



Department  
for Transport

Amy Wilde  
City of Stoke-on-Trent Legal Services  
The Council of the City of Stoke-on-Trent

*By email to: amy.wilde@stoke.gov.uk*

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Your Ref: AW/PLA055614

Our Ref: NATTRAN/WM/HAO/210

Date: 30 October 2019

Dear Amy

**THE COUNCIL OF THE CITY OF STOKE-ON-TRENT COBRIDGE JUNCTION  
IMPROVEMENT COMPULSORY PURCHASE ORDER 2019**

I am writing regarding the above-named Order. Following assessment of the Order and Scheme, I would be grateful for your response on the following points:

1. The purpose of the CPO refers to being simply for a 'highway improvement scheme'. The accompanying notes to Form 1 of The Compulsory Purchase of Land (Prescribed Forms) (Ministers) Regulations 2004, direct that the purpose should be stated in precise terms. Therefore, please could you provide a more suitable and detailed description as to the purposes of the Order so that it may be incorporated/modified on the Order, should the Secretary of State decide this is necessary. Examples are given in Appendix IIIA of Local Authority Circular 2/97, in case this is of some help.
2. The Council's Statement of Reasons refers to the enabling powers as being Section 226 of the Town and Country Planning Act. If these powers are being relied on, paragraph 97 (Section 1) of The Guidance on Compulsory purchase process and The Crichel Down Rules state that these powers need to be explicit in the Order, together with the appropriate subsection 1(a) or 1(b). Please could the Council confirm whether they are intending to rely on these powers are whether they are satisfied the powers under the Highways Act 1980 and Acquisition of Land Act 1981 are sufficient?
3. The Council's Statement of Reasons does not give any detail or justification as to why the powers under Sections 250 and 260 are being used. It is not immediately clear from the Order documents why this would be necessary as the Council do not appear to be creating new rights (250) and there are no plots whereby the Council are the owner or have already acquired the land by agreement (260). I would therefore be grateful for any further clarification in this respect please.

4. The Council's letter of 15 October states there are no outstanding planning applications for the scheme. However, I would be grateful if you could confirm whether the scheme is covered by a planning permission or whether this is covered by permitted development rights please?
5. Please could you confirm whether the Order includes any ecclesiastical land? If so, please also confirm that the Church Commissioners have been served Notice of the effect of the Order.
6. The extent of Plot 1 is larger and in a slightly different footprint to the area indicated as being needed on the General Arrangement drawing. Please could you clarify why some of the area is excluded from the CPO/no longer needed, and why the remainder of the area is larger than what is required for the highway improvements?
7. The General Arrangement drawing also indicates that there may be land required at Cobridge Road (Inset B on the drawing). Could you please confirm that this land does not need to be included in the CPO? For example, has it already been acquired through agreement?
8. In relation to the schedule and map specifically, I would be grateful if the Council could review the below comments and if you are in agreement, they will be dealt with by modification, should the Order be confirmed:
  - a) The title of the map is slightly different to the title referenced at Article 2 of the Order. It is therefore proposed to add the words '**The Council of**' before "*City of Stoke on Trent*" for clarity.
  - b) One of the titles at Table 2 is slightly incorrect and it is therefore proposed to add the words '**to be acquired**' after the "*description of interest*".
  - c) Plot descriptions should be as precise as possible to enable the land to be clearly identified. It is therefore proposed to add further detail to the end of the descriptions of plots 2, 3, 4 and 5 as follows:

Plots 2, 3 and 5 – '**on the eastern side of Elder Road.**'

Plot 4 – '**at the junction of Elder Road and Waterloo Road.**'
  - d) The description of Plot 2 refers to the car wash, vehicle storage and dismantling yard. I would be grateful if you could provide a drawing marking their locations please, so that they may be added to the CPO map as a modification.
  - e) Please could you check the measurements of Plot 4, which appears to be much larger than 22 square meters, using the scale given. If this is incorrect, we will add the new measurements you give us, as a modification.

Please do not hesitate to contact me should you have any queries or require any clarification regarding this letter. I look forward to hearing from you.

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'cm', is positioned below the closing. The signature is written in a light grey or blue ink.

**Claire Moody**  
**National Transport Casework Team**