

7 July 2021		ITEM: 23 Decision: 110578
Cabinet		
Grays South: Delivering the Pedestrian Underpass – Land Assembly		
Wards and communities affected: Grays Riverside	Key Decision: Key	
Report of: Councillor Mark Coxshall, Cabinet Member for Regeneration, Strategic Planning and External Relationships		
Accountable Assistant Director: Dr Colin Black Assistant Director for Regeneration		
Accountable Director: Sean Clark Corporate Director for Resources and Place Delivery		
This report is: Part exempt Information relating to any individual and Information that is likely to reveal the identity of an individual		
Date of notice given of exempt or confidential report: 8 th June 2021		

Executive Summary

Cabinet have agreed a scheme that will deliver an alternative to the level crossing in Grays High Street as a means of crossing the rail line.

In 2017 Cabinet agreed a land assembly strategy with an option to use its powers of compulsory purchase if necessary and subject to further consideration by Cabinet. All known affected owners have been contacted as described in this report, some are engaging with our advisers with a view to a negotiated sale of their interest, others have not engaged. Land assembly is a time critical element of delivery. While officers and the consultant team will continue to seek agreed purchases of land and rights, compulsory purchase may be required and can take around 18 months to complete if full process (including a public inquiry) is needed. This report therefore seeks authority to use the Council's powers of compulsory purchase in the event agreed purchase of all land and rights necessary is not possible for the delivery of the project. This report also seeks approval for the appropriation of land owned by the Council for the delivery of the project.

Deliverability depends on cost and available budget. These are addressed in detail in two other reports on the Cabinet's agenda;

- a. Capital Programme Update, which reviews the Capital Programme and funding for projects including this project; and
- b. Grays South: Delivering the Pedestrian Underpass – Project Progress, which sets out the project costs and budget and the next steps to design and construction.

1. Recommendation(s)

Cabinet are recommended to;

- 1.1 Resolve that the Council use its compulsory purchase powers pursuant to section 226(1)(a) of the Town and Country Planning Act 1990 to acquire all land and rights to deliver the scheme, and to issue appropriate notices as required to acquire land required to deliver the scheme;**
- 1.2 Note that the regeneration team is progressing negotiations to acquire the land and interests required by private treaty and to delegate authority to the Corporate Director, Resources and Place Delivery in consultation with the Portfolio Holder for Regeneration and External Affairs to approve and enter into agreements with the owners and/or occupiers of the land so as to facilitate acquisition;**
- 1.3 Note the progress on the land referencing exercise and, if required, delegate authority to the Corporate Director, Resources and Place Delivery in consultation with the Portfolio Holder for Regeneration and External Affairs and Assistant Director of Law and Governance to issue requisitions for information pursuant to section 5A of the Acquisition of Land Act 1981 to persons who have a potential legal interest in or who occupy the area in respect of which compulsory purchase powers are proposed to be used;**
- 1.4 Authorise the regeneration team under the direction of the Corporate Director, Resources and Place Delivery to undertake the work needed to prepare for the making of a Compulsory Purchase Order(s) (CPO) together with the supporting documentation and proceed to make the CPO(s);**
- 1.5 Resolve that any land acquired by the Council by private treaty within the area shown red on the plan at Appendix 1 that would be required in order to facilitate the Scheme shall be acquired for planning purposes pursuant to section 227 Town and Country Planning Act 1990;**
- 1.6 Note that pursuant to sections 203 and 204 of the Housing and Planning Act 2016, land acquired under sections 226 or 227 of the Town and Country Planning Act 1990 may then be developed and used in accordance with planning permission for the proposed scheme notwithstanding any interference with any subsisting interests, rights or restrictions (subject to the payment of compensation calculated in**

accordance with sections 7 and 10 of the Compulsory Purchase Act 1965);

