

WALSALL METROPOLITAN BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 226(1)(A)

ACQUISITION OF LAND ACT 1981

**THE WALSALL METROPOLITAN BOROUGH COUNCIL
(MOAT STREET AND VILLIERS STREET)
COMPULSORY PURCHASE ORDER 2023**

STATEMENT OF CASE

APP/PCU/CPOP/V4630/3331124

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THE WALSHALL METROPOLITAN BOROUGH COUNCIL (MOAT STREET AND VILLERS STREET)
COMPULSORY PURCHASE ORDER 2023

STATEMENT OF CASE

1 PURPOSE OF THE STATEMENT OF CASE

- 1.1 This Statement of Case (the “Statement”) is made on behalf of the Walsall Metropolitan Borough Council (the “Council”) as the Acquiring Authority pursuant to Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules 2007.
- 1.2 On 29 August 2023 Walsall Metropolitan Borough Council (the “Council”) made the Walsall Metropolitan Borough Council (Moat Street and Villiers Street) Compulsory Purchase Order 2023 (the “Order”) pursuant to section 226(1)(a) of the Town and Country Planning Act 1990 (“the 1990 Act”) and the Acquisition of Land Act 1981 (“the 1981 Act”).
- 1.3 The Order was submitted to the National Planning Casework Unit (the “Secretary of State”) for consideration on 3rd October 2023. The Secretary of State by way of letter dated 13 December 2023 has given notice of his intention to hold an inquiry into the objections to the Order.
- 1.4 This Statement sets out the Council’s case for making the Order as will be put forward at the inquiry. It supplements the Council’s Statement of Reasons which should be read alongside this Statement.

2 INTRODUCTION TO THE ORDER

- 2.1 The purpose of the Order is to enable the Council to acquire compulsorily the land and rights included in the Order (“the Order Land”) in order to deliver a comprehensive residential-led development that will contribute to the promotion and improvement of the economic, social, and environmental wellbeing of the Council’s area (“the Scheme”). The regeneration proposals will deliver comprehensive residential-led redevelopment of the Moat Street and Villiers Street area of Willenhall (“the Site”), north and east of Willenhall town centre, delivering a significant number of much needed new homes, creation of new public open space and improvements to public realm and the local environment. The Scheme will deliver a range of improvements to the social, economic and environmental wellbeing of the area. The Scheme will:
- (a) Deliver up to 107 new high quality sustainable homes, both houses and apartments, with a range of unit sizes and with access to private and communal amenity space.
 - (b) Deliver private and affordable homes with a range of different affordable housing tenures.
 - (c) Remediate up to 2.18 hectares of brownfield land.
 - (d) Regenerate a large brownfield site, redeveloping former industrial buildings identified as derelict, in poor repair, or unsuitable as well as making more efficient use of land.
 - (e) Deliver a well connected development promoting the use of sustainable transport which will reduce the dependence on car travel.

- (f) Deliver a new vibrant residential community adjacent to the town centre, which could also provide additional footfall into the town.
- (g) Provide new public open space to promote wellbeing and complement existing facilities.
- (h) Improve the streetscape and the public realm, enhancing the area and its appeal to current and future residents.
- (i) Create local economic activity, jobs during construction and social value contributions.

2.2 The Scheme is described more fully in section 6 of this Statement and the benefits of the Scheme are set out in more detail in section 10 of this Statement.

2.3 The Council is committed to the regeneration of Willenhall and is seeking to deliver its regeneration strategy for the area based around the principles of a resilient community, which respects Willenhall's history and draws on the benefits of a new train station in Willenhall due to open in 2025 and the promotion of the Walsall Growth Corridor as a priority for housing development and sustainable growth, as well as wider regional activity. The Council's Willenhall Framework Plan sets out the Council's regeneration strategy for the area and the Scheme for which the Order is being sought is Phase 1 of the Council's proposed delivery of the Willenhall Framework Plan. Further detail is set out in section 3 of this Statement.

2.4 The Council's planning policy framework supports the regeneration proposals for Willenhall. Further detail on the relevant planning policies underpinning the Scheme is set out in section 7 of this Statement.

2.5 The Council submitted an outline planning application ("the Planning Application") for the Scheme in March 2023 that comprises:

"Outline planning application for the demolition of existing structures on land at Moat Street, Temple Bar, Cemetery Road, Villiers Street and New Hall Street, Willenhall and the development of up to 54 apartments, 53 houses and retention of local listed building for residential purposes, associated junction improvements and car parking, the creation of new Public Open Space and all associated ancillary works (access and layout to be considered) (adj to PROW Will61)." (Reference: planning application number 23/0338).

2.6 The planning application was considered by the Council's Planning Committee on 7th September 2023 who resolved to grant the planning application subject to the completion of a planning agreement and the imposition of planning conditions. Further information is set out in section 7 of this Statement.

2.7 The Council's Cabinet approved the appointment of a developer partner, Keepmoat Homes Limited, in October 2023 to deliver the Scheme, utilising the Homes England's Delivery Partner Dynamic Purchasing System ("Keepmoat"). Further detail is set out in section 7 of this Statement.

2.8 The Council has sought to acquire all third party interests by agreement and negotiations have been taking place since March 2021 and are ongoing. Section 9 of this Statement summarises the negotiations undertaken and the current position with each of the landowners. There are also some

plots of land in unknown ownership and these are shown in the Order Schedule. These plots in unknown ownership have been included in the Order Land as they are required to allow the scheme to proceed and to ensure that the Council can acquire these plots of land where ownership cannot be identified.

- 2.9 The Council's Cabinet has approved the steps taken throughout the development of the Scheme and in making this Order. This includes obtaining approval to commence the preparatory works required ahead of the Council exercising its compulsory purchase powers (Cabinet report titled: Willenhall Framework Plan, 9 February 2022) and obtaining approval to make this Order from the Council's Cabinet in July 2023 (Cabinet report titled: Willenhall Framework Plan: Phase 1 Moat Street and Villiers Street project update and strategic land acquisition (use of the Council's Compulsory Purchase Powers), 19 July 2023).
- 2.10 Compulsory purchase powers are being sought in respect of the Order Land to ensure the timely and effective delivery of the Scheme in the event that attempts to acquire all the necessary interests and rights by agreement are not successful, and to ensure that there are no title impediments to the delivery of the Scheme. This approach is in accordance with the Department for Levelling Up, Housing and Communities "Guidance on Compulsory Purchase Process and The Criche Down Rules July 2019" ("the CPO Guidance").
- 2.11 The CPO Guidance explicitly acknowledges at tier 1, paragraph 2 that, if an acquiring authority waits for negotiations to break down before starting the compulsory purchase process, valuable time will be lost. Compulsory purchase powers therefore need to be exercised now in order to ensure the timely and effective delivery of the Scheme in the event that all necessary interests cannot be acquired by agreement. Negotiations will continue alongside the progression of the Order.

3 THE ENABLING POWERS FOR THE COMPULSORY PURCHASE ORDER

- 3.1 The Council is using the appropriate legislation to acquire the required land and rights to deliver its Scheme and has followed the CPO Guidance in the making of the Order. The Council believes that the exercise of the powers under Section 226 (1)(a) of the Town and Country Planning Act 1990 is both appropriate and proportionate in order to facilitate the delivery of the Scheme and ensure delivery of the benefits and objectives of the Scheme.

Section 226 (1) (a) of the Town and Country Planning Act 1990

- 3.2 Subject to confirmation by the Secretary of State, Section 226 of the Town and Country Planning Act 1990 ("the 1990 Act") empowers local authorities to compulsorily acquire land for development and other planning purposes.
- 3.3 Section 226(1)(a) of the 1990 Act gives a local authority power to acquire compulsorily any land within its area if it thinks that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land.
- 3.4 Section 226(1)(a) is subject to subsection (1A) which provides that the local authority must not exercise the power unless it thinks that the proposed development, re-development or improvement is likely to contribute to any 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.

3.5 The Order has been made pursuant to the powers conferred by section 226(1)(a) of the 1990 Act .

Justification for the exercising of these enabling powers

- 3.6 It is the Council's case that the exercise of the above powers is required in order to facilitate the delivery of the Scheme. Government guidance on the use of compulsory purchase powers is provided in the CPO Guidance and makes clear that a compulsory purchase order should only be made where there is a compelling case in the public interest.
- 3.7 The CPO Guidance at tier 1, paragraph 2 sets out that acquiring authorities 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. It requires that the officers' report seeking authorisation for the compulsory purchase order should address human rights issues. This has been addressed through the Council's Cabinet report obtaining approval to make this Order (Cabinet report titled: Willenhall Framework Plan: Phase 1 Moat Street and Villiers Street project update and strategic land acquisition (use of the Council's Compulsory Purchase Powers), 19 July 2023). Section 11 of this Statement sets out further consideration of human rights.
- 3.8 Tier 1, paragraph 2 of the CPO Guidance also sets out that acquiring authorities are required to demonstrate that they have taken reasonable steps to acquire all the land and rights included in the Order by agreement. The Council began negotiations to acquire by agreement in March 2021 and the Council has sought to acquire all required property interests by agreement. Negotiations are ongoing and will continue alongside the making of this Order and the subsequent Order process. Section 9 of this Statement provides further information on the Council's efforts to acquire by negotiation.
- 3.9 Tier 1, paragraph 6 of the CPO Guidance provides guidance on how the Public Sector Equality Duty should be taken into account when making a compulsory purchase order in accordance with the Equality Act 2010. Section 12 of this Statement provides further information on how the Council have taken this into account throughout the Order process and development of the Scheme.
- 3.10 Tier 2, section 1, paragraphs 94 to 106 of the CPO Guidance provide specific advice on the making of orders under section 226 of the 1990 Act. Paragraph 95 states that the powers under section 226 are intended to provide a positive tool to help acquiring authorities with planning powers to assemble land where this is necessary to implement proposals in their Local Plan. It refers to the powers being used to assemble land for regeneration.
- 3.11 Paragraph 97 of tier 2, section 1 of the CPO Guidance refers to section 226(1)(a) of the 1990 Act enabling acquiring authorities with planning powers to acquire land if they think that it will facilitate the carrying out of development, redevelopment or improvement on, or in relation to, the land being acquired and it is not certain that they will be able to acquire it by agreement. Paragraph 103 of the same section refers to section 226(1)(a) being restricted under section 226(1A), providing that the acquiring authority must not exercise the power unless they think that the proposed development, redevelopment or improvement is likely to contribute to achieving the promotion or improvement of the economic, social or environmental wellbeing of the area for which the acquiring authority has administrative responsibility. It makes clear that the benefit to be derived from exercising the power

is not restricted to the area subject to the compulsory purchase power as the concept of the wellbeing is applied to the whole (or any part) of the acquiring authority's area.

- 3.12 Paragraph 104 of tier 2, section 1 of the CPO Guidance sets out further information on the justification required to support an order to acquire land compulsorily under section 226(1)(a) of the 1990 Act. This includes:
- Programme of land assembly to be set within a clear strategic framework.
 - Such a framework needs to be founded on an appropriate evidence base and to have been subjected to consultation processes.
 - The planning framework providing the justification for an order should be as detailed as possible in order to demonstrate that there are no planning or other impediments to the implementation of the scheme.
 - Consideration of the National Planning Policy Framework as this is a material consideration in all planning decisions.
- 3.13 Paragraph 105 of tier 2, section 1 of the CPO Guidance makes clear that it is not always feasible or sensible to wait until the full details of the scheme have been worked up before proceeding with the order. In such cases the responsibility lies with the acquiring authority to put forward a compelling case for acquisition in advance of resolving all uncertainties.
- 3.14 Paragraph 106 of tier 2, section 1 of the CPO Guidance further provides that in making a decision on whether to confirm an order under section 226(1)(a) of the 1990 Act, the Secretary of State will take into account the following factors:
- 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.
 - 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 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.

- 3.15 In summary, the Council has taken the CPO Guidance into account in making the Order and the enabling powers referred to above are the most appropriate powers to use. The Council is utilising section 226(1)(a) powers of the 1990 Act because the Scheme will facilitate comprehensive regeneration of the Order Land and surrounding area, acting as a catalyst for further phases of regeneration in Willenhall. Further explanation as to the justification for the use of compulsory purchase powers is set out in the subsequent sections of this Statement.

4 BACKGROUND

- 4.1 The Site is located in Willenhall, to the north and east of Willenhall town centre, within the western part of the Council's administrative borough boundary. Willenhall is located between Walsall town centre and Wolverhampton city centre, with the former to the east of the Site and the latter to the west of the site. The Order Land comprises of properties and land along Newhall Street, Moat Street, Villiers Street, Cemetery Road, Stafford Street and Temple Bar. The Order Land is set out in full within the Order Schedule and shown on the Order Map. A more detailed description of the Order Land and its location is set out in section 5 of this Statement.

Promoting growth and regeneration of the borough

- 4.2 The Council has clear aspirations for growth and regeneration across the borough. These regeneration and growth aspirations are also supported by the West Midlands Combined Authority and Homes England. There are clear policies, visions, aspirations and objectives for the comprehensive regeneration of Willenhall and the delivery of much needed new homes.
- 4.3 The Council's Our Council Plan 2022-2025 sets out the Council's aims and ambitions for the borough, alongside the outcomes it intends to achieve and how it will measure the progress towards these outcomes. The Council's aim for the borough, as set out in Our Council Plan is that:

Inequalities are reduced and all potential is maximised. Together we are committed to developing a healthier, cleaner and safer Borough and creating an environment that provides opportunities for all residents, communities and businesses to fulfil their potential and thrive.

- 4.4 The Our Council Plan sets out five key areas of focus: Economic growth, People, Internal focus, Children and Communities. The key area of focus titled 'Communities' is particularly important in relation to this Order and the Scheme being promoted. The Council's 'Communities' aim/outcome is to "*Empower our communities so that they feel they are connected and belong in Walsall, creating safe and healthy places whilst building a strong sense of community*" The Council Plan refers to the Council's focus on creating a Borough that is welcoming, safe and supportive for all residents. Key outcomes include "*Our communities will be more resilient and supportive of each other*" and "*The people of Walsall feel safe in a cleaner, greener Borough*".
- 4.5 The key area of focus titled 'Economic' is also particularly important in relation to this Order and the Scheme being promoted. The Council's 'Economic' aim/outcome is to "*Enable greater local opportunities for all people, communities, and businesses; with a key outcome of "Supporting a dynamic, resilient and diverse economy where businesses invest and everyone has the right jobs and the right housing in the right place"*".
- 4.6 The Council's Housing Strategy for 2020 to 2025 sets out the Council's commitment to promoting resilient communities by supporting integration, community cohesion, social inclusion, and cultural

diversity in Walsall. The Housing Strategy outlines specific initiatives to encourage community involvement in new housing development. There are clear aspirations to increase housing supply and choice for residents across the borough, as the Council plans to facilitate the building of new homes and increase the number of long-term empty homes brought back into use.

