

THE DONCASTER (CITY GATEWAY – RAILWAY SQUARE AND PHASE 1) COMPULSORY PURCHASE ORDER 2023

PINS REF: APP/PCU/CPOP/F4410/3324357

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THE DONCASTER (CITY GATEWAY – RAILWAY SQUARE AND PHASE 1)

COMPULSORY PURCHASE ORDER 2023

OPENING SUBMISSIONS ON BEHALF OF THE CITY OF DONCASTER COUNCIL

1. The City of Doncaster Council (“the **Council**”) has made the City of Doncaster (City Gateway – Railway Square and Phase 1) Compulsory Purchase Order (“the **CPO**”) in order to facilitate the delivery of two projects (together “the **Scheme**”) that are fundamental to the ongoing regeneration of Doncaster City Centre:
 - the Railway Square Extension – comprising the extension of the recently upgraded Railway Station Forecourt (completed in 2020), providing a highly accessible green urban space in the heart of the City Centre; and
 - the Gateway Office Development – comprising the provision of a new 4-5 storey office-led mixed use building, together with public realm improvements, increasing the amount and diversity of high quality, highly flexible commercial floorspace, again in a highly sustainable location.
2. As Mr Cardwell explains in his evidence, Doncaster faces significant challenges. These challenges were recognised in the Business Case presented to Government in support of the Scheme were thus key to the Government’s funding decision (as to which see further below).
3. And those challenges are at the heart of why the regeneration of the City Centre is so firmly embedded in Council policy: see in particular the Doncaster Urban Centre Masterplan (CD36), prepared in 2016, and the subsequent Town Investment Plan (CD26), prepared in 2021. These documents were produced following extensive public consultation.

4. And the Council has already delivered a lot: Mr Cardwell's evidence highlights some of the high quality schemes that are already making a difference to the vitality and sustainability of the City Centre.
5. But the area around the station is on another level in terms of its importance to how the City Centre functions, and to how the City is perceived. The station is of course the City's most important transport hub, and the area around the Station is critically important not only to how people access the station, but also to what people think about the City: first (and ongoing) impressions count.
6. That is why the Council has already invested in regenerating the existing station forecourt area: the results are tangible but there is still a lot more to be done.
7. The Scheme is fully funded. As set out above the Government has committed in excess of £24m into the project, confirmation not only of the need for the regeneration of this part of the City Centre, but also the substantial economic, social and environmental benefits that the Scheme will deliver. Noone raises any issues with any aspect of the business case that the Council presented to government in support of its funding bid. Mr Lambert's evidence explains the economic analysis that was undertaken in support of the business case, and the basis of the (again unchallenged) conclusion as to value for money. The Council has also stepped up, resolving to cover a £2.8m funding gap that emerged following review of the Scheme's overall costs. There are no funding impediments to delivery.
8. The Council has secured planning permission for the Scheme (CD32). The Officer's Report (CD33) confirms the Scheme's full compliance with the Council's development plan policies and the NPPF. It is notable that there were no public objections to the grant of permission: a clear testament to its importance to the City as a whole. With planning permission in place, there is plainly no planning impediment to the delivery of the Scheme.
9. The Council will need to secure a stopping up order (SuO) in relation to two very small slivers of highway¹. There is no reason to think there will be any issues with securing the SuO: as set out above, there were no public objections to the planning application. No-one has suggested that there are likely to be any issues with securing the SuO and the Inspector may safely conclude that the need to secure a SuO will not be an impediment to delivery. Similarly, there

¹ Drawing DWG1-BGH-XX-XXDR-D-00014 Rev P01

will be a TRO in relation to some area of highway within the Scheme, e.g. West Street, preventing their use by vehicular traffic. Again, no issues are likely to arise.

10. Mr Firth explains that the Council intends to start on site in March next year, completing in November 2026. Noone raises any issues with the realism of that timetable.
11. The Council has engaged diligently with everyone who has an interest in the Order Land, making very significant efforts to acquire all interests by agreement. Mrs Chipp-Smith details the different ownerships of the Order Land, the efforts the Council has gone to acquire by agreement and its strenuous efforts to find alternative accommodation. Mr Dungworth provides evidence in relation to Business Doncaster's supporting role.
12. Taskmaster Resources Ltd has withdrawn its objection².
13. Wolesley UK Ltd maintains its objection³, but only on the basis that it has not quite finalised the lease arrangements for its new property, or secured the planning permission it needs. There is no reason to think that either will be an issue, which is no doubt why Wolseley has not submitted any evidence to support its objection.
14. The Council's evidence responds to the assertions made in Wolseley's objection letter dated 13th June 2023. But, again, the letter is not evidence; and the matters raised in it are not being presented by anyone whose views can be tested under cross examination.
15. The Council has complied with its duty under the Equality Act 2010: Mr Cardwell's rebuttal evidence brings the Inquiry up to date in terms of the Council's position. There is no basis on which to suggest that the Scheme would have any adverse equalities impacts.
16. Compulsory purchase always involves an interference with the human rights of the person being dispossessed, but that interference can be justified, and therefore lawful, where there is a compelling case in the public interest for the scheme.
17. That is undoubtedly the case here: the scheme will deliver very significant economic, social and environmental benefits, all in line with the Council's development plan and national planning policy. The remaining objector has all but secured another property and has not put in any evidence to support their objection.

