

# The Wolverhampton City Council (Bilston Urban Village (No 1)) Compulsory Purchase Order 2003

## *Statement of Reasons*

The Compulsory Purchase Order ("the Order") is made under section 226(1)(a) of the Town and Country Planning Act 1990.

### 1. Description of the Land, Location and Present Use

- 1.1 The Order Lands cover an area of approximately 3 hectares. They lie to the south of Wolverhampton city centre and less than 1 kilometre from Bilston town centre. The Order Lands are bounded to the east by the A41, to the north and west by the A463 (known as the Black Country Route), and to the south by the B4163.
- 1.2 Full details of the Order Lands appear in the Schedule to the Order and as shown on the Order Map which comprises six sheets. The Order Lands for consistency and ease of reference are numbered in accordance with the resolution made by Wolverhampton City Council on 14 January 2002. It should be noted that Areas 3, 4, 5 and 6 have been excluded from the Order as they were subsequently shown to be in the ownership of Advantage West Midlands (see below).
- 1.3 In summary the Order Lands comprise:-
  - vacant land formerly occupied by a public house and dwellings at Dudley Street
  - Brook Terrace scrapyards
  - vacant embankment land between the old Sankey sports ground and the former Sankey Vendcare land
  - vacant land between the former Sankey Vendcare and former Sankey Laminations factory which was originally laid out as a car park
  - footpaths
  - vacant land at the foot of the railway embankment
  - vacant plots of land adjacent to the boundary with the Borough of Dudley
- 1.4 The majority of the Order Lands are vacant, unused and derelict. A small area of land is however used as a public footpath (public footpath numbered 288 on the Definitive Map) and Brook Terrace is occupied and used for vehicle dismantling and storage.

- 1.5 A copy of the Order, Schedule, Location Plan and Order Map are annexed to this Statement of Reasons.

## 2. Enabling Power

- 2.1 Wolverhampton City Council (the Council) wishes to assemble land to achieve the implementation of its planning proposals. No other single compulsory power is appropriate and the Order is therefore made under Section 226(1)(a) of the Town and Country Planning Act 1990 (the 1990 Act).
- 2.2 As both landowner and local authority, the Council is working in partnership with the Regional Development Agency (RDA) to secure the regeneration of the larger site (the Site) of which the Order Lands form part (see Purpose below). As the Council has to date committed significant time and resources to progressing the regeneration scheme and associated compulsory purchase, to ensure the most efficient use of public money the parties have agreed that the Council should use its powers under Section 226 of the 1990 Act in preference to the RDA (also known as Advantage West Midlands) using its powers under the Regional Development Agencies Act 1998.

## 3. The Council's Purpose

- 3.1 The Council and Advantage West Midlands (AWM) own all the Site with the exception of the Order Lands. The Order Lands are suitable for and are required to assemble a site which will enable to proceed a major mixed-use development comprising a mix of housing, employment, leisure, community and retail facilities and public open space.
- 3.2 Acquisition of the Order Lands will enable the Council to achieve its key objective of securing the economic and social regeneration of a derelict site which is strategically placed on the edge of Bilston town centre.

### Background

- 3.3 Since the late eighteenth century the Site has had a number of industrial uses including manufacturing and coal mining. However, the restructuring of the area's economic and industrial base over recent years has led to the abandonment and dereliction of large parts of the Site. In 1990 and 2001 respectively, the two major industries located on the Site - Guest Keen and Nettlefolds plc and Metabrasives - closed and vacated their premises.
- 3.4 The document entitled Economic Development in the City 2002-2012 (which sets out the Council's intended actions to contribute to the development of a wealth-creating city) details the continuing decline in population levels, the higher than national average unemployment rates, the continuing decline in manufacturing jobs and the lack of sites suitable for new industries from which Bilston suffers.

- 3.5 Bilston Brook, which has been piped beneath the Site, is polluted and the Site suffers from flytipping and lack of maintenance. There is a landfill area adjacent to Carder Crescent and it is thought that the infilled canal basins contain domestic refuse.
- 3.6 Since the mid 1990s the Council has taken steps to achieve a comprehensive redevelopment of the Site to promote the social and economic regeneration of Bilston. In 1998 the Council approved a master plan for a mixed use scheme for an urban village (the Project) and in March of that year the Council entered into a Joint Venture Agreement (JVA) with English Partnerships to promote the Project. As successors in title to English Partnerships, AWM and the Council intend to enter into a revised JVA to ensure the effective delivery of the Project.

