



# Doncaster Council

## Report

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2<sup>nd</sup> November 2022

To the Chair and Members of the CABINET

To approve the commencement of a Compulsory Purchase Order for the acquisition of properties necessary to deliver the Doncaster Town Deal projects.

Relevant Cabinet Member(s)	Wards Affected	Key Decision
Cllr Glyn Jones Portfolio Holder for Housing and Business.	Town	Yes

### EXECUTIVE SUMMARY

- 1.0 This report sets out the requirement for the Council to have the ability to acquire key strategic properties to facilitate the delivery of the Doncaster Towns Deal projects and seeks approval to commence a formal Compulsory Purchase Order (“CPO”) in this regard.
- 1.1 At its meeting on 8<sup>th</sup> June 2022 Cabinet approved the submission to the Department for Levelling Up, Housing and Communities (“DLUHC”) of the Project Summary Business Cases for the Station Gateway Projects (Project A – Railway Square Extension and Project B – New Multi-Use Building and Associated Public Realm), confirming the intention of Doncaster Council to secure a combined £24,239,000 Town Deal funding towards the delivery of the schemes. These have now been approved and the funding for the projects has been released accordingly for use on delivery of the projects.

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- 1.2 In addition, Cabinet delegated authority to the Director of Economy and Environment, in consultation with the Director of Corporate Services, to acquire by agreement with landowner, the property and land required for the construction of the Station Gateway projects.
- 1.3 The proposed site locations for the Railway Square Extension and the New Multi-Use Building and Associated Public Realm schemes as outlined on attached plan drawing (the "Site") are currently occupied by privately owned properties, including an office development, a retail wholesaler and a vacant property.
- 1.4 The Council's Assets team has commenced discussions with the owners of the three target properties. Negotiations are progressing well in most cases and are continuing. However, to ensure that any land or interests that cannot be acquired by agreement are available for the start of construction, a CPO will be prepared in parallel.
- 1.5 The justification for the CPO will be outlined in the Statement of Reasons which is summarised within this report. Subject to Cabinet's approval it is the intended to formally commence the CPO process in November following the Cabinet call in period. A potential timetable for the CPO process is outlined in this report.

## **EXEMPT REPORT**

- 2.0 Whilst this report is not exempt it does contain an exempt Appendix 1. Appendix 1 is not for publication because it contains exempt information by Virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, as amended, as if it contains exempt information relating to the financial or business affairs of any particular person (including the authority holding that information).

## **RECOMMENDATIONS**

- 3.0 Cabinet is recommended to:
- 3.1 Authorise the making of a CPO under section 226(1)(a) of the Town and Country Planning Act 1990 ("TCPA 1990") within the area edged red on the draft Order Map for the purposes of facilitating development, redevelopment, and improvement of the Site; and,
- 3.2 Authorise the Director of Economy and Environment in consultation with the Director of Corporate Services, following consultation with the Cabinet Member for Housing and Business, to effect the making, confirmation, and implementation of the CPO and to take all necessary steps to give effect to the CPO in respect of the Order Land including, but not limited to, the following procedural steps:
  - (a) finalise a Statement of Reasons setting out the Council's reasons for

- making the CPO;
- (b) making the CPO, the publication and service of any press, site and individual notices and other correspondence for such making;
  - (c) acquire all interests and new rights within the Order Land as may be necessary to facilitate the Scheme, either by agreement or compulsorily, including entering into negotiations with any third parties for the acquisition of their land interests; the payment of compensation and dealing with any blight notices served in connection with the CPO;
  - (d) approve agreements with landowners or statutory undertakers as applicable, setting out the terms for withdrawal of any objections to the CPO, including where appropriate seeking exclusion of land from the CPO;
  - (e) make any necessary additions, deletions, or amendments to the Order Land and to seek any requisite modifications to the CPO Order and any CPO maps.
  - (f) the preparation and presentation of the Council's case at any Public Inquiry which may be necessary.
  - (g) seek confirmation of the CPO by the Secretary of State (or, if permitted, by the Council pursuant to Section 14A of the Acquisition of Land Act 1981) (the 1981 Act);
  - (h) publication and service of notices of confirmation of the CPO and thereafter to execute and serve any general vesting declarations and/or notices to treat and notices of entry, and any other notices or correspondence to acquire those interests within the area, including, if required, High Court Enforcement Officer notices; and
  - (i) referral and conduct of disputes, relating to compulsory purchase compensation, to the Upper Tribunal (Lands Chamber).