² Irwin Mitchell letter dated 16th April 2024

³ Norton Rose Fullbright

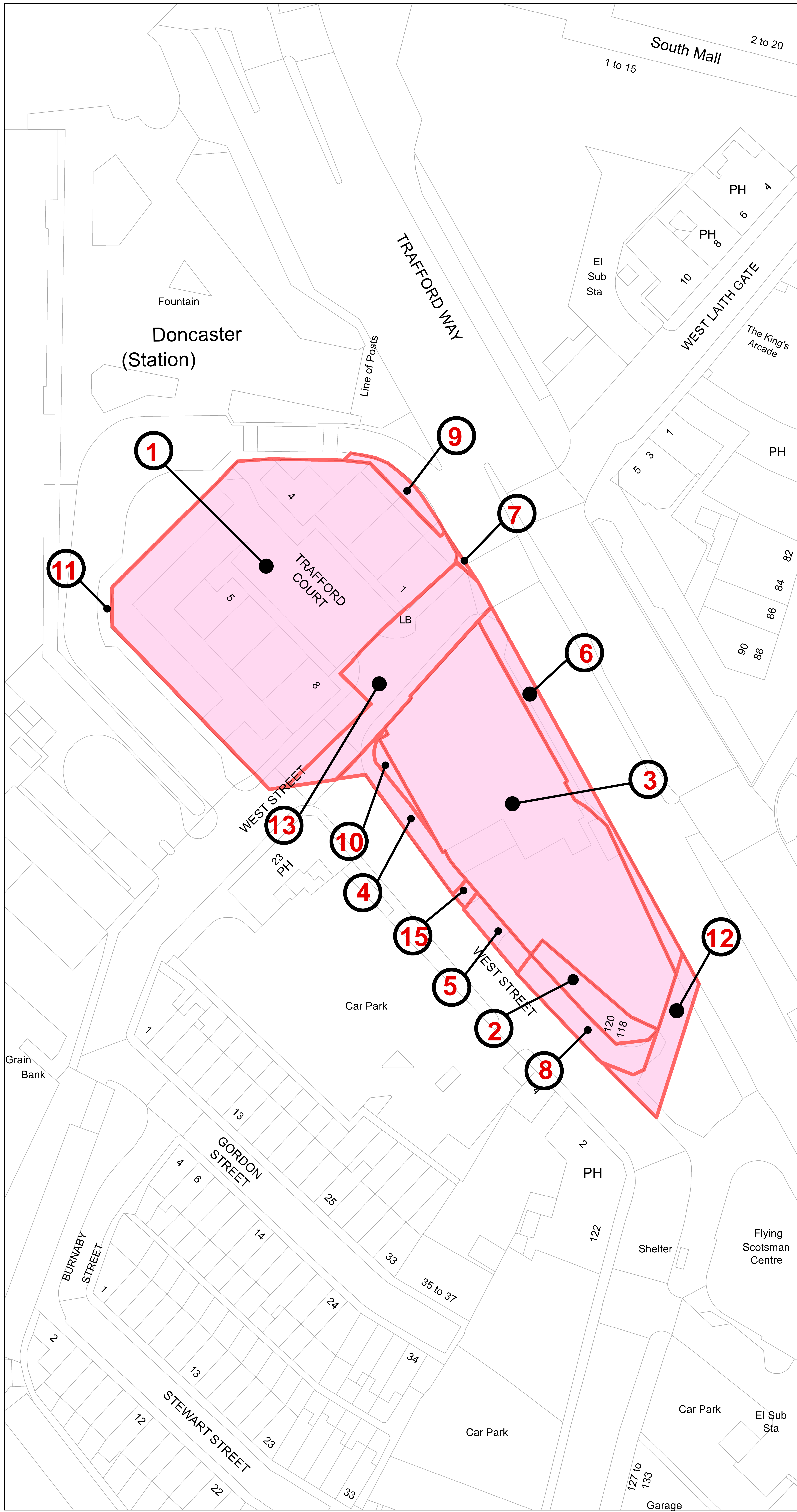
18. In the Council's respectful submission, there is - obviously - only one conclusion to reach. Indeed, there is no evidence on which a contrary view could be reached. The CPO should be confirmed, to allow the Council to bring forward this much needed and obviously beneficial scheme.

19. The Council will in due course respectfully ask the Inspector to confirm the CPO.

Robert Walton KC

Landmark Chambers

17th April 2024



Key :

- 1. 2421.92 Sqm
- 2. 127.35 Sqm
- 3. 1779.49 Sqm
- 4. 117.60 Sqm
- 5. 64.51 Sqm
- 6. 205.25 Sqm
- 7. 5.47 Sqm
- 8. 142.80 Sqm
- 9. 52.02 Sqm
- 10. 31.05 Sqm
- 11. 12.54 Sqm
- 12. 148.70 Sqm
- 13. 461.46 Sqm
- 15. 12.32 Sqm

Notes :

Title :

Map referred to in the Doncaster (City Gateway - Railway Square and Phase 1) Compulsory Purchase Order 2023

Completed By :

rachaelr

Reference :

CPO Doncaster City Gateway

Date :

Scale :

1:250

Dated

**THE DONCASTER
(CITY GATEWAY - RAILWAY SQUARE AND PHASE 1))
COMPULSORY PURCHASE ORDER 2023**

THE TOWN AND COUNTRY PLANNING ACT 1990; AND
ACQUISITION OF LAND ACT 1981

relating to Land and buildings at Trafford Court and Trafford Way, Doncaster,
South Yorkshire

**THE DONCASTER (CITY GATEWAY - RAILWAY SQUARE AND PHASE 1)
COMPULSORY PURCHASE ORDER 2023 (“The Order”)**

The City of Doncaster Council of Civic Office, Waterdale, Doncaster DN1 3BU (in this order called the “Acquiring Authority”) makes the following order:

1. Subject to the provisions of this order the Acquiring Authority is under section 226(1)(a) and 226(3)(a) of the Town and Country Planning Act 1990 hereby authorised to purchase compulsorily the land described in paragraph 2 for the purpose of facilitating the development of a significant extension to the recently upgraded Railway Square to allow connection with the Station Gateway site, allowing greater walkability and space for enterprise, and the delivery of a 4-5 storey office/mixed-use building with wider public realm, connectivity, active travel and regeneration elements.
2. The land authorised to be purchased compulsorily under this order is the land described in the Schedule and delineated and shown edged red and coloured pink on a map prepared in duplicate, sealed with the common seal of the Acquiring Authority and marked “Map referred to in the Doncaster (City Gateway - Railway Square and Phase 1) Compulsory Purchase Order 2023”.

Schedule

Table 1

Number on map (1)	Extent, description and situation of the land (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 - name and address)			
		Owners or reputed owners (3)	Lessees or reputed lessees (4)	Tenants or reputed tenants (other than lessees) (5)	Occupiers (6)
1.	All interests in 2421.92 square metres of land forming an office complex and associated access and parking at 1-8 Trafford Court, Doncaster, DN1 1PN as registered on title SYK21229 except those owned by the Acquiring Authority	City of Doncaster Council of Civic Office, Waterdale, Doncaster DN1 3BU	British Transport Police Authority of Unit 7 and Unit 8 Trafford Court, Doncaster DN1 1PN Taskmaster Resources Limited (company number 03289148) of 8	-	British Transport Police Authority of Unit 7 and Unit 8 Trafford Court, Doncaster DN1 1PN Taskmaster Resources Limited of 8 Leodis Court, David Street, Leeds, LS11 5JJ

Number on map (1)	Extent, description and situation of the land (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 - name and address)			
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			<p>Leodis Court, David Street, Leeds, LS11 5JJ</p> <p>Central Men's Christian Association (company number 00119249) of 112 Great Russell St, London, WC1B 3NQ</p> <p>Keltbray Rail Limited of Units 5 and 6 Trafford Court, Doncaster,</p>		<p>Central Men's Christian Association (company number 00119249) of 112 Great Russell St, London, WC1B 3NQ</p> <p>Keltbray Rail Limited of Units 5 and 6 Trafford Court, Doncaster, DN1 1PN</p>

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			DN1 1PN Legal Education Trust of Unit 3 Trafford Court, Doncaster, DN1 1PN		Legal Education Trust of Unit 3 Trafford Court, Doncaster, DN1 1PN Virgin Media Limited (company number 2591237) of 500 Brook Drive Reading RG2 6UU

