

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

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

**STATEMENT OF CASE
OF
CITY OF DONCASTER COUNCIL**

12 January 2024

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Contents

1	INTRODUCTION	3
2	DESCRIPTION OF THE ORDER LAND	4
	NOTICES	5
3	PURPOSE OF THE ORDER, ENABLING POWERS & RELATED PROVISIONS.....	6
4	THE NEED FOR REGENERATION	7
5	THE SCHEME	8
6	JUSTIFICATION FOR COMPULSORY PURCHASE	9
7	PLANNING.....	10
8	CONTRIBUTION TO WELL-BEING OF THE AREA.....	13
9	ALTERNATIVES TO COMPULSORY PURCHASE	16
10	DELIVERY, VIABILITY AND FUNDING	16
11	IMPEDIMENTS	18
12	STEPS TAKEN TO ACQUIRE THE ORDER LAND BY AGREEMENT	20
13	OBJECTIONS	25
14	WITNESS AND EXPERT EVIDENCE	37
15	RELATED ORDERS AND STATUTORY PROVISIONS	37
16	STATUTORY UNDERTAKERS	37
17	SPECIAL CONSIDERATIONS AFFECTING THE ORDER LAND	38
18	HUMAN RIGHTS ACT AND PUBLIC SECTOR EQUALITY DUTY.....	38
19	CONCLUSION	39
20	FURTHER INFORMATION.....	39
21	LIST OF DOCUMENTS	40

APPENDIX – DOCUMENTS 1 TO 43 AS REFERRED TO IN THIS STATEMENT OF CASE

1 **INTRODUCTION**

- 1.1 On the 9 May 2023, the City of Doncaster Council (the “**Council**”) of Civic Office, Waterdale, Doncaster, South Yorkshire, DN1 3BU made *The Doncaster (City Gateway – Railway Square and Phase 1) Compulsory Purchase Order 2023* (the “**Order**”) pursuant to section 226(1)(a) of the Town & Country Planning Act 1990 (the “**1990 Act**”). The Order has been submitted to the Secretary of State for the Department for Levelling Up, Housing and Communities (“**DLUHC**”).
- 1.2 The Council’s Cabinet approved the making of the Order on 2 November 2022 (Document 3), with the final approval to effect the making of the Order being made via the Officer Decision Record dated 3 May 2023 (Document 4). The Order has been made to enable the Council to bring forward two key projects in the *Doncaster Town Investment Plan (January 2021)* (the “**DTIP**”) (Document 26). Specifically, the extension of the Railway Square (the “**Railway Square Extension**”) and the delivery of the Gateway Phase 1 mixed use and public realm development (the “**Gateway Office Development**”)¹. Together, the Railway Square Extension and the Gateway Office Development make up the “**Scheme**”.
- 1.3 The Council has secured significant funding (£24,239,000) from DLUHC towards the delivery of these two projects. The Scheme is seen as a catalyst for further long-term regeneration of this area of the City Centre, supporting the aspirations of the Council’s urban masterplan – ‘*Doncaster – A Vision for the Future – Doncaster Urban Centre Masterplan*’ (the “**DUCM**”) (Document 36).
- 1.4 This Statement of Case is prepared in accordance with Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules 2007 (Document 22) and sets out the reasons why the powers of compulsory purchase contained in the Order are necessary. The Statement will form part of the Council’s evidence at the public inquiry currently listed to start on 17 April 2024.
- 1.5 As set out in this Statement of Case, the Order will improve the social, economic and environmental well-being of the City Centre², and that there is a compelling case in the public interest for the making of the Order. Doncaster Town Centre is defined by way of the plan included at Figure 15 of the Council’s Local Plan 2015-2023 (the “**Local Plan**”). As Doncaster has now been awarded City status, this area is now considered to be the City Centre.

¹ Further details for the Railway Square Extension and the Gateway Office Development are set out at Paragraph 5 this Statement of Case

² Doncaster was awarded City status as part of the Queen’s platinum jubilee celebrations and formally became a City on 1 November 2022. Accordingly, many of the policies and documents referred to in the statement refer to Doncaster as a town.

- 1.6 If confirmed, the Order will enable the Council to acquire compulsorily the land and rights required to deliver the Scheme. To date, the Council has been unable to acquire all the interests in the Order Land by private treaty, despite endeavouring to do so (as further set out in paragraph 12 to this Statement).
- 1.7 Following submission of the Order to the Planning Casework Unit of DLUHC, two objections were received in response. These are addressed in paragraph 13 of this Statement.