#### 4. The Project

##### Master Plan

- 4.1 The central objective of the Project is to develop a model sustainable new community based upon the best principles of urban design in order to procure:
- (a) exemplary and attractive high-density social/domestic architecture;
  - (b) cluster-based development and radial planning of infrastructure and pedestrian and transport arteries, so as to attract together and blend different land uses;
  - (c) clean modes of transport linking to the wider infrastructure so as radically to reduce a dependency upon fossil/carbon fuels;
  - (d) clean/renewable energy and other resource supplies such as solar panels on residential, commercial/industrial and social/community buildings and, if possible, sourcing energy from a local provider using green/renewable technology.

##### Details

- 4.2 The Project is intended to comprise a sustainable form and mix of development including the following key elements:
- (a) 1,300 new dwellings including a mixture of type, tenure and affordability.
  - (b) 38,300 square metres of employment use comprising a mixture of unit sizes and types and including offices, general industrial, warehousing and live/work units.
  - (c) 5,600 square metres of commercial leisure uses in a mixture of unit sizes
  - (d) 4,000 square metres of community facilities to meet the needs of the new and existing residents.

- (e) 1,100 square metres of local retail facilities to serve the new residents of the urban village.
  - (f) A new 7.5 hectare neighbourhood park including a large water feature providing recreational facilities for new and existing residents and workers.
  - (g) Extensive landscaping and the creation of new wildlife habitat areas.
- 4.3 A resolution to grant outline planning consent was made on 28 May 2002 (see section 6).

#### **Delivery of Project**

- 4.4 The JVA between Wolverhampton City Council and AWM will require the parties to pool resources and to stimulate and support the delivery of the Project. In accordance with the terms of the JVA a lead consultant will be appointed to design the remediation of the Site, the final levels, the infrastructure and the public areas; and in due course to assemble and arrange for the letting of works contracts for delivery of the remediation works.
- 4.5 In parallel with the design work and procurement of remediation works the Council will be drawing up a development strategy which will identify the location and extent of specific uses.
- 4.6 Following completion of the remediation and infrastructure works it is intended that development briefs for each part of the Site will be drawn up and expressions of interest sought from the private sector.

#### **Resources**

- 4.7 AWM will fund the land acquisition and public infrastructure works. The Council has secured European Regional Development Funding and Local Transport funding which will also be available to apply to the Project.
- 4.8 It is envisaged that:
- social housing will be provided by housing associations working in partnership with the Council and private sector developers;
  - educational facilities will be provided by the Council and/or other public sector agencies such as the Learning and Skills Council and local Further Education colleges, in partnership with the private sector;
  - health facilities will be provided by the Regional Health Authority in partnership with the private sector provider and funders;
  - commercial/leisure/industrial facilities will be provided principally by the private sector.

### **5. The Need for Compulsory Purchase**

- 5.1 The Council has sought to acquire the Order Lands by negotiation and has appointed agents to deal directly with the landowners concerned. Although discussions have taken place with the occupiers of Brook Terrace scrapyards (see below) no agreement has as yet been reached. In view of the amount of time which needs to be allowed to complete the compulsory purchase process the Council has resolved therefore to initiate the formal procedures in parallel with continuing negotiations.
- 5.2 The Council believes that there is a compelling case in the public interest for the proposed compulsory acquisition of the Order Lands.
- 5.3 To enable the Project to proceed it will be necessary to carry out comprehensive clearance, decontamination and remodelling of the whole Site. It is imperative therefore that the Council acquires ownership of the Order Lands to ensure that the whole Site is made fit for redevelopment. In particular, the Brook Terrace scrapyards pose serious environmental problems and although the Council is at present using its regulatory powers to abate the nuisance caused, comprehensive remediation will not be possible without acquiring and vacating the land.
- 5.4 The Council's failure to acquire the Order Lands would prevent and frustrate the development of a coherent urban village which would be economically and socially sustainable; integrated design of infrastructure, (including an intended new local transport hub where the eastern end of the site meets Midland Metro Line 1), energy provision, housing and landscaping would all be compromised.
- 5.5 The Council believes that the presence of the Brook Terrace scrapyards is deleterious to the environment to the south of Bilston and that potential investors and purchasers would be discouraged by the continued presence of the scrapyards. Indeed, the acquisition of the scrapyards is so critical to the successful assembly of the Site and to the development of the Project that the JVA includes a provision for that Agreement to be terminated if the Order is not confirmed.
- 5.6 Efforts to bring new investments into Bilston town centre and to support economic activity such as the Bilston Markets will also be significantly enhanced by the successful implementation of the Project.

## 6. The Planning Position

### Government Policy Statements

- 6.1 The Project is in accordance with the following national policy:

**PPG3 Housing** - promoting mixed use developments well linked to public transport on previously used land

**PPG13 Transport**- encouraging a reduction in the number of trips in private vehicles and an increase in the use of public transport

**PPG17 Sport and Recreation** - encouraging a balance between the need for development and the need to protect open space.