- 1.7 In the event that Blight Notices under section 150 of the Town and Country Planning Act 1990 are served upon the Council, delegate authority to the Corporate Director, Resources and Place Delivery in consultation with the Portfolio Holder for Regeneration and External Affairs and the Director for Law and Governance to acquire land or reject the Blight Notices as appropriate;**
- 1.8 Delegate authority to the Corporate Director, Resources and Place Delivery in consultation with the Portfolio Holder for Regeneration and External Affairs and the Assistant Director for Law and Governance to grant any internal approvals necessary in order to allow the scheme to progress; and**
- 1.9 Approve the appropriation of the Council's current landholdings described in this report for the planning purpose to facilitate the scheme including:**
 - (i) Undertaking the required Advertising of the intention to appropriate land currently used as public open space and;
 - a. In the event that any objections are received, reporting the content and consideration of those objections to a future meeting of Cabinet;**
 - b. In the event that no objections are received, to continue with the appropriation with no further report to Cabinet.****
 - (ii) To note that it is necessary to use Section 203 of the Housing and Planning Act 2016 to facilitate the development and improvement of the land as will form part of the planning permission in order for any and all private rights and restrictions that affect the land to be overridden.**
 - (iii) To authorise Officers to take such necessary administrative and accounting steps to give effect to the appropriation (including settling claims for compensation arising out of the extinguishment of any rights in the appropriated land pursuant to Section 203 of the Housing and Planning Act 2016).**

2. Introduction and Background

- 2.1 This report focusses on the land assembly exercise required for delivery of the underpass and associated development. It should be read in conjunction with two other reports on the Cabinets agenda;**

- a. Capital Programme Update, which reviews the Capital Programme and funding for projects including this project; and
- b. Grays South: Delivering the Pedestrian Underpass – Project Progress, which sets out the project costs and budget and the next steps to design and construction.

2.2 Members will be aware of the safety concerns related to the level crossing in Grays and of the way in which the gate closures create a barrier to movement between the town centre and the southern side of the level crossing towards the riverfront. In response to these issues, in July 2013 Cabinet agreed to work up a scheme to replace the level crossing with a high quality pedestrian underpass. Since then Cabinet has been kept informed of progress as below:

- April 2017 – Agreement of a joint delivery approach with Network Rail, a funding strategy and a land assembly strategy.
- July 2020 – Approval in principle of the design output from the delivery agreement with Network Rail and selection of Option C – the Plaza as the preferred option.

2.3 A delivery agreement was completed with Network Rail and included C2C. In July 2020 Cabinet approved in principle the design for the underpass scheme that was the output from this collaboration to be taken to the next design stages. The programme and costs are discussed in the separate report on the agenda 'Grays South: Delivering the Pedestrian Underpass – Project Progress'. The Council appointed Montagu Evans to implement the land assembly strategy on its behalf who have been in regular contact with landowners.

2.4 This report seeks approval for land assembly including the use of Compulsory Purchase powers as necessary to acquire land owned by third parties and Network Rail/C2C and the Appropriation of land owned by the Council, including land currently used as public open space, as set out in the recommendations. This appropriation is considered necessary to facilitate the development and improvement of the land as part of the CPO scheme and in order for any and all private rights and restrictions that affect the land to be overridden and resolved.

2.5 The extent of the scheme area has been reviewed and revised through the design process and constructability workshops by Network Rail. This is shown indicatively in the plan at appendix 1.

2.6 The Council is required to produce a Statement of Reasons for using its powers of Compulsory Purchase which will be affixed to any notice issued. A draft of that Statement is appended to this report at appendix 5 and will need to be updated prior to any CPO notices being served.

3. Issues, Options and Analysis of Options

- 3.1 This section considers the justification for use of the Council's powers described in the recommendations. Reference for the detailed case should be made to the appendices and to the other reports on this agenda referred to at para 2.1, the case is summarised here under the following headings:
- a. Description of the scheme;
 - b. The land required;
 - c. Land referencing and discussions with landowners;
 - d. Funding Strategy: Cost and Budget;
 - e. Delivery Programme;
 - f. Justification for Use of CPO;
 - g. Human Rights; and
 - h. Equalities Impact Assessment.