2 DESCRIPTION OF THE ORDER LAND

- 2.1 The land subject to the Order is located in the centre of Doncaster, next to the City's main railway station. It comprises an area of approximately 6205.84 square meters and is shown edged red and coloured pink on the map accompanying the Order (the "**Order Land**").
- 2.2 Directly to the north of the Order Land is the newly constructed public square in front of Doncaster Railway Station. The Order Land is bordered to the east by the A630 – Trafford Way Inner Ring Road. To the west of the Order Land is the public highway known as West Street. To the southern edge of the Order Land is a pedestrianised area and lying south of this the Flying Scotsman Health Centre and Pharmacy building.
- 2.3 The Order Land is made up of six main areas:
- 2.3.1 The north part of the Order Land forming Plot 1, is the 'Trafford Court' office complex. This comprises 8 office units, built in two blocks separated by an access road and car parking spaces which run through the middle of the two blocks.
- 2.3.1.1 To the western and eastern edges of Plot 1 lie two small areas of public highway – forming Plots 11 and 9 respectively.
- 2.3.2 In the centre of the Order Land, forming Plot 3, is the 'Wolseley Building' which is currently a plumbers merchants with a delivery yard and parking to the rear.
- 2.3.3 The public highway named West Street. This runs east-west, separating the Trafford Court office complex and the 'Wolseley Building'. This forms Plots 7 and 13.
- 2.3.4 Directly to the south of the Wolseley Building, is the 'Mobility Centre' being an oblong shaped, two storey, retail unit. This area forms Plot 2.

- 2.3.5 Edging the Wolseley Building and Mobility Centre, on the eastern and western side, are paved areas of highway land. These form Plots 4, 5, 6, 8, 14 and 15.
- 2.3.6 To the south of the Mobility Centre is a pedestrianised pavement area, which is largely featureless, forming Plots 10, 12 and 16.
- 2.4 The schedule to the Order (the "**Schedule**") lists the owners, lessees, tenants and occupiers of the Order Land. In addition, it lists all those other parties that have been identified as having a qualifying interest in the Order Land as defined by section 12(2) Acquisition of Land Act 1981, including neighbouring owners with the benefit of rights or interests over the Order Land.

NOTICES

- 2.5 Notices of the making of the Order were published in the Sheffield Star on 18 May 2023 and 25 May 2023. A copy of the press notice is provided at Document 10.
- 2.6 Notice was served on all persons having a known interest in the Order Land (Document 11) together with a copy of the Order, the map showing the Order Land ("**Order Map**") and the statement of reasons for making the CPO ("**Statement of Reasons**") (Document 5).
- 2.7 Notices were posted on the Order Land throughout the objection period (Documents 12 and 13). Specifically, two were placed on West Street, one was placed between Doncaster Railway Station and Trafford Court, and one was placed to the south of the Order Land near the Mobility Centre.
- 2.8 Copies of the Order, Order Map and Statement of Reasons were placed on deposit for public inspection at the Council's offices at Civic Office Reception, Waterdale, Doncaster, DN1 3BU and at Danum Gallery, Library and Museum Reception, Waterdale, Doncaster, ND1 3BZ from 18 May 2023 until 15 June 2023.
- 2.9 The Council has undertaken extensive enquiries to identify interests in the Order Land. The Schedule has been based on information gathered through site inspections and enquiries, responses to notices issued under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 and inspection of HM Land Registry documents.
- 2.10 Despite the enquires made, the Order does include interests in land where it has not been possible to identify the current beneficiary or owner, as identified in the schedule to the Order.

3 PURPOSE OF THE ORDER, ENABLING POWERS & RELATED PROVISIONS

- 3.1 The Order has been made pursuant to Section 226(1)(a) of the 1990 Act, to facilitate implementation of the Scheme (as further described and set out at Paragraph 5 below).
- 3.2 Section 226(1)(a) of the 1990 Act empowers an acquiring authority, on being authorised by the Secretary of State, to acquire compulsorily any land in their area if they think that the acquisition will facilitate the carrying out of development, redevelopment, or improvement on or in relation to that land.
- 3.3 S.226(1)(a) is subject to s.226(1A) of the 1990 Act which requires the Council to be satisfied that the development, redevelopment or improvement is likely to contribute to the promotion or improvement of the economic, social, or environmental well-being of their area.
- 3.4 The Council is satisfied that the implementation of the Scheme on the Order Land satisfies the requirements sets out at s.226(1)(a) and (1A) of the 1990 Act, as further set out in this Statement of Case.

