Northern Gateway, Western Access Land Assembly & CPO Strategy

For Bury Council

28th September 2026

Authorisation Sheet

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Document Purpose:	Prepared and submitted to Bury Council to inform their Land Acquisition and CPO Strategy

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13th July 2026	V1 Draft	First draft issued to DWF for review
1st September 2026	V2 Draft	Second draft issued to wider team for review
28th September 2026	Final Draft	Final draft

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Introduction and Background

The Northern Gateway Western Access Scheme is a major highway infrastructure project being developed to provide the initial transport access to the Northern Gateway employment site (part of the wider Atom Valley Mayoral Development Zone) on the boundary of Bury and Rochdale in Greater Manchester.

The Western Access Scheme, also known as the Pilsworth Road Corridor Improvements, comprises highway and transport upgrades needed to unlock the early phases of the Northern Gateway development. It is being promoted jointly by Bury Council and Rochdale Council.

Northern Gateway is one of the UK's largest proposed employment-led developments, located around the M62, M66 and M60 motorway corridors near Heywood and Pilsworth. The scheme is intended to deliver significant employment space, attract advanced manufacturing and logistics businesses, and create thousands of jobs

Overview of Scheme & Purpose of the Report

Montagu Evans and DWF are working in partnership with Bury Council, Balfour Beatty and their advisory team ("the Council") to deliver the scheme.

A plan of the proposed site is attached at **Appendix 1** to this document.

This Land Assembly and CPO Strategy report sets out a land acquisition strategy to facilitate the timely acquisition of land and the most appropriate method of acquisition in varying circumstances.

Summary of Land Acquisition and CPO Process

There are three principal options for acquisition available to the Council to ensure vacant possession of the land required for the project:

i) Acquisition of interests by private treaty negotiation and agreement;
ii) Utilising Landlord & Tenant powers where the Council owns a superior interest;
iii) Use of Compulsory Purchase Powers

Acquisition by Agreement

This option provides the Council with the opportunity to secure the necessary agreement with parties owning interests in the required land.

The benefits to landowners and occupiers are that it allows for a greater level of flexibility between the parties on timing (for vacant possession) and the payment of consideration which can be made in stages and/or at milestones.

The benefit to the Council is that it avoids committing to upfront land purchases through the securing of option agreements and allows for the scheme to be constructed whilst under option and the Council only acquiring the land it needs for the final highway scheme. Any temporary land requirements can be factored into the option agreement.

In any event, the Council should be committed to make all reasonable efforts to acquire land by agreement and details of all efforts would be made available in the event of any CPO process being required. This option should be fully exhausted by the Council and all events captured in a tracker.

It should be underpinned by a realistic land acquisition budget.

Use of Landlord & Tenant Powers

Where the Council owns a superior interest, inferior leasehold interests may be acquired using Landlord and Tenant powers. This can either be through redevelopment break clauses in existing leases, or through the refusal of a request to renew a lease due to the redevelopment. The main benefit to the Council undertaking land assembly is that compensation liabilities can be significantly reduced in line with either the agreed terms in the lease or the statutory compensation of multiples of rateable value under Landlord & Tenant legislation.

In addition, where leases are expiring, it may be possible to remove any land needed for the scheme before re-granting a new lease.

We are not aware there are any interests owned by the Council which are subject to occupational leases.

Use of Compulsory Purchase Powers

Local Highways Authorities have powers available for the compulsory acquisition of land and the creation of new rights under the Highways Act 1980.

Acquisition for construction and improvement of highways

The principal power is section 239 Highways Act 1980, which allows a highway authority to acquire land compulsorily for:

- Construction of a new highway maintainable at public expense.
- Improvement of an existing highway.
- Associated facilities and works required for the highway scheme

Ancillary land

Under section 240 Highways Act 1980, a highway authority can acquire land needed in connection with the construction or improvement of a highway, not just the highway footprint itself. This can include land for:

- Construction compounds.
- Environmental mitigation.
- Drainage infrastructure.
- Engineering works.
- Other land required to facilitate delivery of the scheme.