Description of the scheme

- 3.2 The scheme agreed by Cabinet in July 2020 is illustrated in appendix 2 and is described in more detail in the draft Statement of Reasons in appendix 5. It includes:
- a) Replacement of the level crossing with a wide pedestrian underpass;
 - b) Creation of public squares at each end of the pedestrian underpass;
 - c) Land assembly;
 - d) Demolitions necessary to create the space required for the scheme;
 - e) Relocation of Station Approach to create the space required for the scheme;
 - f) Relocation/diversion of Crown Road closer to the rail line to enable the underpass section to be as short as possible and to reduce the land take required for delivery; and
 - g) A separate but closely related scheme for development of new commercial/retail/mixed use units around the public squares to replace those which will be lost as a consequence of land acquisition required for the scheme with the provision of additional residential units above these units.
- 3.3 The scheme has been the subject of public consultation which is summarised in appendix 6. The consultations to date indicate stakeholder support for the scheme with understandable concerns about issues such as lighting and safety. These issues have directed the design response including a wide thoroughfare with clear long views in and out. The design response to these issues has contributed to the extent of land required. Further stakeholder engagement will be undertaken in the next detailed design stages and as part of the process of determining the planning applications.

The Land required

- 3.4 The land required for the scheme is shown in appendix 1. This broadly falls in to one of four types:

- a. Land owned by the Council shown yellow on the plan: This includes the site of the former Station House, public open space and the subsoil of parts of the public highway. This land will need to be appropriated for the planning purpose of delivering the scheme as described under the recommendations. The appropriation of the land used as public open space will require public notices/advertising and consideration of responses received before the appropriation can be completed;
 - b. Land owned by Network Rail shown green on the plan. The rail line and fenced area either side of it are part of the operational railway and will remain in the ownership of Network Rail. The rest of the land is defined as non-operational land in that it lies outside of the operational rail line and is leased to C2C. Network Rail and C2C have agreed the transfer of their land interest for the delivery of the scheme and have started their internal process to enable this to happen. Within this area shop units are subject to leases which will need to be acquired. The station forecourt and parts of the car park would remain with network rail but are included as the land is required temporarily for enabling works during construction.
 - c. Land owned by others shown light pink on the plan: The Council will need to acquire these interests to enable the construction and delivery of the scheme; and
 - d. Unregistered land (light blue) and public highway (edges marked with a blue dashed line on the plan): These will need to be included within a CPO to ensure clean title to enable delivery of the scheme.
- 3.5 A draft Order Plan is in Appendix 3 and shows the plots of land required to deliver the scheme. A description of each plot of land required and a summary of the reasons for requiring each plot to deliver the scheme is in appendix 7.

Land Referencing and discussions with Land owners

- 3.6 Land referencing is required to identify all owners, tenants, occupiers, and other interests of the land required to deliver the scheme and those who would be likely to be qualifying persons under Section 12(1) of the Acquisition of Land Act 1981 in relation to the scheme. A full schedule of interests in the land proposed to be acquired will need to be prepared to accompany any Compulsory Purchase Order detailing the extent and description of the land and details of any qualifying person and their interests in the land.
- 3.7 Montagu Evans and Land Referencing Services are undertaking the required detailed Land Referencing. In line with the Land Assembly Strategy and principles of engagement agreed by Cabinet in their meeting of April 2017, The Council has, through Montagu Evans, maintained an open dialogue with the owners and occupiers of property and rights affected by the scheme. An overview of correspondence and conversations is contained in appendix 4.
- 3.8 It is important that this open dialogue continues throughout the acquisition, development and delivery of the scheme and Montagu Evans will continue to act on behalf of the Council to seek negotiated settlement for acquisition of interests. Compulsory Purchase will only be used as a last resort if necessary

for any acquisition that may be required for the delivery of the scheme. Appendix 4 shows that some owners are actively seeking a negotiated sale while others have so far chosen not to respond to the approaches made.

Funding Strategy: Cost and Budget

- 3.9 The total cost and budget for delivering the scheme are discussed in detail in the other reports on this agenda referenced at para 2.1. £6,758,000 would be required for land assembly assuming all land needs to be acquired by Compulsory Purchase including compensation costs set out in the Compensation Code.

