

Dated.....31st August 2022

**The City of Bradford Metropolitan District Council
(Land north east of Draughton Grove, Little Horton, Bradford)
(Derelict Land Renovation Scheme)
Compulsory Purchase Order 2022**

STATEMENT OF REASONS

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1. Preliminary Matters

1.1 This Statement of Reasons (the “Statement”) has been prepared in accordance with Government Guidance (dated October 2019) relating to the compulsory purchase process and the Crichel Down Rules for the disposal of surplus land acquired by or under the threat of compulsion. It is to be distributed to all those persons as suggested by Government guidance and will be placed on deposit for public inspection.

1.2 The purpose of the Statement is to explain the reasons why the City of Bradford Metropolitan District Council (the “**Council**”) being the relevant “Acquiring Authority” on Wednesday, 10th August 2022 made and submitted to the Secretary of State for Environment, Food and Rural affairs (the “**Secretary of State**”) the following –

The City of Bradford Metropolitan District Council (Land north east of Draughton Grove, Little Horton, Bradford) (Derelict Land Renovation Scheme) Compulsory Purchase Order 2022 (the “**Order**”) under Section 89(5) of the National Parks and Access to the Countryside Act 1949, Section 1 of the Localism Act 2011 and the Acquisition of Land Act 1981 and all other relevant and enabling powers, to secure the compulsory acquisition of land lying north east of Draughton Grove, Little Horton, Bradford (the “**Order Land**”) to enable works to be undertaken to bring the Order Land back into beneficial use and to maintain the Order Land as a community amenity space (the “**Scheme**”).

1.3 The date for the expiry of objections to the Order to be sent to the Secretary of State is Friday, 23rd September 2022.

1.4 The Order has been made and submitted to the Secretary of State for confirmation. In the event that the Order is confirmed, it will authorise the exercise of compulsory purchase powers, to enable the compulsory purchase of land to facilitate the Scheme and to ensure that all the land needed for the Scheme is acquired should this not prove possible through voluntary means.

1.5 Throughout the Statement mention is made of the land and any other interests included in the Order and is referred to hereinafter as the “**Order Land**”. For ease of identification the Order Land is identified by reference to its position on the Order Map.

1.6 The “**Order Schedule**” refers to the schedule to the Order.

1.7 The “**Order Map**” is that bearing the title as in the Order.

1.8 The Council considers that there is a compelling case in the public interest for the making and confirmation of the Order to secure the Order Land required for the purpose of implementing and completing the Scheme and described in the Order Schedule and shown on the Order Map.

1.9 Furthermore the Council will take advantage wherever possible of the alternative dispute resolution techniques introduced by the Planning and Compensation Act 2004 for trying at the earliest opportunity to help to clarify areas of uncertainty with those with a vested interest in the Order Land as the Council recognises the stress that the compulsory purchase process inevitably places on those whose interests are affected by the Scheme.

1.10 The Council has and continues to try to locate engage in negotiations with all parties for the voluntary acquisition of the Order Land but and despite endeavours to agree a voluntary settlement to acquire the Order Land, it has so far not proved possible and the Council has been left with no alternative other than to rely on its statutory compulsory purchase powers to acquire the Order Land.

1.11 This Statement is not intended to discharge the Council's obligation under the Compulsory Purchase (Inquiries Procedure) Rules 2007 and the Council reserves the right to produce additional documents to those listed at Section 15 and to call further evidence to support the justification of the use of compulsory purchase powers should it be considered necessary in the event that objections are made to the Secretary of State during the confirmation process.

2. Introduction

2.1 The Council's Executive on 5th October 2021, approved in principle the making of the Order to support a scheme to improve and bring back into beneficial use an area of derelict land lying to the north east of Draughton Grove, Little Horton, Bradford.

2.2 On 27th January 2022, the Council's Strategic Director – Place acting under and in pursuance of delegated authority, approved the making of the Order to promote the Order to enable the Order Land to be acquired for the Scheme.

