

Local Authority Orders

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Mr M Chambers
Deputy Chief Executive & Director of Change
Oldham Metropolitan Borough Council
Civic Centre
PO Box 33, West Street
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Your ref: PT/CPO718
Our ref: DN5035/60/1/81
Date: 29 September 2008

Sir

HIGHWAYS ACT 1980
ACQUISITION OF LAND ACT 1981
THE OLDHAM (LEES ROAD OLDHAM) COMPULSORY PURCHASE ORDER 2007
("the CPO")

1. I am directed by the Secretary of State for Transport ("the Secretary of State") to refer to the Public Local Inquiry held at the Civic Centre, West Street, Oldham OL1 1UL on 17 June 2008 before Mr N R Taylor, BSc, CEng, MICE, MIHT, an Inspector appointed by the Secretary of State to hear objections to and representations about the above named Order submitted by Oldham Metropolitan Borough Council ("the Council").

2. If confirmed by the Secretary of State the CPO would authorise the Council to purchase compulsorily the land described therein for the purposes of:

- (a) the improvement of the radii at the highway junctions to Lees Road/Mount Pleasant Street (east side) and Lees Road/Moorhey Street (east side);
- (b) the improvement of footway between 148-156 (even numbers) and 260-322 (even numbers) Lees Road; and
- (c) the improvement of highway at land to the west of and adjacent to 326 Lees Road and to the rear of 326 Lees Road.

THE INSPECTOR'S REPORT

3. One statutory objection was outstanding at the opening of the Inquiry. The Inspector reports at IR 1.7 and IR 1.8 that the remaining objector did not appear nor was represented at the Inquiry and he therefore decided to deal with the one outstanding case as a written objection. The Inspector has considered all the objections to and representations about the CPO both as made in writing and presented orally at the Inquiry and has submitted his report to the Secretary of State. Two copies of that report are

enclosed with this letter. References in this letter to the Inspector's report are indicated by the abbreviation "IR" followed by the paragraph number in the report.

4. The Inspector's report summarises the case for the Council at IR 3.1 to IR 3.23. The objector's case is reported at IR 4.1 with the Council's rebuttal at IR 5.1 to IR 5.8. The Inspector's conclusions are detailed at IR 6.1 to IR 6.19 whilst his recommendation is at IR 7.1.

OBJECTIONS TO THE PROPOSALS

5. The main grounds for objection to the Council's proposals relate to the impact that the proposals would have on individual properties and that other solutions should be adopted.

THE INSPECTOR'S CONCLUSIONS AND RECOMMENDATION

7. A full copy of the Inspector's report can be found at Annex A to this letter.

8. In light of his conclusions the Inspector has recommended at IR 7.1 that the CPO be confirmed subject to modifications as detailed in IR 6.18 and which are to reduce Plot 1 in the Order Schedule and Map from 59.7 square metres to 24.88 square metres, which modification is the result of changes to the layout of the junction of Lees Road and Moorhey Street, and to reduce in the Order Schedule Plot 22 from 25.48 square metres to 16 square metres which modification is due to a drafting error.

THE DECISION OF THE SECRETARY OF STATE

9. The Secretary of State has considered carefully all the objections to, and representations about, the CPO. She has considered the Inspector's report and accepts his conclusions and recommendation.

10. The Secretary of State has carefully considered whether the purposes for which the CPO is required sufficiently justify interfering with the human rights of the objectors, owners and lessees and she is satisfied that they do. In particular, she has considered the provisions of Article 1 of The First Protocol to the European Convention on Human Rights. In this respect, the Secretary of State is satisfied that in confirming the CPO a fair balance has been struck between the public interest and interests of the objectors, owners and lessees.

11. The Secretary of State does not consider that the objection constitutes grounds for not proceeding with the proposals. For these reasons she has decided to confirm The Oldham (Lees Road Oldham) Compulsory Purchase Order 2007, with the modifications detailed at paragraph 8 above, and this letter constitutes her decision to that effect.

COMPENSATION

12. Details of compensation arising as a consequence of confirmation of a compulsory purchase order are for negotiation with the acquiring authority and not the Secretary of State. Accordingly, owners and occupiers of land included in the CPO will need to be approached by the Council about the amount of compensation payable to them in respect

of their interests in the land required for the proposals. If the amount cannot be agreed the matter may be referred for determination by the Lands Tribunal under the Lands Tribunal Act 1949 and the Land Compensation Act 1961.

AVAILABILITY OF DOCUMENTS

13. A copy of this letter, together with a copy of the Inspector's report has been sent to the outstanding objector and to the Editor of the Oldham Evening Chronicle, 172 Union Street, Oldham OL1 1E4. Copies will be made available on request to any other persons directly concerned. Please arrange for a copy of the Inspector's report and of this letter to be made available for inspection at the offices of the Council and at all other places used to deposit the CPO for public inspection at making stage. Any person entitled to a copy of the Inspector's report may apply to the Secretary of State for Transport, at this address within 6 weeks of the receipt of this letter, to inspect any document, photograph or plan submitted by the Inspector with the Inspector's report. Those documents, photographs or plans, are retained at this office, and will be made available at a local place of inspection.

RIGHT OF CHALLENGE

14. Notice is to be published of confirmation of the CPO. Any person who wishes to question the validity of the confirmed CPO, or any particular provision contained therein, on the grounds that the Secretary of State has exceeded her powers or has not complied with the relevant statutory requirements in confirming the Order may, under the provisions of section 23 of the Acquisition of Land Act 1981, do so by application to the High Court. Such application must be made within six weeks of publication of the notice that the CPO has been confirmed. The High Court cannot entertain an application under the said section 23 before publication of the notice that the Secretary of State has confirmed the CPO.

I am Sir
Your obedient Servant

JULIE HUME
Authorised by the Secretary of State
to sign in that behalf