

## **STANDARD QUAY AND THE FAVERSHAM CREEK DEVELOPMENT PLAN DOCUMENT**

### **NOTE ON THE APPROPRIATENESS OF USING COMPULSORY PURCHASE ORDER (CPO) POWERS**

A number of the current occupiers of Standard Quay on the Creek have their current leases running out this Summer. They have been pushing the Council to use its CPO powers in order to protect their leasehold interest on the grounds that otherwise this could lead to the removal of maritime uses on the Quay. The local press have also recently picked up on this issue and has been a long standing story.

The Council is in the process of bringing forward a Development Plan Document for a Faversham Creek Area Action Plan policy contained in the adopted Local Plan. Evidence base to date does not suggest that CPO is appropriate.

In most cases CPO's would be implemented through the provisions of the Town and Country Planning Act 1990 (As amended in the Planning and Compulsory Act 2004) where the LPA would normally be the implementing authority. The key tests are that:

- CPO's are only used if the Authority believes acquisition will facilitate the carrying out of development, redevelopment or improvements on or in relation to land;
- CPO's are required for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated;
- CPO's should only be used where they bring about an improvement in the economic, social or environmental well being of the area.

More specifically, in order for an authority to justify the serving of a CPO it would be expected that any proposed development would need to accord to the adopted Development Plan defining the use of land involved.

The Authority would also need to demonstrate:

- Any progress on land assembly needs to be set within a clear strategic framework and evidence base which has been subjected to consultation processes including those with property interests directly affected;

- That the necessary resources to achieve what is intended to use the land for can be achieved within a reasonable time frame;
- Reasonable prospects for the scheme going ahead e.g. planning consents, infrastructure accommodation etc.; and
- That the scheme cannot be delivered by the existing interests in the land.

With regard to Faversham Creek (and particularly Standard Quay):

1. There is no current clear land use allocation within the designated AAP policy area. This is subject to the preparation of a Development Plan Document (DPD) which is programmed to go out to 'issues and options' consultation in Winter 2011 / preferred option Summer 2012 and adoption late 2012/early 2013.
2. The land involved is controlled by one owner – CPO's usually involve multiple ownerships where one or two parties are not willing to partner the intended scheme
3. There is very limited development / change of use anticipated which limits the scope for CPO;
4. The existing owner of the site is not indicating that he is likely to deviate significantly from the existing and proposed uses in accordance with the Council's vision from a land use perspective.

There is also a timing issue to consider. Hypothetically, if the Council was minded to pursue CPO, the normal time line would be at least 18 months minimum which would potentially be extended in order to ensure appropriate DPD policies were in place to support such proposals. Secondly, the Council would need to have a development partner 'on-board' who would cover all costs for the Council. At this stage there is no such development partner and several months of negotiation would be required before entering into CPO processes/procedures.

In these circumstances, it is not recommended that the Council pursues any CPO at Faversham Creek and Standard Quay.

James Freeman  
Head of Planning Services  
Feb 2011 v2