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					Vodafone Limited (company number 01471587) of Vodafone House, The Connection, Newbury, Berkshire, RG14 2FN
2.	All interests in 127.35 square meters of land forming a retail unit, access and associated parking being land at 118 and 120 St Sepulchre Gate, Doncaster, DN1 3AB as registered on title SYK255456	Rent Doncaster Ltd (company no. 09963388) of Stonebank Spinney Hill, Sprotbrough, Doncaster, England, DN5 7LY	-	-	Rent Doncaster Ltd (company no. 09963388) of Stonebank Spinney Hill, Sprotbrough, Doncaster, England, DN5 7LY

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		Owners or reputed owners (3)	Lessees or reputed lessees (4)	Tenants or reputed tenants (other than lessees) (5)	Occupiers (6)
3.	All interests in 1776.949 square metres of land forming a trade retail unit, access and associated parking being the Wolseley Plumb Centre on the North West side of West Street, Doncaster, DN1 1AA as registered on title SYK339072	Wolseley UK Limited (Company no. 00636445) of 2 Kingmaker Court, Warwick Technology Park, Gallows Hill, Warwick, Warwickshire, United Kingdom, CV34 6DY	-	-	Wolseley UK Limited (Company no. 00636445) of 2 Kingmaker Court, Warwick Technology Park, Gallows Hill, Warwick, Warwickshire, United Kingdom, CV34 6DY
4.	All interests in 117.60 square metres of highway land being land at West Street, Doncaster as registered on SYK507020 except those owned by the Acquiring Authority.	City of Doncaster Council of Civic Office, Waterdale, Doncaster DN1 3BU	-	-	-

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		Owners or reputed owners (3)	Lessees or reputed lessees (4)	Tenants or reputed tenants (other than lessees) (5)	Occupiers (6)
5.	All interests in 64.51 square metres of highway land being land at West Street, Doncaster as registered on SYK507140 except those owned by the Acquiring Authority.	City of Doncaster Council of Civic Office, Waterdale, Doncaster DN1 3BU	-	-	-
6.	All interest in 20544.2540 square metres of highway land and buildings being land at Trafford Way, Doncaster forming part of registered title SYK507239 except those owned by the Acquiring Authority.	City of Doncaster Council of Civic Office, Waterdale, Doncaster DN1 3BU	-	-	-
7.	All interest in 5.47 square metres of highway land being land at Trafford Way, Doncaster forming part of title SYK516090 except those owned by the Acquiring Authority.	City of Doncaster Council of Civic Office, Waterdale, Doncaster DN1	-	-	-

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		Owners or reputed owners (3)	Lessees or reputed lessees (4)	Tenants or reputed tenants (other than lessees) (5)	Occupiers (6)
		3BU			
8.	All interest in 142.80 square metres of highway land being land at West Street, Doncaster forming part of title SYK519605 except those owned by the Acquiring Authority.	City of Doncaster Council of Civic Office, Waterdale, Doncaster DN1 3BU	-	-	-
9.	All interest in 52.02 square metres of highway land being land on the south west side of Trafford Way, Doncaster as registered on title SYK558011 except those owned by the Acquiring Authority.	City of Doncaster Council of Civic Office, Waterdale, Doncaster DN1 3BU	-	-	-

Number on map (1)	Extent, description and situation of the land (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 - name and address)			
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10.	All interest in 31.05 square metres of highway land being land on the east side of St Sepulchre Gate Way, Doncaster as registered on title SYK592393 except those owned by the Acquiring Authority.	City of Doncaster Council of Civic Office, Waterdale, Doncaster DN1 3BU	-	-	-
11.	All interest in 12.54 square metres of highway land being land lying to the West of Trafford Court, Doncaster as registered on SYK661263 except those owned by the Acquiring Authority.	City of Doncaster Council of Civic Office, Waterdale, Doncaster DN1 3BU	-	-	-
12.	All interest in 559.22 <u>148.70</u> square metres of unregistered highway land being land lying between West Street and Trafford Way except those owned by the Acquiring Authority.	City of Doncaster Council of Civic Office, Waterdale, Doncaster DN1	-	-	-

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		3BU			
13.	All interest in 461.46 square metres of unregistered highway land being forming West Street except those owned by the Acquiring Authority.	City of Doncaster Council of Civic Office, Waterdale, Doncaster DN1 3BU	-	-	-
14.	All interest in 70.21 square metres of unregistered highway land being to the west of West Street except those owned by the Acquiring Authority.	City of Doncaster Council of Civic Office, Waterdale, Doncaster DN1 3BU	-	-	-

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15.	All interest in 12.32 square metres of unregistered highway land being to the west of West Street except those owned by the Acquiring Authority.	City of Doncaster Council of Civic Office, Waterdale, Doncaster DN1 3BU	-	-	-
16.	All interest in 136.33 square metres of highway land and buildings being land at Trafford Way, Doncaster forming part registered title SYK507239 except those owned by the Acquiring Authority.	City of Doncaster Council of Civic Office, Waterdale, Doncaster DN1 3BU	-	-	-

Table 2

Number on map (7)	Other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981		Other qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 - not otherwise shown in Tables 1 & 2	
	Name and address (8)	Description of interest to be acquired (9)	Name and address (10)	Description of the land for which the person in adjoining column is likely to make a claim (11)
1.	<p>The Co-operative Bank PLC of PO BOX 101, 1 Balloon Street, Manchester, M60 4EP</p> <p>Keltbray Rail Limited (previously known as Keltbray Aspire Limited) of St Andrew's House, Portsmouth Road, Esher, Surrey, KT10 9TA</p>	<p>Registered Charge dated 2 February 2016</p> <p>Unilateral Notice (Agreement for Lease) dated 1 February 2019</p>	<p>Doncaster Assets Limited (company no. 09855491) and Doncaster Assets (No 2) Limited (company no. 09856210) both of 1st Floor Rico House George Street, Prestwich, Manchester, Lancashire, England, M25 9WS</p> <p>Unknown</p>	<p>Rights reserved by a Transfer dated 11 September 2008</p> <p>Rights reserved by a Transfer dated 11 September 2008</p>

			<p>Doncaster Assets Limited (company no. 09855491) and Doncaster Assets (No 2) Limited (company no. 09856210) both of 1st Floor Rico House George Street, Prestwich, Manchester, Lancashire, England, M25 9WS</p>	<p>Legal easements reserved by a Transfer dated 14 May 2018</p>
			<p>Unknown</p>	<p>Legal easements reserved by a Transfer dated 14 May 2018</p>
			<p>Unknown</p>	<p>Restrictive covenants as may have been imposed before 10 May 1849 and are still subsisting and capable of being enforced.</p>
			<p>Unknown</p>	<p>Restrictive covenants as may have been imposed before 28 October 1972 and</p>

				are still subsisting and capable of being enforced.
3.	...	...	Unknown	Restrictive covenants that exist and are referred to in the Deed of Exchange dated 3 August 1965
6.	...	...	Unknown Unknown	Rights reserved by the Deed of Exchange dated 3 August 1965 Rights contained in the Deed of Exchange dated 27 June 1966
9.	...	...	Doncaster Assets Limited (company no. 09855491) and Doncaster Assets (No 2) Limited (company no. 09856210) both of 1st Floor Rico House George Street, Prestwich, Manchester, Lancashire, England, M25 9WS Unknown	Restrictive covenants that exist and are referred to in the transfer dated 11 September 2008 Restrictive covenants that exist and are referred to in the transfer dated 11

				September 2008
10.	...	...	Unknown	Restrictive covenants as may have been imposed before 30 November 2011 and are still subsisting and capable of being enforced.
11.	...	...	Doncaster Assets Limited (company no. 09855491) and Doncaster Assets (No 2) Limited (company no. 09856210) both of 1st Floor Rico House George Street, Prestwich, Manchester, Lancashire, England, M25 9WS	Restrictive covenants that exist and are referred to in the transfer dated 14 May 2018
			Unknown	Restrictive covenants that exist and are referred to in the transfer dated 14 May 2018

Date

Execution

Executed as a Deed by affixing
THE COMMON SEAL of
the City of Doncaster Council
in the presence of:-

Print Name

Authorised by Assistant Director
Legal and Democratic Services

Seal No.

