

# WESTMINSTER CITY COUNCIL

## STATEMENT OF DECISION

### SUBJECT: EBURY BRIDGE ESTATE RENEWAL – IN PRINCIPLE COMPULSORY PURCHASE ORDER RESOLUTION

Notice is hereby given that Cabinet has made the following executive decision on the above mentioned subject for the reasons set out below.

#### Summary of Decision

That Cabinet:

1. Approved the progress of all work necessary to establish a case for compulsory purchase of the Order Land.
2. Approved, in principle, the use of compulsory purchase powers for the acquisition of the land required for development phases of the Ebury Bridge Estate Renewal redevelopment beyond the first phase. The extent of the land required is shown indicatively in hatched blue and orange on the attached plan at Appendix 1 of the report (referred to as **the Order Land**) and note that the making of any CPO will be subject to Cabinet being satisfied in all respects that the criteria in paragraph 3.7 of the report have been met.
3. Noted that Officers will need to seek a future resolution to grant authority, in accordance with section 122 of the Local Government Act 1972, to declare that any land acquired or held by the Council and required for the delivery of the Ebury Bridge Estate Renewal redevelopment may, where they conclude that it is no longer needed for its present purpose, appropriate the land for such statutory purpose as necessary to deliver the Ebury Bridge Estate Renewal redevelopment, and to authorise the overriding of such easements, rights, or other adverse matters burdening the land, where that is needed to deliver the scheme, in reliance on section 203 of the Housing and Planning Act 2016. Such appropriation may take place as a whole or in phases.

#### Reasons for Decision

1. The Ebury Bridge Estate is one of the five priority estates identified in the Council's Housing Renewal Strategy (2010) as needing significant improvement and investment. In line with the Council's City for All objectives, the overarching objective of regenerating Ebury Bridge Estate is to create a comprehensive renewal that brings about physical, economic and sustainable change that creates additional homes and improves the lives of residents, businesses and visitors alike.
2. Whilst progress with property owners has been made in discussing acquisitions that will be necessary to deliver the proposals beyond the first phase of the Ebury Bridge Estate redevelopment, land assembly remains a critical issue for the delivery of this part of the scheme. Clearly the estate renewal cannot be delivered across properties that are not wholly in the ownership or under the control of the Council and without this, certainty cannot be gained to the likely programme for delivery of the complete estate renewal.

3. To enable the comprehensive redevelopment of the Ebury Bridge estate renewal all relevant land interests will need to be brought in, in a timely way. Whilst it is anticipated that further progress can be made on the negotiated approach for some property interests it is good practice and appropriate to consider the use of compulsory purchase powers.
4. The government recognises in its "Guidance on Compulsory Purchase Process and The Crichel Down Rules" dated July 2019, (the **CPO Guidance**), that if acquiring authorities wait for negotiations to break down, this can have detrimental impacts on the timing of delivery of projects. Therefore, depending on when the land is required, the guidance considers it sensible for an acquiring authority to:
  - plan a compulsory purchase as a contingency measure; and
  - initiate formal procedures.
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5. Importantly, the CPO Guidance expressly recognises that such steps "*...help to make the seriousness of the authority's intentions clear from the outset, which in turn might encourage those whose land is affected to enter more readily into meaningful negotiations*".
6. The CPO Guidance requires acquiring authorities to attempt to acquire land by agreement before embarking on the CPO process, although it is recognised that for schemes involving the acquisition of the number of interests, it is sensible to run the CPO process in parallel with ongoing negotiations.
7. The use of compulsory purchase powers to assemble the Ebury Bridge Estate Renewal scheme site for phases beyond the first phase will be used should all reasonable attempts to acquire the necessary land and interests fail. As the CPO Guidance makes clear, use of compulsory purchase powers is intended as a 'last resort'. Officers acknowledge that if any CPO was to be made the Cabinet would require further updating and justification.
8. In this event, a detailed report setting out the justification for the making of a CPO together with the proposed Statement of Reasons would be submitted to Members.
9. The main benefit of the use of compulsory purchase is the certainty of being able to obtain vacant possession to a planned programme. This is vital in order give the Council confidence that the whole Ebury Bridge estate renewal will be delivered. The use of compulsory purchase also provides a level of certainty on project programming which in turn would allow the Council to enter into commercially sound construction contracts. This is because, once the CPO is confirmed and the legal challenge period has passed, the CPO can be implemented and a date for vacant possession fixed in accordance with the project programme which can immediately follow or coincide with the programme for the first phase of redevelopment.

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