- 4.7 The Council's non-statutory strategy, *We Are Walsall 2040*, further supports the vision of the Council and its partners to improve places, setting out the vision and ambitions for the borough up to 2040. *We Are Walsall 2040* sets out a number of "We Will" statements, providing a framework for the Council's priorities up to 2040. Of particular note, *We Are Walsall 2040* sets out under 'Vibrant towns' that it will "*Attract investors and developers to regenerate and invest in our towns*". It also sets out under 'Quality homes' that the Council will "Invest in building high quality affordable homes across the borough that meet local need" and "Ensure new developments are part of connected communities with local services and facilities". Under the section on 'Connected Borough', it sets out that it will "*Improve the transport offer within and across the borough*" and "*Invest in cycling and walking routes to help people feel safe travelling by bicycle or on foot*".
- 4.8 The Council's Economic Strategy and Action Plan (ESAP), which was approved by the Council's Cabinet in December 2022, seeks to meet and exceed the needs of Walsall's present population and future residents. The ESAP recognises that brownfield development sites are key latent economic assets, and that Walsall has a wealth of brownfield sites with potential for development. It explicitly refers to the Willenhall Framework Plan being put in place to coordinate housing growth and wider development of the town over a ten-year period. The ESAP also refers to the need to retain skilled people and attract commuters and refers to the regeneration of the town centres including Willenhall.
- 4.9 The Council's planning policies have long placed an emphasis on the regeneration of the borough, placing a strong emphasis on the need for the delivery of new homes and the provision of new homes on previously developed land. The various Council strategies and plans summarised above are also reflected in the Council's adopted and emerging planning policies for the area. Further information on the planning policies for Willenhall are set out in section 7 of this Statement.
- 4.10 The West Midlands Combined Authority (WMCA) also has significant aspirations for growth across the West Midlands and in particular supports the redevelopment of brownfield sites as utilising previously developed land reduces the likelihood of greenbelt or other undeveloped land being impacted, as well as bringing back often underutilised or derelict sites back into active uses. The WMCA acknowledge that the development of brownfield sites can also help revitalise urban areas, creating new opportunities and providing wider benefits to the existing communities including the creation of jobs. The WMCA has agreed a Trailblazer deeper devolution deal with Government. As part of this the WMCA and its constituent authorities have identified six key corridors across the region on the basis of their potential for growth and levelling up with one of these being the Walsall Growth Corridor. Willenhall is identified as a key area within the Walsall Growth Corridor as a priority for housing delivery and sustainable growth.
- 4.11 The Council's regeneration agenda for Willenhall is further supported by Central Government who has recognised the need for regeneration and housing development in Willenhall. The Council applied for funding from the HM Treasury, Department for Levelling Up, Housing and Communities, and Department for Transport's Levelling Up Fund 2. The intention of the Levelling Up Fund is to create opportunities including investing in high streets and town centres, improving jobs, making streets safer, protecting health and wellbeing, and improving local transport, with the ultimate aim to help communities level up. The Council was successfully awarded its bid for Levelling Up Fund 2

monies in January 2023, with an award of £20 million for the Willenhall area. [redacted] of this is allocated to the delivery of the Scheme and the remainder of the monies to be spent supporting a movement strategy for Willenhall. This emphasises the importance of bringing forward the Scheme and associated improvements to Willenhall. Further detail is set out in section 8 of this Statement on delivery.

- 4.12 The Council and its partners including the WMCA have already invested in Walsall and Willenhall, in particular through the Council's plans to enhance transport connectivity in Walsall by improving access to the Birmingham high-speed rail station (HS2), securing funding for the construction of new stations at Willenhall and Darlaston, and improving the M6 junction 10. The re-opening of the Willenhall Station in 2025 will be particularly important to the Scheme as not only will the station and the Walsall Growth Corridor ensure better connections to Birmingham City Centre and Wolverhampton, but they also open up opportunities across the wider region.

The need to redevelop Willenhall and the Council's decision making process to bring forward regeneration of Willenhall

- 4.13 Willenhall contains a mix of residential areas interspersed with industrial areas, alongside a town centre. Within the industrial areas there are a mix of occupied and vacant buildings with many industrial buildings having been left empty and derelict for a long while, attracting anti-social behaviour, and adding little if anything to the local environment and economy. There have also been complaints to the Council regarding some of the derelict sites and anti-social behaviour on these sites.
- 4.14 Within the context set out above, the Council has ambitious plans to redevelop Willenhall and the transformation and regeneration of Willenhall including the delivery of new homes has long been a priority for the Council. The Council's planning policies support the regeneration of Willenhall and have done so for many years, highlighting the regeneration of Willenhall being a longstanding regeneration priority for the Council. The Black Country Core Strategy 2011 identifies Willenhall within the Darlaston, Willenhall, Wednesfield regeneration corridor, where growth and regeneration should be focused. Further detail for the regeneration corridor was subsequently developed in the Walsall Site Allocation Document, 2019. These key planning policy documents also explicitly identify a need for more housing in order to meet the identified housing need. Further information on the planning policy framework supporting the Scheme is set out in section 7 of this Statement.
- 4.15 Further to this background of the need for regeneration and new homes in Willenhall including its identification as a regeneration corridor from 2011 in the Black Country Core Strategy, the Council took a report to its Cabinet in 2015 (report titled: Willenhall Economic and Development Programme, 19 October 2015) supporting the intention to undertake a regeneration approach to Willenhall through a targeted programme of activity. Cabinet authorised officers to undertake initial due diligence/scoping work in order to fully understand the then current economic baseline, need and the impact of previous regeneration activity to inform the future work programme. The 2015 report led to the commencement of due diligence and baseline work to understand the opportunities and challenges for Willenhall, which have developed into the current regeneration proposals including the Scheme.
- 4.16 In March 2016 the Council took a follow up report to its Cabinet (report titled: Willenhall Economic and Development Programme, 16 March 2016) which outlined the outcomes of the work undertaken since the October 2015 Cabinet report. Cabinet noted the progress made towards the production of

the programme of targeted activity for the area and agreed a baseline report, authorising officers to implement a 12 month work plan.

- 4.17 In February 2020, the Council took a report to its Cabinet (report titled: Walsall's Regeneration & Development Pipeline: procurement of a strategic advisor, 12 February 2020) which sought to procure and appoint a Strategic Advisor, to advise upon and help drive the delivery of Walsall's ambitious development pipeline, including implementation of the regeneration programmes. The Cabinet report set out the anticipated role of the Strategic Advisor to provide the necessary support and expertise to enable development and delivery of the pipeline of potential schemes. The Cabinet report explicitly refers work to include the potential delivery of a masterplan for Willenhall which could provide up to 800 new homes, with residents benefitting from enhanced connectivity with the introduction of the new railway station in Willenhall.
- 4.18 In April 2020, the Council appointed consultants Arcadis to support the Council in bringing forward a transformational regeneration programme that includes Willenhall. Arcadis and its subconsultants property firm Avison Young have together assisted the Council in carrying out extensive due diligence and baseline work to understand the opportunities and challenges in Willenhall and to bring forward the current Scheme and future proposals.
- 4.19 In February 2021 the Council took a report to its Cabinet (report titled: Willenhall Masterplan – Strategic Land Acquisitions, 10 February 2021) which was important in giving authority to develop the Willenhall Masterplan which later become the Willenhall Framework Plan. The Willenhall Framework Plan presents the Council's vision and aspirations for Willenhall, and the Scheme subject to this Order is the first phase of delivery of the Willenhall Framework Plan. At this stage the Council and its advisors had carried out a baseline review of an area of Willenhall and the recommendations from this piece of work were to prepare a framework plan to guide future development and that the Moat Street/Villiers Street area of Willenhall provided an early opportunity for the Council to take immediate and positive action to secure the delivery of housing. Further information is set out below on the detail of the Willenhall Framework Plan.
- 4.20 Whilst the February 2021 Cabinet report was not made available to the public and was considered by the Council's Cabinet in a private session, the publicly available minutes of the Cabinet meeting summarise the decision. These include noting the due diligence completed as part of the stage 1 baseline review and a recommendation for further workstreams including the development of a framework masterplan plan. The minutes also recorded the authorisation of the commencement of negotiations with landowner/occupiers of land interests within the Order Land and delegated authority to an Executive Director to amend the boundary of the site following title and other investigations.
- 4.21 The Council and its advisors carried out considerable work throughout 2021 and early 2022 to develop the Willenhall Framework Plan and to develop the Scheme for which this Order is required. This was within the overarching context of the regeneration agenda of Willenhall having been identified as an area for strategic intervention, seeking to target a programme of activity in Willenhall including the planned opening of a new railway station in Willenhall and as part of the promotion of the Walsall Growth Corridor as a priority for housing delivery.
- 4.22 As part of the development of the Willenhall Framework Plan, the Council and its advisors held a public engagement programme called 'Love Willenhall' during February and March 2021 seeking to find out what things local people would change in Willenhall. This is documented in a February 2022

Cabinet report (report titled: Willenhall Framework Plan, 9 February 2022) where it is set out that respondents frequently mentioned that they would like better and more diverse retail, restoration or redevelopment of derelict buildings, better public transport and reduced crime levels.

- 4.23 The February 2022 Cabinet considered both a public and a private report. There were a number of approved recommendations at the Cabinet meeting to further the project and regeneration of Willenhall. Of particular note within the open report, the Council's Cabinet supported the Willenhall Framework Plan as a 10 year vision for housing growth and place making and approved the taking of the preparatory steps needed ahead of exercising any compulsory purchase powers to acquire third party land and property where agreement could not be reached within a reasonable timeframe. It also approved an outline business case and budget to support land assembly, approved further work to identify a preferred development partner and endorsed a draft Business Charter. Further information on the detail of some of these recommendation and the implications of these for this Order are set out in the relevant sections of this Statement.
- 4.24 In December 2022 the Council took a report to its Cabinet (report titled: Willenhall Framework Plan: Phase 1 Developer Partner Procurement Approach and Funding Update, 14 December 2022) to provide an update on the work carried out since the February 2022 Cabinet report and to also authorise Council officers to commence procurement of a developer for Phase 1 of the Willenhall Framework Plan. The report also noted the updated funding position for Phase 1 and noted and approved the developer procurement route. Further detail on both these points is set out in section 8 of this Statement on delivery and funding.

Willenhall Framework Plan

- 4.25 Following the decisions made by the Council's Cabinet, the Council's first major step to guide future housing development, economic growth and place making in Willenhall is the Willenhall Framework Plan. As noted above, the Willenhall Framework Plan was supported by the Council's Cabinet at its meeting on 9 February 2022.
- 4.26 The Willenhall Framework Plan sets out a 10-year vision for Willenhall, setting out the Council's commitment to facilitating the comprehensive delivery of high-quality homes integrated with movement and place-making interventions. The Council is considering incorporating the Willenhall Framework Plan and its vision and objectives within its emerging Local Plan.
- 4.27 The Willenhall Framework Plan recognises that the multiple ownerships across Areas of Opportunity, together with low property values, make comprehensive and coordinated development very challenging. Together with the previous (and in some cases existing) industrial nature of the area this adds significant risks such as significant ground and environmental issues. The combination of these issues has to date acted as a barrier for private sector delivery and intervention and despite there being many derelict and dilapidated sites across Willenhall, in many cases for a considerable period of time, the private sector has not come forward to bring forward significant change. Hence, the need for the Council to intervene to promote and ensure regeneration of Willenhall.
- 4.28 The Willenhall Framework Plan identifies the key issues and challenges facing Willenhall which have restricted the delivery of residential development and has resulted in a poor environment for much of Willenhall. The key issues and challenges include: shortage of owner occupied and private rental housing to meet the identified housing need; inefficient use of space; derelict and unused buildings leading to anti-social behaviour and poor appearance; lack of green space in the town centre; and

multiple land holdings making development parcels hard to assemble to ensure comprehensive development in a reasonable timeframe. The Willenhall Framework Plan recognises that unlike other areas within Walsall, Willenhall has not benefited from regeneration activity to date and this has framed the Council's priorities and need for intervention now in Willenhall to ensure comprehensive regeneration and delivery of new homes.

4.29 The Willenhall Framework Plan sets out a 10-year vision for Willenhall, which provides an ambition for housing growth and healthy, prosperous and sustainable communities. The vision is:

“Willenhall will grow into a vibrant, connected and welcoming town with a strong sense of place which celebrates its diverse communities and promotes safe, healthy and active lifestyles. Quality design and sustainable construction will move Willenhall towards a healthy, prosperous and sustainable future.”

4.30 In order to deliver this vision, in the plan the Council has identified what it terms 'Areas of Opportunity', which are four areas across Willenhall which will see direct intervention by the Council to facilitate housing delivery and economic growth. The Willenhall Framework Plan sets out that through comprehensive re-development, the Areas of Opportunity will begin to deliver structural change and economic growth in Willenhall. The Framework Plan includes a set of criteria that has been used to identify each of its Areas of Opportunity and these are:

- Ability to deliver housing.
- Supports the delivery of planning policy.
- Enhances the connectivity to the new station.
- Enhances the connectivity to the town centre and high-quality green spaces.
- Addressing employment buildings identified as derelict, unsafe or unsuitable.

4.31 The first of the four identified Areas of Opportunity to be subject to public sector intervention and proposed development is the area around Moat Street and Villiers Street, thus the Scheme comprises Phase 1 of the delivery of the Willenhall Framework Plan and the delivery of the Moat Street and Villiers Street Area of Opportunity. There are a number of reasons for this Area of Opportunity coming forward first for redevelopment which include:

4.31.1 as set out in the Willenhall Framework Plan, additional investigation has been undertaken in the Moat Street and Villiers Street Area of Opportunity, alongside early initial engagement with the owners and occupiers to understand existing ownership and business needs;

4.31.2 the Council is mindful of the derelict and fragmented nature of the site and concerns raised by the community about the dilapidated state of key buildings within its boundary;

4.31.3 the Council is aware of market interest in the provision of new housing in this location;

4.31.4 the other identified Areas of Opportunity are still under investigation and further work is required to fully understand the level of opportunity that they can deliver.

- 4.32 The Willenhall Framework Plan provides detail on the aspirations for Moat Street and Villiers Street as Phase 1 of the Willenhall Framework Plan. It sets out that there is capacity for up to 150 dwellings, with the potential for medium density housing to create an urban character which reflects the manufacturing character of the area and also positively addresses the adjacent green spaces.
- 4.33 The Willenhall Framework Plan includes an important section on delivery, setting out the need for public sector intervention to kick start regeneration of the area. It refers explicitly to the Council's commitment to acquiring land by negotiation but that it will also consider using its statutory powers including compulsory purchase if required to ensure timely delivery.