Dated

**THE DONCASTER
(CITY GATEWAY - RAILWAY SQUARE AND PHASE 1))
COMPULSORY PURCHASE ORDER 2023**

**THE TOWN AND COUNTRY PLANNING ACT 1990; AND
ACQUISITION OF LAND ACT 1981**

relating to Land and buildings at Trafford Court and Trafford Way, Doncaster,
South Yorkshire

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2. The land authorised to be purchased compulsorily under this order is the land described in the Schedule and delineated and shown edged red and coloured pink on a map prepared in duplicate, sealed with the common seal of the Acquiring Authority and marked “Map referred to in the Doncaster (City Gateway - Railway Square and Phase 1) Compulsory Purchase Order 2023”.

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4.	All interests in 117.60 square metres of highway land being land at West Street, Doncaster as registered on SYK507020 except those owned by the Acquiring Authority.	City of Doncaster Council of Civic Office, Waterdale, Doncaster DN1 3BU	-	-	-

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6.	All interest in 205.25 square metres of highway land and buildings being land at Trafford Way, Doncaster forming part of registered title SYK507239 except those owned by the Acquiring Authority.	City of Doncaster Council of Civic Office, Waterdale, Doncaster DN1 3BU	-	-	-
7.	All interest in 5.47 square metres of highway land being land at Trafford Way, Doncaster forming part of title SYK516090 except those owned by the Acquiring Authority.	City of Doncaster Council of Civic Office, Waterdale, Doncaster DN1	-	-	-

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Number on map (1)	Extent, description and situation of the land (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 - name and address)			
		Owners or reputed owners (3)	Lessees or reputed lessees (4)	Tenants or reputed tenants (other than lessees) (5)	Occupiers (6)
10.	All interest in 31.05 square metres of highway land being land on the east side of St Sepulchre Gate Way, Doncaster as registered on title SYK592393 except those owned by the Acquiring Authority.	City of Doncaster Council of Civic Office, Waterdale, Doncaster DN1 3BU	-	-	-
11.	All interest in 12.54 square metres of highway land being land lying to the West of Trafford Court, Doncaster as registered on SYK661263 except those owned by the Acquiring Authority.	City of Doncaster Council of Civic Office, Waterdale, Doncaster DN1 3BU	-	-	-
12.	All interest in 148.70 square metres of unregistered highway land being land lying between West Street and Trafford Way except those owned by the Acquiring Authority.	City of Doncaster Council of Civic Office, Waterdale, Doncaster DN1	-	-	-

Number on map (1)	Extent, description and situation of the land (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 - name and address)			
		Owners or reputed owners (3)	Lessees or reputed lessees (4)	Tenants or reputed tenants (other than lessees) (5)	Occupiers (6)
		3BU			
13.	All interest in 461.46 square metres of unregistered highway land being forming West Street except those owned by the Acquiring Authority.	City of Doncaster Council of Civic Office, Waterdale, Doncaster DN1 3BU	-	-	-
15.	All interest in 12.32 square metres of unregistered highway land being to the west of West Street except those owned by the Acquiring Authority.	City of Doncaster Council of Civic Office, Waterdale, Doncaster DN1 3BU	-	-	-

Table 2

Number on map (7)	Other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981		Other qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 - not otherwise shown in Tables 1 & 2	
	Name and address (8)	Description of interest to be acquired (9)	Name and address (10)	Description of the land for which the person in adjoining column is likely to make a claim (11)
1.	<p>The Co-operative Bank PLC of PO BOX 101, 1 Balloon Street, Manchester, M60 4EP</p> <p>Keltbray Rail Limited (previously known as Keltbray Aspire Limited) of St Andrew's House, Portsmouth Road, Esher, Surrey, KT10 9TA</p>	<p>Registered Charge dated 2 February 2016</p> <p>Unilateral Notice (Agreement for Lease) dated 1 February 2019</p>	<p>Doncaster Assets Limited (company no. 09855491) and Doncaster Assets (No 2) Limited (company no. 09856210) both of 1st Floor Rico House George Street, Prestwich, Manchester, Lancashire, England, M25 9WS</p> <p>Unknown</p>	<p>Rights reserved by a Transfer dated 11 September 2008</p> <p>Rights reserved by a Transfer dated 11 September 2008</p>

			<p>Doncaster Assets Limited (company no. 09855491) and Doncaster Assets (No 2) Limited (company no. 09856210) both of 1st Floor Rico House George Street, Prestwich, Manchester, Lancashire, England, M25 9WS</p>	<p>Legal easements reserved by a Transfer dated 14 May 2018</p>
			<p>Unknown</p>	<p>Legal easements reserved by a Transfer dated 14 May 2018</p>
			<p>Unknown</p>	<p>Restrictive covenants as may have been imposed before 10 May 1849 and are still subsisting and capable of being enforced.</p>
			<p>Unknown</p>	<p>Restrictive covenants as may have been imposed before 28 October 1972 and</p>

				are still subsisting and capable of being enforced.
3.	...	...	Unknown	Restrictive covenants that exist and are referred to in the Deed of Exchange dated 3 August 1965
6.	...	...	Unknown Unknown	Rights reserved by the Deed of Exchange dated 3 August 1965 Rights contained in the Deed of Exchange dated 27 June 1966
9.	...	...	Doncaster Assets Limited (company no. 09855491) and Doncaster Assets (No 2) Limited (company no. 09856210) both of 1st Floor Rico House George Street, Prestwich, Manchester, Lancashire, England, M25 9WS Unknown	Restrictive covenants that exist and are referred to in the transfer dated 11 September 2008 Restrictive covenants that exist and are referred to in the transfer dated 11

				September 2008
10.	...	...	Unknown	Restrictive covenants as may have been imposed before 30 November 2011 and are still subsisting and capable of being enforced.
11.	...	...	Doncaster Assets Limited (company no. 09855491) and Doncaster Assets (No 2) Limited (company no. 09856210) both of 1st Floor Rico House George Street, Prestwich, Manchester, Lancashire, England, M25 9WS	Restrictive covenants that exist and are referred to in the transfer dated 14 May 2018
			Unknown	Restrictive covenants that exist and are referred to in the transfer dated 14 May 2018

Date

Execution

Executed as a Deed by affixing
THE COMMON SEAL of
the City of Doncaster Council
in the presence of:-

Print Name

Authorised by Assistant Director
Legal and Democratic Services

Seal No.