Land for mitigation and environmental works

Section 246 Highways Act 1980 allows a highway authority to acquire land outside the highway boundary to:

- Reduce adverse impacts of the highway.
- Undertake landscaping.
- Create environmental buffers.
- Carry out ecological mitigation.
- Improve the surroundings of the highway.

For major road projects this can significantly extend beyond the carriageway corridor

The planning framework providing the justification for an order should be as detailed as possible to demonstrate that there are no planning or other impediments to the implementation of the scheme.

It may not always be possible to wait until the full details of the scheme have been designed, and planning permission obtained, before proceeding with the CPO. In all such cases the responsibility will lie with the Acquiring Authority to put forward a compelling case for acquisition in advance of resolving all the uncertainties.

The Council should explore with its legal advisors the prospects of using its CPO powers under the Highways Act 1980 as this is likely to be the most appropriate power available to the Council for this scheme.

However, in order to justify the use of Highways Act powers, there needs to be an existing highway need to acquire the land such as capacity enhancements relating to existing traffic or related matters.

If the need for the scheme is linked to new development(s) which has not yet been constructed, then it may be more appropriate to consider the use of Town and Country Planning Act (TCPA) powers. To authorise the making and implementation of a CPO under the TCPA the Council must be satisfied the use of the powers will facilitate the development, redevelopment or improvement of land, and that it is likely to contribute towards the promotion or improvement of the economic, social and environmental well-being of the area (s226(1)(a) of the TCPA).

The Council must be satisfied that there is a compelling case in the public interest, that the use of the powers is proportionate, and that the public benefits associated with the proposed regeneration

will clearly outweigh the interference with the rights of those affected. CPO is a last resort, and early proactive engagement is therefore extremely important. Another legal test is whether the properties sought to be acquired are necessary to implement a deliverable development proposal.

It is recommended the Council considers the justification and need for the scheme at an early stage.

CPO – General

The main benefit of the use of compulsory purchase is the certainty of being able to obtain vacant possession. Once the Order is confirmed, and the legal challenge period has passed, notices can be served, and a date for vacant possession is fixed. Despite the relatively long process for making and confirming an Order, use of an Order may also have benefits in terms of securing a site within a shorter amount of time than by private treaty negotiations.

It would appear at first that there are no benefits for the owners of property interests affected in the use of compulsory purchase. However, there is a clearly defined statutory system for their objections to be heard prior to confirmation, and a statutory framework for compensation for their losses once the Order is confirmed including the determination by a Tribunal where compensation cannot be agreed.

The potential difficulties in the use of compulsory purchase include the time taken to conclude the statutory process, the expense of the making and confirmation of an Order, and the level of uncertainty which exists until the order is confirmed. However, there is a place for its use as part of the overall land acquisition strategy and for a scheme of this nature it is almost inevitable.

Land and Works Agreements

Certain special kinds of land are afforded some protection against compulsory acquisition (including compulsory acquisition of new rights across them) by providing that the confirmation of a compulsory purchase order including such land may be subject to special parliamentary procedure. These include land owned by a statutory undertaker for the purposes of their undertaking such as electricity undertakers and other utilities such as water companies and telecommunications companies.

Under section 16 of the Acquisition of Land Act 1981, statutory undertakers who wish to object to the inclusion in a compulsory purchase order of land which they have acquired for the purposes of their undertaking, may make representations to 'the appropriate minister.

It is crucial to firstly identify and then negotiate early with statutory undertakers to alleviate any concerns they may have to avoid them raising representations to the Order. The land referencing exercise will determine the existence of statutory undertaker interests and assets within the development site and ME will engage with them positively to enter into agreements as requested.