The use of compulsory purchase powers

- 4.34 The Council is fully committed to the delivery of the comprehensive regeneration of Willenhall, to ensure that the 10-year vision and objectives of the Willenhall Framework Plan are delivered. The Scheme is intended to act as a catalyst for further phases of regeneration, with the Council's investment in the area seeking to address the current market failure to redevelop the area. It is anticipated that it will assist in signalling for further change and market investment in Willenhall. Whilst the Council has already carried out significant work to get the Site ready for redevelopment, in common with many regeneration schemes of this size and in multiple ownership, the exercise of compulsory purchase powers can be relied upon to enable the timely and comprehensive delivery of the regeneration proposals. As a result, the Council has considered how it can ensure the delivery of the Scheme and obtained approval in-principle to the use of the Council's compulsory purchase powers from the Council's Cabinet in February 2022 (Cabinet report titled: Willenhall Framework Plan, 9 February 2022). The Council's Cabinet also delegated authority to the Executive Director for Resources and Transformation to appoint land referencing agents to carry out a land referencing exercise and also noted that reasonable attempts would be made to acquire the various land interests by agreement. Cabinet also approved all the required due diligence and preparatory work to be undertaken if compulsory purchase powers were required to be exercised. Further information on the land referencing exercise is set out in section 5 of this Statement.
- 4.35 Since the February 2022 Cabinet resolution the Council has continued to prepare the Site for redevelopment and has carried out a significant amount of work to bring forward the Scheme. This has included the aforementioned land referencing exercise, furthering negotiations to acquire the third party interests, finalising the boundary of the Scheme, obtaining further funding to deliver the Scheme including the Levelling Up Fund monies, submitting the Planning Application and progressing the appointment of a developer to deliver the Scheme.
- 4.36 Subsequently, the Council's Cabinet resolved to make the Order in July 2023, noting all the progress made to date to bring forward the Site and the need for the Order to ensure delivery of the Scheme (Cabinet report titled: Willenhall Framework Plan: Phase 1 Moat Street and Villiers Street project update and strategic land acquisition (use of the Council's Compulsory Purchase Powers), 19 July 2023).
- 4.37 The Council made the Order in line with the Cabinet resolution.

5 DESCRIPTION OF THE ORDER LAND, ITS LOCATION AND OWNERSHIP

- 5.1 The Order Land comprises approximately 21,119 square metres of land, located immediately to the north and east of Willenhall town centre, and within five to ten minutes walking distance. The Order Land is approximately 2.5 miles to the west of Walsall town centre, approximately 2.5 east of Wolverhampton city centre and approximately 8 miles north-west of Birmingham city centre. The Order Land is approximately 2 miles from Junction 10 of the M6.
- 5.2 The Order Land covers an area from Villiers Street in the north to Moat Street/Newhall Street in the south, to Stafford Street and Temple Bar to the west and to Newhall Street to the East. The Order Land covers six main sites across the area. To the north of the Order Land, land and property fronting onto Cemetery Road and Villiers Street is included in the Order Land. On the eastern side of the Order Land, properties are situated on Temple Bar, moving south towards the Stafford Street and adjoining to Moat Street on the corner. The Order Land runs through Moat Street on both sides of the road, and, likewise, runs on both sides of Newhall Street. There is property and land fronted on both sides of Villiers Street also. The Order Map shows the detail of the land to be acquired.
- 5.3 The current uses within the Order Land comprises of a mixture of vacant/derelict buildings/land and units in commercial use. Some of the Order Land is still home to commercial uses including vehicle repair, haulage yards and metal fabrication and welding. Buildings are typically one or two stories in height. There is some variation in the condition of the buildings and land in the Order Land but many of the buildings are dilapidated and are and have been derelict for some time.
- 5.4 The surrounding area of the Order Land consists of a mix of residential streets and industrial uses. The Willenhall Conservation Area boundary runs along the west and south boundary of the Order Land. None of the Order Land lies within the Conservation Area. A disused burial ground, Wood Street Cemetery, now used as public open space sits along Newhall Street, adjacent to the Order Land. There is a former railway, which is now used as a greenway, behind Newhall Street and Moat Street. Willenhall Liberal Club and bowling green are adjacent to the north east of the Order Land on Villiers Street.

Explanation of the Order Map and the interests being acquired

- 5.5 The Council has ensured that the appropriate preparation has been carried out in advance of the making of the Order. In accordance with best practice and the CPO Guidance, specifically tier 1, paragraph 20 which emphasises the importance of making sure that a CPO is made correctly including recording the names and addresses of all those with an interest to be acquired, a specialist land referencing company is appointed by the Council to carry out all the required due diligence prior to making of the Order. Specialist company Land Referencing Services (LRS) has carried out extensive due diligence on behalf of the Council to obtain accurate information on the land ownership of the Order Land and surrounding properties. This has included: obtaining Land Registry title information; site visits; and issuing of requisition notices under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976. The Council is satisfied that all the required due diligence has been carried out to establish ownership of the Order Land.
- 5.6 The detailed boundary of the Order Land is shown on the Order Map. The land coloured pink identifies the land over which the Council seeks to compulsorily acquire proprietary interests and existing rights. Table 1 of the Order Schedule interests are summarised below in Table One. Table 2 of the Order Schedule includes all interests where the Council has identified that there could be a potential claim for compensation due to a right affected by the Scheme underpinning the Order.

5.7 Whilst there are multiple property interests to be acquired, as set out in the Order Schedule and shown in the Order Map, many of the freeholders own multiple freeholds across the Order Land. Table One below summarises the freeholders within the Order Land, setting out where individual freeholders own multiple freeholds and properties. There are no registered leaseholders across the Order Land. As set out in section 5.3 above there is a mixture of vacant and occupied properties across the Order Land. Some of the occupied properties are owner occupied by the freeholder whilst a small number include separate tenants. This is shown within the Order Schedule. Seven of the eight freeholders have confirmed that they can obtain vacant possession of their freeholds. The remaining eighth freehold owner has not engaged in any of the negotiations and the property appears to be vacant as it is boarded up. There are also a number of unknown ownerships across the Order Land, as set out in the Order Schedule. Further information on the negotiations and efforts to acquire by agreement is set out in section 9 of this Statement.

Table One: Summary of third party freehold ownership within the Order Land

Freeholder name	Order Map and Order Schedule Plot Number
<p>[Redacted] and his agent has confirmed that negotiations in relation to all the above are to be carried out as one</p>	<p>1,2,3,4,5,6,7,9,10,14,16,17,18,19, 20,21,22, 23,24,25,27,28</p>
[Redacted]	8,12,13
[Redacted]	41,42,43
[Redacted]	44
[Redacted]	26
[Redacted]	29
[Redacted]	31,32,33,34
[Redacted]	35,37,38,39

6 DESCRIPTION OF THE SCHEME AND THE COUNCIL’ PURPOSE IN SEEKING TO ACQUIRE THE LAND AND NEW RIGHTS

6.1 The Scheme is a much needed comprehensive residential-led development. The Scheme is intended to be the first phase of delivery of the 10-year vision for Willenhall, as set out in the Willenhall Framework Plan and summarised at section 4 of this Statement. It is expected that delivery of the Scheme will act as a catalyst for further regeneration and the delivery of the three further planned phases of regeneration across Willenhall.

6.2 The overarching aspirations for promoting the regeneration of Willenhall are set out within the Willenhall Framework Plan and these are (as set out on page 21):

Willenhall will:

- Provide a range of high quality, energy efficient, attractive new homes providing housing choice across a full affordability range.
- Provide access to opportunities for the people of Willenhall connected to the wider region through the new Willenhall train station.
- Maximise the benefit from the economic growth and investment across the West Midlands.
- Create a healthy and high-quality living environment where residents are easily able to walk and cycle.
- Benefit from high quality, green and active public spaces and links which will better connect the Memorial Park to the town centre and the greenway to create an attractive environment for residents and visitors.
- A greener town which will enhance the opportunity for family play, safe social gathering and physical activity built around a series of linked character areas and public spaces.
- A healthy town with a range of schools, health care and community services.

6.3 The Willenhall Framework Plan (at pages 22-23) also sets out detailed objectives and detailed design principles with the headlines as set out below:

- Responding to local need.
- Excellent connectivity.
- Place making opportunities.
- Green streets and spaces.
- Heritage.
- Living and working.
- Community integration.
- Sustainable living.
- Safe, healthy and active lifestyles.
- Delivery.

6.4 The Scheme will assist in the delivery of these aspirations, objectives and design principles and are the reasons for the Council promoting the Scheme and the Order to ensure delivery of the Scheme. The Scheme will:

- Deliver up to 107 new high quality sustainable homes, both houses and apartments, with a range of unit sizes and with access to private and communal amenity space.
- Deliver private and affordable homes with a range of different affordable housing tenures.
- Remediate up to 2.18 hectares of brownfield land.
- Regenerate a large brownfield site, redeveloping former industrial buildings identified as derelict, unsafe or unsuitable as well as making more efficient use of land.
- Deliver a well connected development promoting the use of sustainable transport which will reduce the dependence on car travel.
- Deliver a new vibrant residential community adjacent to the town centre, which could also provide additional footfall into the town.
- Provide new public open space to promote wellbeing and complement existing facilities.
- Improve the streetscape and the public realm, enhancing the area and its appeal to current and future residents.
- Create local economic activity, jobs during construction and social value contributions.

6.5 The Council submitted an outline planning application (“the Planning Application”) to the Local Planning Authority and the planning application was considered by the Council’s Planning Committee on 7th September 2023 who resolved to grant the planning application subject to the completion of a planning agreement and the imposition of planning conditions. The Planning Application scheme will make a significant contribution towards delivering the Council’s objectives and aspirations for Willenhall and will ensure that the benefits of the Scheme are delivered. Section 7 of this Statement sets out further information about the planning position of the Scheme including details of the Planning Application, the relevant planning policies and compliance of the Scheme with the strategic planning framework.

7 PLANNING POLICY FRAMEWORK AND PLANNING STATUS OF THE ORDER LAND

7.1 Tier 2, section 1, paragraph 104 of the CPO Guidance states that any programme of land assembly needs to be set within a clear strategic framework when acquiring land under section 226(1)(a) of the 1990 Act. It requires that the planning framework providing the justification for an order be as detailed as possible in order to demonstrate that there are no planning or other impediments to its implementation. Tier 2, section 1, paragraph 106 of the CPO Guidance refers to the Secretary of State being expected to take into consideration whether the purpose for which the land is being acquired fits in with the adopted Local Plan and the National Planning Policy Framework.

Planning framework

7.2 There is a clear planning framework for the Scheme, which has been founded on an appropriate evidence base and has been subjected to consultation. The key components of the planning framework are:

7.2.1 The Development Plan for the Order Land comprises the following documents:

- Walsall Unitary Development Plan (UDP) 2005.
- Black Country Core Strategy (BCCS) 2011.
- Walsall Site Allocations Document (SAD) 2019.

7.2.2 Key material considerations:

- The National Planning Policy Framework (NPPF) December 2023.

7.3 It is also important to note that the Council's Cabinet agreed on 2 November 2022 to start work on the future Walsall Borough Local Plan. Work on the plan has been delayed as it will have to be prepared in accordance with the revised local plan system to be introduced under the Levelling Up and Regeneration Act which requires secondary legislation.

7.4 Prior to this the Council along with the other three Black Country local authorities (Dudley Metropolitan Borough Council, Sandwell Metropolitan Borough Council and City of Wolverhampton) had been working together on a joint new local plan called the Black Country Plan but all four Councils confirmed in October 2022 that they would not be progressing this joint plan.

7.5 Section 70(2) of the Town and Country Planning Act 1990 states that in dealing with an application for planning permission the planning authority shall (inter alia) have regard to the provisions of the development plan so far as material to the application, to any other material considerations. The NPPF, National Planning Practice Guidance) and policy documents (other than the development plan) fall within the category of 'any other material considerations'. The Council's Willenhall Framework Plan, described in detail in section 4 of this Statement, whilst not part of the Council's statutory development plan, presents a vision and aspiration for the future of Willenhall, aiming to delivery large scale, comprehensive and coordinated growth across Willenhall. Given that the Framework Plan has been through an engagement exercise, it can be considered as a material consideration for the purpose of determining planning applications and when considering whether to confirm a CPO.

7.6 The Scheme underpinning the redevelopment of the Order Land seeks to deliver the Local Plan policies and objectives for the area and is also compliant with the NPPF. The following paragraphs summarise the strategic planning framework for the area and summarises how the Scheme delivers the key planning policy objectives for the area in accordance with the CPO Guidance.

Principle of the development

7.7 The main policy areas that support the delivery of the Scheme are as follows and explained in more detail in subsequent sections below:

- Regeneration of brownfield sites and focusing development in regeneration corridors.
- Provision of new housing including affordable housing.
- Release of employment land for housing development.

- Improved connectivity.
- Provision of public open space.
- Improved public realm and environment standards.

7.8 There are various site allocations for the Order Land which are identified on the Council's Local Plan Policies Map. The whole of the Order Land is identified as part of a regeneration corridor and parts of the Order Land are allocated for housing and release from employment use, whilst other parts of the Order Land are not specifically allocated. In some cases the allocations do not reflect the current situation concerning individual sites of parts thereof. The current situation in respect of individual sites is shown in evidence documents that have been prepared or updated since the relevant development plan documents were adopted. These evidence documents include the draft Black Country Plan, the Black Country Employment Area Review, July 2021 ("BEAR") and the Council's Strategic Housing Land Assessment and Statement of Housing Land Supply 2022 ("SHLAA"). Further detail is set out under the subsequent sections specifically in relation to the BEAR and the SHLAA. It also is important to note the Willenhall Framework Plan in this regard, which whilst not part the Development Plan, has been the subject of public engagement and is supported by the Council's Cabinet. The Willenhall Framework Plan sets out the Council's wider vision for Willenhall, including the focus on new high quality homes and environmental improvements.

Regeneration of brownfield sites and focusing development in regeneration corridors

- 7.9 The principle of development and the regeneration of brownfield sites is supported by the planning framework at national and local level. National policy in the NPPF (December 2023) supports the principle of making effective use of land, with the use of brownfield sites central to this. In paragraph 123, the NPPF sets out that strategic policies should use previously developed or brownfield sites as much as possible to meet goals for homes, land use and development. Paragraph 124 states that planning policies and decisions should give substantial weight to the value of using suitable brownfield land sites. Furthermore, paragraph 125 stresses the importance of the role of local authorities in identifying and bringing forward brownfield sites to meet development needs using the full range of powers available to them, including compulsory purchase, if necessary.
- 7.10 Likewise, the Council's Development Plan for the Order Land supports the principle of development and the regeneration of brownfield sites. The BCCS also supports the importance of using brownfield sites for regeneration and development. The BCCS has a 'Brownfield First' principle within its sustainability principles, noted on page 21. This states that previously developed sites, particularly vacant or dilapidated sites are given priority for development over greenfield sites. Page 15 places 'a focus on brownfield land redevelopment'.
- 7.11 The BCCS also introduces the principle of regeneration corridors and through Policy CSP1 'The Growth Network' and the BCCS Key Diagram, the BCCS identifies Willenhall as part of a regeneration corridor and this includes the whole of the Order Land. The policy states that the network of regeneration corridors will provide new homes in sustainable communities built on redundant employment land and other brownfield sites close to existing public transport routes and locations with the best access to residential services, at moderate densities that allow for a range of house types. The policy also states that by 2026, 35,000 homes in sustainable communities will be built on redundant employment land and other brownfield sites close to existing public transport routes and canal networks and locations with the best access to residential services. The 35,000

home figure was, however, an estimate of the housing capacity of regeneration corridors across the four Black Country authorities as a whole rather than specifically for Walsall borough or Willenhall.