## **WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?**

- 4.0 The overarching aim of the Doncaster Towns Deal is to help to increase economic growth with a focus on regeneration, improved transport, better broadband connectivity, skills and culture.

Working closely with a range of stakeholders, the Doncaster Station Gateway Railway Square Extension and the New Multi-Use Building and Associated Public Realm projects have been identified to deliver against a range of Doncaster's needs in terms of providing business space, jobs, and supporting other commercial opportunities.

The main benefits of the projects, as outlined in the approved Business Cases are as follows;

- Direct land value uplift

- Wider area (indirect) land value uplift
- Active travel benefits
- Employment benefits
- Crime reduction

## **BACKGROUND**

- 5.0 On the 6th September 2019 the Ministry for Housing, Communities and Local Government (“MHCLG”) announced the establishment of a £3.6 billion Towns Fund to support economic regeneration, with 100 places invited to develop proposals for up to £25 million of investment per place. Doncaster was identified by government as a place for which this opportunity would be available.
- 5.1 Following extensive development with the Doncaster Town Deal board, consultation with key stakeholders and members of the public, the Town Investment Plan (“TIP”) for Doncaster was submitted to MHCLG in January 2021. The TIP effectively contained the ‘bid’ for Towns Deal funding.
- 5.2 Following submission of the TIP, MHCLG released the Heads of Terms (“HoT”) for Doncaster. The HoT contained the provisional ‘offer’ to Doncaster of £24.8m - including constraints, conditions and expected outcomes/outputs. The Heads of Terms were accepted by Doncaster in late June 2021.
- 5.3 The next stage was for Doncaster to confirm which projects would be taken through to full business case development. Doncaster submitted project confirmation documentation to DLUHC on 26th August 2021.
- 5.4 Following review of the project confirmation documentation, DLUHC released the Grant Offer Letter for the Doncaster Town Deal on 11th November 2021 for a total £24.8m allocated to the projects outlined below;
- Project A - Doncaster Gateway: Railway Square Extension (£4.149m provisional offer)
- Project B - Doncaster Station Gateway: New Multi-Use Building and Associated Public Realm (£20.09m provisional offer)
- Project C – Doncaster Station Gateway: Heritage (£561,000)

- 5.7 The Grant Offer Letter contained the following detail and conditions:
- a) DLUHC agreed to allocate funding up to £24.8 million across financial years 2021/22 to 2025/26;
  - b) First payments for projects will be subject to DLUHC's review and approval of Summary Documents and monitoring & evaluation plan (M&E Plan);
  - c) Payments in future years will only be made subject to satisfactory spend and progress against agreed project milestones, outputs and outcomes;
  - d) The agreed funds will be issued annually as non-ring-fenced grant payments under Section 31 of the Local Government Act 2003;
  - e) Section 151 officers to determine eligible project expenditure, but this must be within the total Town Deal award and must support the projects agreed by DLUHC.
- 5.8 The Project Summary Documents and M&E Plan were approved in August 2022, which in effect releases the allocated Town Deal funding for delivery of the projects outlined above (the "Scheme").
- 5.9 The Major Projects Team has been working with external partners Willmott Dixon and Queensberry on progressing the design and development of the projects.
- 5.10 The Doncaster Gateway: Railway Square Extension scheme will provide a significant extension to the recently upgraded Railway Station Forecourt to allow connection with the Station Gateway site, allowing greater walkability and space for new enterprise.
- 5.11 The Doncaster Gateway: New Multi-Use Building and Associated Public Realm is a keystone development to promote and encourage further investment in the Doncaster Gateway site and involves the delivery of a 4-5 storey office/mixed use building. This is a very significant project, with the majority of spend required on the build costs of a new mixed-use building but with additional improvements to the wider public realm and connectivity to pedestrian and cycle routes.
- 5.12 Feasibility Work and completion of the RIBA 2 Design stage work has developed the project to a costed budget stage. This in turn supports the formal CPO, required to support the acquisition of the necessary properties to facilitate the scheme, providing the Council with the confidence that the proposed Scheme is deliverable.
- 5.13 In order to progress the project in line with the overarching project delivery programme Willmott Dixon were appointed through the Scape Construction Framework in August to undertake the remaining Pre-Construction Activities incorporating RIBA Stages 3 and 4.
- 5.14 The Stage 3 design will form the basis of a submission of a full planning application in February 2023. Stage 4 of the Pre-Construction Services