2.3 The Council has recently set up a new “environmental task force” with the intention of focusing on longstanding environmental problems which impact badly on the local environment and quality of life, including the allocation of funds to improve the lives of people who are suffering from derelict and decaying land sites. The Order Land is just such a site.

2.4 Despite the Order Land being registered under Title No WYK301499 and despite exhaustive enquires, including the employment of specialised tracing agents, it has still not proved possible to locate the whereabouts of the registered proprietors and therefore the Council has no alternative other than to resort to the inclusion of the Order Land in the Order to ensure that the Council is in a position to acquire the Order Land by compulsion if unable to do so through voluntary negotiations.

3. Location and Description of Order Land

3.1 The Order Land is located in the Wibsey Ward District of Bradford and on the edge of Bradford City Centre and measures 414 square metres comprising open, derelict and untidy land.

3.2 The Order Land is of a significant size (measuring approximately 414 square metres) in a neighbourhood where green space is in short supply.

3.3 The poor condition of the Order Land is creating a health hazard and having a detrimental impact on the surrounding environment and quality of life of local residents.

3.4 In addition, the fly tipping consisting of household waste, furniture, building materials etc, is attracting pests and hazardous rubbish, such as glass and metal and which has spilled into the unadopted back street abutting the Order Land and which is very heavily used as a footpath by residents and people walking through the area.

3.5 A location plan (**Plan 1**) is appended to this Statement as **Appendix A** showing the position of the Order Land in relation to the wider area of the District Council.

4. Ownership of Order Land

4.1 Freehold title to the Order Land is registered at HM Land Registry under Title No: WYK301499.

4.2 The registered freehold proprietors are shown to be Anthony John Wilkinson and Elizabeth Mary Wilkinson, whose address for service is shown as being No 27 Robin Hood Way, Clifton, Brighouse, West Yorkshire.

4.3 **Land in Council Ownership or Control** – There is no land in the Order Land in the ownership or control of the Council.

4.4 A copy of the Order Map (**Plan 2**) is appended to this Statement as **Appendix B** and shows in pink and numbered 1 the Order Land to be acquired to carry out the Scheme.

4.5 The Order contains all the land that is needed to implement and complete the Scheme.

5. Background

5.1 The Order Land is in the Wibsey Ward of Bradford District. According to the “Index of Multiple Deprivation”, this part of Wibsey Ward where the Order Land is situated falls within the 10% most deprived areas of the Country, with high levels of need including poverty, low incomes, high crime, poor environment and poor health.

5.2 The continuing poor and decaying state and condition of the Order Land has been a nuisance to residents and a significant cost to the Council in terms of cleaning up fly tipped waste. This has been an issue for more than nine years. Set out in **Appendix C** to this Statement are photographs illustrating the extent of the fly tipping in January 2022, which continues to escalate and worsen.

5.3 The Order Land has been the subject of complaint for many years to Bradford Ward Councillors and the Council.

5.4 Since 2012, the Council has on seven occasions needed to remove waste and debris from the Order Land by reliance on enforcement powers under the Environmental Protection Acts, Prevention of Damage by Pests Acts and community protection warnings and notices. Whilst the use of enforcement powers provides a mechanism to clear rubbish it has not prevented nor discouraged repeated fly tipping, which can only be effectively stopped by the Council gaining control and securing the Order Land against unauthorised access.

5.5 The Order Land is registered at HM Land Registry but despite exhaustive and diligent and reasonable enquiries involving the engagement of specialist tracing agents, it has still not proved possible to locate the whereabouts of the registered owners.

5.6 As there is little or no prospect of the landowners being located, there is no alternative other than to seek to rely on the use of compulsory purchase powers as a precautionary measure to acquire the Order Land, although enquiries will continue to be made in the hope that the landowners will be found and are willing to either take remedial steps to ensure that the Order

Land can no longer be used for fly tipping or are prepared to dispose of the Order Land to the Council. However, the Order Land continues to be used for fly tipping and as a general waste ground.

