

Officer Executive Decisions

Chatham Waterfront

Delegation from Leader and Cabinet and date: On 9 February 2016, the Cabinet considered a report which provided details of progress towards the regeneration of the Chatham Waterfront site, together with proposals to continue negotiations with third party landowners to acquire interests in the site and to agree/pay compensation. The report also set out proposals to pursue, in parallel with negotiations, the obtaining of statutory powers of compulsory purchase to acquire the land and appropriation of the Council's own land to ensure that all necessary land interests are acquired and to enable regeneration to take place.

The Cabinet agreed to delegate authority to the Director of Regeneration Community and Culture, in consultation with the Chief Legal Officer, the Leader of the Council, the Portfolio Holder for Inward Investment, Strategic Regeneration and Partnerships and the Portfolio Holder for Planning, Economic Growth and Regulation to:

- (a) Continue negotiations with landowners to acquire outstanding interests in the land hatched and cross hatched black on the attached plan ("the Plan").
- (b) Continue to pursue developer interest in the land to secure its regeneration.
- (c) Seek advice on the active marketing of the site for regeneration and advice on the prospects of such development proceeding in a reasonable time frame.
- (d) Prepare a compulsory purchase order (CPO) for any or all of the remaining interests in the site within the area shown on the Plan pursuant to the Council's powers under S226 of the Town and Country Planning Act 1990.
- (e) Make the CPO to secure any or all interests required for the regeneration of the site shown on the Plan.
- (f) Submit the CPO to the Secretary of State requesting the confirmation of the CPO.
- (g) Respond to objections and continue negotiations with landowners following making of the CPO.
- (h) Give undertakings and assurances if advised to and to acquire by agreement any outstanding interests.
- (i) Confirm the CPO as an unopposed Order if the CPO is returned to the Council for confirmation.

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(j) Instruct experts (including counsel) to represent the Council at any inquiry into the confirmation of the CPO or in any written representation process or process including a hearing.

(k) Attend any inquiry into the CPO and to pay the costs of the planning inspectorate for the inquiry.

(l) Advertise the confirmation of the CPO if it is confirmed by either the Council as an unopposed order or by the Secretary of State.

(m) Serve notices to treat and enter, make vesting declarations and/or deed polls to secure all remaining interests in the site.

(n) Seek to resolve issues of compensation by agreement or in default of agreement by reference to the Lands Chamber of the Upper Tribunal and/or by mediation.

(o) Declare those areas of land within the area shown on the Plan as surplus to the purposes for which it is currently held.

(p) Exercise the Council's powers of appropriation of the land within the area shown on the Plan already held by the Council to its planning purposes.

(q) Negotiate any compensation due to beneficiaries of rights held over any land appropriated by the Council within the area shown on the Plan (decision no. 27/2016 refers).

The report may be viewed online:

<https://democracy.medway.gov.uk/ielIssueDetails.aspx?Id=16187&Opt=3>

Decision: In accordance with the cabinet decisions a-h, j, l-q, the compulsory purchase order process has been completed and the land registered in the name of Medway Council.

Reasons for Decision: This will allow the Council's aspirations for the site to be realised within a reasonable timeframe as set out in the report.

Date of Decision: 13 March 2019

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Details of any other options considered and rejected: On 5 August 2014, the Cabinet noted that if negotiations with landowners cannot be concluded at a reasonable cost and in a reasonable timeframe (in consultation with the Leader), it will be necessary to use the Council's statutory powers of compulsory purchase to acquire the land.

Conflicts of Interest: None

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