

Cabinet: Minute of Meeting of 12th January 2021

RESOLVED - (a) That Compulsory Purchase Order (CPO) be made under the powers conferred by Section 226 (1) (a) of the Town and Country Planning Act 1990 to acquire all land to the east and west of Darlington Station as shown on the Order Map (the 'Order Land') attached at Addendum 1.1 to the submitted report, the interests in which are described in the Schedule of Interests, attached at Addendum 1.2 (Part III) of the submitted report.

(b) That the Assistant Director - Law and Governance be authorised to make the CPO for the Order Land, and to take all necessary procedural steps prior to and after the making of the CPO, to enable the CPO to be submitted to the Secretary of State for confirmation including:

(i) finalising the attached Statement of Reasons, attached at Addendum 2 of the submitted report;

(ii) finalising (including making amendments to) the Order Schedule and/or the Order Map, provided that any increase in the extent of the Order Land so amended shall be less than a substantial change to the Order taken as a whole; and in the case of some plots provided that if considered appropriate rights and/or temporary possession may be required as an alternative to acquisition;

(iii) serving notices of the making of the CPO on all persons entitled to such notice and placing all necessary notices in the press and on/around the Order Land;

(iv) to submit the CPO to the Secretary of State for confirmation as soon as possible following the making of the CPO;

(v) where there are no objections, to confirm the CPO by the Council if authorised to do so by the Secretary of State; and

(vi) where the CPO is confirmed by the Secretary of State to publicise such confirmation and serve all necessary notices of the confirmation.

(c) That the CPO becomes operative, the Assistant Director – Law and Governance, be hereby authorised to execute one or more General Vesting Declarations under the Compulsory Purchase (Vesting Declarations) Act 1981, or, as the case may be, to acquire interests pursuant to the Notice to Treat procedure, and to serve all necessary documents and notices as required after as well as before the vesting or acquisition of the Order Land in/by the Council (including, in either instance, related to the payment of appropriate compensation).

(d) That the Director of Economic Growth and Neighbourhood Services, in consultation with the Assistant Director - Law and Governance be authorised to manage the compulsory purchase process in accordance with all statutory requirements and to otherwise promote and/or support the promotion or confirmation of the CPO including the preparation of and giving of evidence at any public inquiry, hearing or for determination on written representations, and the costs of any inspector, appearances, advocacy and advice relating thereto.

(e) That the Director of Economic Growth and Neighbourhood Services be authorised to take all necessary steps to negotiate agreements with land owners and owners of affected interests, and terms for the withdrawal of objections (including representations of statutory undertakers) to the compulsory purchase order including where appropriate, seeking exclusion of land from the compulsory purchase order and to agree, contest and pay claims for compensation of any kind as appropriate, (terms agreed to be reported for information on the Schedule of Transactions).

(f) That the Assistant Director – Law and Governance, in consultation with the Director of Economic Growth and Neighbourhood Services be authorised to grant alternative rights or regrant extinguished rights in respect of land acquired from statutory undertakers and Network Rail in or over the Order Land as he deems necessary to secure confirmation of the CPO or the perfecting of title at any time to land within the CPO; and in relation to rights of persons other than statutory undertakers the Directors acting as above be authorised where necessary to prevent extinguishment by:

(i) making a Direction under section 236(3) of the Town & Country Planning Act 1990; and/or

(ii) entering into an agreement with affected parties, with or without TVCA, as appropriate.

Cabinet: Minute of Meeting of 12th January 2021

(g) That the Director of Economic Growth and Neighbourhood Services be authorised in relation to the Scheme to promote, confirm, make operational and secure all reasonably required dedications, closures (temporary or permanent), stopping-ups, diversions, re-arrangements, improvements, variations, creations or extinguishments, whether by order, direction, notice, declaration, grant, or agreement, of highways, car parks, bus-stops, taxi ranks, parking/loading bays, private means of access, streets, bridges, tunnels, walkways, footways, routes for cycles and roads (including signs, markings, apparatus and structures related thereto) under the provisions of the Highways Act 1980, the Road Traffic Regulation Act 1984, parts IX and X of the Town and Country Planning Act 1990, the New Roads and Street Works Act 1991, the Transport Act 2000, and/or the Traffic Management Act 2004, or any order regulations or rules made pursuant to any of those Acts.

(h) That the Assistant Director - Law and Governance be authorised to sign and serve any notices or documents necessary to give effect to these recommendations and to take all the other actions necessary to give effect to these recommendations.

(i) That in the event that structural changes alter titles or responsibilities, the Head of Paid Service be authorised to vary the delegations to the most appropriate postholder.

REASONS - (a) The acquisition will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land and will bring economic, social and environmental benefits to the Borough, as well as to the Tees Valley Region.

(b) The Scheme has a high likelihood of being delivered if the Order Land can be acquired. Implementation of the Scheme and realising the benefits of the Scheme are dependent on acquiring the Order Land. The Council has no other way of acquiring good title to all of the interests in the land required for the Scheme in a reasonable timeframe.

(c) There are no reasons in principle why planning permission cannot be granted, and there is a significant funding approval for the Gateway from TVCA. The Department for Transport has committed significant development funding and established the wider scheme on the Department's Rail Network Enhancements Pipeline. Bearing these factors and the need for the Gateway in the context of the wider Scheme, there is a clear and compelling case in the public interest to acquire the Order Land.

Supporting documents:

- [Proposed DBC \(Darlington Station Gateway\) CPO, item C81\(3\)](#)
- [Addendum 1.1 Order Map, item C81\(3\)](#)
- **Restricted enclosure** [View the reasons why document C81\(3\)/3 is restricted](#)
- [Addendum 2, item C81\(3\)](#)
- [Addendum 2 Appendices, item C81\(3\)](#)
- [Addendum 3 - CPO Timeline, item C81\(3\)](#)
- **Restricted enclosure** [View the reasons why document C81\(3\)/7 is restricted](#)