5.7 The Order Land is just one of a number of neglected sites in the immediate area which suffers from regular fly tipping. Neighbourhood service staff have worked over a number of years with Incommunities (a “Housing Association”), the main landlord in the area and other local partners to try to reduce fly tipping. It has been a challenge on this particular site, as it is the only one where no contact with the landowners has been established

5.8 The Council has been very proactive in the area trying to prevent fly tipping. This includes regular walkabouts with partners, speaking to local residents about Council waste disposal services and penalties for fly tipping, community clean ups, door knocks, visits by Council recycling advisers and refuse team etc. However, with a frequent turnover of residents in the area, the change has been negligible.

5.9 Street cleansing teams frequently remove rubbish spilling over from the Order Land onto the unadopted back street running alongside and abutting the Order Land.

5.10 Local residents continue to complain at the poor state and condition of the Order Land.

5.11 The Scheme will involve taking possession of the Order Land and leasing the Order Land to a third party voluntary organisation to work in partnership with the Council, with the aim of the third party raising funds to create a community amenity space, to be operated and managed by themselves and local community members.

5.12 Once the Order Land is acquired, it will also be secured against unauthorised access to protect the Order Land and prevent further fly tipping and will be a much needed asset in an area where such community facilities are woefully lacking.

5.13 Interest parties working in the area of the Order Land have been kept informed and consulted about environmental work in the area and specifically about progress with the Order Land and are supportive of action being taken to improve the Order Land. Bradford Ward Councillors are also central in this and have been keen to find a solution for a number of years.

6. Scheme Funding

6.1 By relying on the use of compulsory purchase powers, it will enable the Council to work with partners in attracting funding to reclaim the Order Land, with a view to the Order Land being leased to a local voluntary group to develop it further for community use.

6.2 The Council has already had experience of working in partnership with “Marshfield Odsal Bankfoot Enterprise”, a voluntary organisation to bring a derelict land site back into beneficial community use by developing a public amenity at a nearby site on Rathmell Street\Faxfleet Street, Bradford. The project known as “Hope Park” offers the model that local partners would seek to follow to bring the Order Land back into beneficial community use and will add to the work being done to develop a more resilient community, which has included community events in summer and at Christmas, regular advice at “drop-in” places and a new “pop up” pantry at the local St Matthew’s Church. This tried and tested practice of engaging with a voluntary

organisation to raise funds to clear and develop derelict land into a community amenity space has proved successful and has been warmly welcomed and used and enjoyed, especially by local residents.

6.3 The proposed future use would also mean the Council would no longer be called upon to fund the clearance of noxious and hazardous waste dumped on the Order Land.

6.4 Protecting the Order Land in the short term from fly tipping, would involve clearing the rubbish from the Order Land and erecting a temporary weld mesh fence and gate along the frontage, at an estimated cost of £6,900.00.

6.5 In addition, the current open market value of the Order Land has been assessed as being circa £3,600.00, on the basis that the Order Land is to be used as a community amenity space. In addition, other statutory compensation would be payable amounting to a further £6,400.00, bringing the total estimated compensation payable to an estimated circa £10,000.00.

6.6 Funding is available from the Council's own capital resources to meet the costs of acquiring, and taken immediate steps to clear and preserve the Order Land and to install robust fencing and gates to prevent future fly tipping.

7. Alternative Scheme Options

7.1 The Council has sought pre application planning advice on the possibility of constructing housing on the Order Land. However, it was decided against pursuing this due to the constraints on the site and the wishes of local Bradford Ward Members and the community.

7.2 The Order Land has previously benefited from planning permission for residential development for the construction of two pairs of semi-detached dwellings. However, these planning applications included additional land to the north and then further land to the west. On this basis, the principle of development is considered acceptable. Although residential development of the Order Land could be supported, this is likely to sterilise the opportunity for suitable access arrangements to be provided to the other parcels of land needed for a housing development, which is not desirable.

