

## OFFICER DECISION RECORD 1 FORM

This form should be used to record Officer Decisions in Excess of £100k (but below the key decision threshold), or where required by Financial, Contract or other Procedure Rules or following formal delegation from Cabinet or a Cabinet Member or a Council Committee.

**Decision Reference No:** PLACE24 0972

### BOX 1

**DIRECTORATE:** Place

**DATE:** 25/07/23

**Contact Name:** Joanne Chipp-Smith

**Tel. No.:** 734476

**Subject Matter:** Acquisition of leasehold interest in land to facilitate the FARRRS 2 scheme.

### BOX 2

#### DECISION TAKEN

To proceed with the acquisition of approximately 2.623 ac of land required for the construction of FARRRS 2.

### BOX 3

#### REASON FOR THE DECISION

Strategic Asset Management received instructions from the Council's Highways Engineers to acquire the land required for the construction of FARRRS phase 2 from 7 affected landowners and any affected leaseholders (4 acquisitions have completed, another is going through legal at the moment and one remains to be negotiated). Whilst a CPO was confirmed to enable the scheme to proceed, this acquisition of leasehold interest has been agreed through negotiations.

The salient terms of the acquisition are as follows;

**Site Area:** Approx. 2.623 acres of land currently leased to [REDACTED]

**Acquisition Fee:** £ [REDACTED]

The VOA provided assistance with the valuation and negotiation of the leaseholders claim. The agent worked alongside Doncaster Council to reach agreement with the leaseholders agent to avoid a referral to the Upper Tribunal (lands tribunal).

The negotiations were conducted under CPO rules, and as such, the leaseholders are entitled to an advance payment. The following advance payment has already been made [REDACTED].

Under CPO rules, affected parties have a 6 year period to try and agree the compensation figure whilst retaining the right to refer matters to the Upper Tribunal for determination. After the 6 year limitation period expires, the right to refer for determination is lost. Whilst the CPO secures the authorities access

on to the land to allow the development to proceed, it can be several years from the development of the scheme commencing to final settlement being agreed.

#### **BOX 4**

##### **ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

The site required for the scheme was secured via a CPO, the only options available for the Council therefore are whether they agree the acquisition via negotiation, or through the lands tribunal. The Council always look to secure acquisition via agreement wherever possible and this has been achieved in this instance

#### **BOX 5**

##### **LEGAL IMPLICATIONS**

Section 1 of the Localism Act 2011 provides the Council with a general power of competence, allowing the Council to do anything that individuals generally may do.

Section 111 of the Local Government Act 1972 gives the Council the power to do anything (whether or not involving the expenditure, borrowing or lending of money or the acquisition or disposal of any property or rights) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions.

The Council has powers under sections 239, 240 of the Highways Act 1980 to acquire an interest in or over land for the purposes of the construction of new lengths of highway and the improvement of the existing highways.

Land acquisition costs following the confirmation of the Compulsory Purchase Order as is the case in hand are assessed in accordance with the Land Compensation Act 1961 and should reflect the market value of the land, hence the involvement of the VOA to ensure compliance.

**Name: Rachel Pritchard**\_\_\_\_ **Date: 27.11.2023**\_\_

Signature of Assistant Director of Legal and Democratic Services (or representative)

#### **BOX 6**

##### **FINANCIAL IMPLICATIONS:**

The purpose of this ODR is to acquire the leasehold interest in the land associated with the FARRS 2 Scheme.

25/07/23

████████████████████

This will mean the total £██████ has been funded and paid.

**Name: Richard Taylor**\_\_\_\_ **Date: 06/10/23**\_\_\_\_\_

Signature of Chief Financial Officer and Assistant Director of Finance (or representative)

**BOX 7**

**OTHER RELEVANT IMPLICATIONS**

N/A

**Name:** \_\_\_\_\_ **Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Signature of Assistant Director (or representative)

**ANY IMPLICATIONS SENT TO DEPARTMENTS SHOULD GENERALLY BE SUBMITTED AT LEAST 5 WORKING DAYS IN ADVANCE TO ENSURE THESE CAN BE GIVEN THE RELEVANT CONSIDERATION.**

**BOX 8**

**EQUALITY IMPLICATIONS:** (To be completed by the author).

N/A

**BOX 9**

**RISK IMPLICATIONS:** (To be completed by the author)

The risk of non-agreement is a referral to the Upper Tribunal for settlement.

**BOX 10**

**CONSULTATION**

No specific consultation has been undertaken regarding the negotiation of this acquisition, given that approvals for the scheme are in place.

**BOX 11**

**INFORMATION NOT FOR PUBLICATION**

Financial information and details of ownership in box 3 and financial information if box 6 should be redacted under section 43 of the Freedom of Information Act 2000 because this is deemed commercially sensitive information. Signatures should also be redacted under section 40 of the Freedom of Information Act 2000, as the information is personal and sensitive and exempt from publication.

**Name:** A J Rowbotham **Date:** 11<sup>th</sup> Dec 23

Signature of FOI Lead Officer for service area where ODR originates

**BOX 12**

**BACKGROUND PAPERS**

Please confirm if any Background Papers are included with this ODR **YES/NO**

(If YES please list and submit these with this form)

**BOX 13  
AUTHORISATION**

Name:  S Cardwell  Date:  01/03/24

Director/Assistant Director of \_\_\_\_\_

**Does this decision require authorisation by the Chief Financial Officer or other Officer**

**YES/NO**

**If yes please authorise below:**

Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Director/Assistant Director of \_\_\_\_\_

**Consultation with Relevant Member(s)**

Name: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Designation \_\_\_\_\_

**Declaration of Interest YES/NO**

**If YES please give details below:**

**PLEASE NOTE THIS FORM WILL BE PUBLISHED ON THE COUNCIL'S WEBSITE IN FULL UNLESS IT CONTAINS EXEMPT OR CONFIDENTIAL INFORMATION.**

**Once completed a PDF copy of this form and any relevant background papers should be forwarded to Governance Services at [Democratic.Services@doncaster.gov.uk](mailto:Democratic.Services@doncaster.gov.uk) who will arrange publication.**

**It is the responsibility of the decision taker to clearly identify any information that is confidential or exempt and should be redacted before publication.**