General Notes:

1. This drawing utilises Topographical survey drawing number DGW-MUR-XX-XX-DR-Y-00001 produced by Murphy Geospatial.
2. Development Layout taken from Bond Bryan drawing number DGW1-BBA-Z0-SL-M2-L-1003 Rev P08 produced 28.09.2023.
3. Any discrepancies should be reported to Bryan G Hall Limited immediately.

Key

Area to be subject to stopping up (Highway rights removed) under section 247 of the planning act

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 CONSULTING CIVIL & TRANSPORTATION PLANNING ENGINEERS
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LEEDS T 0113 246 1555 LONDON T 0203 5532336
 Suite E15 | Josephs Well
 Hanover Walk | LEEDS | LS3 1AB
 E transportleeds@bryanghall.co.uk
 W www.bryanghall.co.uk
 T twitter.com/Bryanghall1
 I Bryan G Hall



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Title: PLAN SHOWING LAND TO BE STOPPED UP
 Status: FOR INFORMATION
 Scale: 1:250
 Size: A3 - 420 x 297
 Drawn: JI Chkd: JP Appvd: BR

Rev:	Date:	Amendment:	DRN	CHK	APR
Client:			WILLMOTT DIXON		
Project:			DONCASTER GATEWAY		
Drawing No:		DWG1-BGH-XX-XX-DR-D-00014	Revision:		P01
Job No:		22-272	Date:		09/04/24

**THE DONCASTER (CITY GATEWAY – RAILWAY SQUARE AND PHASE 1) COMPULSORY
PURCHASE ORDER 2023**

CITY OF DONCASTER COUNCIL - NOTE TO THE INSPECTOR

16 APRIL 2024

Update on the progress on the Stopping Up Order

As the Inspector will be aware, as part of the Scheme, the Council will need to apply for a Stopping Up Order ('SuO'). This will be to stop up two small parcels of land.

The land to be stopped up

The Council has submitted a plan showing the relevant areas which are shaded blue. This is attached to this note for ease of reference.

The plan shows that a relatively small amount of land requires the SuO and further, these areas are limited to areas of pedestrian paving.

All areas of highway land within the site, which are open to vehicular traffic, (for example, West Street) will be dealt with by way of Traffic Regulation Order to restrict them to access by foot or foot and cycle only.

The Council are finalising details to ensure as minimal impact as possible, and continue to work with their Contractors on this.

The Process

In relation to the land to be stopped up, the Council will make its application under the powers at section 247 of the Town and Country Planning Act 1990 ('the 1990 Act'), as has been indicated by the plan submitted.

The relevant test under s.247 of the 1990 Act is to demonstrate that *it is necessary to enable a development to take place in accordance with planning permission*.

The Planning Permission is for detailed consent and so the s.247 application will not be premature.

The work carried out by Willmott Dixon has reduced the area subject to the SuO as much as possible and so the Council is confident that it is the minimum area necessary to be stopped up and so will accord with the tests set out in s.247.

There are not expected to be any objections to the SuO:

- Willmott Dixon have been engaging with the Council's Highway Team regarding the relevant highway matters related to the Scheme. Council officers responsible for delivering the Scheme understand that no issues are foreseen which would prevent the Council securing the relevant approvals.
- No formal objections were received in relation to the planning application for the Scheme. A representation was made by the Civic Trust, however, these comments neither objected to nor supported the application. The majority of the comments from the Trust were design related and have either already been considered as part of the Scheme or can be facilitated.
- The Council's Highways department raised no objections in relation to the proposed loss of West Street or any area of public pavement.
- The Committee Report confirms that the site will be in a sustainable location and raises no concerns in relation to any areas of land that will need to be stopped up. As set out in paragraph 8.46 of the Committee Report (**CD/32**):

8.46 A Transport Assessment (TA) and Travel Plan (TP) have accompanied this application. The Transport Assessment has concluded that the highways alterations to West Street are acceptable in terms of highways safety and will continue to provide a suitable route to access to the wider area and to the application site for the purpose of servicing and deliveries. The Council's Highways Development Control Officer did request tracking information for both servicing and delivery vehicles, this has been provided via an addendum to the TA. The Highways Development Control Officer is satisfied that vehicles can access the site safely for both servicing and deliveries.

Additionally, the TA confirms that the site is in a highly sustainable location and is accessible by public modes of transport and offers connections to existing pedestrian routes to the city centre. Based on the sustainable location of the site, the development will be car free, which should encourage sustainable modes of transport further.

[...]

Timescales

The Council have factored in sufficient time to secure the relevant order before works begin on site.

The Council intends to submit the SuO by 6 May 2024. The project programme has allowed between 22 and 45 weeks for the securing of the SuO from the date of submission. The variation accounts for formal objections being received, and the unlikely event a public inquiry is required. These timescales would allow the SuO to be secured in advance of any contracted works on the site.

THE DONCASTER (CITY GATEWAY – RAILWAY SQUARE AND PHASE 1)

COMPULSORY PURCHASE ORDER 2023

CITY OF DONCASTER COUNCIL - NOTE TO THE INSPECTOR

18 APRIL 2024

1. This note is provided in relation to questions raised by the Inspector during the Examination in Chief of Mr Neil Firth, on the 17 April 2024. Specifically, this note will clarify elements of the funding of the Scheme and the risk contingency that has been built into the funding assessment.
2. Mr Firth's evidence is that the Council has taken steps to ensure that the Scheme is fully funded, such that funding will not represent an impediment to delivery of the Scheme.
3. Paragraph 3.15 of Mr Firth's proof shows the summary of costs and funding for the Scheme, as set out in the Council's Full Business Case. This shows a total Scheme cost of £27,039,000.
4. The Council has secured £24,239,000 funding from DLUHC.
5. The Council has subsequently taken steps to ensure the Scheme costs were kept under review, and in doing so identified additional costs of £2,800,000 (see paragraph 3.13 and 3.16 - 3.22 of Mr Firth's proof).
6. Recommendation (iv) of the Cabinet Report of 8 June 2022 (the "June 2022 Cabinet Report") (**CD/2**) – which was accepted by Cabinet - notes the funding gap and recommends the use of the Council's Investment and Modernisation Fund, to fund that gap. As confirmed at paragraph 3.22 of Mr Firth's proof this is to be funded by borrowing, with the borrowing costs assumed to be covered by income generated from the project (in this case the rents).
 - a. Appendix 1 to the June 2022 Cabinet Report is an exempt report containing commercially sensitive information, and so has not been provided as a public document to this Inquiry (the "Exempt Report"). This Exempt Report sets out that:

The Investment and Modernisation Fund is funded by borrowing with the borrowing costs assumed to covered by income generated from the project

(in this case the rents). The cost of borrowing £2.80m is £0.144m per annum.