Agreement will incorporate technical design including any specialist sub-contractor design required to ready the scheme to enter the construction phase, such as detailed structural design and mechanical and electrical services design.

- 5.15 Following completion of the Pre-Construction Activities outlined above the scheme will be ready to progress to construction phase. The current project programme is for the works to be commenced in March 2024 to ensure completion in advance of the Town Deal funding deadline of March 2026.

## **Property Acquisition and Compulsory Purchase Order**

### **Acquisition**

- 5.16 The proposed locations for the Railway Square Extension and the New Multi-Use Building and Associated Public Realm schemes forming the site are currently occupied by privately owned properties incorporating buildings and land, including an office development, a retail wholesaler and a vacant property. The Scheme requires the acquisition of these properties, as outlined on attached plan drawing (“the Site”).
- 5.17 As outlined in the report DMBC’s Project Team has been progressing the processes required to prepare to take forward the schemes to a full planning application, make relevant contractor appointments and secure acquisition of the relevant property and land to facilitate the delivery of the schemes.
- 5.18 Although the Council owns plots within the Site the Scheme’s objectives cannot be achieved without the purchase of property and land currently in third party ownership. Negotiation with third parties regarding the land has been ongoing over the past year and although it is hoped that much of the land will eventually be able to be acquired through agreement, there is no guarantee on this, or the timing of any such agreement. It is therefore considered prudent to progress a CPO as a contingency in case acquisition cannot be completed by agreement.
- 5.19 Acquisitions update;
- Negotiations with affected parties remain ongoing, and the Council’s position of looking to acquire all interests by negotiation wherever possible is being maintained – further detail can be found in Appendix 1. It should be noted that at this stage, although the Council is hopeful of acquiring acquisitions by agreement, there is no certainty on timescales regarding taking possession of the required sites.

### **The CPO**

- 5.20 The DLUHC Guidance on Compulsory Purchase Process and the Crichel Down Rules (“Guidance”) sets out guidance for acquiring authorities in relation to the making of CPOs.

- 5.21 The Council has considered the Guidance in detail against the aspirations of the proposed Scheme and the necessity for proceeding by way of CPO. It is satisfied that there is a compelling case in the public interest for the making of the CPO. This will be set out and analysed in detail in the Statement of Reasons.
- 5.22 The CPO will be progressed under powers contained within the Town and Country Planning Act 1990, specifically under section 226(1)(a). The Council considers that the criteria within section 226(1)(a) will be satisfied, as the benefits that the Scheme will deliver to improve the economic, social and environmental wellbeing of the area are significant.
- 5.23 The timing availability of the funding from Towns Fund is a significant justification for the use of the Council's CPO powers. It is imperative that the Council does not lose the opportunity to take advantage of these time limited funds, because of a delay to the acquisition of any land within the Site. The current programme requires the Council to take full possession of the Site by February 2024 for a start on site by the end of March 2024, to allow for completion of the scheme before end of the Town Deal funding deadline of March 2026.
- 5.24 The CPO will require the serving of notices on owners and occupiers of land and publication of notices in the local press. Any objections will be considered by the Secretary of State for Levelling Up, Housing and Communities who will, if necessary, call a Public Inquiry.
- 5.25 If any objections are received, the Council will work with objectors to try and accommodate concerns, wherever possible. As stated above the Council is committed to acquiring properties through negotiation and will continue to negotiate with interested parties.