Programme

- 3.10 The project is complex and, as a consequence, requires a lengthy process for design, land assembly, consents, planning and construction. The Cost estimate is based on a programme that assumes all land assembly can be completed by negotiation. Much of the CPO process is outside of the Council's control and if required could add up to 12 months on to this programme once the compulsory purchase order is made. The total cost for CPO is included in the cost estimate discussed in the report on the agenda for this meeting of Cabinet, 'Grays South: Delivering the Pedestrian Underpass – Project Progress'. That report includes consideration of any risks associated with the deliverability of the current cost estimate. Key milestones currently are;

Description	Start	Finish
Procurement and contracts for next stages	01/06/2021	02/11/2021
Land Assembly ¹	Ongoing	28/11/2022
Single Option Development	03/11/2021	31/01/2022
Detailed design	01/02/2022	25/11/2022
Implementation ²	28/11/2022	21/03/24
Project Handback	22/03/24	19/06/2024
Project Close Out ³	20/06/24	17/09/2024

Note:

- ¹: If CPO is required 6-12 months could be added to this part of the programme.
- ²: Assumes rail possessions not changed and subject to ground conditions
- ³: This date is for the completion of underpass, steps and ramps. Public squares complete after this date.

Use of CPO

- 3.11 The Council must have a relevant statutory power that authorises acquisition by Compulsory Purchase. The Council must also use the most appropriate power for the scheme which in this case is section 226 1 (a) of the Town and Country Planning Act 1990 (the Act) as the scheme would make a major positive contribution to the economic, social and/or environmental well-being of the area.

- 3.12 Detailed advice on the use of compulsory purchase powers is set out in the CPO Guidance which provides information on the matters which the Secretary of State will take into account when considering whether or not to confirm a CPO. These matters are addressed in detail in the draft Statement of Reasons at appendix 5. Similar considerations are applied to appropriations of the Council's land. In summary these are:
- a. Proposals must be Consistent with the Local Plan and national planning policy;
 - b. The Council must demonstrate a compelling case in the public interest and demonstrate that the public benefits arising from the scheme outweigh the interference with the rights of those affected. These benefits must fall in to at least one of 3 categories; economic and/or social and/or environmental;
 - c. Land cannot be acquired by mutual agreement;
 - d. There are no other impediments to proceeding with the scheme, for example the need for planning permission or other consents; and
 - e. The Council has the resources to implement the scheme and to pay appropriate compensation for land acquisitions.

Consistent with planning policy

- 3.13 The Core Strategy identifies Grays as a Growth Hub where regeneration activity will be concentrated (Policy CSSP1 and CSSP2). Paragraphs 3.29 to 3.33 set out the Council's vision for the Grays Regeneration Area as a focus for growth in jobs and homes, and for civic functions, culture and education and including a new transport zone around the rail station including an improved crossing of the rail line. Policies in the Core Strategy support delivery of this vision. In November 2017 the Council's Cabinet approved the Grays Town Centre Framework Refresh to guide its approach to town centre regeneration which includes the scheme.
- 3.14 The Transport Act and the Local Transport Act require Local Authorities to maintain a Local Transport Strategy. The Council adopted the current Transport Strategy in 2013 to support the delivery of the adopted core strategy and regeneration. Policy TTS1 Delivering Sustainable Growth identifies the formation of a Transport Zone around Grays Rail Station including an improved means of crossing the rail line.

Public Benefit

- 3.15 The scheme is expected to give rise to economic and social benefits which are set out in detail in the draft Statement of Reasons at appendix 5, along with marked improvement in the quality of the town centre environment. A Town Centre Health Check undertaken in 2020 to support the Council's application to the Future High Street Fund shows a long period of gradual decline in the town centre economy; low investor interest, high and rising yields, low and falling rents, rising vacancy, and poor environmental quality. The severance created by the rail line is identified as a key issue relating to

accessibility to and from the town centre. In this context the Full Business Case by KPMG to support the Council's LGF grant bid identified:

		Net benefits (in NPV terms) over 30 years
Economic impacts associated with the underpass	Journey time saving	£18.0m
	Reduction in accidents	£2.0m
	Reduced risk of premature death	£8.7m
	Absenteeism ⁱ	£4.4m
	Reduction in externalities from cars including vehicle operating costs	£5.3m
	Social impacts from public realm	£19.7m
Wider public realm and housing development	New homes delivered	84
	Land value uplift	£2.4m

Note ⁱ: Absenteeism is taken from the Dept. For Transport project assessment toolkit (Web tag/AMAT) and refers to health benefits arising from increased walking and cycling and reduced absence from work.

