



## **CONNECTING DERBY PHASE 2 – LAND ACQUISITION**

### **RECOMMENDATION**

1. To approve the making of a Compulsory Purchase Order in respect of all interests and/or new rights in the land described in Appendix A which is required for the purpose of Phase 2 of the Connecting Derby Project, pursuant to Sections 239, 240 and 249 Highways Act 1980.

### **REASON FOR RECOMMENDATIONS**

2. The land involved needs to be acquired for the construction of Phase 2 of the Connecting Derby Project. The construction of Phase 2 will remove the existing tortuous route of this section of the inner ring road and take unnecessary through traffic from Cathedral Road, Walker Lane, Jury Street, Bold Lane, Strand, Wardwick, Cheapside, Curzon Street and Friar Gate between Cheapside and Ford Street. Phase 2 will also enable Becket Street to be closed at its junction with Wardwick.

### **SUPPORTING INFORMATION**

- 3.1 In June 2001 Policy Committee approved the acquisition of land associated with the Connecting Derby Project through negotiation and also through the preparation and implementation of Compulsory Purchase Orders.
- 3.2 Since June 2001 we have actively been trying to purchase properties affected by the Connecting Derby Project by agreement. Unfortunately, we have not been, as yet, successful in this regard concerning properties affected by Phase 2 of Connecting Derby.
- 3.3 We have now identified the precise areas of land required for the scheme. A Plan detailing the land required for Phase 2 along with the land required for the temporary diversion of the footways and for working areas, for which Compulsory Purchase Orders are to be made will be on display at the meeting.

### **OTHER OPTIONS CONSIDERED**

4. Attempts to purchase the land by way of negotiations have not been successful.

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**Background papers:**

**List of appendices:** Drawing No. WP42D/GEN/23

## IMPLICATIONS

### Financial

1. The costs associated with the Compulsory Purchase Orders will be met from the Connecting Derby Project. Funding available in 2003/4 is £3.8m.

### Legal

- 2.1 The Council have power under Sections 239, 240, and 249 Highways Act 1980 to acquire land compulsorily that is required for improving or which is to be used in connection with improving a highway.
- 2.2 The acquisition procedure is governed by the Acquisition of Land Act 1981, the Compulsory Purchase of Land Regulations 1994 and the Compulsory Purchase of Land (Vesting Declarations) Regulations 1990.
- 2.3 The Compulsory Purchase Order must be advertised locally and copies served on all owners, lessees (except tenants of a month or less) and occupiers. If any duly made objections are not withdrawn, the Secretary of State must hold an inquiry and consider its findings before confirming the order.
- 2.4 Any dispute as to the amount of compensation to be paid is referred to the Lands Tribunal for determination.
- 2.5 The sections of the Convention of Human Rights applicable to the making of the Order are Articles 1, 6 and 8 of the First Protocol. Article 8 states that:  
  
"Everyone has the right to respect for his private and family life, his home, and his correspondence .... Interference is justified, however, if it is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for its prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others."
- 2.6 Article 1 of the First Protocol states that:  
  
"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 the law and by the general principles of international law ...."
- 2.7 Whilst occupiers and owners will be deprived of their property if the Order is confirmed, this will be done in accordance with the law. It is being done in the public interest as required by Article 8 and Article 1 of the First Protocol.
- 2.8 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".

The proposals have been extensively publicised in the planning application for Phase 2. As stated earlier affected owners will be informed and will have the right to make representations to the Secretary of State and to be heard at a public inquiry.

## **Personnel**

3. None

## **Corporate Themes and Priorities**

4. The project contributes to Council Themes:

- A great place to live
- Prosperity for All
- A Sustainable Environment.

and to Council priorities:

- enhancing the economic vitality of our City
- improving the physical environment of our City and streets.