RPG11 Regional Planning Guidance for the West Midlands - promoting new development on brownfield sites whilst protecting existing open space.

## Development Plan

- 6.2 The first draft of the Wolverhampton Unitary Development Plan (UDP) was placed on deposit in April 2003. The emerging Plan identifies the Site as a Strategic Regeneration Area. No objections to this allocation have been received by the Council as part of the consultation procedure on the draft UDP.
- 6.3 The draft UDP gives a high priority to new mixed use schemes, environmental improvements and improved links between Bilston town centre and the Site. The Project is fully in accordance with emerging policies in Part 1 of the draft UDP such as Policy S4 (mixed use development); Policy EP16 (energy conservation); Policy B2 (balanced portfolio of employment land); Policy C1 (health, education and other community services) Policy H1 (housing) and Policy IMR3 (compulsory purchase order). The adopted Unitary Development Plan (1993) allocated the Site for employment land intended to deliver 9.9 hectares of employment development. As the application for planning permission for the Project represented a departure from the adopted Plan it was referred to the First Secretary of State under Section 77 of the 1990 Act. The First Secretary of State confirmed on 18 December 2002 that he did not intend to determine the application himself.

## Planning Permission

- 6.4 On 13 August 2001, AWM submitted an outline planning application for a mixed use urban village development incorporating housing, employment, leisure, community and local retail facilities and public open space. The planning application was supported by an Environmental Statement. On 28 May 2002 the City Council resolved to grant outline planning permission. The planning permission will be subject to a Section 106 Agreement which will secure, amongst other things, education, public transport and community facilities. The terms of the Section 106 Agreement are currently under discussion.
- 6.5 The Council intends to assemble the Site first by way of compulsory purchase and the planning consent will be issued subsequently. Although there is no planning consent at present to support this Order, the Project has been the subject of extensive public consultation since 1998 and the Council is satisfied that all those who might have objections to the Project have had an opportunity to put them to the Council and the objections received were taken into account by the Council when resolving to grant planning permission. The Council believes therefore that there are no planning problems.

## 7. Special Considerations

- 7.1 There are no ancient monuments or listed buildings within the Order Lands. The Order Lands are not within a conservation area. There are no issues concerning special category land.

## 8. The Views of Government Departments

8.1 None have been expressed about the proposed development save for the First Secretary of State's consideration of the planning application (see (6.3)).

**9. Relocation Proposals for Business Tenants**

9.1 Acquisition of the interests will affect a number of businesses and discussions with business occupiers have taken place. The Council is anxious to assist those seeking relocation and discussions continue. Further information can be obtained from the Council (Mr Simon Lucas Tel: 01902 555618).

**10. Related Applications, Appeals, Orders etc.**

10.1 There are no other related planning applications and no related appeals. However, in due course applications will be made for the closure, diversion or extinguishment (as appropriate) of public rights of way under the Town and Country Planning Act 1990.

**11. Documents, Maps or Plans for the Public Inquiry**

11.1 In the event of a public inquiry the Council would intend to refer to the documents listed below which may be inspected at the Department of Law and Resources, Wolverhampton City Council, Civic Centre, St Peter's Square, Wolverhampton WV1 1RG between the hours of 8.30 a.m. and 5.00 p.m. Monday to Thursday and 8.30 a.m. and 4.30 p.m. on Friday and at Bilston Library, Mount Pleasant, Bilston, Wolverhampton WV14 7LU between the hours of 9.00 a.m. and 7.00 p.m. on Monday and Wednesday, 9.00 a.m. and 5.00 p.m. on Tuesday Thursday and Friday, and 9.00 a.m. and 4.00 p.m. on Saturday.

**Documents**

- Council Resolution dated 14 January 2002
- Economic Development in the City 2002-2012
- Master Plan : A Vision for Bilston Urban Village prepared by Andrew Wright Associates Limited
- Planning Committee Report dated 28 May 2002
- Council Resolution dated 28 May 2002
- Joint Venture Agreement dated 31 March 1998 between English Partnerships and Wolverhampton Metropolitan Borough Council
- Wolverhampton Unitary Development Plan deposit draft dated April 2003
- Planning Policy Guidance Notes 3, 13 and 17 and Regional Planning Guidance Note 11

September 2003

## **ANNEX**

**Copy of the Wolverhampton City Council (Bilston  
Urban Village (No 1)) Compulsory Purchase  
Order 2003**

**Map referred to in the Wolverhampton City  
Council (Bilston Urban Village (No 1))  
Compulsory Purchase Order 2003**