A schedule describing each plot of land required including ownership details is set out in the Schedule to the CPO Order document.

- 5.21 The Council's Project Team is working with specialist CPO solicitors Browne Jacobson who will prepare all the necessary documentation and manage the CPO through the full process with assistance from counsel at Inquiry as necessary.
- 5.22 The property acquisition process is on the critical path in terms of the project delivery programme. The current programme requires for DMBC take full possession of the sites by February 2024 for a start on site by the end of March 2024. The full completion of the scheme is required before end of the Town Deal funding deadline of March 2026.
- 5.23 Whilst the specific date of being granted a public inquiry cannot be guaranteed, based on legal advice it is felt that a realistic potential programme for the CPO, could be as follows;

- Cabinet decision – *2<sup>nd</sup> November 2022*
- Making Order – *18<sup>th</sup> November 2022*
- Publish Order - *22<sup>nd</sup> November 2022*
- *End Objection Period - 4<sup>th</sup> December 2022*
- Submit Order to Secretary of State - *4<sup>th</sup> January 2023*
- Public Inquiry - *29<sup>th</sup> November 2023*
- Decision - *2<sup>nd</sup> March 2024*
- Confirm Order and Making GVD or NTT/NOEry - *3<sup>rd</sup> July 2024*
- Take Possession Land - *4<sup>th</sup> July 2024*
- By July 2024 – The final delivery timetable will then be determined by when a public inquiry is allocated and decision made by the Secretary of State. These timings are all outside the control of the Council. After the decision is made, the Council can seek to take possession of the land by the Notice to Treat Entry route or by General Vesting declaration.

5.25 The programme could be shortened if negotiations to secure the property acquisition is successfully completed before the onset of the Public Inquiry. The Council will seek to acquire the land needed to construct the scheme by negotiation with owners and occupiers but to ensure that any land or interests that cannot be acquired by agreement are available for the start of the programmed project construction stage a Compulsory Purchase Order (CPO) will be prepared in parallel.

5.26 As outlined above the completion of the acquisition of the land through a CPO process could potentially extend beyond the current programmed start on site date of March 2024. However, there is currently some contingency within the programme and it is considered that the scheme could still be completed before March 2026 deadline even if the start on site is delayed by a few months.

## **OPTIONS CONSIDERED**

6.0 The following options have been considered:

- (1) Avoid the need to acquire. This is not possible because the Doncaster Station Gateway Railway Square Extension and the New Multi-Use Building and Associated Public Realm projects and its outputs cannot be delivered without acquiring third party land.
- (2) Acquire by agreement only. Acquisition of the land required will rely on the successful completion of individual negotiations. Whilst landowners may be willing to negotiate it is likely that in some cases agreement will not be reached. The Doncaster Station Gateway Railway Square Extension and the New Multi-Use Building and Associated Public Realm projects could not be built as proposed if that occurred.
- (3) Acquire by agreement only but process a CPO later if required. This option could delay the scheme, risking the delivery of the project within



the Town Deal funding timescale and potential claw back of the funding.



- (4) Seek to acquire by agreement with progression of a CPO in parallel. This avoids potential delay to the scheme and is the preferred option. The CPO process provides a statutory mechanism for objection and appropriate compensation, so that interest holders are not disadvantaged. CPO also allows the Council to override any third-party interests that burden the land and may prevent development. It also provides certainty in relation to highway land owned by the Council, but to which it does not hold all the relevant historical documents.




**REASONS FOR RECOMMENDED OPTION**



7.0 Without the security of a supporting CPO, failure to secure land by agreement could compromise the delivery of the scheme. Option 4 is recommended, therefore, so that CPO powers can be used in parallel to negotiations.