Early engagement with National Highways is advisable in the context of this scheme both as one of the landowners in the area and in respect of the purpose of the scheme and its technical design. It is likely a bespoke Property and Protective Provisions agreement will be required with National Highways in order to regulate the occupation and use of their land for the scheme.

Other statutory undertakers may have apparatus which may be impacted and it is recommended any such assets are identified and engagement with the appropriate authority is undertaken as soon as possible.

Approach to Affected Parties

In the main, the scheme requires the widening of existing highways, including private highways. The land to the west of the M66 (Pilsworth) is owned by investment owners and/or owner occupiers of adjoining business and retail parks. The land needed for the scheme is generally strips of verges, woodland screening and other land adjoining the highway which is likely to be of limited value.

In making offers to these owners, the Council should be prepared to offer a commercial sum which is not necessarily reflective of its value on a per square metre basis (e.g. a fixed payment of £5,000). These parties are likely to be more concerned as to the potential impact to their business operations during the schemes. The Council should expect to offer financial undertakings as to disturbance payments in the event the highway is stopped up and/or other unforeseen circumstances such as the severing of utility supplies.

For the land to the east of the M66, most of this land is in a single ownership (Wilton Estates) albeit subject to leasehold interests. For this land we suggest the Council seeks to acquire the land needed for the scheme at a nominal amount given the wider benefits to the landowner in undertaking the highways works. For other landowners to the east of the M66, the Council should expect a similar approach as outlined above in terms of making commercial offers in addition to providing undertakings as to continuity of access and other practical matters.

For temporary land requirements, the Council should seek to enter into lease agreements with the identified parties paying a monthly sum (rent) based on a discounted industrial land value related to their intended use (e.g. parking and storage). The agreement should be suitably flexible to ensure it can be extended and/or ended early depending on the construction programme.

CPO Order Making

It is likely that a combination of private treaty negotiations and use of CPO powers will be required to assemble the land and rights required for the scheme.

Prior to exercising any CPO powers, it is vital to have a schedule showing a comprehensive list of all required property interests within the proposed CPO site. This will require a comprehensive land referencing exercise to determine all the affected properties and the various sub-interests and occupiers, and this process is currently underway.

The Council will prepare a CPO Schedule and Map as part of the Order submission which includes full details of all owners and occupiers affected by the proposals. This is a specialist area of work which will need to be undertaken by Land Referencing Consultants, and it will be necessary for the Council to obtain a cabinet resolution to enable the serving of Requisition for Information forms on identified parties.

As part of the preparation for the use of CPO powers, the Council will need to demonstrate that it has fully consulted on its proposed scheme and has looked at a number of different options before deciding on an optimum scheme. There should be sound wellbeing grounds for choosing one option

Land Acquisition Challenges

- Key challenges
- Consenting Requirements
- European Convention on Human Rights (ECHR)

Compulsory purchase should be the last option used to acquire land in order to facilitate development. Whilst it provides certainty that land can be delivered for the scheme within a defined timescale and at a reasonable cost, compulsory purchase should only be used when all other options have failed. It should never be seen as a first option, and acquisition by agreement should take priority.

However, government guidance supports the use of compulsory purchase. It recognises that, due to the time taken to make and confirm a compulsory purchase order, it may be appropriate to run the compulsory purchase process in parallel with other efforts to acquire interests in property. This can also help to demonstrate the seriousness of the Council and can help to move negotiations forward.

Where compulsory purchase powers are used, those affected will be entitled to compensation under the statutory code. This may include persons who are displaced from land (occupiers) and others who have no interest in the land but may be affected by the construction of the scheme or its subsequent use.

The Council will keep an accurate record of all discussions and negotiations with affected parties. This may be required by internal Council processes and is also important to demonstrate the Council has made reasonable attempts to acquire interests by negotiation as part of preparing the Statement of Case if a Public Inquiry is required.