- 3.16 The net initial benefits from the project are estimated at £55.2m. This includes the benefits from the underpass itself as well as the benefits relating to the public realm.
- 3.17 The inclusion of the land value uplift from housing would increase the benefit to £60.6m. We did not include the temporary GVA uplift from construction impacts in our Benefit Cost Ratio (BCR) calculation, but these would add additional wider benefits of £5.5m (including the indirect and induced impacts as a result of the build phase of the project). The initial BCR for the project, relative to the Growth Deal funding request, is 5.5:1. Including all public sector contributions resulted in an adjusted BCR of 2.4:1.
- 3.18 There are no other reasonable alternatives for pedestrians to cross the rail line. The existing footbridge is too steep and many people prefer to jump the closed gates than to use the bridge. A road bridge (Derby Road Bridge) located c175 metres to the east would take people away from the clear desire line along High Street, it effectively by-passes many of the businesses in the High Street and with a gradient up to 1:18 is too steep for pedestrians with mobility difficulties. The project will remove a significant safety risk on the rail line by removing the perceived need to 'jump' the closed gates at the level crossing. People will no longer be required to wait when a train is passing through and so removes the severance between the town centre and a significant part of its local catchment area.
- 3.19 The design approach has sought to address concerns about underpasses by providing a wide-open space with clear views in and out which will be supplemented with lighting, CCTV, and active uses at either end. Direct stepped access will be supplemented with gently sloped ramps (c1:21) to ensure accessibility. These factors combined with ground levels and the depth of excavation required have determined the extent of land area required.

Land cannot be acquired by agreement

- 3.20 Paragraphs 3.5-3.7 and appendix 4 describe the communications with landowners from 2019. Some have not responded and some have not wanted to engage in discussions about sale of their land interests. A full CPO process can take around 18 months to complete and is therefore a critical time issue for delivery of the scheme. While some of this process would proceed at the same time as the rest of the programme, if full process is required it could add 6-12 months on to the programme. Given the extent of communications undertaken to date it is considered appropriate to now have the option of Compulsory Purchase, but also to continue dialogue to reach an agreed settlement if possible.

No other Impediments to delivery

- 3.21 Measures to resolve other potential impediments are included in the delivery programme. Key stakeholders are committed to delivery. Network Rail, C2C, the planning and highways authorities have been engaged in the design and development phases and will continue to be engaged. A planning application will be submitted in the summer of 2021, Highways approvals, Network Rail and C2C approvals are also provided for in the programme at the appropriate time.

Resources are available for delivery

- 3.22 The cost and budget available for delivery of the project are set out in detail in the other related reports on this agenda and referenced at para 2.1. The combined resources of the Council and Network Rail (Land, funding, and expertise) and with a grant of £10.8 million from the Local Growth Fund, are considered sufficient as described in the report 'Grays South: Delivering the Pedestrian Underpass – Project Progress' which sets out the project costs and budget and the next steps to design and construction. The land assembly costs are based on a property cost estimate by Montagu Evans and includes provision for compensation and disturbance costs as defined under the compensation code if a CPO is required.

Human Rights

- 3.23 The Human Rights Act 1998 places direct obligations on public bodies such as the Council to demonstrate that the use of compulsory purchase powers is in the public interest and that the use of such powers is proportionate to the ends being pursued.
- 3.24 When the Council decides to make a CPO, the Council will need to be sure that the purpose for which the land is required sufficiently justifies interfering with the human rights of those with an interest in the land affected. The compulsory acquisition of the land in the red line area may amount to an interference with the human rights of those with an interest in the land. These

include rights under Article 1 of the First Protocol of the European Convention on Human Rights (ECHR) (which provides that every natural or legal person is entitled to peaceful enjoyment of his possessions) and Article 8 of the ECHR (which provides that everyone has the right to respect for his private and family life, his home and his correspondence).

