

# Bolton Council

**Report to:** Cabinet

**Date:** 11<sup>th</sup> February 2019

**Report of:** Director of Place and the Borough Solicitor

**Report No:** CAB/409

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**Report Title:** **Church Wharf Update – Use of Compulsory Purchase Powers**

**Non Confidential:** This report does **not** contain information which warrants its consideration in the absence of the press or members of the public

**Purpose:** To brief Cabinet Members on the use of Compulsory Purchase powers and to seek a resolution to use these powers to acquire land within the boundary of the proposed Church Wharf development

**Background Doc(s):**

- Report to Cabinet dated 25th September 2017 entitled 'Bolton Town Centre Strategy'
- Report to Executive Cabinet Member Regeneration and Resources dated 15th January 2018 entitled 'Draft Church Wharf Supplementary Planning Document'
- Report to Cabinet dated 12th February 2018 entitled 'Church Wharf – grant of an Option'
- Report to Cabinet dated 9th April 2018 entitled 'Church Wharf – Acquisitions, enabling work and funding'
- Report to Executive Cabinet Member Regeneration and Resources dated 9th April 2018 entitled 'Church Wharf Supplementary Planning Document'

**Appendices / Attachments**

Appendix 1: Plan of the Order Lands

Appendix 2: Church Wharf SPD Boundary

Appendix 3: Church Wharf Masterplan

Appendix 4: Church Wharf Business/Landowner Engagement

Appendix 5: Equality Impact Assessment

Appendix 6: Plan detailing proposals to stop up the Highway

**Recommendations:** Cabinet is recommended to:

- 1) Authorise the Borough Solicitor to arrange a land referencing exercise (including the service of statutory requisitions) to be undertaken to identify all parties with interests in the land shown edged red in the attached plan.
- 2) Authorise the making of a Compulsory Purchase Order under Section 226 (1) (a) of the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004) and the Acquisition of Land Act 1981 to seek the acquisition of land and interests within the site shown edged red on the attached plan by way of a Compulsory Purchase Order.
- 3) Authorise the Borough Solicitor to seal the Order and to authorise officers to take all necessary procedural steps prior to and after making the Order; which will include the publication and service of all statutory notices and the submission of the Order to the Secretary of State for confirmation together with the preparation and presentation of the Council's case at any public inquiry.
- 4) Authorise the Borough Solicitor to confirm the Order, if it is unopposed or if any objections made are subsequently withdrawn.
- 5) Authorise the Borough Solicitor following the confirmation of the Order to implement the CPO powers and acquire title and/or take possession of the land.
- 6) Authorise the Borough Solicitor and the Director of Corporate Resources to make minor amendments, modifications and deletions to finalise the CPO plan within the red line plan should this be considered appropriate.
- 7) Authorise the Director of Place to negotiate terms for the acquisition of any outstanding interests in the land subject to the proposed Order and to approve agreements with affected landowners setting out the terms on which objections to the Order are to be withdrawn.
- 8) Authorise the Borough Solicitor to complete the necessary legal formalities.
- 9) Authorise the Director of Corporate Resources to complete the necessary financial formalities.
- 10) Support any applications for the closure of highways required to facilitate the Church Wharf Development.

**Decision:**

**Signed:**

\_\_\_\_\_  
Leader / Executive  
Member

\_\_\_\_\_  
Monitoring Officer

**Date:**

## **1. BACKGROUND**

- 1.1 Following approval by Cabinet to grant an option to Muse Developments Limited (“Muse”) in respect of the Council’s land interests at the Church Wharf Intervention area on the 18th February 2018, the Council entered in to an option agreement with Muse (“the Agreement”) on the 3<sup>rd</sup> May 2018. Under the terms of the Agreement, Muse and the Council are under an obligation to attempt to acquire remaining third party land interests at the site to enable a comprehensive redevelopment of the site. If it is not possible for the Council and/or Muse to acquire all of the necessary third party land interests by private treaty the Council agreed it would consider the use of a Compulsory Purchase Order.
- 1.2 It is recommended in this report that the Council uses its powers under Section 226 (1) (a) of the Town and Country Planning Act 1990 to make an Order to acquire all of outstanding interest in the land and buildings shown edged in red on the attached plan at Appendix 1, including: Bank Street car park; 2-4 Manor Street; 6-18 Manor Street; 20 Manor Street; 22 Manor Street; Project House, Well Street; Diamond Glass Works, Well Street; Wharf Foundry, Well Street; Brown Street Garages, Brown Street, and Brown Street car park, Brown Street, together referred to as “the Order Lands”.
- 1.3 The acquisition of the Order Lands is required to facilitate the Church Wharf development (“the Scheme”) for which a planning application is to be submitted in February 2019. In accordance with the Option Agreement, Muse, will submit a hybrid planning application for the redevelopment of the site including outline for the development site and detailed for the infrastructure and public realm in February 2019. Further reserved matters applications will follow in relation to the remainder of the Scheme.
- 1.4 Discussions and negotiations have and are continuing to take place between Keppie Massie, the commercial agents, appointed by the Council in October 2017 and known landowners and business owners/occupiers affected by the Scheme with a view to the Council acquiring interests within the Order Lands. Muse are also in negotiations to acquire interests. It is anticipated that subject to securing land assembly, and receiving other necessary approvals, redevelopment will begin on site in 2020.
- 1.5 This report seeks a resolution to make a Compulsory Purchase Order (Order) to ensure that the comprehensive redevelopment of Church Wharf can take place.