- 7.12 The SAD further supports the principle of brownfield redevelopment and the focus of development on the regeneration corridors including the corridor covering Willenhall. The SAD's objectives are to allocate and designate sites that will deliver on the strategy of the BCCS. Policy RC1: The Regeneration Corridors of the SAD refers to the boundaries of the regeneration corridors and the policy justification sets out that the expectation is that development will be focused upon a Growth Network which includes the regeneration corridors. Map 2.1 shows the boundary of regeneration corridor 6: Darlaston, Willenhall, Wednesfield, within which the Order Land lies and these boundaries are shown on the Local Plan Policies Map. Section 3.2.3 refers to the brownfield first emphasis of the SAD, reinforcing how the use of brownfield sites will reduce the need for significant new infrastructure. Identifying and utilising brownfield sites is key to providing opportunities for future jobs, community development, and sustainable land use, all of which can contribute to the long-term economic and social wellbeing of the area.
- 7.13 The Scheme provides for the redevelopment of partly derelict and underused brownfield land and is therefore in accordance with the national and local planning policy framework's focus on the importance of the regeneration of brownfield sites.

Provision of new housing including affordable housing

- 7.14 The NPPF sets out the Government's objective of boosting the supply of housing (paragraph 60). Paragraph 15 states local Councils should have a positive vision for each area in addressing housing needs. Paragraph 20 reinforces this stating that strategic policies should set an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for housing including affordable housing..
- 7.15 UDP Policy S8: Housing in Town Centres encourages investment in housing development within and close to Town, District and Local Centres.
- 7.16 Walsall borough has a need for a large number of additional homes. The BCCS set a target for 11,973 net new homes to be provided in Walsall over the period 2006-2026. This equates to an annual average of 599 per annum. The application of the Government's standard method produces an annual need for new homes of over 900 (909 for the year 2023-24).
- 7.17 The BCCS notes the opportunities for the local area through improving the housing stock and providing new homes. By 2026, the CSP1 Growth Network policy states that the network of Regeneration Corridors linking the Strategic Centres will provide 35,000 new homes in sustainable communities on redundant employment land and other brownfield sites close to existing public transport routes and canal networks and locations with the best access to residential services, and at moderate densities that allow for a range of house types. The commitment to housing provision is noted in Table 1 on page 24 of BCCS, stating that between 2009-2026, there will be at least 63,000 net new homes across the four authorities.
- 7.18 The BCCS also sets local policies for affordable housing. Policy HOU3 Delivering Affordable Housing sets out that Local Planning Authorities will seek to secure 25% affordable housing on all sites of 15 dwellings or more where this is financially viable. SAD Policy HC3 Affordable Housing and Housing for People with Special Needs also requires affordable housing on all sites of 15

dwelling or more where this is financially viable, in accordance with BCCS Policy HOU3. The Scheme will provide 25% affordable housing.

- 7.19 The SAD identifies the importance of the provision of new housing developments. SAD Policy HC1-Land Allocated for New Housing Development allocates sites for ten or more dwellings outside the town/district centres and also allocates sites of under ten dwellings which form part of larger housing areas or where planning permission is already in place. The Scheme boundary includes one allocated housing site, referred to in the SAD as 'Cemetery Road/Villiers Street – north'.
- 7.20 The SAD Policy HC2-Development of Other Land for Housing also sets out that the provision of housing on other previously developed sites not identified in Policy HC1 will be encouraged, subject to a list of criteria. The policy states that each site should achieve a density of at least 35 dwellings per hectare, except where a lower density would be in keeping with its surroundings, or part of the site is needed to provide open space or other facilities in accordance with other policies of the SAD.
- 7.21 The Council's Strategic Housing Land Availability Assessment (SHLAA, 2022) indicates that in April 2022, the Council had a requirement to identify sufficient land to accommodate 5,452 dwellings over a 5-year period. However, the Council could identify a 5-year supply of only 3,379 dwellings. This effectively means that the Council does not currently have a 5 year housing land supply and in addition, the Council failed the Housing Delivery Test 2022, published in December 2023, based on low levels of delivery over the last three years. This means that the presumption in favour of sustainable development as described in NPPF (paragraph 11d) is in effect.
- 7.22 Overall, there is a clear national and local planning framework for the delivery of new homes of a range of types including affordable homes. The Scheme will assist in the delivery of much needed new homes including affordable homes, as well as acting as a catalyst for further housing development in subsequent phases of the Willenhall Framework Plan. The Scheme's delivery of up to 107 mixed new homes will assist in meeting housing need, including the provision of affordable housing, making a useful contribution to addressing the deficit in the Council's housing land supply figures.

Release of employment land for housing development

- 7.23 The NPPF at paragraphs 126 and 127 sets out that planning decisions need to reflect the changes in demand for land and take a positive approach to applications for alternative uses, in particular supporting proposals to use employment land in areas of high housing demand.
- 7.24 Policy DEL2 of the BCCS sets out a list of criteria which needs to be considered prior to the release of employment land to other uses. The policy seeks to:
- Ensure the retention of an adequate supply of occupied and available employment land to meet needs.
 - Ensure satisfactory arrangements for the relocation of existing occupiers to safeguard the existing employment base.
 - Ensure that the development does not adversely affect the operation of existing or proposed employment uses.

- Ensure that the site is no longer viable and required either for employment use, including relocation of businesses displaced from sites released to other uses, or for other employment-generating uses.

- 7.25 SAD Policy IND4: Local Industry Consider for Release states that sites listed in the table which forms part of the policy shown on the Policies Map are allocated and safeguarded as Local Quality Industry but will be considered for release to other uses under the provisions of BCCS Policy DEL2. SAD policy IND4 states that redevelopment for housing [of all sites listed under the policy] will be acceptable in principle. The sites allocated under this policy were identified through the employment land review, a piece of evidence commissioned to support the SAD and the BCCS. This evidence has subsequently been updated in the Black Country Employment Area Review (BEAR) which was prepared to support the Black Country Plan. The BEAR includes some sites not identified in earlier work, including some of the sites which are the subject of the Order.
- 7.26 Where employment land is surplus or no longer suitable for industry, housing is normally the preferred alternative use (together with town centre uses in the case of sites in centres), as housing is the land use for which there is the greatest need. The exception might be sites that are subject to physical constraints, for example sites that are heavily contaminated, subject to noise or air quality issues, or in flood zones, but such constraints do not apply to any of the sites here. Redevelopment for housing is acceptable in principle on this basis.
- 7.27 As set out in paragraph 7.8 of this Statement, the whole of the Order Land is identified as part of a regeneration corridor. Parts of the Order Land are allocated for housing and as Local Industry Consider for Release sites whilst other parts of the Order Land are not specifically allocated for any purpose. In some cases the allocations do not reflect the current situation concerning individual sites and do not always take into account the more up to date evidence particularly the BEAR and the Council's Strategic Housing Land Assessment and Statement of Housing Land Supply 2022 (SHLAA).
- 7.28 BCCS Policy DEL2 refers to the need to retain an adequate supply of occupied and available employment land as set out in policies EMP2, EMP3 and EMP4 before releasing any employment land. There is a growing shortfall in the supply of employment land in the Black Country. This was intended to be addressed by the Black Country Plan which proposed, in general, that both the employment and the housing land supply should be increased, with most existing better quality employment land to be retained or redeveloped for employment use. However, as set out at paragraph 7.4 of this Statement, the Black Country Plan is not being progressed.
- 7.29 However, the sites within the Order Land have been assessed in the BEAR which formed part of the evidence base to support the Black Country Plan and will form part of the evidence base to support the Council's new Local Plan. The BEAR provides the most up to date evidence of the suitability of the sites within the Order Land for further employment use. Where there is potential conflict between the adopted Development Plan and the BEAR, the latter therefore has some weight. The BEAR confirms that all the occupied and vacant employment land in the Order Land is of poor quality and is not suitable or required for long term retention for employment use. Housing is therefore a suitable use.

7.30 Specifically, four of the plots within the Order Land are identified by SAD Policy IND4 as “consider for release” (under the provisions of BCCS policy DEL2) occupied employment land (with the potential alternative identified as being ‘Housing’):

- IN75.1 (north of Moat Street)
- IN77.20 (south of Newhall Street)
- IN77.1 (north of Newhall Street)
- IN245 (Temple Bar/ Villiers Street, south)

7.31 Whilst the existing policies and the BEAR support the release of employment sites in the Order Land, where sites are currently used for employment, the Council is nonetheless committed to supporting businesses and are providing as much support as possible to support current occupiers and businesses including through its Business Charter. Further detail is set out in section 9 of this Statement.

Improved connectivity

7.32 Chapter 7 of the NPPF titled ‘Ensuring the vitality of town centres’ provides a national framework for planning policies to ensure the longevity of a town centre’s network. NPPF highlights when considering edge of centre and out of town centre sites, preference should be given to well-connected sites.

7.33 The Scheme builds on the opportunities offered by the re-opening of Willenhall Station, utilising its opportunities to travel and access jobs across the region and for Willenhall to offer good quality homes for people to choose to live in Willenhall and use the improved transport links to travel to larger centres such as Birmingham or Wolverhampton for work.

Provision of public open space

7.34 The NPPF establishes the clear importance of having a strong provision of public open space. Within paragraph 8 under the social objective, it states that strong, vibrant and healthy communities are supported through having open spaces that reflect the current and future needs of communities. The importance of open space is highlighted in paragraph 97 in terms of the importance of accessible public space for the community and the importance of retaining such open space. Keeping an open network of public space is further reinforced in paragraph 102 stating that open space supports efforts of improving the health and well-being of communities.

7.35 The BCCS establishes the importance of making the most of existing infrastructure such as public open space. The importance of the consideration of growth and its impact on the environment are set out in paragraph 2.67 where the BCCS sets out that impacts on the environment can include loss of open space which must be mitigated. BCCS Policy ENV6 sets out a number of roles of open space which are important in the Black Country. These include; improving the image and environmental quality of the Black Country, defining and enhancing local distinctiveness, and preserving and enhancing industrial, archaeological and architectural heritage.

- 7.36 In the Council's SAD, the importance of public open space is highlighted in the introduction stating open space will be safeguarded for their existing use. Beyond the retention of open space, there is emphasis in the SAD for developments across Walsall to promote green sites and accessible open space. Objective 5 of the SAD states that there must be provision of a high quality environment in the Borough.
- 7.37 The Scheme will provide a new public open space on Newhall Street and will improve the setting of the existing public open space at the cemetery.

Improved public realm and environmental standards

- 7.38 Planning policies and decisions are required to aim to achieve healthy, inclusive places through the promotion of social interaction, accessibility, and safety within the NPPF. Chapter 2 of the NPPF titled 'Achieving sustainable development' identifies the social and environmental objectives that should be considered in planning policy. Planning policy should seek to support the community whilst protecting and enhancing our natural environment, which ultimately improves the public realm. In paragraph 38, local planning authorities are required to ensure that development enhance the social and environmental conditions of the local area.
- 7.39 Environmental improvement and social inclusion underlie the core of the UDP's policy, with a key theme being to create, sustain and enhance a high-quality environment for the Borough. Policy GP2 regarding environmental protection states the 'Council will expect all development to make a positive contribution to the quality of the environment' and not allow development that has adverse impacts on the environment.
- 7.40 The importance of environment is emphasised in the BCCS through the Sustainable Communities and Development Vision to ensure an improved environment.
- 7.41 The Scheme will improve the public realm through the delivery of high quality new homes and improvements to the road network as required, providing the new community access to the nearby town centre. There will also be improvements to the public realm through the redevelopment of the Site for high quality new residential development, removing the many buildings currently in a dilapidated or unattractive condition.

The Planning Position of the Order Land

- 7.42 The Council submitted an outline planning application to the Local Planning Authority on 22 March 2023. Following the consultation on the submitted outline planning application, the Council as applicant has amended the layout of the application and submitted revised planning documents to reflect the amended layout in August 2023.
- 7.43 The Planning Application is for:
- "Outline planning application for the demolition of existing structures on land at Moat Street, Temple Bar, Cemetery Road, Villiers Street and New Hall Street, Willenhall and the development of up to 54 apartments, 53 houses and retention of local listed building for residential purposes, associated junction improvements and car parking, the creation of new Public Open Space and all associated ancillary works (access and layout to be considered) (adj to PROW Will61)." (Reference: planning application number 23/0338).*

- 7.44 The Planning Application is split into five sites (Parcels). Parcels A and B are located on Moat Street, with frontages to Stafford Street, Temple Bar and Moat Street respectively. Parcels C and D are located on Newhall Street, with site C adjacent to the former Wood Street Cemetery. Parcel D is located on the opposite side of Newhall Street, adjoining to the former railway line, which now is used as a greenway. Parcel E comprises two land parcels, to the north and south of the Cemetery Road / Villiers Street road junction.

Regeneration of brownfield sites and focusing development in regeneration corridors

- 7.45 The Planning Application seeks to deliver housing-led development in an identified regeneration corridor. A significant proportion of the land that has been proposed for redevelopment through the Planning Application consists of vacant former employment sites, occupied by derelict and unsightly factory buildings. Much of this has been unoccupied for a significant period of time. Part of the Planning Application boundary is still in use for employment uses. The Planning Application represents a valuable opportunity to bring those sites back into productive and efficient use and meet local housing needs, delivering much needed new homes.

Provision of new housing including affordable housing

- 7.46 The Planning Application proposes that up to 107 new residential properties will be provided within the scheme. These will be a mixture of apartments and houses. The Planning Application comprises of 54 apartments and 53 houses. A total of 22 houses will be developed on Parcel A. Parcel B will be developed for 35 apartments and 14 houses. Parcel D will feature 18 apartments and 3 houses and Parcel E will be developed for 14 houses and 1 apartment. This provision of new housing close to Willenhall Town Centre delivers the planning policy framework seeking to deliver a range of new homes in sustainable locations. The Planning Application complies with the adopted planning policy in that 25% of the homes will be delivered as Affordable Housing.

Release of employment land for housing development

- 7.47 The Planning Application seeks to release poor quality employment land for housing development. Some of the sites included within the Planning Application have already been identified as 'Local Industry Consider for Release' from employment use by SAD Policy IND4, and all the sites were assessed as being among the lower quality employment sites by the BEAR. The BEAR confirms that all the occupied and vacant employment land in the Order Land is of poor quality and is not suitable or required for long term retention for employment use.
- 7.48 The Planning Application will ensure that these vacant, derelict and poor quality employment sites are brought back into use as housing.