In deciding whether to confirm a CPO made under sections 239, 240 and 246 of the Highways Act 1980 the Secretary of State will consider the following:

- whether there is a compelling case in the public interest. This could include:
    - improving highway safety;
    - Reducing congestion;
    - Improve network resilience;
    - Unlock development;
    - Support economic growth;
    - Promote sustainable transport objectives; and
    - Deliver wider planning and regeneration benefits;
- whether the acquisition of the land is necessary;

- that there is a realistic prospect of the scheme proceeding including details of approved funding, business cases, and political support; and

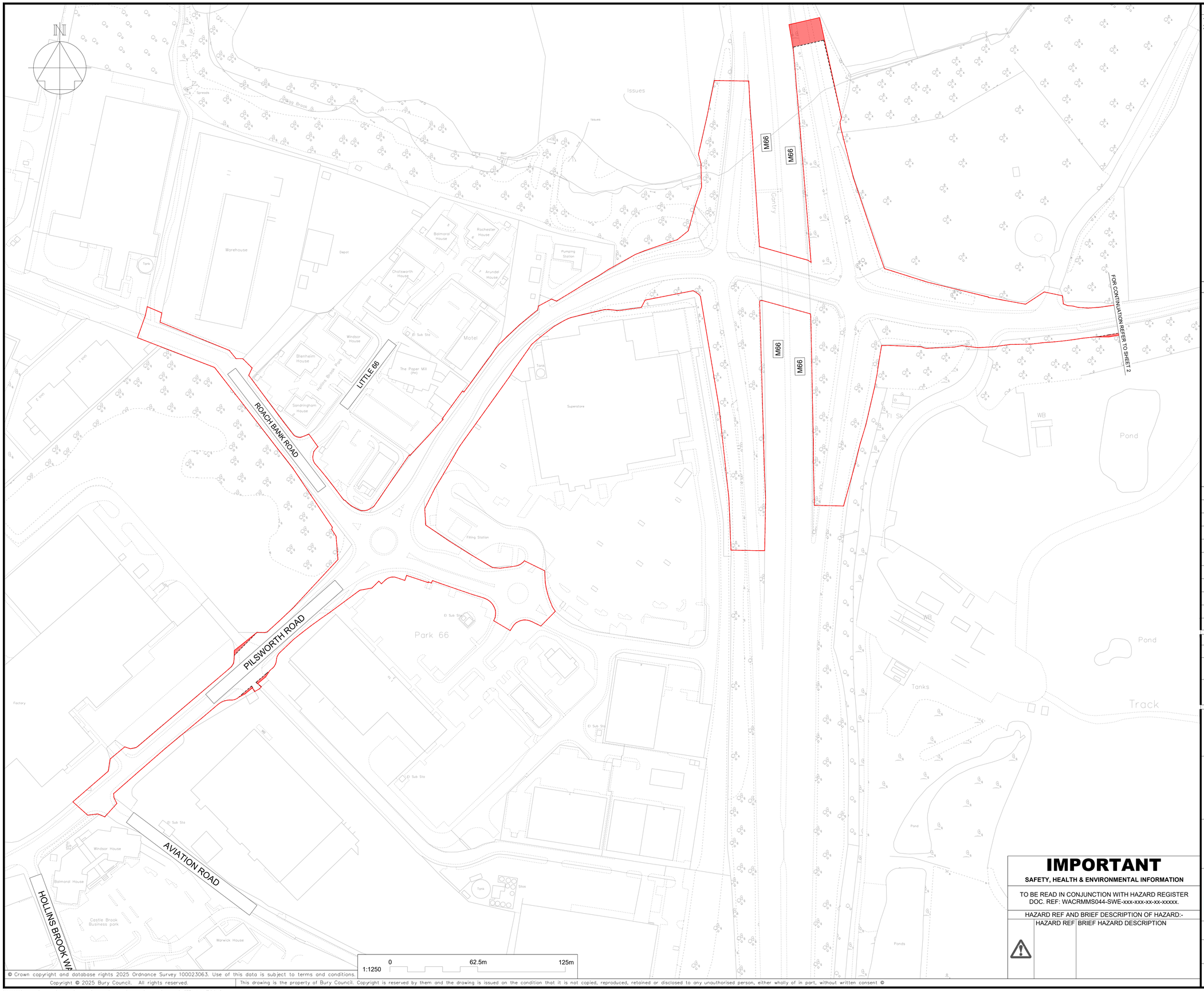
- the potential financial viability of the scheme for which the land is being acquired.