7. The Queensbury Report (“QR”) (CD/29) assesses demand and potential rental revenues for the commercial building.

- a. Page 13 of the QR sets out that:

Regarding rental levels and incentives, it is considered that £15 per sq. ft is very achievable and with high quality design, associated facilities and strong sustainability attributes, it is believed that £20 per sq. ft could be achieved

- b. Page 20 of the QR sets out the anticipated revenue based on annual rental income from the lettable area within the building on the basis of £15 per sq ft.

BUILDING SPACE	AREA (SQ FT)	RATE (SQ FT)	GROSS INCOME
OFFICE	26,232	£15	£393,478
F&B / COMMERCIAL	2,680	£15	£40,204
TOTAL ANNUAL REVENUE	31,280		£457,362

8. The QR report acknowledges that ‘Forecast revenues must also consider landlord costs (as above) and factor in elements of tenant void and replacement tenants. This could potentially impact the gross income by circa to £30,000 to £75,000’.
9. Given the total annual revenue at £15 per sq foot (and the Queensbury analysis that this rate is ‘very achievable’), the Council’s position is that this will be sufficient to cover the £144,000 per annum required to service the borrowing costs of the £2,800,000.
- a. For completeness, the QR also sensitivity tests a range of other achieved rates from 50% reduction to a 15% improvement. This can be seen at pages 20 and 21 of the QR Report.
10. The Exempt Report also confirms that if the costs of borrowing the £2.8m shortfall could not be funded by income derived from the office rentals, the shortfall would be covered via the Council’s Strategic Acquisitions Fund.
11. The Council considers the costings for the Scheme itself to be robust. As set out in 5.13 of the June 2022 Cabinet Report, Wilmott Dixon were appointed to carry out a Feasibility Study and RIBA Stage 2 Design.

12. The RIBA Stage 2 Summary Cost Plan is attached as an appendix to this note. This demonstrates that the Wilmott Dixon assessment built in:

- a. A construction risk of 6% (£801,055.66); and
- b. Inflation risk of 12.61% (£2,155,280.35)

13. Therefore, as set out in Mr Firth's proof, it is the Council's position that the Scheme is fully funded, with suitable contingency built in.

14. The Council has however taken steps, as a prudent authority, to ensure that the Scheme will not be prevented from being delivered. To that extent, the Council has considered how it might fund any currently unknown and unforeseen shortfall.

- a. The Contract for delivery of the Scheme has not yet been awarded, and so the Council can work with Wilmott Dixon to value engineer the project as necessary so that it meets the funding envelope.
- b. There is no specified funding shortfall for which the Council could currently seek Cabinet approval for, but the Council's cabinet has already considered potential sources for further funding. As set out in the exempt Appendix 1 to the June 2022 Cabinet Report:

A further bid may be made to the Council's Investment and Modernisation Fund if the project requires additional funding and the rental income from the scheme is enough to meet the requirements of the fund.'

- c. As with the £2.8 million funding, borrowing of such funds would be offset against rental income. As noted at paragraphs 7-9 above, there is surplus anticipated rental income to which this could be offset.
- d. This is a key project for the Council, and in the event that all of the above provisions were not sufficient, the Council could seek further sources of funding from elsewhere.

15. As such, it is submitted that the Inspector can safely conclude the Scheme has suitable funding which includes appropriate cost contingency amounts. Further, that the Council has taken steps to consider how any currently unknown and unforeseen shortfall would be covered.

APPENDIX – RIBA Stage 2 Summary Cost Plan

9. Commercial

A. Cost Plan Summary

BUDGET - Doncaster Multi-use Offices		£/m2	£ Total
	GIFA (Gross Internal Floor Area)		4,650.00 m2
	Our costs also include for 497m2 of external terrace areas		
Substructures			
Foundations			680,824.36
Superstructures			
Frame			1,793,152.59
Upper Floors		Included in frame cost	
Balconies/Terraces			119,256.44
Roof			150,590.81
Stairs & Ramps			162,408.25
External Walls			1,522,286.87
Windows & External Doors			2,102,053.48
Internal Walls & Partitions			424,769.65
Internal Doors			114,251.34
Wall Finishes & Decoration			122,377.45
Floor Finishes			268,695.87
Ceiling Finishes			157,655.25
General Fittings, Furnishings & Equipme			31,875.33
Sanitary Appliances		Included in MEP cost	
Disposal Installations		Included	
Mechanical Installations			3,256,360.37
Electrical Installations		Included	
Lift & Conveyor Installations			160,867.50
Builders Work in Connection with Servi		Included in MEP costs	
Works Outside Boundary			29,462.67
Demolition			321,735.00
Site Preparation Works			199,347.27
Roads, Paths, Pavings & Surfacing			461,774.68
Soft Landscaping & Planting			519,869.28
Fencing, Railings & Walls			N/A
External Fixtures			142,099.63
External Drainage			299,213.55
External Services (Inc BWIC)			245,000.00
Additional Items			
Reception Desk			15,000.00
Asbestos Removal			50,000.00
SUB-TOTAL: BUILDING WORKS	Total :		13,350,927.65

2,871.17

Prelims		1,918,252.00	
Fees & Surveys		1,657,072.00	
Fees & Management Charge		165,583.00	
SUB-TOTAL: INCL PRELIMS & FEES		17,091,834.65	3,675.66
RISK	6.00%	801,055.66	
Fixed Price	12.61%	2,155,280.35	
Fee	3.08%	551,101.02	
PROJECT TOTAL (EXCLUDING VAT)		20,599,271.68	4,429.95

OPTIONS

Reduce internal specification to shell & core	Minus £800/m2
Increase internal specification to CAT B	Plus £650/m2

**THE DONCASTER (CITY GATEWAY – RAILWAY SQUARE AND PHASE 1)
COMPULSORY PURCHASE ORDER 2023**

CLOSING SUBMISSIONS ON BEHALF OF THE CITY OF DONCASTER COUNCIL

1. **The CPO.** The City of Doncaster Council (“the **Council**”) has made the City of Doncaster (City Gateway – Railway Square and Phase 1) Compulsory Purchase Order (“the **CPO**”) pursuant to its powers under 226(1)(a) and 226(3)(a) of the Town and Country Planning Act 1990.
2. The purpose of the CPO is to facilitate the delivery of two projects (together “the **Scheme**”) that are fundamental to the ongoing regeneration of Doncaster City Centre:
 - the Railway Square Extension – comprising the extension of the recently upgraded Railway Station Forecourt (completed in 2020), providing a highly accessible green urban space in the heart of the City Centre; and
 - the Gateway Office Development – comprising the provision of a new 4-5 storey office-led mixed-use building, together with public realm improvements, increasing the amount and diversity of high quality, highly flexible commercial floorspace, again in this highly sustainable location.
3. **The Order Land.** The land the subject of the CPO (“the **Order Land**”) is detailed in the Order Schedule and shown on the Order Map. The version of the Order Schedule at CD44 and the version of the Order Map at CD45 have been superseded by the versions submitted to the Planning Inspectorate on 16th April 2024. The changes have been made because the Council has concluded that it does not need to acquire any rights over Plots 14 and 16, and only needs to acquire rights over a very small part of Plot 12 (reduced from 559.22 sqm to 148.70 sqm). The amendments also pick up two typographical errors in relation to the size of Plot 3 and the Plot 6. The Council is grateful to the Inspector for agreeing to accept the amended documents.