Improved Connectivity

- 7.49 The Planning Application includes associated junction improvements. The junction radius at the corner of Moat St and Gower St will be improved and the junction radius at the corner of Moat St and Temple Bar will likewise be improved. Newhall Street will be widened near its junction with Cemetery Road to accommodate a parking layby. These improvements of junctions and parking will improve

access for those who use the roads as well as optimising the improved connectivity from the new Willenhall Station and to the town centre.

Provision of public open space

- 7.50 The Planning Application establishes a commitment to providing new public open space and improving the setting of existing public open space within the development at Newhall Street. There will also be provision of communal amenity space within the development.

Improved Public Realm and Environmental Standards

- 7.51 The Planning Application seeks to improve the public realm. Many of the properties are dilapidated, unused and vacant commercial buildings. With the redevelopment on these previously developed sites, there is an improvement in the quality of the buildings, that will ultimately be more positive from an environmental standpoint.

Summary of accordance with the strategic planning policy framework and the planning position of the Order Land

- 7.52 Overall, the Council considers that the Scheme that is underpinned by the Planning Application delivers the policy objectives and aspirations for the Site, and accords with the planning framework for the area. In accordance with paragraph 104 of the CPO Guidance which states the NPPF is a material consideration for all planning decisions, the Scheme is aligned to the NPPF's strategic framework. Paragraph 106 of CPO Guidance states that to confirm an order under section 226(1)(a), the purpose for which the Order Land is to be acquired should fit with the local development plan and the NPPF. It is the Council's case that the Scheme accords with the development plan when considered as a whole, and with the NPPF and other material considerations. Paragraph 106 of the CPO Guidance also states the extent to which the proposed purpose contributes to the achievement of the promotion of improvement of economic, social and environmental wellbeing for the area is a matter to be considered when considering whether to confirm an order. The Scheme will deliver significant economic, social and environmental improvements for Willenhall.

8 DELIVERY STRUCTURE AND FUNDING

- 8.1 The Council is committed to the delivery of the Scheme, which is an important regeneration priority for the Council to deliver its regeneration aspirations for Willenhall. The Council is seeking to ensure successful delivery of the Scheme and is carrying out all the required due diligence and other work to ensure that the Scheme is delivered in a timely manner. Significant progress has already been made and the Council is continuing to progress the delivery of the Scheme alongside this Order.

Council progression of the Scheme to date

- 8.2 The Council has progressed and continues to progress a number of workstreams to ensure that, subject to confirmation of this Order, the Scheme can be delivered in a timely manner. As set out in section 4 of this Statement, the Council has long held aspirations for the much needed regeneration of Willenhall. Initial proposals for regeneration have been developed from 2015 onwards. The Council's Cabinet report, titled Willenhall Economic Development Programme, dated 19 October

2015, introduced the proposals to develop a targeted programme of regeneration activity for Willenhall and subsequent reports have been taken to the Council's Cabinet for approval and acknowledgement, as outlined in section 3 of this Statement.

8.3 The Council has appointed a team of experienced consultants to assist the Council in developing and bringing forward its regeneration proposals. To date the Council and its consultants have carried out a considerable amount of work to develop the Scheme and to ensure its timely delivery. Work to date has included:

- Preparation of and support for the Willenhall Framework Plan. More information on the Willenhall Framework Plan is set out in section 4 of this Statement.
- Due diligence to prepare this Order in the event that third party land and properties cannot be acquired by agreement including land referencing work. More information on the due diligence already carried out in preparing for this Order is set out in section 3 of this Statement.
- Preparation of financial and budgeting information to ensure that the Scheme can be delivered. More information is set out below on funding sources and timing.
- Successful application to the Department for Levelling Up, Housing and Communities for funding from the Levelling Up Fund. Further information is set out below on funding sources and timing.
- Successful application to the Black Country Local Enterprise Partnership (BCLEP) for funding from the Land and Property Investment Fund. Further information is set out below on funding sources and timing.
- Progression of negotiations to acquire third party land and property by agreement. More information is set out in section 9 of this Statement on efforts to acquire.
- Development of and submission of the Planning Application for Phase 1 of the Willenhall Framework Plan. More information on the Planning Application is set out in section 7 of this Statement.
- Procurement of a developer partner, Keepmoat, to deliver the Scheme. Further information is set out below.

Procurement of a developer

8.4 The Council's Cabinet approved the appointment of an experienced developer partner, Keepmoat, in October 2023 to deliver the Scheme through the use of the Homes England's Delivery Partner Dynamic Purchasing System. Contractual arrangements between Keepmoat and the Council relating to the delivery of the Scheme are currently being finalised.

Funding sources and timing

8.5 The Scheme will be funded by both the Council and its appointed developer. The Council has sought to ensure that sufficient funds will be in place to deliver the Scheme. The Council has already spent and committed money to bring forward the Scheme to its current stage including: appointment of and management of consultants to project manage the Scheme, preparation of the Willenhall Framework

Plan, preparatory due diligence prior to and in submitting the outline planning application, land referencing, developer partner procurement, carrying out negotiations and preparation of this Order.

- 8.6 Ultimately there are two key elements requiring funding. First, funding to acquire the land and third party interests, and secondly, funding to implement the Scheme for which the land is required.
- 8.7 The Council and its consultants have prepared and maintain an estimate of acquisition costs for acquiring the land, in line with the statutory Compensation Code. This is regularly reviewed to reflect the changing market and economy and as more detail becomes available through negotiations on individual property interests. The Council and its consultants also have prepared and maintain a cost estimate and cash flow to monitor the expected costs to deliver and implement the Scheme.
- 8.8 The Council has also prepared a development appraisal for the Scheme that, given the location of the Scheme and the current and historic uses, indicates that there is a viability gap due to abnormal costs associated with demolition and remediation (enabling works). However, as set out below, the Council has secured the necessary funding from internal resources and external partners to acquire the necessary third party property interests and prepare the Site for development. The Council has also procured a developer partner to deliver the Scheme.
- 8.9 The Council's Cabinet have been informed and asked to make appropriate decisions on funding of the Scheme. The Council's Cabinet meeting in February 2022 (report titled: Willenhall Framework Plan, 9 February 2022) approved an outline business case for the Moat Street/Villiers Street site (Phase 1) and the associated budget to support land assembly. At the same meeting, the Council's Cabinet also approved the relocation of Council budgets and monies to support land assembly. Further detail is set out below.
- 8.10 The Council is funding the costs associated with land assembly as well as the initial enabling works to deliver the Scheme. The Council intends to provide the appointed developer with a vacant site. It is envisaged that the appointed developer will fund the further costs for the delivery and implementation of the Scheme subject to an overage agreement within the legal documents between the Council and appointed developer to ensure that the Council benefits from any profits as part of the scheme.
- 8.11 The Council is relying on the following sources to provide funding for land acquisition and initial enabling works:
- Funding from the HM Treasury, Department for Levelling Up, Housing and Communities, and Department for Transport's Levelling Up Fund 2. The Council has successfully secured a total of £20million for regeneration projects in Willenhall from the Levelling Up Fund, of which [REDACTED] is allocated for the delivery of the Scheme. The funding can be spent on land assembly, demolition and remedial works.
 - Black Country Local Enterprise Partnership legacy funding. The Council has secured £3.2 million from the Land and Property Investment Fund, to be spent on the Scheme.
 - Council funding including the reallocation of £520,500 of the Town and District Centre and £40,516 of the Markets capital budgets to support land assembly as set out in the February 2022 Cabinet report.

- 8.12 Working with its appointed consultants the Council anticipates that the total cost estimate for land assembly and enabling works is circa [redacted] and it has the necessary funds in place (internal and external sources) to fund such costs.
- 8.13 It is envisaged that, once the land has been acquired and the enabling works have been carried out, the subsequent stages of the development will be delivered by the Council's development partner.

Delivery and timing

- 8.14 The Council has programmed for its development partner to start on site in early 2025, on the assumption that this Order is required and confirmed, and that agreement cannot be reached by negotiation with all the affected third parties. If agreement can be reached with all the affected third parties the Council would like to start on site at an earlier date and has provided this date to affected third parties through negotiations, as the earliest being Spring 2024. A high level programme was shared with the developers involved in the developer procurement exercise and they were asked to confirm that if appointed, that subject to receiving vacant possession of the Site, that they would be able to adhere to the programme set out.
- 8.15 The programmed start date is particularly important due to the timescales imposed by the Department for Levelling Up, Housing and Communities for the spending of the Levelling Up Fund monies which requires the monies to be spent by 31 March 2025. This has now been extended to include spend in financial year 2025/26.
- 8.16 The Council's development partner will prepare and submit the detailed reserved matters planning application to deliver the Scheme and the proposals in accordance with the outline planning application.
- 8.17 The headline delivery programme for the Scheme is set out below in Table Two.

Table Two: Headline delivery programme for the Scheme

Milestone	Programme date
Outline planning application submitted	March 2023
CPO made	August 2023
Grant of outline planning permission	Spring 2024
Vacant possession and start on site	Early 2025

- 8.18 As part of the planning application process, the Council, as necessary, will also enter into agreements under section 278 of the Highways Act 1980 and section 38 of the Highways Act 1980

for necessary amendments to the highways and associated infrastructure. Further information is set out in section 14 of this Statement.

- 8.19 As set out above, the Council is committed to delivering this important regeneration project and has programmed for work on site to begin in early 2025, or earlier if agreement can be reached with the third party landowners. The Council has now appointed a development partner to deliver the Scheme. The local planning authority have resolved to grant planning permission.. There are no planning or other impediments to the delivery of the proposed scheme. The Council and its team of consultants, together with the developer, have and will have the required knowledge, capacity, funding and intention to deliver this important Scheme to bring forward the first phase of regeneration in Willenhall, acting as a catalyst for further growth. There are no impediments to the delivery of the Scheme.

9 THE COUNCIL'S EFFORTS TO ACQUIRE THE LAND

CPO Guidance and negotiations

- 9.1 The Council has sought to acquire all third party property interests by agreement and is continuing negotiations in parallel with the making of this Order. The Council remains committed to negotiating all third party interests by agreement where possible and is continuing negotiations in this respect. There are a number of unregistered parcels of land within the Order, where despite attempts to ascertain ownership through the land referencing exercise and the negotiations, ownership remains unknown. If ownership becomes known through the progression of the Order, the Council will seek to enter into negotiations with any further identified third parties.
- 9.2 As would be expected for a scheme of this size and where the Order Land is in multiple ownership, the Council expects that it will need to exercise the compulsory purchase powers which are sought because either reasonable terms cannot be agreed for private treaty acquisition or because the legal owners cannot be traced. As required by best practice, the Council has sought to acquire third party interests through negotiation and will continue to do so. It is highly unlikely that all the required interests will be acquired by private treaty in a reasonable timeframe to allow construction to begin and thus this Order is required.
- 9.3 In accordance with tier 1, paragraph 2 of the CPO Guidance, the Council has begun the preparatory CPO process alongside negotiations to underline the seriousness of the Council's intentions to redevelop the Site. In many cases, the fact that third party landowners expected the Order to be made in summer 2023 expedited negotiations during that time period and the Council has been able to considerably further negotiations as the project has progressed including after the submission of the Planning Application in March 2023 (see section 7 of this Statement). Negotiations have continued to progress after the making of the Order and the Council expects these to continue as the compulsory purchase process further progresses. However, it is expected that some owners may continue to refuse to reach agreement to sell their properties at all or may wait until the Order is confirmed before significantly progressing negotiations any further.
- 9.4 In accordance with tier 1, paragraph 3 of the CPO Guidance, the Council has made reasonable initial offers for all freehold interests within the Order and has also sought to engage constructively with claimants about relocation issues where applicable. Furthermore, in accordance with tier 1,

paragraph 19 of the CPO Guidance, the Council has sought to offer advice and assistance to affected occupiers in respect of their relocation. Further information is set out later within this section of the Statement.

- 9.5 With reference to tier 1, paragraph 17 of the CPO Guidance, which states that “Undertaking negotiations in parallel with preparing and making a compulsory purchase order can help build a good working relationship with those whose interests are affected by showing that the authority is willing to be open and to treat their concerns with respect”, the Council is complying with best practice by seeking to build good working relationships with those affected by the Order through the appointment of CPO consultants Avison Young to carry out negotiations on their behalf.
- 9.6 In accordance with tier 1, paragraph 19 of the CPO Guidance, which sets out a list of steps which acquiring authorities should consider to help those affected by a CPO, the Council has addressed these steps including through the provision of information about the Scheme and Order process through a Frequently Asked Questions document, the provision of support for relocation including for businesses via a Business Charter, and through the payment of reasonably incurred surveyor fees for affected third parties.

Summary of negotiations and approach

- 9.7 Following the Council’s Cabinet report in February 2021 (the report was not made available to the public and was considered by the Council’s Cabinet in a private session, but publicly available minutes of the Cabinet meeting summarise the decision), the Council’s Cabinet authorised negotiations to begin with landowners/occupiers of the land and properties within the Order Land. The Council instructed CPO consultants Avison Young to begin negotiations on behalf of the Council to seek to acquire all required third party property interests required to deliver the Scheme. This included all of the property interests included within the Order Land.
- 9.8 A summary of negotiations carried out to date is set out below.
- 9.9 Initial contact was made with all freehold owners and occupiers through a letter in March 2021. A follow up letter was sent in early April 2021. Avison Young subsequently spent two days door knocking across the Order Land in April 2021 to seek to engage with affected parties and begin negotiations. Some parties at this stage entered into negotiations with Avison Young.
- 9.10 Further follow up letters and door knocking exercises have been sent and carried out from April 2021 onwards including providing affected parties with information and updates about the Scheme and CPO process, information about the Council wishing to purchase the properties, information about the appointment of and Council reimbursement of fees for a surveyor, and information about support for affected businesses. Avison Young on behalf of the Council has sought to engage with both the freeholder owners and occupiers, and the update letters have been sent to all freeholders and occupiers. Avison Young was also commissioned by the Council in August 2021 to undertake a detailed review of the Site to identify any occupiers that may require relocation should the Site be redeveloped.
- 9.11 The Council has sought to provide information to affected parties throughout the negotiation process including through letters, emails, phone calls, meetings and site visits.

- 9.12 The Council has also prepared and regularly updates a Frequently Asked Questions document, providing information about both the Scheme and the Order process, including who to speak to regarding these negotiations.
- 9.13 As the Scheme and negotiations progressed, financial offers have been made in line with the statutory Compensation Code including assumptions reflecting the non-market elements of compensation under compulsory acquisition to all freeholders across the Order Land, significantly in advance of the making of the Order. As set out below, it is understood from negotiations to date, that all seven of the eight freeholders who have entered into negotiations to date are either owner occupiers or can provide vacant possession of their sites.
- 9.14 As and when owners and occupiers entered into negotiations with Avison Young, Avison Young has tailored negotiations to reflect the requirements of the third parties including site inspections and meetings on site, meetings in person, phone calls, emails and letters. Where appropriate this has also included reviewing financial offers and making revised financial offers to reflect site inspections and the changing market, alongside providing support to affected businesses.
- 9.15 Negotiations are continuing and will continue alongside the progression of the Order.