## **2. CONTEXT WITHIN BOLTON**

- 2.1 Within the context of The Bolton Economy: Our Strategy for Growth 2016-2030 (“Economic Strategy”), the Council has adopted a Town Centre Strategy (“Town Centre Strategy”) including a masterplan framework and key intervention areas. These documents set out Bolton’s ambition and vision to achieve a £1bn regeneration of the town centre and sustain its immediate future to the benefit of the wider Borough and its residents, supported by £100m direct investment from the Council. The area known as Church Wharf is included as a key intervention area.
- 2.2 Church Wharf is located to the north east of the town centre bounded by A666, the River Croal, Bank Street and includes various surface level car parks. Outline planning consent was granted in 2008 for the comprehensive redevelopment of the entire Church Wharf area. This consent included 45,000m<sup>2</sup> of commercial floorspace, a 126-bed hotel, up to 720 residential units, car parking, landscaping and public realm and enhancements to the river corridor. However, the granting of this consent coincided with the global economic downturn that curtailed all major development schemes in Bolton and the consented scheme (which remains extant) has never been implemented. As investor confidence has gradually returned a number of the leisure elements of the consented scheme such as the hotel and cinema have been accommodated elsewhere in Bolton town centre.

- 2.3 The Economic Strategy seeks to ensure that the Bolton of 2030 is active, connected and prosperous with key aims including successful businesses, cohesive communities and a welcoming place to study, work and put down roots. The Economic Strategy identifies the economic vision and ambition for Bolton with a vibrant town centre at its heart. Building homes, providing employment and making the most of Bolton's quality education offer. To achieve this it is vital the Council assists in leading, facilitating and enabling the conditions for economic growth through direct intervention in economic development and regeneration with business and communities. It is against this backdrop that the Council, in consultation with key stakeholders, has refreshed its Town Centre Strategy and created a £100 million investment fund to support delivery with the aim of leveraging further funding and investment to regenerate Bolton town centre and sustain its immediate future for the benefit of the wider Borough and its residents.
- 2.4 At the heart of the Economic Strategy, Bolton town centre continues to be the Borough's main centre for shopping, business and civic affairs. It also remains as the most important centre for arts, entertainment, urban leisure and cultural activities and is thus a focus for the wider community. The Town Centre Strategy and the proposed investment acknowledges the importance of the town centre, as well as the challenges faced and the opportunities presented, including the need to diversify beyond a traditional retail offer. A key element of these strategies is to increase the quantity and quality of residential development in the town centre attracting more people to generate demand through household spend and improve its vitality, viability and sustainability. As such it is an exemplar for the Borough's vision for 2030 where Bolton is:
- "a vibrant place, built on strong cohesive communities, successful businesses, and healthy residents. It will be a welcoming place where people choose to study, work and put down roots. In short Bolton will be 'Active, Connected and Prosperous'"
- 2.5 Church Wharf is of strategic importance in achieving these objectives and supporting sustained growth of Bolton, including as a regional centre and within the wider Northern Powerhouse. It is an important gateway site for visitors to the Town Centre and a very high standard of design is required. It presents an exciting development opportunity for mixed use development that will have a significant regeneration impact.

### **3. SITE CHARACTERISTICS**

- 3.1 Development of the Church Wharf area began in the late 18th century along what is now Manor Street which at that time sloped down to one of only two crossing points over the River Croal. Industrial development was stimulated by the opening of the Manchester, Bolton and Bury Canal in 1796. The Bolton terminus of the canal was to the east of the development site underneath what is now St. Peters Way. By the mid-19th century Bank Street and Manor Street had taken on their current form with a higher level bridge over the river. Considerable development had taken place north of the river with a mixture of residential, commercial and industrial development including Wharf Foundry. The town turned its back on the River Croal probably as a result of pollution from the developing industries.
- 3.2 The 1891 Ordnance Survey map shows a densely developed area of terraced houses and business premises. The river now runs in a man-made channel through the town. Wharf Foundry is again prominent. Many of the buildings on Bank Street survive most notably the Unitarian church. Clearance of the Victorian terraces began in the 1930s and continued in the post war period leaving run down industrial premises and vacant sites that were subsequently used for surface level car parking.
- 3.3 The current land uses in the area reflect the site's history with surface car parking being predominant. There is a collection of industrial buildings around Well Street and 19th

century properties on Manor Street are mainly vacant or with some uses linked to the evening economy.

- 3.4 The area in general can be characterised as possessing a mix of incompatible uses within poor quality and obsolete buildings that create an uninviting environment. Coupled with a lack of accessibility to the River Croal and poor quality public realm the Church Wharf area needs comprehensive redevelopment to address these issues.
- 3.5 Building Bolton SPD identifies the Folds Road/Bow Street junction as one of the main road access points into the town centre, though like many gateways it lacks a sense of arrival having no strong character or distinctiveness. This is a gateway location with a need for high quality development.
- 3.6 The roads slope down to the Folds Road/Bow Street junction and then again further down to the river. Manor Street and Bank Street slopes down towards the river. There is a major change in levels between the car park at Folds Road and the industrial area around Well Street.

## **4. PROPOSALS FOR REDEVELOPMENT**

- 4.1 The description of the proposed development is as follows:

Outline application (all matters reserved) for a comprehensive phased regeneration of Church Wharf for a mixed-use development of new, improved, altered and replacement buildings, for residential use (class C3, maximum 352 dwellings), business/office use (class B1, maximum floorspace 7,500 sq.m NIA), retail use (class A1, maximum 660 sq.m NIA), professional services (class A2 maximum 1,500 sq.m NIA), food and drink use (Class A3, maximum 1,500 sq.m NIA), drinking establishments (class A4 maximum 1,500 sq.m NIA), hot food takeaway use (class A5, maximum floorspace 200 sq.m NIA), hotel use (class C1 maximum 80 bedrooms), use for clinic, creche, nursery, day nurseries, art galleries and halls (class D1, maximum floorspace 750 sq.m NIA), gym and indoor sport uses (class D2, maximum floorspace 1,000 sq.m NIA), together with associated car parking, landscaping, ancillary uses and infrastructure.