**IMPACT ON THE COUNCIL’S KEY OUTCOMES**

8.0 The proposed acquisition of properties will facilitate the delivery of the Doncaster Station Gateway Railway Square Extension and the New Multi-Use Building and Associated Public Realm schemes. The delivery of these schemes will have significant impact for Doncaster and its residents, as outlined in the table below:

Great 8 Priority	Positive Overall	Mix of Positive & Negative	Trade-offs to consider – Negative overall	Neutral or No implications
 <b>Tackling Climate Change</b>	✓			
<p>Comments: The proposed multi-use building will be net zero carbon in operation and designed to BREEAM excellent standard, incorporating sustainable energy elements including photovoltaic panels and air source heat pumps. It will also have triple glazing systems and a natural cooling system. The building is proposed to be car free and will incorporate cycle storage facilities in addition to being located directly adjacent the railway station and Frenchgate transport interchange. All these factors will contribute to the drive for lower carbon emissions in order to tackle climate change.</p>				
 <b>Developing the skills to thrive in life and in work</b>				✓

Comments:				
 <b>Making Doncaster the best place to do business and create good jobs</b>	✓			
Comments: The associated delivery of the new multi-use commercial building, public realm and infrastructure works will create a top-grade office building with ground floor retail units to accommodate a potential 300 new jobs, adding to local employment opportunities for Doncaster and the wider City Region.				
 <b>Building opportunities for healthier, happier and longer lives for all</b>	✓			
<p>The improvements to the active travel network will provide further opportunities for people to travel without the need for a car, whether that is short journeys within the immediate vicinity or further afield by connecting safe active travel routes to public transport connections.</p> <p>Inclusion of softer, greener public realm brings multiple benefits to the health and wellbeing of our residents. It allows good quality green space that is free and open to everyone. Green spaces in urban areas also mitigate the effects of pollution and can reduce the build-up of urban heat.</p>				
 <b>Creating safer, stronger, greener and cleaner communities where everyone belongs</b>	✓			
<p>Comments: The proposed building will be net zero carbon in operation and designed to BREEAM excellent standard with the aspiration for the development to be as green as possible.</p> <p>In addition, the creation of new public realm with significant soft landscaping with enhance the environment of the urban centre location.</p>				
 <b>Nurturing a child and family-friendly borough</b>				✓

Comments:				
 <b>Building Transport and digital connections fit for the future</b>				✓
Comments:				
 <b>Promoting the borough and its cultural, sporting, and heritage opportunities</b>				✓
Comments:				
<b>Fair &amp; Inclusive</b>	✓			
Comments: The building development and public realm scheme will be designed in compliance with the Disability Discrimination Act to allow for maximum inclusivity and access.				

**LEGAL IMPLICATIONS Rachel Pritchard.. Date...29.9.2022.....**

- 9.0 By virtue of Section 226(1)(a) of the Town & Country Planning Act 1990; the Council has the power to acquire land compulsorily for the purposes of development, redevelopment or improvement if they think that the acquisition will facilitate the carrying out of development, redevelopment or improvement on, or in relation to, that land and the development, redevelopment or improvement is likely to contribute to the promotion or improvement of the economic, social or environmental well-being of their area, as is the case here
- 9.1 CPO powers should only be used where it is expedient to do so. They should only be made where there is a compelling case in the public interest. When making and confirming an order acquiring and authorising authorities should be sure that the purposes for which the CPO is made justify interfering with the human rights of those which have an interest in the land affected in consideration of Article 1 of the first Protocol of the Human Rights Act which provides for the right to peaceful enjoyment of one’s possessions and not to be deprived of them except in the public interest. It is considered therefore that there is sufficient evidence that the public benefit of the scheme will

outweigh the private loss for the reasons stated in this report and that in this instance the land required to be compulsorily purchased belonging to private individual interests can be justified as being in the public interest.