4. **Statutory requirements.** The Council has complied with all statutory requirements in the preparation and promotion of the CPO.
5. **Twin-tracking of the CPO alongside attempts to acquire by agreement.** As set out in the Council's evidence (and as referred to in more detail below) the Council has made stringent efforts to acquire by agreement the interests and rights that it needs to deliver the Scheme. It has not yet managed to do this, hence the need for the CPO. The Council's approach of promoting the CPO whilst continue to try to acquire by agreement is an established and appropriate course of action: see paragraph 2 of DLUHC's *Guidance on Compulsory Purchase Process and The Criche Down Rules* (July 2019) (CD14).
6. **The need for the Scheme and the Council's actions to date.** Doncaster faces significant challenges. These are captured in section 1.2 of the Business Case (CD9) and summarised in Mr Cardwell's evidence at paragraph 5.2 – 5.3. Noone has put forward any evidence to the contrary.
7. The Council's regeneration ambitions for the regeneration of the City Centre are of course a direct response to these challenges.
8. In terms of the Council's policy, the key documents are:
 - The **Doncaster Urban Centre Masterplan** (CD36), prepared in 2016. Internal page 7 is a helpful starting point, as it has a photo of the station forecourt, dominated by car parking and roadways. The Masterplan recognises the need to deliver a "vital new arrival statement" at the station. The Masterplan was produced following extensive public consultation.
 - The subsequent **Town Investment Plan** (CD26), prepared in 2021. This underpinned the Business Case submission, explaining the need for and the detail of the Railway Square Extension and the new multi-use Gateway building and associated public realm: see in particular sections 7 and 8. It also provides a rationale for the further investment in office space: see internal page 30. Again, the TIP was produced following extensive public consultation.
 - **The Council's Local Plan** (CD15), adopted in September 2021 – see in particular policies 67 and 68. As with all Local Plans, there was, again, extensive public consultation.

9. The Scheme forms one very important component of the Council's wider regeneration aspirations. As Mr Cardwell explains in his evidence, in the last 5 years the Council has delivered several major schemes costing in the region of £40m, including the CCG Savoy Development, the new Doncaster Library and Museum and the Wool Market, as well as investment into improving the City's streets. The Council is also looking to work with DLUHC over the summer of this year with the aim of securing a further £40m of government funding pursuant to a Levelling Up Partnership: see Mr Cardwell's proof at paragraph 5.3.
10. These are all important developments in their own right, but plainly the area around the station is on another level in terms of its importance to how the City Centre functions, and to how the City is perceived by residents, visitors and potential investors. As the Masterplan, the Town Investment Plan and the Local Plan all rightly recognise, it is vital that this area is regenerated.
11. That is why the Council has already invested in regenerating the existing station forecourt area, completed in 2020. The results are tangible – compare the photo on page 7 of the Masterplan with the situation today. But plainly more can and needs to be done.
12. The Government itself recognises the need for the Scheme. Doncaster was one of the 100 places in the UK the subject of the Government's proposed £3.6bn Towns Fund, announced in September 2019, to support economic regeneration, with each location invited to bid for up to £25m of investment: see Mr Firth's evidence at paragraph 3.1.
13. That announcement led to the formation of the Doncaster Town Deal Board. The Board oversaw the delivery of the Town Investment Plan (see Mr Firth's proof at paragraph 3.2 and document POE/NF/2) and then the submission of the Business Case to DLUHC (see Mr Firth's proof at 3.5).
14. **Funding.** The Scheme is fully funded. As set out above the Government has committed in excess of £24m into the project, confirmation judged against the most exacting standards - not only of the need for the regeneration of this part of the City Centre, but also the substantial economic, social and environmental benefits that the Scheme will deliver. No one raises any issues with any aspect of the case that the Council presented to government in support of its funding bid. Mr Lambert's evidence explains the economic analysis that was undertaken in

support of the business case, and the basis of the (again unchallenged) conclusion as to value for money (“VfM”). As he explained in evidence in chief, the economic analysis he prepared in support of the business case still holds good: it prepared on a conservative basis and there would have to be a truly shift in terms of the scheme’s costs even to get its VfM down from “medium” to “low”: see Mr Lambert’s proof at paragraph 4.15.2. There is of course no evidence on which to conclude that is even remotely likely to happen.

15. The Council has resolved to cover the £2.8m funding gap that emerged following review of the Scheme’s overall costs. That will be funded by borrowing, the cost of which is anticipated to be £144k per annum, to be covered by the rental receipts from the new commercial floorspace. The Council has taken expert advice from Queensbury, who advise that rental levels generating well in excess of this level of income will be “very achievable”: see page 13 of CD 29. But even if the rental levels did not cover the cost of borrowing, the Council would fund the shortfall from its Strategic Acquisitions Fund. There is no basis on which to assume costs would exceed current predictions, but the Council has already considered its funding options in the event this did happen, concluding that a further bid could be made to the Council’s Investment and Modernisation Fund (assuming the rental levels would cover the cost of any borrowing) or alternative sources of funding would be sought: see the Council’s Note to the Inspector dated 18th April 2024.
16. Mr Firth – the Council’s Head of Service for Major Projects and Investments – was therefore right to conclude that there are no funding impediments to delivery. Noone suggests otherwise.
17. **Planning.** The Council has secured planning permission for the Scheme (CD32). The Officer’s Report (CD33) confirms the Scheme’s full compliance with the Council’s development plan policies and the NPPF. With planning permission in place, there is plainly no planning impediment to the delivery of the Scheme.
18. **Other consents.** The Council will need to secure a stopping up order (SuO) in relation to two very small slivers of highway¹. There is no reason to think there will be any issues with securing the SuO. It would plainly meet the relevant statutory test set out in s.247 of the 1990 Act: i.e. it is necessary to allow the Scheme to proceed in accordance with the planning permission. Further, the prospects of any objection to the SuO are vanishingly small, noting in particular

¹ Drawing DWG1-BGH-XX-XXDR-D-00014 Rev P01

that there were no public objections to the planning application. The Council anticipates starting the s.247 process next month, and has allowed ample time to secure the SuO, even factoring in the need for a public inquiry before works start on site next Spring. No-one has suggested that there are likely to be any objections, let alone any issues with securing the SuO and the Inspector may safely conclude that the need to secure a SuO will not be an impediment to delivery. On reflection, perhaps not so much a fly in the ointment; more a fly in the same hemisphere as the ointment jar.