Detailed application for demolition, site clearance, highway and associated works including revised junction at Manor Street / Bank Street with Brown Street, internal road layout, new public space south of Well Street, public realm improvements and enhancements to the River Croal corridor including new footbridge across the River Croal, associated works, ancillary and temporary uses, utilities and infrastructure.

- 4.2 The development area extends to approximately 3.048 hectares.
- 4.3 The development will deliver a comprehensive regeneration of the site identified as the Core Area in the Church Wharf Supplementary Planning Document (SPD). It will deliver a high quality, masterplan-led redevelopment that will deliver infrastructure, environmental and townscape interventions to transform the Church Wharf area. It will facilitate the repair of the shattered townscape characterised by surface car parking, cleared, vacant and derelict buildings and light industrial and commercial uses that under-utilise the potential for the north-east gateway to the town centre.
- 4.4 It will be a hybrid planning application with full planning permission sought for initial infrastructure and public realm, including demolition, site clearance and enhancements to the River Croal corridor. This initial phase of development will provide:
  - Upgraded junction and traffic controls to Bank Street / Manor Street / Well Street
  - Widening of Well Street to accommodate widened pavements, street planting and enhancement to the public realm.

- Formation of new public space, landscape and infrastructure on land south of Well Street extending to the River Croal, including new enclosure, access and servicing to retained United Utilities pumping station and access, servicing and parking to retained Building 5 shown on the masterplan (Appendix 3).
- Enhancement to the River Croal corridor, including intervention and reprofiling of the channel of the river to provide biodiversity and amenity improvements to the river.
- Provision of a new pedestrian access off Bank Street leading to a new footbridge across the river landing to the north side at a point west of Water Street and south of Building 1, with onward connection to the public space and new and enhanced footpath along the north side of the river to a public square / event space at Church Bank.
- Selective demolition of properties to facilitate works, infrastructure and provision of future build platforms.
- Temporary uses

4.5 The outline part of the planning application will deal with the phased redevelopment of the site framed by the proposed internal road layout and infrastructure. The outline application is for:

- Up to 9 buildings, reference Buildings 1 to 4 and 6 to 10. Building 5 is retained as existing and the southern part of Building 6 (Project House) is a retained structure to be improved and altered with new extension to the north (refer to Masterplan in Appendix 3).
- With exception of buildings separately set out for retention, improvement and alteration, the full demolition of all other building, structures and removal of related and redundant infrastructure from the site.
- Through parameters to provide a range of buildings from 2 to 9 storeys accommodation, with local variation, incorporating existing changes of levels experienced across the different building plots.
- Provide opportunity for up to 352 dwellings to be provided in a range of house types including townhouses and apartments, from 1-bedroom to 4-bedroom units.
- Provide opportunity for an 80-bedroom hotel use in Class C1 use.
- Provide opportunity for up to 7,500 sq.m of business / office commercial floorspace in Class B1 use.
- Provide opportunity for up to 1,500 sq.m of professional service use in Class A2.
- Provide opportunity for up to 1,500 sq.m food & drink uses in Classes A3 and A4.
- Provide opportunity for up to 660 sq m of Class A1 retail use.
- Provide opportunity for up to 200 sq.m hot food takeaway use in Class A5.
- Provide opportunity for up to 750 sq.m of floorspace for clinics, creche, community uses within Class D1.
- Provide opportunity for up to 1,000 sq.m of floorspace for gym or indoor sports within Class D2.
- Provide associated landscape, public and private amenity spaces, access, servicing, utilities and infrastructure for each Building / phase of development.

4.6 Commercial, retail, community and other facilities will be provided flexibly in a range of units within the masterplan, predominantly in Buildings 1, 7 and 8 responding to the existing Bank Street / Manor Street frontage and formation of leisure activities at the planned Foundry Terrace.

4.7 The development proposal will be delivered through a phased development programme over a number of years. The programme is built upon the need to improve access and infrastructure and to expend public investment to undertake the necessary transformational change to the area and public perceptions.

4.8 The phasing of the masterplan development will also include temporary uses of spaces between periods of demolition and future development phases. Specifically, the cleared

area to the north of Church Bank will be laid out within Phase 1A as part of the infrastructure works as a temporary event / public space to provide activity and a destination to the riverside walk. The space will be extended north on acquisition, demolition and clearance of the Wharf Foundry and associated buildings off Well Street with exception of Project House for partial retention. The temporary space will be comprehensively redeveloped under future phase(s).

- 4.9 Other temporary landscape, parking, site compounds and areas to facilitate infrastructure provision will be utilised on cleared plots on the acquisition and closure of surface car parking and removal of trees and vegetation in providing future building platforms.

## **ROAD CLOSURES**

- 4.10 There will be a requirement to stop up a number of areas of existing highways in order to facilitate the implementation of the phase 1 infrastructure works and the future development of the plots – see Appendix 6 for details of the areas requiring stopping up. It is anticipated that a stopping up application will be submitted following registration of the planning application.

## **5. PLANNING ANALYSIS**

- 5.1 The need for the regeneration of the Church Wharf area is well founded in planning policy both at national, regional and local level.

### **NATIONAL POLICY CONTEXT**

- 5.2 The revised National Planning Policy Framework was published on 24 July 2018 and sets out the government's planning policies for England and how these are expected to be applied. This revised Framework replaces the previous National Planning Policy Framework published in March 2012.
- 5.3 The proposed development is consistent with NPPF Chapter 2 Achieving Sustainable Development, Chapter 5 Delivering a sufficient supply of homes, Chapter 7 Ensuring the vitality of town centres, Chapter 8 Promoting healthy and safe communities and Chapter 11 Making supportive use of brownfield land.