Negotiations and CPO Programme

Action – Private Treaty Negotiations	Action - CPO	Month
Confirm scope of site surveys Draft and issue Non-Intrusive/Intrusive Survey Licence		1
	Commence Land Referencing	1
Negotiate and agree terms for Licence	If agreement not forthcoming, implement S172 of Housing & Planning Act powers	2
Undertake programme of surveys to inform red line acquisition boundary		3-6
Red line acquisition boundary 'fixed'	Obtain Council approval to use CPO powers	6
Confirm with landowners and agree fee undertakings		6
Review site valuation reports and review position with the Council	Update and complete land referencing process, including preparation of CPO Schedule and Map	6-7
Prepare and issue draft heads of terms		7
Negotiate heads of terms including landowner meetings. Exchange new heads of terms with concessions and consider accommodation works for benefit of landowner retained land.	Prepare Statement of Reasons and draft CPO	7-10 11
	Council submits CPO for Confirmation by SoS for Transport	12
	Serve all necessary notices including newspapers and site adverts	12
	Review objections and receive confirmation for need for Inquiry	12-14
Agree terms and any accommodation works for the benefit of the landowner's retained land	Continue negotiations with landowners	12-18
Prepare final terms and plans	Public Inquiry	18
Instruct legal and deal with legal queries		18

	CPO Confirmed	21
	Vesting of CPO Land and issuing of Notices to Treat	24

Appendix 1 – Red Line Boundary Plan



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1:1250 0 62.5m 125m

100mm on Original

NOTES

1. DO NOT SCALE FROM THIS DRAWING.
2. DRAWING NOT TO BE USED FOR CONSTRUCTION PURPOSES.

KEY TO SYMBOLS

- RED LINE BOUNDARY
- PROPOSED SITE COMPOUNDS
- PREVIOUS RED LINE BOUNDARY (24/07/2026)
- ADDITIONAL RED LINE BOUNDARY EXTENTS

IMPORTANT

SAFETY, HEALTH & ENVIRONMENTAL INFORMATION

TO BE READ IN CONJUNCTION WITH HAZARD REGISTER DOC. REF: WACRMMS044-SWE-xxx-xxx-xx-xx-xxxxx.

HAZARD REF AND BRIEF DESCRIPTION OF HAZARD:-

	HAZARD REF	BRIEF HAZARD DESCRIPTION

Rev	Description	Date
P01	FIRST ISSUE	04/06/26
P02	UPDATES FOLLOWING DESIGN CHANGES	24/07/26
P03	UPDATES FOLLOWING DESIGN CHANGE	25/09/26

