funded by the Towns Fund and LCR STS allocation. Whilst this may need “re-baselining”, this is a scheme which is strongly supported by the LCR and there is no reason to anticipate any shortfall in funding.

**(v) Reasonable Prospect of the Development Proceeding and Lack of Impediments**

50. Both Phase 1 and Phase 2 have now obtained planning permission. There are no impediments to delivery (see IJ at section 9). The only remaining impediment is land acquisition which will be addressed by this CPO.

**NEGOTIATIONS/OBJECTIONS**

51. The Council is satisfied that it has made all reasonable efforts to avoid the compulsory purchase of the Order Land. The OMA has provided a written

response, supported by contemporaneous written evidence, to the bare assertions of Savills which bear little relation to the truth. The OMA has made all reasonable efforts to acquire by negotiation but have been frustrated by Punch's refusal to engage in the process prior to the making of the Order; and Punch/Savills failure to provide adequate information on which a Compensation Code compliant offer could be made. The OMA has, nonetheless, made an offer (subject to a clear explanation/rationale). Whether such an offer is adequate is a matter of compensation for the Lands Tribunal (if required).

### **CONCLUSION**

52. The Council considers that the First Phase development will deliver transformational change to regenerate the town centre and thereby achieve the purposes for which the Order is being made.
53. Applying s.226(1)(a) and the CPO Guidance, the Council consider that the acquisition of the Order Land will facilitate the carrying out of development, redevelopment and improvement and will make a positive contribution to the promotion or achievement of the economic, social and environmental well-being of its area. Indeed, there is no robust evidence to the contrary.
54. **The Council considers that there is a compelling case in the public interest for the Order and that the Order, if confirmed, would strike an appropriate balance between public and private interests.**
55. The OMA therefore submit that the CPO should be confirmed (subject to the agreed modifications<sup>3</sup>).

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<sup>3</sup> See letter of 27th July 2023

**GILES CANNOCK KC**

**Kings Chambers**

**8<sup>th</sup> August 2023**