#### **Chapter 2. Achieving Sustainable Development**

7. The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) An economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity, and by identifying and co-ordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities: by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe build environment, with



accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural wellbeing; and

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

#### Chapter 5. Delivering a sufficient supply of homes

59. To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

#### Chapter 7. Ensuring the vitality of town centres

85. Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:

a) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;

f) recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.

#### Chapter 8. Promoting healthy and safe communities

91. Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;

b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and

c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

92. To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
- c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
- e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

## Chapter 11 Making supportive use of brownfield land

117. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

118. Planning policies and decisions should:

- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;
- c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;
- d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure);

119. 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.

## Achieving appropriate densities

123. Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. In these circumstances:

- a) plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination and should include the use of minimum density standards for city and town centres and other locations that are well served by public transport. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate;

## Chapter 12 Achieving well-designed places

127. Planning policies and decisions should ensure that developments:

- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- (b) be visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting ...
- (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit
- (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other space) ...
- (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users

## Chapter 14 Meeting the challenge of climate change, flooding and coastal change

150 New development should be planned for in ways that:

- (a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure

155 In appropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

159 If development is not possible to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance.

## Chapter 15. Conserving and enhancing the natural environment

170 Planning policies and decision should contribute to and enhance the natural and local environment by:

- (d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- (f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

178. Planning policies and decisions should ensure that:

(a) a site is suitable for its proposed use taking into account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land reclamation (as well as potential impacts on the natural environment arising from that remediation);

(b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act; and

(c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

## Chapter 16 Conserving and enhancing the historic environment

192. In determining applications, local planning authorities should take account of:

(c) the desirability of new development making a positive contribution to local character and distinctiveness

## REGIONAL POLICY CONTEXT

- 5.4 The emerging Greater Manchester Spatial Framework (GMSF) will shape the strategic planning policy across the conurbation, through an increased focus on residential and employment development within existing town centres and urban areas, in line with the Greater Manchester Mayor's commitment to minimising the loss of greenbelt land and prioritising the re-use of previously developed land. With around 200,000 new homes required by the conurbation by the GMSF by 2037, the existing towns and shopping centres will have a key role to play in meeting the target. The GMSF has looked very carefully at the land that is available to accommodate the development needs sustainably, and has identified a large supply of land within towns that are already identified for development, and has looked at a range of ways in which we can 'optimise' this including the contribution of publicly owned land can play and opportunities to increase densities in well-connected locations, i.e. town centres/public transport nodes.
- 5.5 The emerging GMSF seeks to boost competitiveness of the north of the conurbation with strong focus on regeneration and enhancing the role of town centres, including Bolton. Furthermore, the role of the main town centres, including Bolton, as local economic drivers will continue to be developed, providing the primary focus for office, retail, leisure and cultural activity for their surrounding areas. Opportunities to further increase the population catchments of these centres will be taken, including significantly increasing in the resident population of the main town centres. In doing so development will be carefully managed to ensure that the local distinctiveness of each main town centre is retained and enhanced.

## LOCAL POLICY CONTEXT

- 5.6 The Core Strategy, adopted in March 2011, is Bolton's key Local Plan document. It describes what we want Bolton to look like in the future up to 2026, and the planning policies that will be used to make it a reality, it reflects the spatial aspects of the work of Bolton Council and its partners.
- 5.7 Along with the Adopted Allocations Plan and other supplementary planning documents, the Core Strategy forms the basis for how planning application decisions are made in Bolton. The site-specific Allocations Development Plan Document was adopted in December 2014 and helps implement the Core Strategy approach on a site-by-site basis.
- 5.8 The Core Strategy Spatial Vision sets out the critical role of Bolton town centre as the principal location for retailing, leisure, cultural and civic activities over the next 20 years. In

addition the town centre will provide a significant contribution to new jobs, remain the main location for education and become one of the main locations for new housing development in the borough.

- 5.9 The Core Strategy identifies the Church Wharf area to the north-eastern part of the town centre, noting the area primarily consists of a mixture of older buildings and surface car parks. The area is identified as a significant opportunity for a comprehensive mixed-use development focused on office, leisure and residential uses. Policy TC8 in the Core Strategy is site specific to the Church Wharf area and states that:

The Council and its partners will:

1. Promote employment-led mixed uses, with an emphasis on new offices, leisure and retail uses on and around Manor Street and Bank Street with residential elements to the east and south of the area.

3. Ensure that the River Croal environment is preserved or enhanced and that full account is taken of flooding risk.

- 5.10 Whilst employment-led mixed uses formed the basis of the 2008 planning consent (Planning Application reference 79763/08), the intervening economic downturn since that consent was granted, and the leisure development that has now come forward elsewhere in the town centre have led the Council to look to refocus the development of the Church Wharf site to reflect the current needs of the town centre as set out in the Town Centre Framework which states:

“An increase in town centre residential development is considered key to the long-term sustainability, viability and vitality of the town centre.”

- 5.11 The Church Wharf area provides an opportunity for new residential development alongside new high quality public realm around the River Croal to provide confidence and kickstart the development of this key site.

- 5.12 The Core Strategy sets out a series of other development management policies relevant to proposed redevelopment of the Church wharf area that are reflected in the Church Wharf SPD. Those policies are:

H1 Healthy  
A1 Achieving  
P1 Employment  
P2 Retail and Leisure  
P5 Accessibility  
S1 Safe  
CG1 Cleaner and greener  
CG2 Sustainable design and construction  
CG3 The built environment  
CG4 Compatible uses  
SC1 Housing  
TC11 Design in the town centre  
LO1 Links to other areas (mentions flooding within narrative)  
IPC 1 Infrastructure and planning obligations

#### **CHURCH WHARF SUPPLEMENTARY PLANNING DOCUMENT (“SPD”)**

- 5.13 The Council adopted the Church Wharf SPD on 9th April 2018 to guide the development of the land within the boundary of Church Wharf area, see Appendix 2. It is used by the Council for planning control purposes. The SPD sets out the objectives of the Council for

the form and content of development proposals for the site and describes how the Council expects the implementation and delivery of those proposals to come forward. It provides information on issues such as opportunities for vehicular access and egress, urban design principles, preferred activity, public realm and open space requirements and issues of local distinctiveness, perception and image.