8. Scheme Programme and Implementation

The Scheme will be delivered by "Marshfields Odsal Bankfoot Enterprise" in partnership with and supported by the Council and will commence within 12 months from the date the Order Land is acquired and is expected to take 12 months for the Scheme to be completed.

9. Scheme Noise and Ancillary Factors

9.1 Renovation activities and noise limits would be agreed with any external contractors appointed to carry out the Scheme works and method statements prepared prior to commencement of the Scheme where the impact of noise is likely to be severe.

9.2 "Marshfields Odsal Bankfoot Enterprise" and the Council will hold a public consultation on the nature of the amenity to be developed, will keep residents informed about the work and respond to any concerns from residents, pedestrians and road users.

9.3 The Council will ensure that the impact of the Scheme will be mitigated as much as is reasonably possible.

9.4 The Council and its appointed third part partner will ensure that a communication strategy is in place before and during the improvement works to the Order Land. This will name specific people who will be responsibility in liaising with residents and businesses throughout this period.

9.5 Typical measures that will be discussed with stakeholders and other affected third parties will include –

- Retaining vehicular access for servicing and deliveries
- Temporary signage/advertising;
- Keeping temporary road closures to a reasonable minimum;
- Retaining pedestrian access.

10. **Planning Statement –**

10.1 The Order Land is not allocated in the Council`s development plan nor emerging local plan.

10.2 The Council`s planning officers have been consulted and indicated that there would be no objection to the Order Land being used as a community amenity space, although an application to change the use of the Order Land would be required and this should also detail any boundary treatments, level changes and new structures that would be erected on the site.

10.3 The Council is satisfied that there will be no planning impediments to the implementation of the Scheme and that the Scheme accords with relevant local, regional and national planning policies

11. **Scheme Justification**

11.1 The Scheme is necessary in order to allow the Council to solve a longstanding problem which has impacted negatively on the day to day lives of residents around this derelict site for many years.

11.2 Without being able to contact the Order Land landowners, it has proved impossible to achieve lasting improvement to the condition of the Order Land. The only way to change this is to take possession of the Order Land and to work with a local partner to develop a sustainable future for the site, which also meets a local need for green\amenity space.

11.3 If the Order is not granted the Order Land will continue to attract fly tipping and nuisance and anti-social behaviour to the detriment of the neighbourhood and residents.

11.4 The Order Land is located in an area which is amongst the 10% of the most deprived locations in the Country, indicating that residents here do not have the choice of moving out to places where problems associated with derelict land sites either do not exist or are not as prevalent or even have funds to travel to visit other amenity areas and therefore the impact of this nuisance site is therefore even greater for them as they cannot avoid it.

11.5 In making the Order, the Council has exercised due diligence and probity and has been open and transparent in formulating its Scheme proposals and in trying to contact and open negotiations with interested parties to acquire the Order Land.

11.6 In particular, the Council is satisfied that the following requirements have or are reasonably likely to be met -

11.6.1 That it is apparent from negotiations already undertaken, that there is little or no prospect of the Order Land being acquired by voluntary means;

11.6.2 That there are no planning obstacles;

11.6.3 That there are sufficient financial resources available to implement and complete the Scheme within a reasonable timeframe;

11.6.4 That the compulsory purchase process is open and transparent;

11.6.5 That due regard has and is being given during the compulsory purchase process to the rights of the individual under human rights and equality impact legislation; and

11.6.6 That there is a compelling case for the Scheme in the public interest.

12. Compulsory Purchase Order

12.1. The Scheme requires the acquisition of the Order Land for which the Order has been made.

12.2 The Council has been and is continuing to engage in negotiations to purchase the Order Land by voluntary negotiations with the purported landowners, whose freehold interest in the Order Land is registered at the HM Land Registry.

12.3 The Order has been made, and is about to be submitted to the Secretary of State for Environment, Food and Rural Affairs for confirmation.

