

Leicester  
City Council

**WARDS AFFECTED:  
CASTLE & ABBEY WARDS**

**CABINET**

**12 JULY 2004**

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## **USE OF COMPULSORY PURCHASE POWERS – SHIRES WEST**

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### **Report of the Corporate Director, Resources, Access and Diversity**

#### **1. Purpose of Report**

- 1.1 This report seeks approval to make small amendments the area to be included in the Compulsory Purchaser Order (CPO) for the Shires West extension, as reported and approved by Cabinet on 26<sup>th</sup> April 2004. Approval is also sought to acquire land using additional powers not included with the previous report.

#### **2. Report**

- 2.1 On 26<sup>th</sup> April 2004 Cabinet approval was given to declare and make a CPO for the Shires West extension to the existing Shires Shopping Centre. The land required for the scheme was defined by a plan in appendix 1 (as amended) of that report. A copy of the resolution is attached and a copy of the report and resolution has been placed in the Members Library.
- 2.2 The developer, Shires (GP) Limited, has now requested the Council amends the area to be acquired. This amendment concerns the extension of the land required to take into account the acquisition of additional crane over sailing rights. This request does not affect the amount of freehold land to be acquired and is purely for additional temporary rights during the construction period. The total area required, including the amendments, is shown on the attached plan.
- 2.3 Further, the previous report authorised the City Council to acquire land pursuant to Section 226(1)(a) of the Town & Country Planning Act (TCPA) 1990. This report seeks an additional authority under Section 226(3)(a) of the TCPA 1990 to acquire additional land for the purpose of executing work for facilitating the development of the order land. This will allow rights to be acquired (for example crane over-sailing rights that are now likely to be required to facilitate development or use of the scheme).
- 2.4 As a result of these minor changes it is necessary to re-affirm the resolution of the Cabinet meeting of 26 April 2004 subject to the minor amendment set out in the recommendations below.

### **3. Recommendations**

It is recommended that:-

- 3.1 The resolution of Cabinet at its meeting on 26 April 2004 is re-affirmed with the exception of the first seven lines of the resolution which are replaced by the following seven lines:-

“The City Council to declare and subsequently make a Compulsory Purchase Order pursuant to section 226 (1) (a) and Section 226 (3) (a) of the Town & Country Planning Act 1990 for the purpose of acquiring the land and any necessary temporary rights as identified in the revised plan attached to this report, which is required for the carrying out of development, redevelopment or improvement of the land in order to secure the successful carrying out of the Shires West Scheme. The formal making of the Order will be subject to:”

- 3.2 Cabinet resolve that this decision is urgent, because of the need to quickly make the CPO to maintain the Shires West project programme; and that Cabinet Procedure Rule 12.d (that no call in may be made if the Cabinet decides when making a decision that the matter is urgent for specified reasons) shall apply.

### **4. Financial, Legal and other Implications**

The amendment to the plan and the use of additional powers do not give rise to any additional financial, legal or other implications than those referred to in the previous report. The estimated acquisition cost is unaffected.

### **5. Background Papers – Local Government Act 1972**

None.

### **6. Consultation**

Head of Legal Services.

### **7. Officer to contact**

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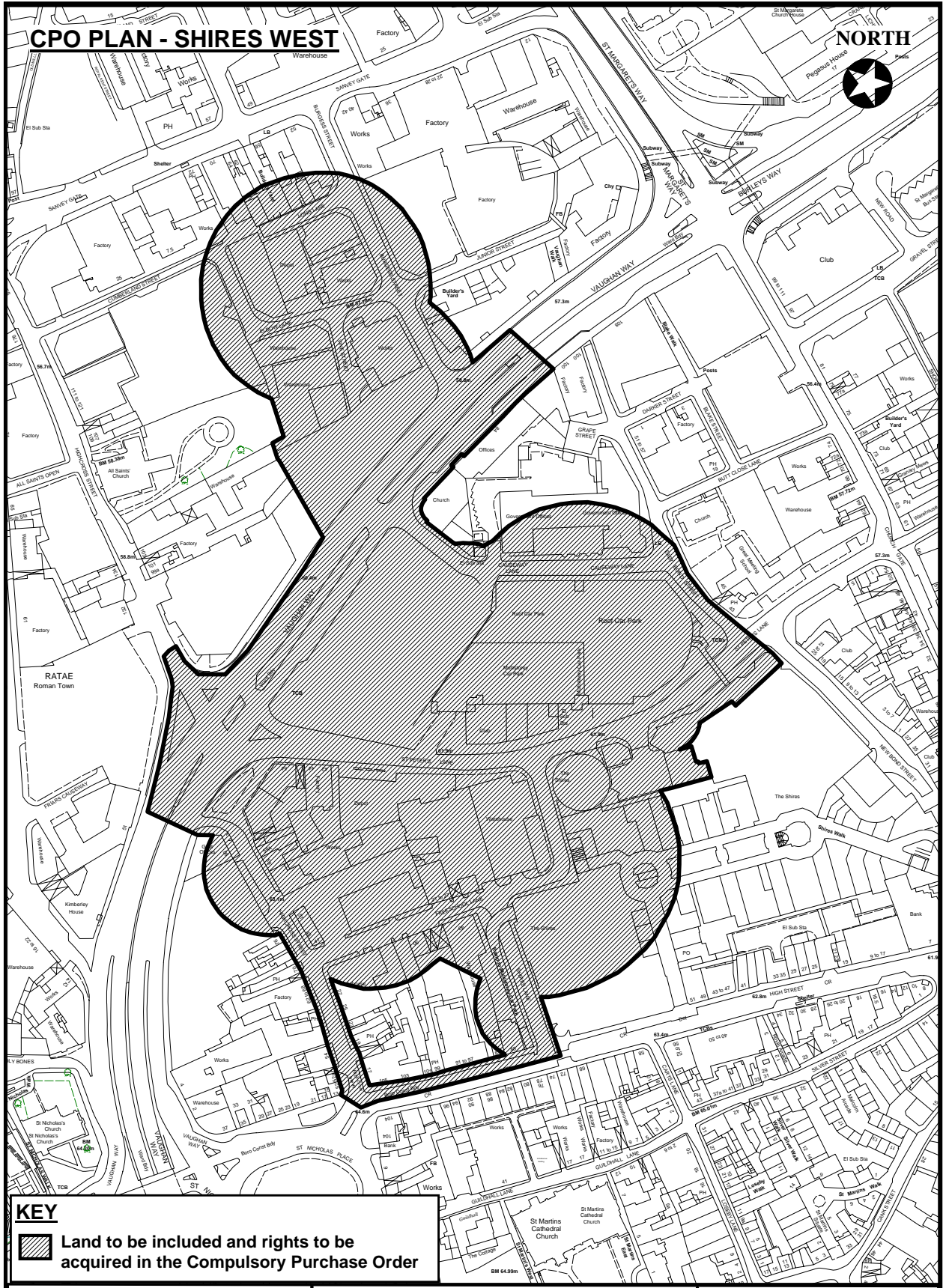
**Tom Stephenson**  
**Corporate Director of Resources, Access and Diversity**