- 5.14 The vision for Church Wharf, as stated in the SPD, is to comprehensively regenerate this important gateway in the northeast of the Town Centre, to create a vibrant place that will welcome people into the town to work, visit and live. The transformation will create a distinctive new area of the town, with new high quality residential and commercial properties and leisure uses, new urban environments, dramatic public spaces and new connections.
- 5.15 The development of the Church Wharf area will incorporate a mix of uses, that will be residential led in the initial phases, supported by high quality public realm to open-up access to the River Croal corridor to create a platform for future development phases. Those future phases will encourage provision of a wider range of activities and uses, consistent with its town centre location. One single use or user is not desirable. There is a requirement for office and employment space within the town centre and the Church Wharf area could represent a continuation in the general growth of the town centre as an office location in a later phase as set out in the Town Centre Framework. All uses should make use of the topography and proximity to the river. As Church Wharf lies outside the core retail area, any retail development would need to be appropriate in type and scale and considered on its merits within the overall context of the Town Centre Strategy. Proposals within the Church Wharf area may also include a hotel and further market appraisal is recommended to confirm whether demand exists for this option in the context of developments and investment in the town centre as a whole.
- 5.16 The development of Church Wharf is split into two distinct areas in the SPD, a core and non-core area that are to be delivered in a different manner. The phased implementation of an agreed masterplan would be acceptable and the preparation of proposals should fully consider and make reference to the Town Centre Strategy including masterplan framework. The development should be of a high quality and designed comprehensively recognising that Church Wharf comprises a key area of the Town Centre and in particular reflecting its gateway location.
- 5.17 The Order Land in this document focusses on the Core Area and to assist with creating a sense of place that delivers development the Council will kickstart matters with a commitment to early provision of high quality public realm improvements to be delivered in conjunction with new development.
- 5.18 The Town Centre Strategy envisages improvements to the pedestrian route along the River Croal creating pocket or linear parks that ultimately link to Queens Park further west and connect to cycling and walking networks beyond. 22-28 Bank Street presents an opportunity to make an intervention in the street frontage to deliver a new pedestrian route into Church Wharf through an appropriately designed new bridge structure. Supporting an improved riverside environment including public realm and spaces along its length, adds further potential to developing the north bank of the river as a riverside setting. The end of Church Bank presents the opportunity for a public space for events to draw people along the waterfront and enables pedestrians, and potentially cyclists, to connect to Churchgate and points to the south east of Church Wharf. A planned vehicular link road will connect Church Bank to River Street to the south further improving permeability within the town centre.
- 5.19 A high quality public realm should be introduced to define the urban setting for the location of a mix of residential topographies. Alongside residential development, cafes, restaurant and other leisure uses could be located that take maximum benefit of the topography and

orientation to provide attractive views of the rejuvenated riverside and St Peter's Church. Development of this area will be affected by the existing large retention tank with single storey building that houses the inspection facility, security and required access. This presents an opportunity for a design intervention to incorporate the functional needs into the wider public realm.

- 5.20 Within the Core Area, public access along the riverside shall be retained and enhanced and a layout of development will show how such access shall be delivered and maintained in a safe way that will create an attractive environment for both the development and pedestrians. The possibility of a modified or enlarged watercourse will be encouraged along the length of the River Croal more closely reflecting its appearance within Queens Park.
- 5.21 Adjacent to the Core Area, the southside of the river is enclosed by the rears of properties fronting Churchgate to the south, including a dominant car park retaining wall, development shall seek to achieve improvements to the river channel and the land adjacent to it, where possible and consider improvements to the environment along the southern boundary of the River Croal where there is no public access, enhancing wildlife opportunities. Such improvements to amenity will need to be carefully designed in consultation with the relevant bodies, including the Environment Agency to safeguard development from flooding and ensure adequate drainage is maintained.
- 5.22 Land within the north of the Core Area bounded by Folds Road to the north and Well Street/Brown Street to the south, has the potential for a mix of town houses and apartments that will redefine the character of the street, potentially extending a link to the eastern end of Church Bank and the planned link road to Trinity Quarter.
- 5.23 The area enclosed by Folds Road, Manor Street, Brown Street and Water Street offers the best opportunity for commercial development in the Core Area, and its design needs to herald a sense of arrival into the Town Centre, improved public realm and spaces adjacent to the busy highway to encourage greater pedestrian activity and use will be required. Connectivity to the remainder of Church Wharf, its surroundings and the town centre for pedestrians must be maintained and enhanced where possible. Uses at ground floor level could include local convenience retail and leisure including along Manor Street/Bank Street.
- 5.24 Delivery of the built development within the Core Area shall be undertaken in a comprehensive manner integrated within and co-ordinated with the delivery of the public realm. The development should be designed and delivered as a single overall development in order to achieve certainty over the timing of delivery of all parts of the Core Area. The development needs to achieve a sufficient critical mass to be able to change the perception of the area and achieve a high quality place where people want to live, work and visit. The scale of development and legibility of delivery must be sufficient to attract investment and create the conditions for the delivery of the wider Church Wharf area as later phases of development. It is considered that piecemeal development of the Core Area, including the Non-Core Area would fail to achieve these objectives and would leave isolated individual developments within an area already characterised by undeveloped and underutilised sites and an incompatible mix of uses.