Current Issue Signatures

Author:	Checker:	Approver:
LWil	PKol	ITur

Purpose of Issue: FOR INFORMATION

Approval Status: DRAFT

Status: S2

Project: NORTHERN GATEWAY WESTERN ACCESS

Title: RED LINE BOUNDARY PREFERRED WAY FORWARD SHEET 1 OF 2

Bury COUNCIL

Balfour Beatty SWECO

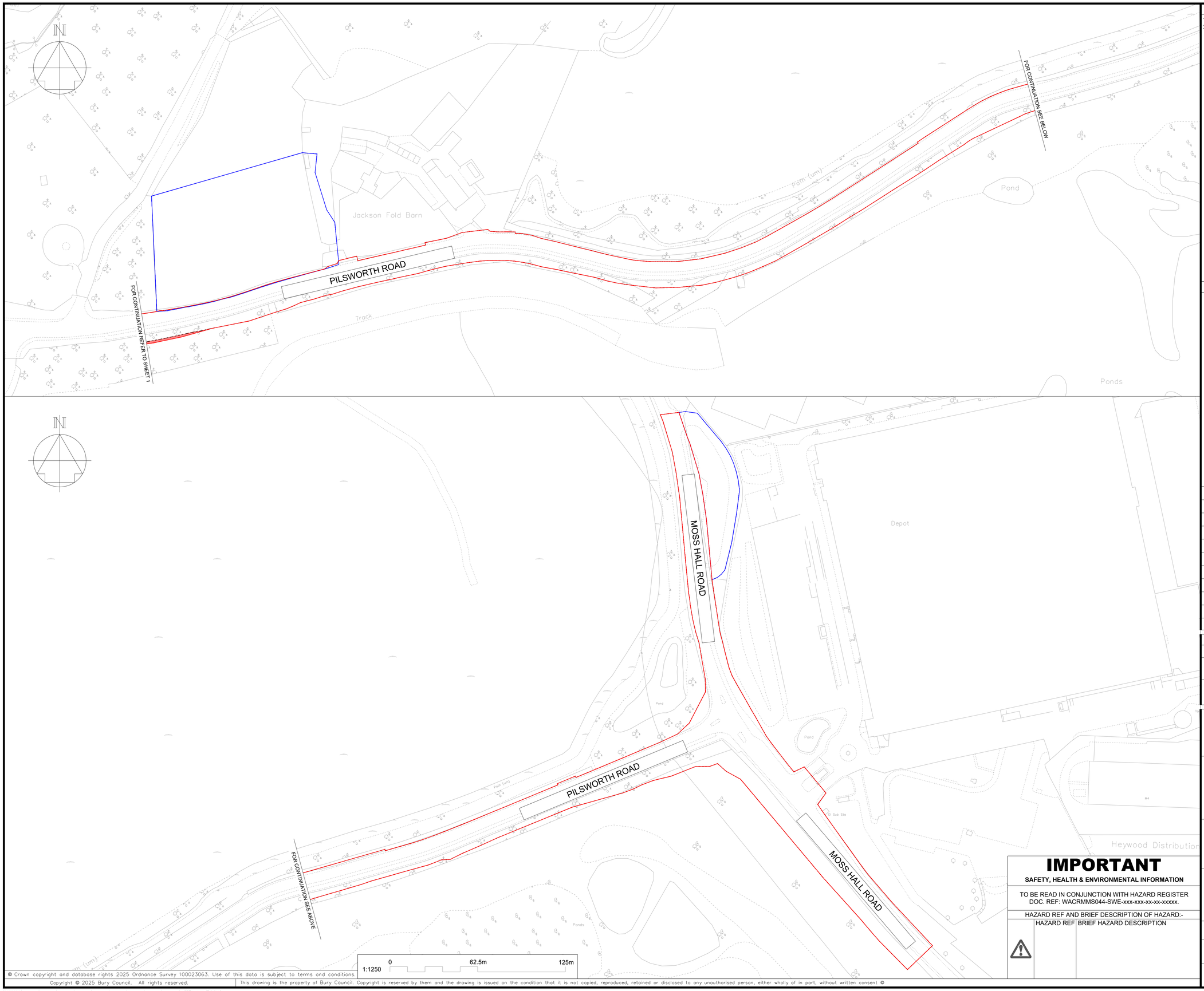
Scale: 1:1250

Original Size: A1

Drawing No: WACRMMS044-SWE-HGN-XX-DR-CH-00025

Project Number: WACRMMS044

Rev: P03



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Scale: 1:1250 Original Size: A1

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Project Number: WACRMMS044 Rev: P03

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