

Report to	<b>Cabinet</b>
Date	<b>26 January 2009</b>
Report By	<b>Director of Transport and Environment</b>
Title of Report	<b>Compulsory Purchase of Land and Buildings for the proposed Bexhill to Hastings Link Road - supplementary.</b>
Purpose of Report	<b>To seek authority for making two Compulsory Purchase Orders instead of one for the acquisition of land and buildings needed for the Bexhill to Hastings Link Road scheme as previously resolved.</b>

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**RECOMMENDATIONS:**

The Cabinet is recommended to:

1. authorise the making of two Compulsory Purchase Orders (CPOs), one under powers conferred by sections 239, 240, 246, 250 and 260 of the Highways Act 1980 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976, and one under powers conferred by section 226(1)(b) of the Town and Country Planning Act 1990 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976, together with all other enabling statutory powers, for the acquisition of all interests in land and buildings, and the creation of new rights, required for the Bexhill to Hastings Link Road and associated landscaping, environmental mitigation measures, flood storage and wildlife habitat replacement ('the scheme') as previously authorised by Cabinet on 16 December 2008 (subject to any changes to the extent of the land and rights to be acquired to be made since such date), instead of making one CPO as previously authorised.
  2. authorise the Director of Law and Personnel to take all necessary steps to secure the making, confirmation and implementation of the two CPOs including the publication of all notices and the presentation of the County Council's case at any public inquiry; and
  3. authorise the Director of Transport and Environment:-
    - a) in consultation with the Lead Cabinet Member for Transport and Environment, to approve any amendments (including but not limited to the powers used) to the proposed CPOs, and the extent of the land and rights to be acquired, as considered necessary;
    - b) to acquire interests in land and new rights within the CPOs either by agreement or compulsorily;
    - c) to approve agreements with landowners setting out the terms for the withdrawal of objections to the CPOs including, where appropriate, seeking exclusion of the land or new rights from the CPOs and/or making arrangements for the relocation of occupiers; and
    - d) approve any other compensation payable pursuant to the CPOs and any other incidental matters relating to the CPOs.
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**1 Financial appraisal**

The financial position remains the same as reported to Cabinet on 16 December 2008

**1 Supporting Information**

At the meeting of the Cabinet on 16 December 2008 a resolution was made authorising the making of one Compulsory Purchase Order for the land buildings and rights needed for the Bexhill to Hastings Link Road Scheme. This resolution was based on the advice of Counsel at that time. In the light of continued reluctance by the relevant Government Offices to deal with one order under 2 separate powers, Counsel's advice has now changed and the use of two separate CPOs is advised, one under the Highways Act 1980 to be submitted for confirmation by the Secretary of State for Transport and one under s226(1)(b) of the Town and Country Planning Act to be submitted for confirmation to the Secretary of State for Communities and Local Government.

**2 Conclusion and Reason for Recommendation**

In order to stand the best chance of processing the scheme effectively and to minimise the risk of administrative delay and challenge, it is considered that the making of two CPOs would be preferable to one.

RUPERT CLUBB  
Director of Transport and Environment  
16 JANUARY 2009

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Local members: Councillors Gubby,  
Forster, Field.

**BACKGROUND DOCUMENTS**

Report to Cabinet dated 16 December 2008