## **6. CPO REQUIREMENTS AND PROCEDURES**

- 6.1 In terms of assembling the land necessary for the scheme the first requirement is to acquire land by private treaty. However, if this is not successful within the timescale needed for the delivery of the scheme then the Council has the power to make a Compulsory Purchase Order. This power is derived from Section 226 (1) (a) of the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase act 2004). This provides that the Council may exercise its statutory powers to compulsory acquire land where it believes that such acquisition will facilitate the carrying out of development, redevelopment

or improvement on or in relation to the land. In order to exercise this power, the Council must also be satisfied that it thinks:

“that the development, redevelopment or improvement is likely to contribute to the achievement of one or more of the following objectives: (a) the promotion or improvement of the economic wellbeing of their area; (b) the promotion or improvement of the social wellbeing of their area; (c) the promotion or improvement of the environmental wellbeing of their area (Section 226 (1A).”

6.2 The acquisition of the site identified in Appendix 1 will facilitate the redevelopment or improvement of the land and is likely to contribute to all of the objectives quoted above.

6.3 Guidance on Compulsory Purchase Process and the Crichel Down Rules (Ministry of Housing, Communities and Local Government, February 2018 (“the CPO Guidance)) states the need to seek to acquire by private treaty and sees a CPO as being used as ‘a last resort’. The CPO Guidance states:

“Compulsory purchase powers are an important tool to use as a means of assembling the land needed to help deliver social, environmental and economic change. Used properly, they can contribute towards effective and efficient urban and rural regeneration, essential infrastructure, the revitalisation of communities, and the promotion of business – leading to improvements in quality of life.”

6.4 It also states that:

“The compulsory purchase of land is intended as a last resort in the event that attempts to acquire by agreement fail, Acquiring authorities should nevertheless consider at what point the land they are seeking to acquire will be needed and, as a contingent measure should plan a compulsory purchase timetable at the same time as conducting negotiations. Given the amount of time which needs to be allowed to complete the compulsory purchase process it is often sensible for the acquiring authority to initiate the formal procedures in parallel with such negotiations”.

6.5 The Council’s commercial consultant’s, Keppie Massie have been talking to all affected third parties to seek to acquire interests by private treaty. Muse are also in the process of negotiating the acquisition of interests. This work is continuing. To date, attempts have been made to contact and progress discussions with all known parties. In the majority of instances discussions are progressing and offers have been made and / or relocation or other options are being considered. In accordance with the CPO Guidance these discussions will continue whilst CPO powers are sought.

6.6 However, in the course of discussions to date it is apparent that some owner expectations are unrealistic and may not be able to be resolved by private treaty negotiations. Efforts will continue throughout the CPO process to acquire by negotiation and it is acknowledged in the CPO Guidance that with a significant regeneration scheme embracing a wide range of interest, it is not uncommon to twin-track continuing negotiations with the exercise of CPO powers.

6.7 By virtue of the Option Agreement between the Council and Muse, the Council has been requested by Muse to exercise compulsory purchase powers in order to facilitate the site assembly. Officers are satisfied that it is now appropriate to recommend that the Council resolves to make a CPO.

6.8 The CPO Guidance also states that:

“The acquiring authority will also need to be able to show that the scheme is unlikely to be blocked by any physical or legal impediments to implementation.



These include:

- the programming of any infrastructure accommodation works or remedial work which may be required; and
- any need for planning permission or other consent or licence

Where planning permission will be required for the scheme, and permission has yet to be granted, the acquiring authority should demonstrate to the confirming minister that there are no obvious reasons why it might be withheld. Irrespective of the legislative powers under which the actual acquisition is being proposed, if planning permission is required for the scheme, then, under section 38(6) of the Planning and Compulsory Purchase Act 2004, the planning application will be determined in accordance with the development plan for the area, unless material considerations indicate otherwise. Such material considerations might include, for example, a local authority's supplementary planning documents and national planning policy, including the National Planning Policy Framework."

- 6.9 The Council is satisfied that the redevelopment of the site is fully in accordance with the Council's planning policies and the application to be submitted by Muse accords with those policies.
- 6.10 Any decision about whether to confirm an order made under section 226(1)(a) of the CPO Guidance will be made on its own merits, but the factors which the Secretary of State can be expected to consider include:
- 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 National Planning Policy Framework;
  - 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; and
  - the potential financial viability of the scheme for which the land is being acquired. A general indication of funding intentions, and of any commitment from third parties, will usually suffice to reassure the Secretary of State that there is a reasonable prospect that the scheme will proceed. The greater the uncertainty about the financial viability of the scheme, however, the more compelling the other grounds for undertaking the compulsory purchase will need to be. The timing of any available funding may also be important. For example, a strict time limit on the availability of the necessary funding may be an argument put forward by the acquiring authority to justify proceeding with the order before finalising the details of the replacement scheme and/or the statutory planning position.
- 6.11 The Council will not make the CPO unless they are satisfied that all the considerations listed in paragraph 6.10 can be addressed. The Council will need to be satisfied that there are no planning hurdles to the scheme proceeding but it should be noted that the consideration of any planning application is an entirely separate process to the CPO and the application will need to be determined on its own merits. Any decision by the Council to use its CPO powers must not affect that process.