- 9.2 The Acquisition of Land Act 1981 governs the procedures which apply to compulsory acquisitions. Once an order has been made it will be lodged with the Secretary of State for confirmation. Notices will be sent to each interested party informing them of the making of the order and notice of the Order will be made in the local newspaper for two consecutive weeks. Any objection to the order can be made to the Secretary of State within 21 days from the date of notification of the CPO. If objections are made, unless such objections can be negotiated away, the Secretary of State shall hold a public inquiry so that the objections and CPO can be considered. If the Secretary of State is satisfied that the CPO is in the public interest and is justified, then the order can be confirmed either as previously drafted or with the Secretary of State's modifications. The Compulsory Purchase Act 1965 governs post completion procedures and the Land Compensation Act 1961 governs the amount and assessment of compensation.
- 9.3 Undertaking negotiations in parallel with preparing and making a CPO is a sensible approach. It can help build a good working relationship with those whose interests are affected, make the seriousness of the authority's intentions clear from the outset and can help save time at the formal objection stage.
- 9.4 The decision maker must be aware of their obligations under section 149 Equality Act 2010, the Public Sector Equality Duty (PSED). It obliges public authorities, when exercising their functions, to have 'due regard' to the need to:
- a. Eliminate discrimination, harassment and victimization and other conduct which the Act prohibits;
  - b. Advance equality of opportunity; and
  - c. Foster good relations between people who share relevant protected characteristics and those who do not.
- 9.5 The relevant protected characteristics under the Equality Act are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The duty also covers marriage and civil partnerships, but only in respect of eliminating unlawful discrimination. The decision maker must ensure that they have seen the equality impact assessment/ due regard statement. The duty must be exercised in substance, with rigour, and with an open mind and is not a question of ticking boxes. It is for the decision-maker to decide how much weight should be given to the various factors informing the decision, including how much weight should be given to the PSED itself. The duty is a continuing one and there should be a record/audit trail of how due regard has been shown. It is not sufficient for due regard to be a "rear-guard action" following a concluded decision. The decision maker must also pay regard to any countervailing factors and decide the weight to be given to these, which it is proper and reasonable to consider; budgetary pressures, economics and practical factors will often be important.

**FINANCIAL IMPLICATIONS [Officer Initials...OB Date.....23.09.2022.....]**

- 10.0 The Station Gateway Schemes, the acceptance of the associated Towns Deal grant funding and the additional contribution from the Councils Investment and Modernisation Fund were all approved by Cabinet on the 8th June 2022. The funding approved for these schemes included allocations for the acquisition of the properties as outlined in this report. The estimated costs of these acquisitions and associated fees, remain within the values approved.
- 10.1 The additional costs of the CPOs are included in the approved scheme cost estimates. These are estimated to be £9k for external solicitors' fees and £15k for District Valuers fee. These costs are expected to be covered by the Towns Deal grant.
- 10.2 However, negotiations are continuing and there is still risk that costs could increase further, and other sources of funding may need to be secured. Although the CPO powers are expected to reduce this risk and provide clarity and structure for negotiating the compensation, the disturbance element of the claim remain largely unknown until relocation premises are found and the finer details of the business and its profitability are known.
- 10.3 Additional funding options outlined in Appendix 1.
- 10.4 Whilst negotiations are progressing well, the parallel preparation of a CPO should help to ensure that grant milestones are met including the deadline for completion of schemes by March 2026. This should ensure that any risks of clawback or withheld funds are minimised.
- 10.5 Whilst it is the case that the Council could potentially disengage from the CPO process at any point prior to making the purchases, there are some risk factors of doing this to consider. There could be abortive costs to date for works undertaken prior to the withdrawal. Third parties could serve claims for compensation if they have incurred costs. There is also the issue of blight to consider where owners could potentially be entitled to force the sale of their property.
- 10.6 The completion of the acquisition of the land through a CPO process could potentially extend beyond the current programmed start on site date of March 2024. However, there is enough flexibility within the programme that would allow the scheme to be completed by the March 2026 deadline even if the start on site was delayed by a few months.

**HUMAN RESOURCES IMPLICATIONS [Officer Initials: KJ | Date: 11/10/2022)**

- 11.0 There are no direct HR Imps in relation to this ODR, but if in future staff are affected or additional specialist are required then further consultation will need to take place with HR.