Powers under which the Order is made

12.4 Section 89(5) of the National Parks and Access to the Countryside Act 1949, enables an acquiring Authority with planning powers to acquire land that is derelict and to carry out such works as may be necessary to bring land back into beneficial use.

12.5. The Order does not include any rights to be created or acquired to facilitate the improvement of the Order Land.

12.6 The Order can only be made if there is a compelling case in the public interest. After careful consideration, the Council considers that a compelling case exists.

12.7 Confirmation and the subsequent operation of the Order will enable acquisition of all interests in the Order Land (except mining interests and others specifically excluded) as stated in the Order Schedule and within the area shown coloured pink on the Order Map for the purpose of facilitating the Scheme.

12.8 The Council will continue to ensure that all reasonable attempts are made to acquire the Order Land by agreement in parallel with the compulsory purchase process. This approach of making the Order and conducting negotiations to acquire land by agreement is designed to facilitate delivery of the Scheme and is in accordance with Government guidance.

The Order Land Requirements

12.9 The Order Land covers an area of 414 square metres in total and is shown numbered 1 on the Order Map.

12.10 The boundaries of the Order Land include the full extent of the area of land required to enable the Scheme to be implemented and completed.

12.11 To ensure the Scheme is delivered, it is necessary for the Council to rely on the use of compulsory purchase powers as a last resort.

12.12 Full details of the Order Land appear in the Order Schedule. Details of known interests to be acquired are recorded in the Order Schedule.

12.13 The Order Schedule includes the last known and present occupiers of interests within the Order Land and has been prepared after diligent enquiry and upon information gained through Land Registry title document and site inspection. The Order Map shows the extent of the Order Land.

12.14 Interests set out in Table 2 of the Order Schedule comprise persons who do not have an interest in the Order Land itself. Inclusion of an interest in the Order Schedule does not constitute any admission by the Council of liability to pay compensation and any party seeking to make a claim under Section 10 of the Compulsory Purchase Act 1965 will be required to prove their claim, with each case being dealt with on its particular merits.

The need for compulsory purchase

12.15 The Council is satisfied that the Order is required to facilitate delivery of the Scheme.

12.16 Moreover, the Council considers that the Order if confirmed, would strike an appropriate balance between public and private interests. The rights of owners of interests in the Order Land under the Human Rights Act 1998 (including the rights contained in Article 8 and Article 1 of the First Protocol) have been taken into account, along with the rights of individuals under the Equality Act 2010 when considering whether to make the Order and when considering the extent of the interests to be comprised in the Order. In addition, having regard to the provisions of the Section 89(5) of the National Parks and Access to the Countryside Act 1949 and Government guidance, the Council considers that the acquisition of the Order Land will facilitate the carrying out of the Scheme and will bring about and achieve the desired objectives of the Scheme and as such the Council considers that there is a compelling case in the public interest for confirmation of the Order.

13. Order Land Negotiations

Set out below is a summary of the status of negotiations –

13.1 Current records begin in March 2012. However, previous approaches to the Order Land owners will have been made.

13.2 In March 2012, the Council sent a warning letter to the landowners at the address given on HM Land Registry documents, followed in April 2012, by a Section 59 Notice pursuant to the Environmental Protection Acts, requiring the waste to be removed by 27th April 2012 but on 17th April 2012, the Notices served were returned to the Council saying the landowners no longer lived at the address for service and so the Order Land was cleared and completed in default in May 2012.

13.3 In June 2015, a further Section 59 Notice was served after carrying out HM Land Registry checks to make sure the ownership had not changed but the Notice was once more returned stating, “not at this address”, and work was again completed by the Council in default.

13.4 In April 2016, the same owners and address remained on the registered Title at HM Land Registry, letters and notices were once again sent and returned to the Council.

13.5 In February 2017, further letters and Section 59 Notices were served on the owners of the Order Land and returned and Council officers visited the landowners` known address twice but with no success.

13.6 In March 2018, a Council officer again visited the landowners` known address and spoke to the occupant who was not the owner, but who had lived there for almost 20 years and who did not know of the previous occupant or their whereabouts nor the whereabouts of the property owners.