- 3.25 Members must be satisfied that any interference with these rights will be necessary and proportionate. “Proportionate” in this context means that the interference must be no more than is necessary to achieve the identified legitimate aim. Set out in this report and the draft Statement of Reasons at appendix 5 is the justification for and benefits of the scheme and consideration of the extent of land required to deliver the scheme.
- 3.26 Based on this information, officers are of the view that there is a compelling case in the public interest for compulsory acquisition of the various interests within the Order Land if they cannot be acquired by agreement. Therefore, the use of compulsory purchase powers in this case is considered to be proportionate and appropriate. Without the use of these powers, the much-needed regeneration and redevelopment of the land may not be achievable. Compensation will be available to those entitled to claim it under the relevant statutory provisions. Members are advised that the land is both suitable for and will facilitate the carrying out of development, redevelopment or improvement and will make a positive contribution to the promotion of the economic, social and/or environmental well-being of the area.

Equalities Impact Assessment

- 3.27 An Equalities Impact Assessment has been undertaken to support the use of compulsory purchase if required. The reports main conclusion is:
- “On balance, it is clear that the Intervention scenario is likely to have a positive impact on reducing inequalities, whereas the Non-intervention scenario is likely to have a negative impact. This is especially the case given the alternative of the closure of the level crossing, with no DDA compliant alternative within the immediate vicinity”.**
- 3.28 The report concludes that the project will benefit all people travelling by foot and will be an improvement for those using public transport. Closure of the level crossing with no alternative and temporary closures during construction will disproportionately negatively impact disabled people with physical mobility constraints and those with learning difficulties. The report emphasises the importance of mitigation and stakeholder engagement. Provision has been made to address these matters in the project delivery programme and further discussion will be required with Network Rail about closure durations and provisions for alternatives during construction.
- 3.29 The report reinforces the importance of safety in the design. The relocation of the taxi rank and set down bays has the potential to negatively impact users that are reliant on door to door travel. These matters will be addressed in the

next design stage.

4. Reasons for Recommendation

- 4.1 The project is consistent with the adopted Local Plan Core Strategy, the Council's Transport Strategy, and the Council's Grays Town Centre Framework.
- 4.2 The acquisition of land is a vital step in implementing a key regeneration project in Grays and reflects the resolutions of Cabinet at the meetings in April 2017 and July 2020.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 Public consultation is summarised in Appendix 6.
- 5.2 The project has been considered at the following meetings of Cabinet;
- July 2013: Decision No. 01104224
 - December 2014: Decision No. 01104345
 - April 2017: Decision No. 011044419
 - July 2020: Decision No 110515
- 5.3 The approach to the project has been reviewed by Planning Transport and Regeneration Overview and Scrutiny Committee;
- March 2014
 - March 2017
 - July 2020
 - July 2021

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 The recommendations facilitate the delivery of a key regeneration project in Grays identified in the Councils strategies described at para 4.1 and the Capital Programme.

7. Implications

7.1 Financial

Implications verified by: **Jonathan Wilson**
Assistant Director - Finance

The project requires significant capital expenditure by the Council which is being met through the Capital Programme, S.106 funds and grant from the Local Growth Fund administered by the South East Local Enterprise

Partnership, with some funding from Network Rail. The details of the full project cost and budget are set out in two other reports on the agenda for this meeting of Cabinet (Capital Programme Update, and Grays South: Delivering the Pedestrian Underpass – Project Progress). In carrying out land acquisition and assembling land ahead of scheme delivery the Council will be responsible for holding and managing the property before it is required for the scheme, this could be for a number of years depending on when acquisition is completed.

7.2 Legal

Implications verified by: **Tim Hallam**
Deputy Head of Legal and Deputy Monitoring Officer

As noted in the report, the making of the CPO and appropriation of Council land for the planning purpose of delivering the project are considered by officers to make a major positive contribution to the economic, social and/or environmental well-being of the area.

The making of a compulsory purchase Order under S.226 (1) (a) of the Town and Country Planning Act 1990 and the Acquisition of Land Act 1981 is a function which Cabinet may exercise in accordance with the provisions of the Council's Constitution.