## **PUBLIC INTEREST**

- 6.12 For the reasons explained in this report it is considered that the Statutory and the CPO Guidance tests have been met and that sufficient effort has been put into acquiring the site by private treaty, although as previously mentioned these negotiations will continue throughout the CPO process. In summary, the injection of in the region of £150m investment in the town centre combined with infrastructure improvements will make a significant contribution to the economic wellbeing of the area.
- 6.13 The masterplan-led development is central to the concept of using strategic public investment to secure a comprehensive regeneration that can sustain the necessary level of private investment critical to its success. Acquisition of fragmented and diverse ownerships is necessary to deliver the transformational change identified as necessary in the Core Strategy Policy TC8, Church Wharf SPD and Town Centre Strategy. This includes bringing to an end temporary surface car park uses, redevelopment of cleared land, vacant and derelict buildings, and reformation of a town and townscape adjacent to the historic centre of Bolton.
- 6.14 The masterplan has the potential to deliver the following benefits:
- Comprehensive regeneration of the core area of Church Wharf through the strategic public investment alongside the private investment by Muse Developments, leading to opportunity for further inward investment into the outer core area.
  - Making best use of under-utilised land in a high-profile gateway to the north-east of the town centre; positively transforming the image and profile of the area through a critical mass of development.
  - New opportunities for housing (around 352 homes) for a mix of housing needs in a sustainable development location)
  - New opportunities for work in office, retail, leisure, hospitality and creative industries (around a combined 9,500 sqm)
  - New expenditure from residents and workers across daytime and evening in retail, leisure and food and drink opportunities.
  - High quality architecture through phased development from multiple architectural practices to provide variation and contrasts in style and scale reflective of public and private spaces.
  - Securing a new urban form and gateway into Bolton town centre, removing the significant harm from current surface car parks, cleared, vacant and derelict buildings.
  - New recreation facilities in the form of a new riverside walk, footbridge access and connectivity between Bank Street and Church Bank to integrate the area into the wider town centre and important cultural and townscape areas of St Peter's Conservation Area and Deansgate Conservation Area.
  - Enhancement of the historic area adjacent to St Peter's Church, conservation areas.
  - Provision of new landscape areas alongside the River Croal and public open space for informal recreation and add-on opportunities for events and activities to support wider town centre initiatives.
  - Connectivity and sustainable transport opportunities through pedestrian and cycle priority to link into the wider town centre.
  - Ecological and hydrological improvements to the River Croal corridor, including benefits to reduction in odour from existing plant and activities in the area.
- 6.15 For the reasons set out in this report and in the draft Statement of Reasons the officers are of the view that there is such a compelling case in the public interest and that nothing short of the acquisition of the Order Land will facilitate the much needed redevelopment of the Order Land. It is clear that it is unlikely that the land can be assembled without the use of compulsory purchase powers within a reasonable timescale given the high expectations of the owners.

## **HUMAN RIGHTS**

- 6.16 A CPO should only be made if the council is satisfied that there is a compelling case in the public interest, the CPO Guidance states that:
- “An acquiring authority should be sure that the purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected. Particular consideration should be given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention.”
- 6.17 For reasons set out in this report it is considered that a compelling case has been established in the public interest. Officers believe that the scheme is an appropriate solution in this allocated intervention area within the town centre with its aging industrial buildings in the heart of the site and poor quality buildings on the periphery boundary fronting Manor Street and Bank Street including poor quality public realm and that it will facilitate the necessary regeneration of the town centre and enhancement of the area in the creation of a new residential neighbourhood.
- 6.18 In relation to Human rights, the Convention rights applicable to the making of the Order are Articles 6 and 9 and Article 1 of the first protocol. The position is summarised in paragraph 17 of part 1 of the memorandum to Circular 06/2004. Article 6 provides that:
- “In determining his civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.”
- 6.19 The proposals have been extensively publicised. All those affected by the Order will be informed and will have the right to make representations to the Secretary of State and to be heard at a public enquiry. Those directly affected by the Order will also be entitled to compensation proportionate to any losses that they may incur as a result of the acquisition.
- 6.20 Article 8 states that:
- “everyone has the right to respect of his private and family life, his home and his correspondence...interference is justified however, if it is in accordance with the law and is necessary in a democratic society in the interest of national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of rights and freedom of others.”
- 6.21 Article 1 of the First Protocol states that:
- “every natural or legal person is entitled to peaceful enjoyment of his possessions...no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by the law and the general principles of international law.”
- 6.22 Officers are satisfied that the redevelopment of the area known as Church Wharf will have a positive impact on the social, economic and environmental wellbeing of local residents as the redevelopment will provide an improvement in the social, economic and environmental conditions and enhance the overall quality of life for local residents.
- 6.23 The public benefits of the redevelopment of the land are considered to outweigh the private interests of the remaining third party owners.
- 6.24 The Council appointed Keppie Massie as commercial consultants to acquire the required land by private treaty in October 2017. Keppie Massie subsequently made contact with all known freeholders, leaseholders and occupiers. Negotiations between Keppie Massie and third parties remain ongoing and will continue throughout the CPO process in an attempt to acquire all land by private treaty. Details of negotiations are shown at Appendix 4.

- 6.25 The Council is acutely aware that the regeneration of the Order Land will inevitably involve disruption to conducting a business within the area and that successful relocation, where required, is important to ensure practical delivery of the Scheme. In recognition of the concerns of those affected by the proposals the Council will seek to ensure that as far as possible their relocation takes place in a co-ordinated way and that disruption is kept to a minimum.
- 6.26 To assist with the successful relocation of affected businesses a number of steps have been put in place which form part of a Relocation Strategy for businesses. These include:
- an understanding sought from all affected businesses as to their relocation requirements in terms of floorspace and tenure. These requirements have been ascertained by Keppie Massie in discussion with all relevant businesses.
  - requesting from local agents the details of all known vacant premises or those likely to be available in the coming months. These details have been forwarded to Keppie Massie to assist them in the ongoing negotiations with affected businesses; and
  - making members of the Council's Business Support Team available to affected businesses to offer advice on relocation issues.

