

16 September 2021

Response to the Petition: Riverpoint Estate, Willenhall

Ward(s): Willenhall South

Portfolios: Councillor Andrew - Regeneration

1. Aim

- 1.1 A petition has been submitted calling on Walsall Council to explore all options to compulsory purchase the land between Riverpoint Estate and the former Willenhall Sewage Works. The online and hard copy petitions contained a total of 549 signatures.
- 1.2 The Council's petitions scheme states that "if a petition contains at least 500 signatories the relevant senior officer will give evidence at a public meeting of one of the Council's Overview and Scrutiny Committees. The authority has determined that the response to such petitions must be given by either the chief executive, executive directors, directors or heads of service. The committee may also decide to call the relevant portfolio holder to attend the meeting."

2. Recommendations

- 2.1 That the Committee considers the legal advice in respect of the Council's ability to utilise compulsory purchase powers in respect of the land between Riverpoint estate and the former Willenhall Sewage Works.
- 2.2 That, subject to any comments, the report be noted.

3. Report detail – know

- 3.1 A petition has been submitted requesting that the Council explores all options to compulsory purchase the land between Riverpoint Estate and the former Willenhall Sewage Works. The land, shown edged in black on plan reference EPMS4941, formed part of the Riverpoint Estate and was landscaped in accordance with the planning consent for the development of the residential estate.
- 3.2 The current owner of the land has cleared the land, removing the planting. The planning consent for the development of the Riverpoint Estate which contained the requirements for the subject land to be landscaped stipulated a period of 5 years from the grant of consent for the retention of the landscaping. Accordingly, it is not possible for the Local Planning Authority to take enforcement action associated with the removal of the landscaping.

- 3.3 The residents of the Riverpoint Estate have expressed concern about the loss of the landscape buffer between the estate and the former sewage works.
- 3.4 The petition submitted requests Walsall Council to explore all options to compulsory purchase the land that runs between Riverpoint Estate and the former Willenhall Sewage Works.

Land Use

- 3.5 The subject land is allocated within the Site Allocation Document as open space and it is not normal practice for the Council to purchase or adopt open space.

Legal Background

- 3.6 The Council has a number of compulsory purchase powers at its disposal. These enable the Council to acquire land compulsorily in order to carry out a function which is in the public interest. The most common compulsory purchase powers are contained in the Town and Country Planning Act 1990, the Highways Act 1980, the Transport & Works Act 1992 and the Housing Act 1985. The power to acquire land is subject to confirmation of an Order by the Secretary of State, usually following a public inquiry.
- 3.7 Before obtaining authority to purchase compulsorily, the Council has to decide whether the land is required for a specific purpose or scheme in the public interest and whether the use of CPO powers is necessary and expedient. The Council has to take all reasonable steps to acquire the land by agreement first, leaving compulsory purchase as a last resort. The purpose for which compulsory purchase is being considered must justify the interference with human rights of those with an interest in the land.
- 3.8 The land in question is a strip situated adjacent to Riverbank Road, Evenlode Grove and Bure Grove. It was previously planted with trees but has recently been cleared by the owner. Officers have carried out investigations. The Council has no plan or scheme for the land: it is not allocated for development and it is not needed for any known development scheme. With no purpose or scheme in place the land is not necessary for development and it is not expedient to acquire it with public funds. As such the use of CPO powers is not justified and any Compulsory Purchase Order would not be confirmed.

4. *Financial information*

- 4.1 As detailed in paragraphs 3.6-3.8, the Council is not able to utilise CPO powers in this case. Accordingly there are no financial costs associated with this report at the present time.

5. *Reducing Inequalities*

- 5.1 There are no equality issues arising from this report as no purchase is at this stage proposed, however should the Council take action with regard to this land then the appropriate Equality Impact Assessment considerations would be incorporated.

6. Decide

- 6.1 The Council has to determine whether it is able to make a compulsory purchase of the subject land as requested by the signatories of the petition detailed in this report. This needs to take into account the Council's legal ability to utilise compulsory purchase powers.

7. Respond

Should the committee accept the recommendations of this report, ie to note the petition in the context of professional advice given, then the petitioners will be duly informed.

8. Review

If the recommendations of this report are accepted then this matter would only be reviewed should further petitions be submitted or should the Council's planning and legal position change.

Background papers

Author

Nick Ford

Property manager

☎ 652659

✉ nick.ford@walsall.gov.uk