## **TECHNOLOGY IMPLICATIONS [Officer Initials..PW Date..27/09/22]**

- 12.0 There are no direct technology implications relating to the recommendations in this report. However, Digital & ICT will need to feed into the stage 3 design phase of the projects to advise in relation to the required technology infrastructure and/or changes to the Councils private fibre optic network (DPON), where applicable. Any associated technology costs would need to be met from the overall scheme budget.

## **RISKS AND ASSUMPTIONS**

- 13.0 Full delivery of the scheme hinges on the site assembly process. Securing a CPO removes any uncertainty as to the ability to gain ownership to all areas within the scheme boundary. Not having a CPO in place increases the risk of full site assembly not being achievable.
- 13.1 In common with all CPOs there could be a public inquiry with its consequent cost, plus the time and effort of Council Officers. The right to be heard at a public inquiry only applies to persons who have interests affected by the Order and objections on ground of inadequate valuation of land is not a ground for objection. However, the Council need to be prepared to commit time and resources to the public inquiry process.
- 13.2 There is a risk that the Council's justification for the CPO will not be supported by the Secretary of State and the CPO will not be confirmed. The Council has sought counsel's advice on the prospects of success and has brought in Browne Jacobson to advise on the legal process. The Council is therefore confident it is in a strong position to secure the CPO. Nevertheless, the Council should retain suitable counsel to represent it at any inquiry in order to ensure that the Council's case is presented as well as it can. Decisions about whether any external experts are required can await a review of the nature of any objections.
- 13.3 Having CPO powers in place provides a structure for calculating the compensation figure through an established set of permissible heads of claim. It provides clarity on the basis for compensation for all parties involved. Not having the CPO powers in place increases the risk of over inflated financial aspirations on behalf of the affected parties. Once an order is confirmed the Council can vest the land in itself within 3 months of making a General Vesting Declaration. Therefore, the Council can carry on developing the land even though at that stage the compensation has not been settled.
- 13.4 Whilst there is an established set of heads of claim for the compensation, negotiation will need to be carried out with each relevant party and therefore estimates have been provided as to the level of compensation that may be required for the scheme but there is risk of the costs being higher than anticipated. This is due to the disturbance element of the claim being largely unknown until relocation premises are found and the finer details of the

business and its profitability are known.

- 13.5 The CPO powers will only be used over third party land as a last resort and the Council remain committed to acquiring the relevant interests through negotiation wherever possible. However, having the CPO in the background will provide additional certainty over acquisitions and timings.
- 13.6 Risk that the completion of acquisitions and compensation settlements are not agreed until post scheme. Referral to Upper Chamber for third party determination can take place up to 6 years after taking entry on site. Whilst this is not anticipated to be an issue, it is possible that compensation claims will remain unsettled post scheme delivery.
- 13.7 Areas of Highway Land within the site are unregistered and the Council cannot be confident it holds all relevant historical documents. Including these areas within the CPO will provide the Council with absolute certainty on ownership.
- 13.8 The completion of the acquisition of the land through a CPO process could potentially extend beyond the current programmed start on site date of March 2024. However, there is currently some contingency within the programme and it is considered that the scheme could still be completed before March 2026 deadline even if the start on site is delayed by a few months.
- 13.9 Despite the risks set out above, it is considered that proceeding by CPO is the most suitable course of action, putting into motion a sequence of events that (subject to confirmation by the Secretary of State) provides certainty to the Council and the development).

## **CONSULTATION**

- 14.0 Contact with some of the affected landowners has already taken place in order to carry out site surveys for scheme preparation. This has enabled DMBC to start consultation with a view to acquisition of land by agreement. Landowners have, to date, been amenable to granting access and there has not been any strong opposition expressed so far.

## **BACKGROUND PAPERS**

- 15.0 Cabinet Report 8<sup>th</sup> June – Doncaster Town Deal – Station Gateway Projects

## **GLOSSARY OF ACRONYMS AND ABBREVIATIONS**

16.0

CPO	Compulsory Purchase Order
DLUHC	Department for Levelling Up, Housing and Communities
MHCLG	Ministry of Housing, Communities and Local Government
TIP	Town Investment Plan
HoT	Heads of Terms
RIBA	Royal Institute of British Architects

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