13.7 In January 2019, the Council appointed specialist tracing agents but all enquires proved unsuccessful in making contact with the registered proprietors of the Order Land, despite the tracing agents visiting the purported address of the owners of the Order Land, holding conversations with neighbours and carrying out extensive searches on a number of databases, including credit reference agencies to obtain linked addresses, neighbour information and telephone numbers. Reverse telephone searches were conducted on any telephone numbers provided or obtained. In addition, other enquiries including internet searches were made until all avenues were exhausted.

13.8 In essence, all attempts to locate the registered proprietors of the Order Land have failed and the Council therefore has no alternative other than to resort to the use of compulsory purchase powers to acquire the Order Land.

13.9 Matters of compensation are governed by the national compensation code as applied to the Order and set out in a series of enactments including in particular, the Land Compensation Act 1961, the Land Compensation Act 1973, the Compulsory Purchase Act 1965, the Planning and Compensation Act 1991 and the Planning and Compulsory Purchase Act 2004 and as amended by the Housing and Planning Act 2016 and the Neighbourhood Planning Act 2017. Disputes as to the level of compensation may be referred to the Upper Tribunal (Lands Chamber) or other arbitration body for determination.

13.10 Representations can be made in the context of any local public Inquiry, which the Secretary of State may decide to hold in connection with the Order.

14. **The “Mining Code”**

It is not proposed in the Order to reserve powers to acquire any minerals or mineral rights and therefore the Order incorporates Parts II and III of Schedule 2 to the Acquisition of Land Act 1981, subject to a modification that references in that said Parts II and II to the undertaking are to be construed as a reference to the works to be constructed on the land authorised to be purchased.

15 Papers in support of the Compulsory Purchase Order

15.1 The following is a list of documents that have been relied upon as reference papers in the preparation of this Statement and which the Council may refer to or put in evidence at any local public Inquiry held to consider the Order -

1. Background documents – photographs 2017-2022
2. Land Registry office copies of the Register and filed plan
3. Executive Report and appendices dated 5 October 2021
4. Delegated Authority Decision dated 27 January 2022)
5. Environmental Protection Act Section 80 Notice dated 19th October 2021
6. Planning decision dated 15 November 2021 to install “weldmesh fence” around Order Land
7. Pre application Enquiry Response letter dated 13th December 2021

15.2 A copy of the Order, Order Map and this Statement of Reasons and the documents referred to in the list of supporting documents can be inspected during normal office hours at City Hall Reception, The City of Bradford Metropolitan District Council, Centenary Square, Bradford, BD1 1HY at all reasonable hours.

and which are also available for inspection by contacting Liz Parker, Ward Officer, Tel No: 07582 105006 and by e-mail liz.parker@bradford.gov.uk

15.3 The documents may also be viewed on the Council's Scheme website at -:

<https://www.bradford.gov.uk/business/properties/compulsory-purchase-orders/>

15.4 The Council reserves right to add to the list of documents being relied upon.

15.5 Persons should contact the following Officer to discuss the Scheme -

Liz Parker, Ward Officer, Wibsey and Royds, Bradford South Area, Co-ordinator's Office, Woodside Children's Centre, Fenwick Drive, Bradford. West Yorkshire BD6 2PG
01274 431155. M.07582 105006 and by e-mail liz.parker@bradford.gov.uk

and who will upon request, arrange for persons to be sent a copy of the Order and Order Map and a copy of the Council's Statement of Reasons justifying the need for the Order and if they can be printed, any other documents or extracts therefrom shown on the Council's scheme web site.

16. Special Considerations

16.1 The Order Land is not located within a Conservation Area and there are no heritage constraints in the vicinity of the Order Land.

16.2 There are no special considerations affecting the Order Land, such as ancient monuments.

17. Associated Orders

There are no other statutory orders associated with the promotion of this Order.