Business support

- 9.16 The Council has also sought to provide support to affected businesses and to understand their business needs. Whilst a large portion of the Order Land is vacant and there are many derelict buildings, there are also businesses operating across the Order Land, as set out in the Order Schedule. The majority of the businesses within the Order Land are owner occupied where the freeholder also runs the business operating from their property. There are also a number of occupiers in some of the units which are separate to the freehold owner. This is set out in the Order Schedule. The Council is seeking to support all of the businesses as far as possible and has prepared a Business Charter to set out the assistance it can provide.
- 9.17 The Council first prepared a Business Charter in early 2022, which was endorsed by the Council's Cabinet at its meeting on 9 February 2022 (report titled: Willenhall Framework Plan, 9 February 2022). The report noted that the Business Charter could be further developed through dialogue with the affected businesses and this has been followed through and the Council published and shared with affected third parties an updated Business Charter in April/May 2023. The Business Charter has been updated and shared with affected businesses throughout the negotiation process since February 2022 and is also available on the Council's website. It has been sent to all freeholders and occupiers to ensure that everyone who might be affected is aware of the support which the Council can provide.
- 9.18 As part of this support, the Council has dedicated its Business Growth Manager to helping provide support to affected business and the Business Growth Manager has sought to meet affected parties alongside and/or separately to Avison Young throughout the negotiation process. The Business Growth Manager also maintains a spreadsheet of available properties in the area through desktop searches and physical walkovers of the area and this has been shared with affected parties as part of the negotiations and is regularly updated to seek to assist businesses who wish to move elsewhere to find alternative premises.

- 9.19 The Business Charter sets out the relocation support provided by the Council including 1 to 1 support to all businesses who require it, tailored support to meet their needs, assisting in searching for new premises, facilitating introductions to local agents and reimbursing reasonable professional fees for affected third parties to appoint a surveyor and/or a local agent including support in finding an alternative premise. The Business Charter also sets out the wider support provided by the Business Growth Manager and his team, provides contact details of where to seek further help, and sets out an overview of the likely compensation under the statutory Compensation Code.
- 9.20 In addition to the Business Charter and support provided by the Business Growth Manager, the Council has recently appointed property consultants Avison Young to carry out a further review of the current industrial market including a review of the supply of industrial properties to seek to provide further assistance to businesses that may be affected by the delivery of the Scheme.
- 9.21 The business support that is being provided by the Council will continue alongside the progression of this Order.

Current position with the affected third parties

- 9.22 Avison Young, on behalf of the Council, is in negotiations with seven of the eight known freeholders across the Order Land. Since the making of the Order contact has now successfully been made with the eighth freeholder. A summary of the current position with each of these owners is set out below.
- 9.23 It should be noted that there are tenants/occupiers on some of these sites. Avison Young has sent letters to occupiers and has door knocked a number of times at properties within the Order Land prior to the making of the Order, but with the exception of two occupiers, no contact has been returned from any of the occupiers (who are not also owner occupiers) as part of these negotiations. One further occupier has made contact with Avison Young once the Order was made. All seven freeholders who are in negotiations with the Council, have stated that they can obtain vacant possession of their properties. Negotiations are proceeding on this basis.
- 9.24 Prior to the making of the Order, one of the exceptions where there has been contact by an occupier/tenant was the previous tenant/occupier of [redacted] (plot 6) who began negotiations with Avison Young in March 2021. Following negotiations, agreement was reached between the Council and the occupier and a compensation settlement was agreed and paid in April 2023. The former occupier has moved his business nearby to Wolverhampton.

[redacted] plots 1,2,3,4,5,6,7,9,10,14,16,17,18,19,20,21,22,23,24,25,27 and 28 of the Order Schedule and Order Map

- 9.25 [redacted] owns a significant number of properties across the Order Land, and whilst some of these are in ownership of separate companies or his family, he has confirmed the negotiations for all can be carried out with him/his advisors. [redacted] has appointed a surveyor to act on his behalf who initially was employed by property firm [redacted] but now works for himself. He also has an appointed architect who is involved in the negotiations. The Council has agreed to pay the reasonable costs of [redacted] appointed surveyor.
- 9.26 Many of the properties with [redacted] ownership are vacant and/or dilapidated and some have occupiers currently on site, which [redacted] and his advisors have stated that [redacted] can obtain vacant possession of all of these sites within a month.

9.27 Negotiations began in March 2021 and following correspondence, the first meeting between Avison Young, [REDACTED] and his advisors took place in November 2021. There has since been ongoing negotiations including through letters, emails, phone calls and in person and virtual meetings. Further meetings have been held since the initial November 2021 meeting, including on site to fully understand [REDACTED] property interests.

9.28 It is understood that in principle [REDACTED] is willing to sell his properties but only for the right value. A financial offer has been made by the Council. Meetings and discussions are continuing and [REDACTED] advisors have presented high level plans and information on the number of units they collectively think [REDACTED] could obtain planning permission for on each of his sites, with the view to either submit planning applications himself or to further negotiations on compensation. Avison Young on behalf of the Council has reviewed the valuation information submitted and are in discussions with [REDACTED] surveyor on the inputs into and details of the development appraisals informing opinion on values for all his sites. Since the making of the Order, negotiations have further progressed between Avison Young and [REDACTED] advisors on the development value of the sites.

9.29 [REDACTED] has also submitted a planning application for part of his land holding which has recently been validated.

9.30 [REDACTED] advisors have also requested a meeting with the Council and its advisors to discuss the potential to work with the Council. The Council and its advisors have agreed to meet but are awaiting information from [REDACTED] regarding what he is proposing. [REDACTED] has also been informed of the Cabinet decision to appoint Keepmoat as the Council's development partner.

9.31 Negotiations are continuing with the aim to reach agreement on compensation.

A previously unknown occupier on one of [REDACTED] site made contact with the Council during the Order objection period. Avison Young has since met with the occupier to discuss the proposals and the support that Council can provide to occupiers. As set out above, [REDACTED] advisors have stated that he can obtain vacant possession of all his sites with a month's notice.

[REDACTED] plot 29 of the Order Schedule and Order Map

9.32 [REDACTED] is the owner occupier of [REDACTED] [REDACTED] began negotiations with Avison Young in April 2021 and has since appointed surveying firm [REDACTED] as his advisors. The Council is funding the reasonable professional fees incurred by [REDACTED] surveyor.

9.33 Negotiations have progressed between Avison Young and [REDACTED] Avison Young [REDACTED] and his advisor on site in January 2023 to carry out a site inspection and discussions have progressed since between the two parties.

9.34 Following the site inspection and further reviews of market evidence, the Council has made slightly revised financial offers to [REDACTED]. Information has also been provided on the business support which the Council can provide and information about a potential property has been shared with [REDACTED]. The possibility of the extinguishment of the business is also being discussed in the event that this is necessary if a suitable alternative property cannot be found for the business.

9.35 Negotiations are ongoing.

plots 31, 32, 33 and 34 of the Order Schedule and Order Map

- 9.36 [redacted] is the freeholder owner of [redacted] which it is understood that he rents out. He has stated that he can obtain vacant possession of both units. Information has also been provided on the business support which the Council can provide to his tenants.
- 9.37 [redacted] first responded to Avison Young's attempts to negotiate in January 2023 following the Council's initial financial offer. Avison Young subsequently met [redacted] and carried out a site inspection in February 2023. Following the site inspection, the Council made a slightly revised financial offer to [redacted] reflect the more detailed information obtained during the site inspection.
- 9.38 Prior to the making of the Order [redacted] appointed a local agent, [redacted] to carry out a valuation of his property and discussions on value took place between [redacted] and his agent, and Avison Young. The Council funded the fees of [redacted] appointed agent. A further revised financial offer was made following these discussions but [redacted] has since disinstructed his agent.
- 9.39 Discussions are continuing directly between Avison Young and [redacted] and a further offer has been made but there remains a disagreement on market value.
- 9.40 Negotiations are ongoing.

[redacted], plots 35, 37, 38 and 39 of the Order Schedule and Order Map

- 9.41 [redacted] owns this property and it is understood that her husband runs the business from the property, trading as [redacted]. [redacted] first made contact with Avison Young by phone call in January 2022. Following an initial desktop financial offer made to [redacted] in January 2023, Avison Young inspected [redacted] property in March 2023. The Council has made slightly revised financial offers [redacted] to reflect the site visit and further reviews of market evidence. Information has also been provided on the business support which the Council can provide.
- 9.42 Negotiations are ongoing.

[redacted] plots 8, 12 and 13 of the Order Schedule and Order Map

- 9.43 Negotiations began in April 2021 when Avison Young carried out the initial door knocking exercise and the first meeting took place later in April 2021. Negotiations have progressed since and following an initial desktop financial offer made in January 2023, Avison Young met [redacted] on site in February 2023 and carried out a site inspection. Following the site inspection, the Council made a slightly revised financial offer to reflect the site inspection. Information about business support has also been shared and details of a potential suitable property shared. .
- 9.44 In July 2023 [redacted] appointed a surveyor from firm [redacted] and negotiations are now taking place between Avison Young and [redacted] surveyor. The Council is funding the reasonable costs of [redacted] surveyor.

Discussions are continuing on compensation and value of the property as well as Council support for relocation of the business.

9.45 Negotiations are ongoing.

plots 41, 42 and 43 of the Order Schedule and Order Map

9.46 The first contact was made in April 2021 when Avison Young carried out their first door knocking exercise and spoke to [redacted] son who also works at the site. [redacted] is an owner occupier of the site. Negotiations have continued and Avison Young carried out a site inspection of [redacted] properties in May 2022 along with [redacted] and his then appointed advisor from firm [redacted] (no longer appointed).

9.47 A financial offer was made in line with the Compensation Code in November 2022. Negotiations have continued and Avison Young has continued to meet with [redacted] to discuss further including the support the Council could provide for his business. Further slightly updated financial offers to reflect the change in the market since the first offer have been made by the Council.

9.48 [redacted] has now appointed firm [redacted] negotiations on value and compensation are continuing between Avison Young, [redacted] and [redacted] with the hope of reaching agreement. The Council is funding the reasonable costs of [redacted] appointed surveyor.

9.49 Information has also been provided on the business support which the Council can provide.

9.50 Negotiations are ongoing.

[redacted], plot 26 of the Order Schedule and Order Map

9.51 [redacted] first responded to Avison Young's letters in March 2023 and Avison Young subsequently met [redacted] on site in April 2023. The site is vacant and according to [redacted] has been for over ten years. An initial financial offer was made by the Council and has since been revised to reflect further discussed between [redacted] and his recently appointed agent [redacted] and Avison Young. The Council is funding the reasonable costs of [redacted] appointed surveyor.

9.52 Negotiations on compensation and value are ongoing.

[redacted], plot 44 of the Order Schedule and Order Map

9.53 At the time of making the Order [redacted] had not responded to any of the negotiation efforts nor the land referencing exercise. A desk top financial offer in line with the Compensation Code has been made as Avison Young has not been able to access the property and it is boarded up but [redacted] had not responded to the financial offer at the time of making the Order.

9.54 Avison Young has now managed to reach [redacted] and has had an initial phone call with [redacted] who has confirmed that he has received the financial offer and other letters but disagrees with the value of his site. He has stated that he is contemplating appointing his own surveyor and Avison Young has welcomed this and offered to meet both [redacted] his surveyor to now progress these negotiations. con

- 9.55 A tenant of [redacted] also made contact with the Council's land referencing agents prior to making the Order and Avison Young has followed up to seek to understand his occupancy and to discuss the potential business support which the Council can provide

Conclusion in respect of efforts to acquire

- 9.56 The Council has successfully reached agreement with one occupier who has moved out of his property and compensation has been paid and agreed.
- 9.57 There are eight known freeholders across the Order Land (excluding Council owned land) and Avison Young is in negotiations with seven of these freeholders and negotiations are continuing with all seven of these freeholders. All seven have confirmed that they either occupy their property themselves or would be able to obtain vacant possession themselves of the property as there are no leases or licences in place. The eighth freeholder of a site which appears to be vacant and is boarded up [redacted], had not responded to any contact prior to making the Order but is now in contact. Initial contact has now been made both with [redacted] and a tenant of [redacted]
- 9.58 Whilst negotiations are progressing, the Council do not expect to reach agreement with all third parties and there are also some unknown ownerships. Thus there is the need for the Order. Avison Young, on behalf of the Council, will continue to negotiate to seek to acquire all necessary third party land and rights in parallel with the progression of the Order process.

10 JUSTIFICATION FOR THE ORDER AND THE SCHEME

- 10.1 The Council is committed to securing the regeneration of the Site, Willenhall and the wider Walsall Borough. Detail on the background to the Council's regeneration proposals are set out in section 3 of this Statement.
- 10.2 The Council has followed a transparent and objective decision-making process in making the decision to exercise its compulsory purchase powers to ensure delivery of the regeneration proposals and in doing so improve Willenhall. This has included carrying out all the necessary due diligence such as land referencing as well as ensuring that reasonable efforts to acquire by agreement are being carried out. The Council's Cabinet resolved, in principle, to the use of its statutory compulsory purchase powers on 9 February 2022, and subsequently resolved to make the Order on 19 July 2023.
- 10.3 The need to regenerate Willenhall and deliver much needed new homes has consistently been promoted and recognised in the Council's policies as summarised in sections 4 and 6 of this Statement. Willenhall is an area that would benefit greatly from this Scheme. The Willenhall Framework Plan outlines the aims of delivering large scale, comprehensive and coordinated growth across Willenhall including circa. 500 new homes over a 10 year period. With this Scheme, the community will have access to high quality housing across a range of affordability in a safer and healthier environment. This Scheme provides a significant quantity of new homes in Willenhall.
- 10.4 In addition, the Scheme will contribute towards achieving the objectives identified in the Development Plan, as summarised in sections 6 and 7 of this Statement.

- 10.5 The section below sets out the purpose and justification for the use of compulsory purchase powers to facilitate the carrying out of development. It explains how the Scheme will improve environmental, social and economic wellbeing. The Council believes that the use of compulsory purchase powers is necessary to facilitate the development and that the delivery of the Scheme will result in improvements to environmental, social and economic wellbeing of the area.

Facilitate the carrying out of development

- 10.6 The Order is needed to facilitate development. The need for comprehensive redevelopment is supported by adopted planning policy documents including the Unitary Development Plan, the Black Country Core Strategy and the Walsall Site Allocation Document. The Scheme will deliver the aspirations and policy requirements of the strategic planning framework including the NPPF, as well as wider Council policies and priorities. Further information on how the Scheme delivers the Council's policies and how it is consistent with the strategic planning framework is set out in sections 4 and 6 of this Statement.
- 10.7 The Council has sought to acquire as much of the Order Land as possible by negotiation and is continuing to seek to acquire as many as possible of the remaining interests by negotiation alongside the making of the CPO. This is consistent with paragraphs 2 and 17 of tier 1 of the CPO Guidance. Further information is set out in Section 9 of this Statement.
- 10.8 Acquisition of all of the land and rights within the Order Land is necessary to deliver the Scheme and carry out the development described in the Planning Application, which in doing so will facilitate the much-needed regeneration of the area and the delivery of new homes. Careful consideration has been given to every parcel of land and right included in the Order and the Council is satisfied that all of the Order Land is required to enable delivery of the Scheme.