19. Similarly, there will be a TRO in relation to some area of highway within the Scheme, e.g. West Street, preventing their use by vehicular traffic. Again, no issues are likely to arise.
20. **Delivery timescales.** Mr Firth confirmed in his evidence in chief that the Council's intention remains to start on site in March next year, completing in November 2026. Again, no one raises any issues with the realism of that timetable.

Objectors.

21. **Taskmaster Resources Ltd** has withdrawn all the documentation it previously submitted in connection its objection². In other words, none of its documentation is before the inquiry.
22. **Wolesley UK Ltd** maintains its objection³, but only on the basis that it has not quite finalised the lease arrangements for its new property, or secured the planning permission it needs. There is no reason to think that either will be an issue, which is no doubt why Wolesley – professionally advised throughout - has not submitted any evidence to support its objection.
23. The Council's evidence responds to the assertions made in Wolesley's objection letter, drafted by Gerald Eve LLP, dated 13th June 2023. But, again, the letter is not evidence; and the matters raised in it are not being presented by anyone whose views can be tested under cross examination. And in any event, the letter only explains what Wolesley's position was in early summer last year – things have moved on very significantly since then.
24. In particular, as Mrs Chipp-Smith explained in her evidence, the Council has continued to engage very extensively with Wolesley since summer last year, to the point now that Wolesley (as per its 15.04.24 letter) is on the cusp of securing planning permission and a lease in relation

² Irwin Mitchell letter dated 16th April 2024

³ Norton Rose Fullbright letter dated 15th April 2024.

to a new unit at Shaw Lane - a property which, as Mr Dungworth told the Inquiry, the Council alerted Wolseley to back in January 2023, but which Wolseley rejected. The Council is expecting to issue the permission on 22nd April, and it is expected that the lease will be finalised towards the end of the month. It cannot now sensibly be suggested that the Council has not properly engaged with Wolseley throughout the CPO process.

25. Taking Wolseley's objections in turn:

- **Central location of the Property.** Wolseley says that they do not want to be deprived of its current property without having secured a replacement. As set out above, Wolseley has found a replacement property and is finalising the necessary arrangements. Wolseley's assertion that there are no properties in the market that can meet its requirements is therefore not correct, noting in addition Mr Dungworth's unchallenged evidence as to the number of properties that it has introduced to Wolseley which in his view – as Head of Business Doncaster - would meet all of their requirements: see Mr Dungworth's proof at paragraph 3.16.
- **Lack of undertaking on costs:** an appropriate undertaking has in fact been given, see CD 42 and Statement of Common Ground at CD 49.
- **Council owned properties.** Wolseley say that the Council should have made more of an effort to provide Wolseley with a Council owned properties. This is a non-point. It is the availability of a property, not its ownership, that matters. Mrs Chipp-Smith and Mr Dungworth's evidence details the very extensive steps the Council took to find Wolseley an alternative site.
- **Loss of employment opportunities.** Again, this has been overtaken by events, but Wolseley has not submitted any evidence to suggest that there would be job losses even if this branch of the business had to close.
- **Profitability.** Any loss of profits would be a matter for compensation. They are not a matter for this inquiry.
- **No place for Wolseley in the Scheme.** Mr Cardwell's uncontested evidence is that the Scheme would be entirely unsuitable for a Wolseley-type operation.
- **Customer base.** Wolseley put forward no evidence to suggest that they would not be able to keep their customers in the event that they had to relocate, or that any customers who left them would not be able to find a competing business from which to purchase their products. Again, any financial losses would be the subject of a compensation claim; they are not for this inquiry.

- **PSED / Human Rights** - see below.

26. In conclusion, Wolseley has not submitted any evidence to support its objection / called any witnesses whose views could be tested. Noting that Taskmaster has withdrawn all its evidence, that means that there is no evidence whatsoever against the confirmation of the CPO.

27. But in any event, none of Wolseley's assertions come close to justifying the rejection of the CPO.

28. **Equality Act 2010.** Section 149 of the Equality Act 2010 states that:

(1) A public authority must, in the exercise of its functions, have due regard to the need to—
(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).

(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

(c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

29. Protected characteristics are: age – disability – gender reassignment – pregnancy and maternity – race – religion or belief – sex – sexual orientation.

30. The Council has complied with its duty under the Equality Act 2010: Mr Cardwell's rebuttal evidence brings the Inquiry up to date in terms of the Council's position. As he explains, the Council has undertaken a Due Regard Assessment despite its screening procedure indicating that this was not necessary. The Council's unchallenged assessment is that the Scheme would

not result in any inequality as between persons who do have protected characteristics and persons who do not. It is, frankly, impossible to think how the provision of much enhanced public realm and new high quality and flexible office space could result in any inequality issues. The Inspector may safely conclude that no such issues arise.

31. **Human Rights.** Compulsory purchase always involves an interference with the human rights of the person being dispossessed, in this case Article 1 of the First Protocol, but that interference can be justified, and therefore lawful, where there is a compelling case in the public interest for the scheme. That is plainly the case here.

32. **Compelling case in the public interest.** DLUHC's Guidance (CD 14) explains that any decision whether to confirm a s.226(1)(a) Order will be taken on its own merits the Secretary of State can be expected to take into account include:

- Whether the purpose for which the land is being acquired fits with the adopted Local Plan for the area and the National Planning Policy Framework. The Scheme plainly complies with this requirement, as confirmed in the Officer's Report in respect of the planning permission: see CD 32.
- The extent to which the proposed purpose will contribute towards the economic, social or environmental wellbeing of the area. The Scheme will deliver strongly in respect of each of three strands of sustainable development: see the Officer's Report (CD32); and the Business Case (CD9) – and most obviously the Government's decision to invest just shy of £25m into the Scheme (CD 28).
- Whether the purposes could be achieved by any other means. Plainly not, given the purpose of the scheme is to regenerate this part of the City Centre. And this scheme is vitality important to the regeneration of the City Centre as a whole. It could not be archived by any other means.
- Financial viability: As set out above, the Scheme is fully funded and there are no funding impediments to its deliver.

33. In short, the Scheme will deliver very significant economic, social and environmental benefits, all in line with the Council's development plan and national planning policy. That is why the Government is funding it to the tune of just short of £25m. The remaining objector has all but secured another property and has not put in any evidence to support their objection.

34. In the Council's respectful submission, there is - obviously - only one conclusion to reach. Indeed, there is no evidence on which a contrary view could be reached. The CPO should be confirmed, to allow the Council to bring forward this much needed and hugely beneficial scheme.

35. Finally, the Council is very grateful to the Inspector for confirming at the end of proceedings on day 1 of the Inquiry that he did not consider he needed any more information from the Council. However, should the Inspector on reflection consider that he needs any further information from the Council prior to finalising his decision he is respectfully asked to request it via his case officer. No possible prejudice could arise given that the Council is the only party taking an active role in respect of the inquiry.

Robert Walton KC

Landmark Chambers

18th April 2024