

## **Meeting of the Cabinet - 13<sup>th</sup> December, 2023**

### **Report of the Director of Regeneration and Enterprise**

#### **Stalled and Derelict Sites Programme**

##### **Purpose of report**

1. To seek approval for work to start on the preparatory stages required to use compulsory purchase order powers in relation to the Stalled and Derelict Sites programme, to promote the re-use of vacant and derelict land and property across the borough.
2. By bringing back into use vacant stalled and derelict sites the Council will improve the supply side of land and property to deliver new homes on brownfield land, protect the green belt and support the availability of affordable and mixed tenure homes. In turn this will make a positive impact on the economic, social health and wellbeing outcomes for Dudley residents.

##### **Recommendations**

3. It is recommended:-
  - That the Council confirms it is minded in principle to seek approval from the Secretary of State to use its Compulsory Purchase Order (CPO) Powers on sites within the borough that are detailed within the Stalled and Derelict Sites (S&DS) programme.
  - That the Director of Regeneration and Enterprise be authorised to undertake and commission the necessary detailed work to establish the case for a CPO, meeting the statutory tests and funding requirements for individual sites within the Stalled and Derelict Sites programme and will be subject to any internal spending control processes being in place.

## **Background**

4. The Council began developing a programme called Stalled and Derelict sites in late 2020. Since then the programme has delivered some initial successes. However, there remain a number of sites within the programme that now require a further intervention if we are to maintain momentum and see activity on the ground.
5. Whilst the Council has existing powers within various divisions of the council, bringing these to bear is in some instances insufficient to encourage some land and property owners to make steps towards development or discernible progress on their own.
6. Regeneration sites of all land use types that lie within the 2km corridor influenced by the Metro Line already benefit from a decision made by Cabinet to consider using CPO powers to bring forward development.
7. This report seeks to promote regeneration using CPO powers in areas of the borough beyond the Metro 2km corridor zone.
8. The S&DS programme has been developed in consultation with:
  - Ward councilors, via their ward walks with Chief Executive and include any representations made by members of the public within that exercise covering sites from across the borough.
  - A cross directorate officer working group representing Planning, Housing, Environmental Health & Trading Standards, Corporate Landlord, Projects and Placemaking and Economic Growth & Skills.
9. The Council already has a range of powers available to it, and these alternative options should be fully considered and where appropriate, implemented, before turning to use Compulsory Purchase as CPO is always the power of last resort.
10. This report is therefore seeking approval to undertake and commission the necessary detailed work to establish the case for a CPO on sites within the stalled and derelict sites programme, which is now established as a rolling programme of activity.
11. This detailed work will only commence when the full range of powers available to the council have been exhausted and will need to reflect the statutory tests and funding requirements for individual sites.

12. The work detailed will therefore likely include:

- Serving of statutory requisition for information.
- Instruction of a refencing agent (if required) to prepare plans and property schedule.
- Access the subject land (using statutory powers where necessary) for the purposes of carrying out such surveys as required connected to the exercise of CPO powers.
- Prepare a draft statement of reasons justifying the use of the CPO powers.

### **Finance**

13. The Stalled and Derelict sites programme has an existing total £1,000,000 budget.
14. The team have made 2 successful bids to Homes England and secured a total £125,000 revenue in 2022/23 & 2023/24 in support of the overall programme, with most recent award being for £70,000 to progress some of the work activity detailed on paragraph 12 above.
15. Any costs incurred for future CPO preparation works will be subject to any internal spending controls, will be in line with any previous budgets and external funding awarded and subject to the existing programme, project monitoring and reporting framework.

### **Law**

16. Section 226(1) of the TCPA 1990 grants a power to a local authority to acquire any land in its area, using sub clause (a) if it thinks the acquisition will facilitate the carrying out of development or redevelopment or improvement on or in relation to the land.
17. In order to make an acquisition under section 226(1)(a), the Council must also have regard to section 226(1A) which states that the Council must consider that the development, redevelopment or improvement will contribute to the promotion or improvement of the economic, social or environmental well-being of its area.
18. The Acquisition of Land Act 1981 governs the procedures which apply to an acquisition.
19. The Compulsory Purchase Act 1965 and the Compulsory Purchase (Vesting Declarations) Act 1981 govern post-confirmation procedures.

20. The Land Compensation Act 1961 governs the amount and assessment of any compensation due to the exercise of CPO powers once confirmed by the Secretary of State.
21. Section 111 of the Local Government Act 1972 provides the Council with power to do anything which is calculated to facilitate or is conducive or incidental to the discharge of any of its functions.
22. Section 1 of the Localism Act 2011 provides the Council with general power of competence to do anything that individuals may do.

### **Risk Management**

23. There are no foreseeable material risks resulting from the proposals.

### **Equality Impact**

24. There are no direct likely impacts of the proposals on people with protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation). The Council's Equality and Diversity policies will be applied throughout the delivery of the programme.
25. Should work advance to a stage where a site specifically requires a CPO, then an equality impact assessment will be made. The development of regeneration projects within the programme will progress with full regard to the requirement for equality impact assessment.
26. Research shows that children living in poor or overcrowded housing conditions are more likely to have respiratory problems, to be at increased risk of suffering with infections, have an increased likelihood of mental health problems and is linked to poorer educational outcomes. However, in surveys of families with a safe stable and affordable home, children experience fewer health problems, have improved school performance & report less psychological stress. Strong and secure homes contribute to strong and secure families, giving children a platform from which to improve their lives and thrive into adulthood.

### **Human Resources/Organisational Development**

27. Officers within Regeneration and Enterprise Division lead the Stalled and Derelict Programme, with support advice and work activity from colleagues across the council, whose skills knowledge can assist and use existing alternative statutory powers to advance the programme. External

expert advice, if required in pursuit of the steps outlined above, will be procured.

### **Commercial/Procurement**

28. The Homes England revenue funding has enabled the programme to utilise external surveying legal and architectural support. This has been procured following Standing Orders procedures. A works specification has been prepared and will go out via the Intend platform to seek competitive bids.
29. Any on site preparation investigation clearance demolition security type work will be overseen using internal resources and where necessary specialist external contractors will be procured via Intend.

### **Environment/Climate Change**

30. The proposal above does not have a direct impact on the environment, or the Climate Emergency. The S&DS programme itself in bringing forward land for affordable homes supports the Council and the Borough in working towards the UN Sustainability Development Goals

Goal 1 – No Poverty

Goal 3 – Good Health and Well Being

Goal 4 - Quality Education

Goal 11 Sustainable cities and communities

### **Council Priorities and Projects**

31. The Stalled and Derelict Sites programme contributes directly to the Council Plan priority for Dudley Borough to be the destination of choice by providing access to a range of housing offers that are affordable, accessible, and attractive, meeting the needs of our diverse communities and in maximising use of brownfield sites for residential developments ensuring the borough is the destination of choice.
32. A CPO must be underpinned with a scheme that can be justified in the use of the power of last resort, has access to funding and is capable of being delivered.
33. The S&DS programme in bringing forward land and sites for affordable homes supports the Council and the borough in working towards improving the impact in these policy areas:

- Public Health and Wellbeing
- Local housing needs
- Local deprivation and cost of living
- Asset and Property Management



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## **Appendices**

Appendix 1 Stalled & Derelict sites before and after images

## **List of Background Documents**

N/A