**DECISION STATUS**


|                                      |                            |
|--------------------------------------|----------------------------|
| <b>Key Decision</b>                  | <b>No</b>                  |
| <b>Reason</b>                        | <b>N/A</b>                 |
| <b>Appeared in Forward Plan</b>      | <b>No</b>                  |
| <b>Executive or Council Decision</b> | <b>Executive (Cabinet)</b> |

# CPO PLAN - SHIRES WEST

**NORTH**



**KEY**

 Land to be included and rights to be acquired in the Compulsory Purchase Order

BASED UPON THE ORDNANCE SURVEY MAP WITH THE SANCTION OF THE CONTROLLER OF H.M. STATIONERY OFFICE. CROWN COPYRIGHT RESERVED. LICENCE No. 100019264

DRAWN BY .....RF..... PLAN No .....Cttee 93 B NOT TO SCALE  
 CHECKED BY .....BMG. DATE .....01/07/2004

TOM STEPHENSON  
 CORPORATE DIRECTOR OF  
 RESOURCES, ACCESS & DIVERSITY  
 LEICESTER CITY COUNCIL

## USE OF COMPULSORY PURCHASE POWERS - SHIRES WEST PDF 187 K

Councillor Coley submits a report seeking approval to declare and make a Compulsory Purchase Order to compulsorily acquire the land required for the proposed Shires West extension to the Shires Shopping Centre. The Cabinet is asked to consider a number of recommendations to enable progress to be made with the Compulsory Purchase Order.

**Members are asked to note that as part of this report, financial information relating to the properties is attached. These papers are marked 'NOT FOR PUBLICATION' . The information in these papers is exempt as defined in paragraphs 7 and 8 of Section 100A(4) of the Local Government Act 1972, as amended. The information therefore must not be disclosed or discussed at the meeting. Should Members wish to refer to any of these details it is recommended that the meeting move into the private session.**

*Minutes:*

Councillor Coley submitted a report seeking approval to declare and make a Compulsory Purchase Order to acquire the land required for the proposed Shires West extension to the Shires Shopping Centre.

Councillor Coley noted that this action was being taken in parallel with efforts by the Developer, Hammersons, to negotiate with existing landowners in the area to purchase the land by agreement. The action was being taken now to ensure that the timescale was met to allow the anchor store, John Lewis to be up and running by Christmas of 2007. The Council was also taking advice to ensure the Secretary of State's requirements for taking this type of action were fully complied with.

Councillor Coley noted there was an amended map circulated and there was an addition to the recommendations.

**RESOLVED:**

- (1) that the City Council declare and subsequently make a Compulsory Purchase Order (CPO) pursuant to Section 226(1) (a) of the Town and Country Planning Act 1990 for the purpose of acquiring the land identified in the Amended Appendix 1, which is required for the carrying out of development, redevelopment or improvement of the land in order to secure the successful carrying out of the Shires West scheme, the formal making of the Order to be subject to:
  - i) the Council resolving to grant outline planning permission for the Shires West Scheme,
  - ii) completion of the CPO Indemnity Agreement,
  - iii) the Council being satisfied that all reasonable steps have been taken by the Developer to acquire the required interests in the land by agreement,
  - iv) the Town Clerk and Chief Finance Officer, in consultation with the Cabinet Link Member for Resources, Access and

Diversity, being satisfied of the adequacy of arrangements to protect the Council's interests;

- (2) that the Corporate Director of Resources, Access and Diversity be authorised to advertise the making of the Order referred to in (1) above and to take all relevant action thereon to promote the confirmation of the Order;
- (3) that the Corporate Director of Resources, Access and Diversity, in consultation with the Cabinet Link Member for Resources, Access and Diversity, where the purchase of the property interest with regard to (i) below or the decision in (ii) below would normally be reserved to Cabinet, be authorised:-
  - (i) to agree terms to acquire the necessary interests within the CPO land, including those, if any, determined by the Lands Tribunal,
  - (ii) in the event that further decisions are required during and relevant to the CPO, to make those decisions;
- (4) that any property interests purchased under this CPO are transferred to the Developer in accordance with the terms set out in the CPO Indemnity Agreement;
- (5) that the Head of Legal Services be authorised to prepare and execute all the necessary documentation required throughout the CPO process including the transfer of the various property interests acquired by the City Council to the Developer.