## **7. CONSULTATION AND COMMUNICATION**

- 7.1 The Church Wharf SPD was drafted and approved in draft form for consultation purposes on the 15th January 2018.
- 7.2 The period of public consultation ran from Monday 22nd January to Friday 2nd March 2018. This was advertised in the press and on social media. The documents were placed on the Council website and hard copies were available from Bolton Central Library and Access Bolton reception in the Town Hall. The Council sent 511 consultation letters both electronically and written to interested parties including statutory consultees, consultants, agents, developers, land owners, local residents and businesses in the area informing them of the consultation.
- 7.3 The Council received a total of 18 responses to the draft SPD from statutory consultees, consultants on behalf of developers, landowners, a Councillor, local residents and businesses in the area. As a result of the comments received a number of changes were made to the SPD and the document was adopted in April 2018.
- 7.7 Muse is committed to engaging with local residents and key stakeholders throughout the planning process. As part of the preparation of the planning application the appointed development team is undertaking consultation with statutory and non-statutory parties to support the preparation of the necessary evidence base for the application process.
- 7.8 A period of public consultation and engagement on the development proposals will be undertaken in January 2019. A multi-channel approach will be taken to encourage engagement from as wide a group as possible within the surrounding areas, with the core objectives being to:
- Engage those living, working and having an interest in the development to help shape the vision for the site.
  - Encourage collaboration between Muse and surrounding communities, forging long-lasting relationships to be sustained as the development moves forward.

- Address questions and requests for information from members of the community, ensuring people know who to approach with comments preventing an information void.

7.9 A Consultation Report will be submitted in support of the application which will summarise how the Consultation was delivered; outline the core feedback themes and areas of interest; and detail Muse's response, demonstrating how they have had regard to points raised.

## **8. IMPACTS AND IMPLICATIONS**

### **8.1 FINANCIAL**

On the 9th April 2018 Cabinet approved an allocation of funding from the £100m Town Centre Strategy Fund for the redevelopment of Church Wharf. This allocation was to be used to fund acquisitions, enabling works and costs associated with a CPO in the Church Wharf area.

### **8.2 LEGAL**

On the 9th April 2018 Cabinet authorised the Borough Solicitor to complete the necessary legal formalities associated with the acquisition and enabling works.

### **8.3 HR**

Not applicable

## **9. CONCLUSION**

9.1 The Order will enable the delivery of local, regional and national policy imperatives including the implementation of a number of the Council's regeneration strategies all of which are aimed at creating economic prosperity for the Bolton community. In the Council's view the development cannot be achieved within a realistic timescale, if at all, without the use of statutory powers to compulsorily acquire the required land.

9.2 Officers have recognised that a Compulsory Purchase Order can only be made where there is a compelling case in the public interest and that the purpose for which it is making the Order sufficiently justifies interfering with the human rights of those with an interest in the land effected (see paragraph 17 of the Memorandum to circular 06/04). Officers have given very careful consideration to the balance to strike between individual rights and the wider public interest and are of the view that interference with individual rights is justified in order to secure the comprehensive regeneration of the Order Land and the wider Church Wharf Development. It is considered that there is clearly a compelling case in the public interest for making the Order.

9.3 A piecemeal approach to redevelopment would not secure the objectives of delivering the completion of the Church Wharf Development and would not bring about the same benefits to the economic, social and environmental well being of the area. Compulsory acquisition is, therefore, considered to be not only necessary but also justified in the public interest.

## **10. EQUALITY IMPACT ASSESSMENT**

10.1 Under the Equality Act 2010, the Council must have due regard to:

- Eliminating unlawful discrimination, harassment and victimisation and any other conduct prohibited by the Act;
- Advancing equality of opportunity between people who share a protected characteristic and people who do not share it; and

- Fostering good relations between people who share a protected characteristic and people who do not share it.
- 10.2 It is therefore important to consider how the proposals contained within this report may positively or negatively affect this work. To support this analysis, an Equality Impact Assessment (EIA) screening form has been completed for the proposals outlined in this report, and is attached at Appendix 5.
- 10.3 The EIA looks at the anticipated (positive and/or negative) impacts of the proposal on people from Bolton's diverse communities, and whether any group (or groups) is likely to be directly or indirectly differentially affected.
- 10.4 At this stage it is not anticipated that the proposals will have a disproportionate impact on any of Bolton's diversity groups.

## **11. RECOMMENDATIONS**

Cabinet is recommended to:

- Authorise the Borough Solicitor to arrange a land referencing exercise (including the service of statutory requisitions) to be undertaken to identify all parties with interests in the land shown edged red in the attached plan.
- Authorise the making of a Compulsory Purchase Order under Section 226 (1) (a) of the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004) and the Acquisition of Land Act 1981 to seek the acquisition of land and interests within the site shown edged red on the attached plan by way of a Compulsory Purchase Order.
- Authorise the Borough Solicitor to seal the Order and to authorise officers to take all necessary procedural steps prior to and after making the Order; which will include the publication and service of all statutory notices and the submission of the Order to the Secretary of State for confirmation together with the preparation and presentation of the Council's case at any public inquiry.
- Authorise the Borough Solicitor to confirm the Order, if it is unopposed or if any objections made are subsequently withdrawn.
- Authorise the Borough Solicitor following the confirmation of the Order to implement the CPO powers and acquire title and/or take possession of the land.
- Authorise the Borough Solicitor and the Director of Corporate Resources to make minor amendments, modifications and deletions to finalise the CPO plan within the red line plan should this be considered appropriate.
- Authorise the Director of Place to negotiate terms for the acquisition of any outstanding interests in the land subject to the proposed Order and to approve agreements with affected landowners setting out the terms on which objections to the Order are to be withdrawn.
- Authorise the Borough Solicitor to complete the necessary legal formalities.
- Authorise the Director of Corporate Resources to complete the necessary financial formalities.

- Support any applications for the closure of highways required to facilitate the Church Wharf Development.