Social, environmental and economic wellbeing

- 10.9 The Council considers the following to be the key wellbeing benefits:

Social wellbeing

- 10.10 The Scheme will provide up to 107 new homes and will create new public open space, redeveloping around 2.18 hectares of brownfield land. The Scheme will regenerate a large brownfield site including the redevelopment of many derelict, unsafe, vacant and unsuitable buildings and sites, as well as making more efficient use of the land for new homes in a sustainable location. The regeneration of the Site will have a positive impact on social wellbeing by bringing the entire Site back into use for new homes and improvements to the public realm.
- 10.11 The Scheme will provide a mix of housing types including both apartments and houses and will include a range of different number of bedrooms and sizes. Both affordable and private homes will be delivered as part of the Scheme. The provision of mixed tenure and type of new homes will provide a significant positive impact on social wellbeing. The borough itself and the wider Black Country area, has a much-documented need for more high quality homes and this Scheme will assist in meeting this housing need as well as acting as a catalyst for further development, regeneration and new homes in Willenhall.
- 10.12 The new homes will be of a high quality design, with good quality amenity space, including private gardens at the rear of all the houses. There will also be a mixture of communal amenity space such

as rooftop terraces and ground level garden areas. The provision of both private and communal amenity space will have a positive impact on social wellbeing, allowing for both private and communal interaction and enjoyment of amenity space.

- 10.13 Alongside the new homes, the Scheme will deliver new public open space that will also enhance the setting of the existing Willenhall Churchyard, increasing the attractiveness of this part of Willenhall, and thus will have a positive impact on social wellbeing.
- 10.14 There will also be improvements to the road junctions and to the public realm as a whole, including wider improvements to cycle and pedestrian routes. The Scheme also intends to integrate the Site more effectively into the town centre and capitalise on the increased connectivity to the rest of the region through the opening of the new Willenhall Train Station. Improving the permeability and linkages through the Site and to the town centre will have a positive impact on social wellbeing.

Environmental wellbeing

- 10.15 By utilising land that has been previously developed, the Scheme will deliver new homes without taking up valuable green space or areas of community use. This will have a positive impact on environmental sustainability. The use of brownfield sites allows for Willenhall to redevelop existing and former employment sites, many of which are in poor environmental condition, vacant and/or in a state of dilapidation. The development of new homes and the new public open space including the creation of green infrastructure will have a positive benefit on the environmental wellbeing of the area.
- 10.16 Within the new homes the provision of new amenity and green spaces including gardens and balconies will also create a more enjoyable environment setting and will positively contribute to environmental wellbeing.
- 10.17 The Council's aspiration is that the homes as part of the Scheme will be future-proofed and resilient to climate change through sustainable measures. This will have a positive impact on environmental wellbeing.

Economic wellbeing

- 10.18 The provision of new homes will attract more people into the area which will have a positive impact on the area including potentially a higher footfall of visitors to Willenhall town centre. This will have a positive impact on economic wellbeing.
- 10.19 The construction of the Scheme will create local economic activity and jobs during construction. The creation of new local jobs and economic activity is particularly important in the light of the short, medium, and long term economic impacts of Covid-19.

Consideration of whether the purpose for which the Council is acquiring the land could be achieved by any other means

- 10.20 Tier 2, section 1, paragraph 106 of the CPO Guidance states that consideration should be given to 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 owners of the land, or any other persons, for its reuse.

- 10.21 One of the landowners, [REDACTED] has submitted a planning application to the Local Planning Authority which has recently been validated. The planning application is for a residential development of 24 apartments to be delivered on plots 20 and 23 (as indicated on the Order Map and Schedule). Much of the land in [REDACTED] ownership has been vacant and/or in poor condition for many years.
- 10.22 [REDACTED] and his agents have also shared plans and number of units for proposals for development across all of his/his family ownerships. Planning applications have not been submitted for these sites. It is understood that the latter proposals are as part of the ongoing negotiations on compensation and the Council's advisors are in negotiations with [REDACTED] agent to discuss the values.
- 10.23 The Council's view is that to ensure certainty over the development and timescales for delivery, the delivery of the regeneration benefits to be delivered by the Scheme cannot be achieved by any other means. Without the funding secured from Government and the former Black Country Local Enterprise Partnership, the Scheme would not be viable. As private landowners cannot access the Government funding and it would be very difficult for private owners to access other public funds without a comprehensive scheme, and due to the fact that the Site is in multiple ownership and no development has been brought forward to date by the landowners, alongside the low land values, the Council's view is that only the Council has the ability to bring forward the Order Land for comprehensive development. In addition, there is no evidence that any of the landowners has sought and/or been granted public funding to bridge any funding gap.

Compelling case in the public interest

- 10.24 Taking account of the benefits above, the Council believes that the public benefits of the Scheme outweigh the interference with the rights of affected parties. Consequently, the Council believe that there is a compelling case in the public interest sufficient and proportionate to justify the making and confirmation of this Order. The Council is also confident that there are no planning or other impediments to the implementation of the redevelopment except the need to obtain ownership and control of the Site. Without the use of CPO powers, the Scheme is likely to be delayed or prevented altogether. Further information on the planning position and other consents is set out in sections 7 and 14 of this Statement.
- 10.25 Further information on the consideration of the impact of the Order on human rights and on the Public Sector Equalities Duty under the Equality Act 2010 is set out in sections 12 and 13 respectively.

11 HUMAN RIGHTS CONSIDERATIONS

- 11.1 The Human Rights Act 1998 ("the Act") incorporated into the UK domestic law the European Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention"). Section 6 of the Act makes it unlawful for a public authority to act in a manner which is incompatible with a Convention right.

11.2 The Convention rights engaged in the context of this compulsory purchase order are Article 1 of the First Protocol of the Convention.

11.3 Article 1 of the First Protocol of the Convention states:

“Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interests and subject to the conditions provided for by law and by the general principles of international law...”

The Courts have recognised, in the context of Article 1 of the First Protocol of the Convention, that regard must be had to the balance which has to be struck between the competing interests of those whose rights are affected and the community as a whole.

11.4 The Council has taken into account the impact of the Order on the Convention rights of those whose interests will be affected by the Order. In view of the compelling justification for making the Order, the Council considers that the exercise of compulsory purchase powers in this case is justified because it is in the public interest, authorised by law and necessary and proportionate in order to achieve the Council’s objectives of securing the wider benefits to be achieved from the first phase of regeneration of Willenhall.

11.5 The Council sought the view of the community including in preparing the Willenhall Framework Plan (see section 4 of this Statement) and in its role as Local Planning Authority in considering the Planning Application. The Council has also carried out community engagement prior to submitting the Planning Application. The local community, businesses and those potentially affected by the Scheme have had the opportunity to review the Scheme and submit representations.

11.6 As shown in the Order Schedule, there are a number of third parties affected by the Scheme, whose property interests the Council needs to acquire to ensure timely and effective delivery of the Scheme. As set out in section 5 of this Statement, there are a mix of occupied and vacant properties across the Order Land, all of which are either in commercial use or were previously in commercial use. There are no residential interests within the Order Land. Negotiations to acquire the required property interests began in March 2021 and are ongoing. The Council is supporting businesses affected by the Scheme as far as possible, as set out in section 9 of this Statement. It is hoped that agreement will be reached to acquire additional interests by private treaty. If the Secretary of State confirms the Order, the compulsory acquisition of the interests in the Order Schedule will only be necessary if these interests have not already been acquired by agreement within the timescales required to achieve vacant possession. Further, all those whose interests are compulsorily acquired will be entitled to fair compensation under the statutory Compensation Code. As set out in section 9 of this Statement, financial offers have been made already in line with the Compensation Code to all identified landowners. Compensation will be determined independently by the Upper Tribunal (Land Chamber) if it cannot be agreed.

11.7 Overall the Council is of the view that there is a compelling case in the public interest for the Order and that the benefits of the Scheme and its positive impact on social, environmental and economic wellbeing outweigh the necessary interference with the private rights and interests that exist in the Order Land. The Council believes that it has reached a fair and proportionate balance between the interests of those whose Convention rights will be affected and the wider public interest.

12 EQUALITY

- 12.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics namely: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Section 149 of the Equality Act 2010 places the Council, as a public authority, under a legal duty ("the public sector equality duty"), in the exercise of all its functions, to have due regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act;
 - advance equality of opportunity between persons who share a "relevant protected characteristic" (i.e. the characteristics referred to above other than marriage and civil partnership) and persons who do not share it; and
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 12.2 Tier 1, paragraph 6 of the CPO Guidance sets out that acquiring authorities are bound by the public sector equality duty and that they must have due regard to the need to meet the above three aims in performing their public functions.
- 12.3 An equalities assessment has previously been undertaken as part of the setting of the planning policy framework for Walsall. An Equality Impact Assessment (EQIA) was carried out as part of both the Black Country Core Strategy 2011 and the Walsall Site Allocation Document 2019, both of which form part of the Development Plan for the Order Land and are described in more detail in section 7 of this Statement. Both these EQIAs were incorporated into the sustainability appraisals for each of these documents.
- 12.4 An Equalities Impact Assessment was also carried out as part of the preparation of the Willenhall Framework Plan and was noted by the Council's Cabinet. This concluded that there is no evidence that indicates any particular impact for people with protected characteristics.
- 12.5 A further on-going review of equalities and any impact the Order and the Scheme could have on equalities has been undertaken and will continue to be reviewed as the regeneration programme progresses. It assesses:
- (a) whether the Order will affect any groups or individuals with protected characteristics and if so what steps can be taken to minimise any impacts;
 - (b) whether there are any long term social and economic benefits to those with protected characteristics arising from the development facilitated by the Order;
 - (c) any different impacts across any protected groups arising from both the construction and operational phases of development;
- 12.6 The current assessment for the first phase of delivery of the Willenhall Framework Plan (the Scheme) concludes that the engagement and evidence to date suggests that there is a neutral impact on people with protected characteristics. The assessment sets out that from the engagement activity taken place to date, the general consensus indicates that there is broad support around the direction of travel of the Willenhall Framework Plan from stakeholders and specifically in relation to

Phase 1 (the Scheme). The assessment also notes that negotiations with landowners and occupiers is underway and ongoing, and commits to reviewing the equalities assessment as the Scheme progresses including through an ongoing action plan to continue to monitor impact on groups with protected characteristics.

- 12.7 Equalities will continue to be reviewed and updated throughout the compulsory purchase process and any impact of the Order and the Scheme in the context of equalities will continue to be monitored.

13 SPECIAL CONSIDERATIONS

- 13.1 There is no consecrated land, renewal area land, open space, land forming part of a common, or fuel or field garden allotment included within the Order Land. No land within the Order Land is held by the National Trust. No land within the Order Land is held by the Crown.
- 13.2 There are no listed buildings or ancient monuments located within the Order Land, and none of the Order Land is part of a conservation area.
- 13.3 Part of the Order land adjoins a conservation area and is close to a listed war memorial. There is also one building on the Council's local list (Moat Field Works) and other non-designated heritage assets within the Order Land.

14 ASSOCIATED ORDERS AND CONSENTS

- 14.1 Paragraph 15 of the CPO Guidance requires acquiring authorities to be able to show that the scheme is unlikely to be blocked by any physical or legal impediments to implementation. It references the programming of any infrastructure accommodation works and the need for any planning permission or other consent or licence.
- 14.2 As set out in section 7 an outline Planning Application has been submitted and is subject to a resolution to grant planning permission subject to the completion of a planning agreement and the imposition of planning conditions.
- 14.3 In order to implement any planning permission and deliver the Scheme there are also a number of works to be carried out to the highways network. The following will be carried out:
- Amendments to the existing highway to include access points into the various land parcels and junction radius improvements. It is anticipated that the applicant will enter into an agreement with the highway authority under the provisions of section 278 of the Highways Act 1980.
 - Adoption of land and associated infrastructure as highway by the Highway Authority to include site access routes and lighting.
- 14.4 No impediment to the delivery of the Scheme is likely to arise from the above proposed highway works.

15 OBJECTIONS TO THE ORDER

15.1 The Secretary of State has received 6 objections to the making of the Order and a number of objections raise similar points.

15.2 A summary of the objections is set out below:

No	Objector	Plot No.	Address	Nature of Objection
1 2 3	[Redacted]	29	[Redacted]	<ol style="list-style-type: none"> 1. No compelling case in the public interest 2. Scarcity of industrial premises in the area and development will exacerbate loss of employment sites and reduce economic activity 3. Contrary to public interest - low residential density of 1.5 residential units on plot compared to loss of 2,300 sq ft of industrial premises employing 8 staff; 4. Human rights – potential loss of business and stress to business partners; 5. Alternative sites – large number of alternative residential sites available in Willenhall 6. Development could come forward without [Redacted] 7. Deliverability – nature of specialist equipment will necessitate significant works of adaption and no suitable alternative sites offered by the Council 8. Lack of meaningful negotiations and support
4 & 5	[Redacted]	8, 12 and 13	[Redacted]	<ol style="list-style-type: none"> 1. No compelling case in the public interest 2. Scarcity of industrial premises in the area and development will

				<p>exacerbate loss of employment sites and reduce economic activity</p> <ol style="list-style-type: none"> 3. Contrary to public interest - low residential density of minimal residential units on plot compared to loss of 8,200 sq ft of industrial premises employing 12 staff; 4. Human rights – potential loss of business and stress to business partners; 5. Alternative sites – large number of alternative residential sites available in Willenhall 6. Development could come forward without [redacted] 7. Deliverability – nature of specialist activities will necessitate specific facilities and no suitable alternative sites offered by the Council 8. Lack of meaningful negotiations and support
6	[redacted] [redacted] [redacted]	1,2, 3,4, 5,6, 7,9, 10, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27 and 28		<ol style="list-style-type: none"> 1. Contrary to Human Rights 2. No compelling case in the public interest and fails to meet criteria in the CPO Guidance 3. Objector can bring forward own scheme with no recourse to public funding or third party involvement – since 2006 [redacted] has persistently prepared comprehensive redevelopment proposals that have been met with a lack of support and engagement from the LPA 4. Insufficient attempts to seek to reach agreement – discussions only since 2021 with 3 meetings 5. Offer not at market value

				<p>6. Premature as no planning permission in place and no developer partner procured</p> <p>7. Viability challenges to deliverability</p> <p>8. Area has been blighted</p>
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THE COUNCIL'S RESPONSE TO THE OBJECTIONS

15.3 This section of the Statement first responds to the matters that have been raised by a number of objectors, and then deals with the points that are particular to individual objectors.