18. Human Rights

18.1 The Human Rights Act 1998 incorporated into domestic law the European Convention on Human Rights ('the Convention') The Convention includes provisions in the form of Articles, the aim of which is to protect the rights of the individual.

18.2 Section 6 of the Human Rights Act 1998 prohibits authorities from acting in a way that is incompatible with the European Convention of Human Rights and Fundamental Freedoms 1950 ('the Convention').

18.3 Various Convention rights may be affected by the process of making and considering the Order including those under Articles 6, 8 and 14 of the Convention and Article 1 of the First Protocol. Each of these rights are qualified rights and may be interfered with provided such interference is prescribed by law, is pursuant to a legitimate aim, is necessary in a democratic society and is proportionate. The Council is conscious of the need to strike a balance between the right of the individual and the interests of the public.

18.4 The Order has the potential to infringe the human rights of persons who own the Order Land. However, such an infringement is authorised by law provided –

- the statutory procedures for obtaining the Order are followed and there is a compelling case in the public interest for the Order to be confirmed and brought into operation; and
- any intervention with the Convention right is proportionate to the legitimate aim served.

18.5 In coming to the conclusion that there is a compelling case in the public interest to make the Order the Council has had due regard to Article 1 of the First Protocol (the right to peaceful enjoyment of possessions including property, and prevents persons from being deprived of their possessions except in the public interest and subject to relevant national and international laws), Article 8 (protection of private and family life), Article 6 (entitlement to a fair and public hearing by an independent and impartial tribunal) and Article 14 (the right to enjoy rights and freedoms free from discrimination).

18.6 The following Articles of the Convention are relevant to the determination as to whether the Order should be confirmed –

Article 1 of the First Protocol - protects the right to peaceful enjoyment of possessions, including property. This protection does not diminish the right of the Council to enforce such laws as it deems necessary to control the use of property in accordance with the general interest. The European Court of Human Rights has recognised, in the context of Article 1 that “regard must be had to the fair balance that has to be struck between the competing interests of the individual and the community as a whole.” The Council recognises that powers of compulsory purchase must be exercised proportionately. Both public and private interests must be taken into account in the exercise of the Council's powers and duties as a local authority and no one can be deprived of their possessions except in the public interest and subject to the relevant national and international laws. As with Article 8 below, any interference with possessions must be proportionate and in determining whether a particular measure is proportionate a fair balance must be struck between the public benefit sought and the interference with the rights in question.

Article 6 - protects a person's entitlement to a fair and public hearing in the determination of the civil and political rights. The Council is of the view that the statutory procedures relating to the making of the Order taken with the right to object to the Order and the opportunity to seek judicial review of a confirmed Order satisfies the requirement of Article 6.

Article 8 - similarly, any interference with Article 8 rights (the right to respect for private and family life and home) must be "necessary in a democratic society" and should also be exercised proportionately. In promoting the Order, the Council has considered carefully the balance to be struck between individual rights and the wider public interest and is satisfied that such interferences as may occur as a result of the Order are in accordance with the law, pursue a legitimate aim and are proportionate, having regard to the public interest and to the public benefit which will be achieved by the implementation of the Scheme.

Article 14 - prohibits discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status, in relation to the enjoyment of all of the rights and freedoms protected by the Convention. In exercising its statutory powers in relation to the Order the Council has had due regard for Article 14.

18.7 In processing the Order, the Council has complied with all relevant legislation and regulations which provide an opportunity for those affected to object to the Order and have their representations considered at a public Inquiry. The Order Land is needed to be acquired to facilitate the Scheme, and interference with private property rights has been kept to the minimum necessary to carry out the Scheme. The public interest can only be safeguarded by the acquisition of the Order Land and other ancillary measures but will not place a disproportionate burden on affected neighbouring landowners.

18.8 The Council believes that the Scheme is in the public interest and that this outweighs the harm caused by the use of compulsory purchase powers to acquire and interfere with third party land and rights needed for the Scheme and that any interference with rights protected by the Convention is considered to be justifiable in order to secure the public benefits that the Scheme will bring to the community.

