

**CABINET**  
**9 FEBRUARY 2021**

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**ACQUISITION OF LAND AT SNIPE LANE, DARLINGTON**

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**Responsible Cabinet Member –  
Councillor Charles Johnson, Resources Portfolio**

**Responsible Director –  
Ian Williams, Director of Economic Growth and Neighbourhood Services**

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**SUMMARY REPORT**

**Purpose of the Report**

1. The purpose of this report is to seek Cabinet approval to acquire 11.16 acres of land at Snipe Lane (shown hatched and cross-hatched on the plan at **Appendix 1**) for future residential development and to secure withdrawal of objections to the Snipe Lane Compulsory Purchase Order (CPO). Withdrawal of objections will allow early confirmation of the CPO by the Secretary of State which in turn will enable the Council and its JV partner (ESH) to enter into contracts for provision of infrastructure.

**Summary**

2. In March 2018 Cabinet approved the acquisition of land from Darlington Farmers Auction Mart (DFAM) adjacent to Snipe Lane for development to provide 450 new homes, including 300 affordable homes and, in September 2020 the establishment of a JVC to deliver infrastructure and to deliver and sell houses.
3. In April 2020 the Leader of the Council, at an Executive Decision Session, approved the use of a CPO to acquire part of Snipe Lane itself which is in unknown ownership and required to guarantee access to the proposed development.
4. A number of plots of land are accessed from Snipe Lane as well as the Council's land. Two owners of land have registered a caution against first registration of Snipe Lane and a right of way over it and they have formally objected to the CPO via agents.
5. In informal negotiations both objecting owners have agreed terms to sell their land interests to the Council which will result in the withdrawal of their objections to the CPO and secure land for future development.
6. The provisionally agreed terms are set out in **Appendix 2** to be considered as a **Part III** to this report.

## Recommendations

7. It is recommended that:

- (a) Cabinet approve the acquisition of land on the terms set out in Appendix 2 Part III of this report, and;
- (b) The Assistant Director for Law and Governance be authorised to complete the transfers of land accordingly.

## Reasons

8. The recommendations are supported by the following reasons:

- (a) To secure the withdrawal of objections to the Snipe Lane CPO, and;
- (b) To secure land for future residential development.

**Ian Williams**  
**Director of Economic Growth and Neighbourhood Services**

## Background Papers

No background papers were used in the preparation of this report

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S17 Crime and Disorder	The report has no implications for crime and disorder
Health and Wellbeing	The report has no implications for health and wellbeing
Carbon Impact and Climate Change	The report has no implications for sustainability
Diversity	No implications
Wards Affected	Hurworth
Groups Affected	None
Budget and Policy Framework	The resolutions in this report are not likely to result in changes to the budget framework.
Key Decision	No
Urgent Decision	No
One Darlington: Perfectly Placed	There are no issues adversely affecting the Community Strategy
Efficiency	The workload resulting from the recommendations in this report assumes resources at existing levels.
Impact on Looked After Children and Care Leavers	N/A

## **MAIN REPORT**

### **Information and Analysis**

9. In March 2018 Cabinet approved the acquisition of land from DFAM adjacent to Neasham Road and either side of Snipe Lane for residential development. The development aims to provide 449 new homes, made up of 155 private sale houses, 150 new affordable Council Houses to be built by the Council and 144 affordable homes in a future phase to be built by a registered social housing provider or the Council.
10. In September 2020 Cabinet approved the establishment of a Joint Venture Company (JVC) between Esh Homes Ltd and the Council to deliver infrastructure and to deliver and sell houses.
11. In April 2020 the Leader of the Council, at an Executive Decision Session, approved the use of a CPO to acquire part of Snipe Lane itself which is in unknown ownership and is required to be able to adopted as public highway.
12. The Council made and published the Darlington Borough Council (Snipe Lane) CPO 2020 in August 2020 and two owners who currently use Snipe Lane for access to grazing land have made objections to the Order. An Inspector from the Planning Casework Unit nominated by the Secretary of State is currently assessing the Council's case, and the objections, and is likely to either call a Public Inquiry or to determine the case by taking written representations from all parties. In either case this will institute a considerable delay into the procedure with the worst case being that the CPO is not confirmed but more likely it is considered that the CPO will be confirmed late this year.
13. In informal negotiations with the agent representing both objectors provisional agreement has been reached to acquire the 6.48 acres and 4.68 acres respectively of land they own and secure withdrawal of their objections to allow the CPO to be confirmed at an early date. This land is included in the yet to be confirmed Local Plan as future residential development land and will be available for development in the medium to long term.

### **Proposed Terms**

14. The provisionally agreed terms are set out in Appendix 2 to be considered as a Part III to this report.

### **Valuation Comment**

15. It is considered that the price provisionally agreed for the acquisition of the objectors land represents best consideration.

### **Finance Comment**

16. The acquisition price detailed in Appendix 2 Part III will be funded from the Economic Growth Investment Fund.

## **Planning Comment**

17. There are no unresolvable planning issues associated with this transaction.