No compelling case in the public interest

15.4 The Council considers that the Scheme will contribute to the improvement of the economic, social and environmental well-being of the locality and the wider Borough and that there is a compelling case in the public interest to deliver the Scheme.

15.5 The key benefits of the Scheme will significantly outweigh interference with private rights. The key benefits are described in Section 10 of this Statement of Case. The Scheme is a significant opportunity for economic, social and environmental improvements which can help achieve the broad goals of sustainable development and also help in the wider regeneration of the area. A piecemeal development in the area that does not include all of the land within the Order boundary would not achieve the aims and objectives set out in the relevant policies, could not achieve all of the benefits and improvements described in Section 10, and is unlikely to be financially viable (and therefore is unlikely to be deliverable).

Human Rights

15.6 The Human Rights Act 1998 requires that every public authority must act in a manner that is compatible with the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention"). Relevant parts of Article 1 of First Protocol of the Convention provide: "Every natural or legal person is entitled to peaceful enjoyment of his possessions" and "[no] one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law ..."

15.7 Relevant parts of Article 8 of the Convention provide: "(1) Everyone has the right to respect for his private and family life, his home and his correspondence. (2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interest of ...the economic well-being of the country..."

- 15.8 Relevant parts of Article 6 provide 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.”
- 15.9 The Council has considered alternatives to the Scheme but has determined that the purpose for which the Order Land is to be acquired could not be achieved by means other than by the compulsory purchase of the Order Land, which will interfere with rights held by owners and occupiers of the Order Land. Such interference is justified through the Council's use of its powers under section 226(1)(a) of the 1990 Act.
- 15.10 The proposed regeneration of the Order Land through the Scheme has been publicised extensively and consulted upon by the Council and its advisors. Third parties likely to be affected by the proposals have been offered several opportunities to make representations to the Council. Any owner, lessee or occupier of land included within the Order Land has the opportunity to make a representation or objection to the Secretary of State, and to appear at a public inquiry before a decision is made as to whether or not the Order should be confirmed.
- 15.11 If the Order is confirmed, notwithstanding the provisions of Article 1 of the First Protocol and/or Article 8 of the Convention, adequate provisions are in place to compensate those affected. The Council also considers that use of compulsory purchase powers in order to bring about the regeneration of Phase 1 of the Willenhall Framework Plan is proportionate to the interference with human rights, particularly in light of the statutory compensation available.
- 15.12 Having regard to the provisions of the Town and Country Planning Act 1990 and the Guidance, the Council considers that the Order Land is both suitable for and will facilitate the carrying out of development, redevelopment or improvement and will make a positive contribution in the promotion of the economic, social and environmental well-being of its area.
- 15.13 Without the use of these powers, the much-needed regeneration and redevelopment of the Order Land is unlikely to be achievable either at all or within any reasonable timescale. Appropriate compensation will be available to those entitled to claim it under the relevant statutory provisions. The Council is therefore satisfied that the purposes for which the Order is made justify interfering with the human rights of those with an interest in the land affected.

The Council has also had due regard to its obligations under section 149 of the Equality Act 2010, An equalities assessment was previously undertaken as part of the setting of the planning policy framework for Walsall. An Equality Impact Assessment (EQIA) was carried out as part of both the Black Country Core Strategy 2011 and the Walsall Site Allocation Document 2019, both of which form part of the Development Plan for the Order Land.

An Equalities Impact Assessment was also carried out as part of the preparation of the Willenhall Framework Plan and was noted by the Council’s Cabinet. This concluded that there is no evidence that indicates any particular impact for people with protected characteristics. The EqIA was updated in July 2023 and also found that there is a neutral impact for people with protected characteristics.

Scarcity of Industrial Premises/Alternative Residential Sites Available

- 15.14 Planning practice guidance states that the assessment of the need for employment land should be assessed based upon analysis at the functional economic market area (FEMA) level, which in the case of the Black Country includes the entire area of the four authorities. The Black Country

authorities have recently commissioned an update to the Black Country Employment Needs Assessment (EDNA) which has been published as part of the evidence base to support the draft Dudley and Sandwell local plans. Table 4.1 of the EDNA provides a summary which shows that for Walsall alone there is a surplus of supply over need, however for the Black Country as a whole there is a substantial shortfall. SAD Policy IND4: Local Industry Consider for Release states that sites shown on the Policies Map are allocated and safeguarded as Local Quality Industry but will be considered for release to other uses under the provisions of BCCS Policy DEL2. Subject to fulfilling the DEL2 criteria, redevelopment for housing is acceptable.

- 15.15 The EDNA however is a high level document that assesses the overall requirement for land in terms of the number of hectares required to support the expected total number of jobs needed arising from the anticipated population size. It does not provide an argument that specific sites should be retained in employment use where these are poor quality, unsuitable for long term employment use and potentially conflict with other land use requirements.
- 15.16 There is a shortfall of housing land. The most recent published SHLAA (showing the situation at April 2022) indicates that Walsall borough only has a supply of land for 3,379 dwellings compared with the five-year requirement of 5,453 (as set out in the Strategic Housing Land Availability Assessment 2022). The SHLAA is in the process of being updated, but the current situation is likely to be even worse: many housing completions have taken place since April 2022 but few new sites for housing have been identified.
- 15.17 National planning policy in paragraph 123 of the NPPF states that “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”. In this case, the regeneration benefits from redeveloping the Order Land for housing amounts to the most effective use of the land.

Deliverability

- 15.18 The Council is satisfied that there are no financial or funding related impediments to bringing forward the Scheme. The Council is committed to the delivery of the Scheme, having spent approximately circa £575,000 to date on fees associated with seeking to acquire the Order Land, and the cost of obtaining planning permission and related consents for the Scheme.
- 15.19 The Council has appointed a delivery partner who has a strong track record of delivering similar schemes and securing finance for such schemes.
- 15.20 The LPA have resolved to grant planning permission subject to an appropriate legal agreement being entered into.
- 15.21 There are no material impediments to delivery of the Scheme.

Lack of Meaningful Engagement

- 15.22 As discussed at Section 9 of this Statement the Council is satisfied that Avison Young has made thorough and repeated efforts to contact and engage and negotiate with all affected landowners and occupiers to attempt to acquire the various land interests by agreement. The Council’s Business

Growth Manager has also been involved in these negotiations where appropriate to provide support to affected businesses. The CPO Guidance on negotiations has been followed. Negotiations with all landowners likely to be affected by the Order commenced in 2021 and are continuing alongside the Order process.

- 15.23 Section 9 sets out the detail of these negotiations and contact has now been made with all eight known freeholders, with active negotiations taking place with seven of the eight freeholders. Considerable progress has been made with many of the freeholders, with detailed discussions on value and compensation taking place. Avison Young, on behalf of the Council will continue to negotiate with the freeholders to seek to reach agreement where possible.
- 15.24 The Council remains committed to acquiring the remaining relevant interests by private treaty negotiation where possible but is seeking confirmation of the Order as a last resort in the event that it is unable to acquire all the relevant interests by negotiation.

Specific Objections:

15.25 Plot 29:

Deliverability: nature of specialist equipment will necessitate significant works of adaption and no suitable alternative sites offered by the Council

The Council and its CPO advisors Avison Young are aware of the specialist nature of equipment used by [REDACTED]. As set out in section 9 of this Statement, the business has appointed firm [REDACTED] to act on its behalf and negotiations are taking place between Avison Young, [REDACTED] and [REDACTED]. These negotiations have included a site inspection of the property and discussions on the type and nature of the business, including the company sharing an inventory of its current equipment. Discussions have also taken place with the Council's Business Growth Manager to see what wider support the Council may be able to provide. From an early stage in the negotiations, [REDACTED] raised the possibility of extinguishment of the business due in part to the specialist equipment and nature of the business, and discussions have continued regarding extinguishment as well as relocation of the business and compensation.

15.26 Plot 29:

Minimal support from the Council or its agent to find an alternative property and has been informed that the Council will not cover costs incurred by an agent in this regard.

As set out in section 9 of this Statement [REDACTED] has an appointed surveyor and the Council funds the reasonable fees of this appointed surveyor. The Council maintains and updates a spreadsheet of currently available properties and these are shared with the affected parties and their agents through negotiations and on the Council's website.

In addition to the support provided to affected landowners as set out in the Business Charter (discussed at Section 9 of this Statement) and support provided by the Business Growth Manager, the Council has recently appointed property consultants Avison Young to carry out a further review of the current industrial market including a review of the supply of industrial properties to seek to provide further assistance to businesses that may be affected by the delivery of the Scheme.

15.27 Plot 29:

Development could come forward without only 1.5 residential units on plot compared to loss of 2,300 square feet of industrial premises.

lies in the centre of Parcels C and D (as identified in the Planning Application) within the Order Land so the continued operation of the industrial use could prejudice residential development of the entire block as a result of the nature of the industrial operations causing disturbance to future residents. As such, the retention of the industrial use could prevent the development of approximately 21 residential units rather than the 1.5 residential units that are earmarked for this site.

15.28 Plots 8, 12 and 13:

Contrary to public interest - low residential density of minimal residential units on plot compared to loss of 8,200 sq ft of industrial premises employing 12 staff;

As with occupies a prominent part of Parcel B (as identified in the Planning Application) and so the continued operation of the industrial use could prejudice residential development of the entire block as a result of the nature of the industrial operations causing disturbance to future residents. BCCS policy DEL2 also states that any proposals resulting in the loss of employment land submitted in advance of the adoption of AAPs or SADs should demonstrate a comprehensive approach, making best use of available land and infrastructure. It is considered that the Scheme offers the best use of the land at

15.29 Plots 1,2,3,4,5,6,7,9,10,14,16,17,18,19,20,21,22,23,24,25,27 and 28:

Objector can bring forward own scheme with no recourse to public funding or third party involvement – since 2006 has persistently prepared comprehensive redevelopment proposals that have been met with a lack of support and engagement from the LPA

The public funding is needed to facilitate the delivery of the infrastructure of the site. Significant funding has been obtained as outlined at Section 9 and will be used towards the costs of land acquisition, demolition and remediation (enabling works).

The local planning authority have a record of one pre-application enquiry in 2010 in respect of part of the land. In addition, one planning application has recently been submitted for part of the site and comprises the proposed delivery of 24 apartments on
It is not considered that this represents evidence of an intention to comprehensively redevelop the relevant land and the majority of the land remains derelict and unused. We understand has held many of these sites since 2006 and that much is derelict and/or poor condition and it is only now that that Order has been made that he is showing any real intent to bring forward these sites. As stated at section 9 it is clear that is a willing seller and that the failure

to agree a sale is due to the Council's valuation of the property. In addition, in the absence of financial viability evidence provided by [redacted] to demonstrate that the scheme comprised in the planning application submitted by him is financially viable, and that if granted, could be delivered, the Council will contend that such a scheme is not likely to be delivered.

16 CONCLUSION

- 16.1 In the light of the matters set out in the Statement of Reasons and this Statement of Case, together with the totality of the evidence and the submissions to be presented at the public inquiry, the Council considers that there is a compelling case in the public interest in support of the Order. The Council will invite the Secretary of State to confirm the Order so that the Scheme can be delivered in the public interest.

17 LIST OF SUPPORTING DOCUMENTS

- 17.1 The Council intends to refer to, or put in evidence, the documents (or relevant extracts from those documents) which are listed below. The Council reserves the right to refer to or adduce additional documents.

CDA. CPO documents	
CDA.1	The Walsall Metropolitan Borough Council (Moat Street and Villiers Street) Compulsory Purchase Order and Order Schedule 2023
CDA.2	The Walsall Metropolitan Borough Council (Moat Street and Villiers Street) Compulsory Purchase Order Map 2023
CDA.3	The Walsall Metropolitan Borough Council (Moat Street and Villiers Street) Compulsory Purchase Order 2023 Statement of Reasons
CDA.4	The Walsall Metropolitan Borough Council (Moat Street and Villiers Street) Compulsory Purchase Equalities Impact Assessment 2023
CDB. Council Cabinet and Committee Reports	
CDB.1	Walsall Council Cabinet report: Willenhall Framework Plan: Phase 1 Developer Partner Procurement Outcome and Award: 18 th October 2023
CDB.2	Walsall Council Planning Committee report: 7 th September 2023

CDB.3	Walsall Council Cabinet report: Willenhall Framework Plan: Phase 1 Moat Street and Villiers Street project update and strategic land acquisition (use of the Council's Compulsory Purchase Powers), 19 July 2023
CDB.4	Walsall Council Cabinet report: Willenhall Framework Plan: Phase 1 Developer Partner Procurement Approach and Funding Update, 14 December 2022
CDB.5	Walsall Council Cabinet report: Willenhall Framework Plan, 9 February 2022
CDB.6	Walsall Council Cabinet meeting minutes of the report: Willenhall Masterplan – Strategic Land Acquisitions, 10 February 2021
CDB.7	Walsall Council Cabinet report: Walsall's Regeneration & Development Pipeline: Procurement of a strategic advisor, 12 February 2020
CDB.8	Walsall Council Cabinet report: Willenhall Economic and Development Programme, 16 March 2016
CDB.9	Walsall Council Cabinet report: Willenhall Economic and Development Programme, 19 October 2015
CDC.	Planning policy and other policy documents
CDC.1	Department for Levelling Up, Housing and Communities "Guidance on Compulsory Purchase Process and The Crichel Down Rules July 2019
CDC.2	Walsall Council: Willenhall Framework Plan, February 2022
CDC.3	Walsall Council: Our Council Plan 2022/2025
CDC.4	Walsall Council: Housing Strategy 2020-2025
CDC.5	Walsall Council: We are Walsall 2040, approved by Cabinet 21 June 2023
CDC.6	Walsall Council: Economic Strategy and Action Plan (Cabinet Draft), December 2022
CDC.7	The Black Country Core Strategy 2011
CDC.8	Walsall Council: The Walsall Site Allocation Document 2019
CDC.9	Walsall Council: The Walsall Unitary Development Plan 2005
CDC.10	Walsall Council: Local Plan Policies Map

CDC.11	Black Country Plan: Black Country Employment Area Review (BEAR), July 2021
CDC.12	The National Planning Policy Framework (December 2023)
CDC.13	Walsall Council: Strategic Housing Land Assessment and Statement of Housing Land Supply 2022
CDC.14	The Housing Delivery Test 2021 measurement, published January 2022
CDC.15	West Midlands Combined Authority Trailblaze deeper devolution deal, March 2023
CDC.16	Black Country Economic Development Needs Assessment (EDNA) 2022 Final Report
CDC. 17	Black Country Authorities Employment Land Needs Assessment 2020 to 2041 Updated Estimates August 2023
CDC. 18	Walsall Council –Phase 1: Willenhall Framework Plan: Moat Street / Villiers Street Business Charter

17.2 Documents relating to the Order can be downloaded from the website below:

<https://go.walsall.gov.uk/planning-and-building-control/search-track-and-comment-on-planning-applications/compulsory-purchase>

17.3 If you would like copies of any of the documents relating to the Order please contact:

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