18.9 The Council therefore affirms that in the preparation and submission of the Order to the Secretary of State for Housing, Communities and Local Government for confirmation, the Council has had regard to the rights of the individual and property of the individual as contained in Human Rights legislation and contests that any interference with private rights of the individual is outweighed by the public benefits which the Scheme would generate.

19. Public Sector Equality Impact Statement

19.1 In addition to the human rights legislation and requirements, project Scheme officers in formulating and promoting the Order have so far and at this stage, also had regard to the Council's statutory duties and obligations under the Equality Act 2010 and in particular, to the Council's obligations under Sections 149 and 150 of the said Act, by taking into account the differential impact the Order might have on various groups of persons with protected characteristics.

19.2 As a result, project officers are satisfied that no negative impact upon any protected social groups has been identified.

20. Status of Statement of Reasons

This Statement of Reasons has been prepared for the purposes of making the Order associated with the Scheme. It is not intended to discharge the Council's requirement to produce or is to be taken as the Council's 'Statement of Case' in the event that the Secretary of State should call a public local Inquiry to be held to consider any objections received to the Order. The Council will produce such Statement of Case, as may be required, under the appropriate rules and at the appropriate time indicated under The Compulsory Purchase (Inquiries Procedure) Rules 2007 (S.I. 2007 No.3617).

21 Conclusion

21.1 The Council is promoting The City of Bradford Metropolitan District Council (Land north east of Draughton Grove, Little Horton, Bradford) (Derelict Land Renovation Scheme) Compulsory Purchase Order 2022, to enable works to be undertaken to bring the Order Land back into beneficial use and to maintain the Order Land as a community amenity space.

21.2 The submission of the Order for confirmation is a last resort, as despite all previous attempts to locate the purported freehold owners, the Council is still unable to contact anybody with the necessary legal capacity to transfer the Order Land to the Council for the purposes intended.

21.3 The poor state and condition of the Order Land represents not just an eyesore but poses a risk to the health and wellbeing of nearby residents and the wider community and this will continue unless and until the Council is able to intervene by acquiring the Order Land and taking measures to secure and maintain the Order Land for the benefit of the environment and the welfare and well-being of residents, wider community and visitors to the area.

21.4 In the event that the Order is confirmed by the Secretary of State for Environment, Food and Rural Affairs, it should be noted -

- that there are no barriers to the implementation of the Scheme;
- funding for the Scheme is in place; and
- there are no planning obstacles to prevent the Scheme being implemented.

21.5 If however, this opportunity to secure the much needed Scheme is not realised, the funding to acquire the Order Land and to implement the Scheme may well be lost and the Council would not in such circumstances be in a position to achieve the desired objectives, which would leave the Council with having to continue to fund the clearance of dumped waste, with no prospect of reclaiming the cost, along with all the associated costs of officer time and that the situation will inevitably continue to worsen through indiscriminate fly tipping and the Order Land attracting other anti-social activities, much to the detriment of the surrounding amenity of the immediate area.

21.6 It will be evident from this Statement that the Council considers that it has advanced a compelling case in the public interest for the compulsory acquisition of the Order Land to support the Scheme.

21.7 The Council is satisfied that the Order has been promoted in the public interest.

21.8 Accordingly, the Council contends that it has advanced a compelling case in the public interest in promoting the Order and that the Order, if confirmed, would strike an appropriate balance between public and private interests.

21.9 The Secretary of State for Environment, Food and Rural Affairs is therefore respectfully invited to confirm the Order.

Dated this 31st August 2022.



Bryn Roberts
Interim City Solicitor
The City of Bradford Metropolitan District Council
City Hall, Centenary Square, Bradford
West Yorkshire BD1 1HY

APPENDIX A

Plan showing location of Order Land annexed to this Statement

APPENDIX B

Copy of Order Map annexed to this Statement

APPENDIX C

Photographs below showing extent of fly tipping of the derelict land site in January 2022