Section 226 of the Town and Country Planning Act 1990 enables a local authority to exercise its compulsory purchase powers:

- a. If it considers that acquiring the land in question will facilitate the carrying out of development, redevelopment, or improvement on, or in relation to, the land being acquired (s.226(1)(a)); and
- b. Provided that it considers that the proposed development, redevelopment or improvement is likely to contribute to achieving the promotion or improvement of the economic, social or environmental well-being of its area (s.226 (1A)).

The Council must therefore be satisfied on both counts. In addition, it must take into account any human rights implications as well as the public sector equality duty in section 149 of the Equality Act 2010.

Appropriation of land owned by the Council from its current use for the purposes of delivering the scheme is required under Section 122 of the Local Government Act 1972 to facilitate the development and improvement of the land in order for any and all private rights and restrictions that affect the land to be overridden. In the case of land that has been used as public open space the intention to appropriate must be advertised and any responses to that consultation properly considered before the appropriation can be completed.

Confirmation of a CPO and Acquisition of the Land

The Order must be submitted to the Secretary of State for confirmation, notified to those persons affected by it and advertised in the local press. Any party who wishes to object to the making of the CPO has 21 days within which to do so from the date of notification. All statutory objectors have a right to be heard at a public inquiry although it is possible for the Secretary of State to deal with objections in writing. Although any Inquiry will be held on the earliest possible date, typically this could be six months or more after submission of the Order to the Secretary of State.

The Council cannot actually exercise its compulsory purchase powers until such time as the CPO has been confirmed by the Secretary of State or the Secretary of State permits the Council itself to confirm the CPO.

Following confirmation of a CPO the Council has three years within which to exercise the CPO powers. Once the interests included in the proposed CPO area have been acquired for planning purposes, the site will benefit from the operation of Section 203 of the Housing and Planning Act 2016, which (subject to the payment of compensation) extinguishes all existing third party rights that could prevent the development or use of the land from proceeding. The same applies with respect to any land acquired by agreement under section 227 of the Town and Country Planning Act 1990. In both cases, the costs of compensation will be limited to the statutory basis as provided by section 204 of the 2016 Act.

Legal Challenge

Decisions made in the Compulsory Purchase context are subject to challenge on public law grounds in the usual way.

7.3 Diversity and Equality

Implications verified by: **Roxanne Scanlon**
Community Engagement and Project
Monitoring Officer

An Equalities Impact Assessment (EqIA) has been undertaken and public consultation has informed the design approach taken to date. The project team have undertaken to carry out further public engagement to inform the next stages of design. During these engagement exercises the diversity of respondents will be monitored to ensure we receive representation from those people with protected characteristics that have been identified as being negatively impacted during certain stages of the programme e.g. those with disabilities. These groups of individuals may be directly targeted for engagement where required through liaison with voluntary sector organisations, charities or local community groups as best suits.

The current level crossing has an uneven surface which can be difficult for people with impaired mobility or sight. The increasing frequency and duration of gate closures pre-Covid 19 could be a significant obstacle for anyone unable or unwilling to use the existing footbridge. This issue is expected to return post Covid 19. Closure of the level crossing with no alternative in the High Street would require a long diversion and includes a rail bridge that would be too steep for anyone with impaired mobility.

The EqIA concludes that the scheme will provide an overall benefit but will at the next design stage need to ensure the design and layout continue to address accessibility and safety.

Closure of the level crossing with no alternative and temporary closures during construction will disproportionately negatively impact disabled people with physical mobility constraints and those with learning difficulties and will need to be addressed.

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder, and Impact on Looked After Children)

None

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- Full Business Case Local Growth Fund:
https://www.southeastlep.com/app/uploads/2018/07/Grays-South-FBC_Redacted.pdf
- Full Business Case Future High Street Fund:
<https://www.thurrock.gov.uk/sites/default/files/assets/documents/grays-future-high-street-fund-business-case-v01.pdf>

9. Appendices to the report

1. Scheme Area
2. Scheme plan
3. Compulsory Purchase Order Plan: Land affected and required
4. Summary Contacts with Land Owners (EXEMPT)
5. Draft Statement of Reasons
6. Summary of Public Consultation
7. Draft summary reasons for requiring each piece/plot of land

Report Author:

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Regeneration Programme Manager

Regeneration Department