Related Provisions - Section s.203 Housing and Planning Act 2016

- 3.5 Section 203 of the Housing and Planning Act 2016 (the "**2016 Act**") authorises building works to be carried out even where there would be an infringement of a "relevant right or interest" (as defined for the purposes of that provision). This includes easements and restrictive covenants.³
- 3.6 The Council is already the freeholder of part of the Order Land. However, there are a number of third-party rights and interests which burden the Council's land and which would restrict development of the Scheme.
- 3.7 Therefore, the Council intends to appropriate the land for planning purposes and override all of those interests in the Order Land which are already held by the Council and which are required for the Scheme.
- 3.8 In the event that the Order is confirmed, and the Scheme proceeds pursuant to planning permission, section 203 of the 2016 Act will apply to the proposed building works and use of the Order Land. Any private landowner who benefits from a relevant right or interest over the Order Land, such as an easement or restrictive covenant, which is interfered with or breached, will be entitled to claim statutory compensation pursuant to section 204 of the 2016 Act when the development is carried out.

³ The power in s.203(1) is subject to the relevant conditions and tests set out in the remainder of section 203.

4 THE NEED FOR REGENERATION

- 4.1 The regeneration of Doncaster City Centre⁴ is pivotal in the Council's plans to regenerate and develop the City of Doncaster. The need for regeneration is set out in the DTIP and forms part of the vision set out in the DUCM. The DUCM has been approved by the Council's executive board, and is publicly available on the Council's website.
- 4.2 As set out in the Full Business Case (Document 9) related to the Scheme, Doncaster's City Centre faces many significant challenges:
- 4.2.1 It is a mainly unattractive, run down area, with high levels of vacant property, attracting antisocial behaviour.
 - 4.2.2 The City Centre has a high car mode share and high volumes of traffic during peak times. As set out in the Doncaster Movement Study (Document 25), the Council needs to facilitate a mode shift away from cars to make places more sustainable, attractive and safe.
 - 4.2.3 The Centre faces significant competition from established out-of-centre locations (e.g. retail warehouse parks and large superstores) and on-line shopping. However, the City Centre is predominantly retail led with a lower proportion of office accommodation centrally. An increased provision of City Centre office accommodation and associated workers will support the retail sector which is already under pressure from on-line shopping and out of centre retail offers.
 - 4.2.4 Doncaster is a net exporter of labour, continuing to be dependent on sub-regional links to other city/town centres for employment. The retention and increase of workers within the City Centre as set out in paragraph 4.2.3 above would support and expand the existing businesses, enhancing and regenerating the City Centre.
 - 4.2.5 Doncaster's working age population is expected to decline at a faster rate than the national average which has implications for Doncaster's economic activity rates. Doncaster already has a relatively low proportion of people employed in highly skilled occupations and wage rates are significantly lower than the national average. Building an economy with a sectoral mix that

⁴ As set out in the Council's urban masterplan – '*Doncaster – A Vision for the Future – Doncaster Urban Centre Masterplan*' (Document 36)

contains a higher proportion of high value activities and jobs is a key challenge.

- 4.3 As set out in the Full Business Case, in order to support the regeneration of Doncaster City Centre, it is essential to the City Centre and the wider Council area that Doncaster strengthens its offer of suitable accommodation to attract inward investment, in this case high quality office accommodation, which would attract regional and national businesses into Doncaster to help strengthen and build the economy.

5 THE SCHEME

- 5.1 The Scheme is made up of two core parts, the Railway Square Extension and the Gateway Office Development.

The Railway Square Extension

- 5.2 The Railway Square Extension will be delivered over the land currently occupied by the Trafford Court office complex.
- 5.3 It will provide a significant extension to the recently upgraded Railway Station Forecourt (which was completed in 2020). It will be predominantly soft landscaped to provide a green urban space at the heart of the City Centre.
- 5.4 It will include 400m of new or upgraded cycle or walking paths, the delivery of 4,663⁵ m² of new public realm and footways and 30 additional cycle parking spaces. It will provide a connection with the Gateway Office Development, greater walkability and space for new businesses.
- 5.5 It will:
- 5.5.1 improve access for commuters using the railway station and bus interchange to the new development and wider City Centre;
 - 5.5.2 enhance perception of place; and
 - 5.5.3 increase health and well-being for local residents of existing housing within the area, who will be able to utilise the green space, as well as visitors and users of the City Centre.

⁵ The figure included in the Statement of Reasons was 3,000 m², the 4,663 m² figure accords with the submitted planning application.

The Gateway Office Development

5.6 The Gateway Office Development comprises the delivery of a 4-5 storey office/mixed use building. The Gateway Office Development will deliver in the region of:

5.6.1 4,823 m2 gross of new commercial development;

5.6.2 2,600 m2 of improved public realm;

5.6.3 3,914m2 of gross office space (including shared access and circulation); and

5.6.4 909m2 (including shared access, circulation and reception) of potential retail/leisure floorspace on the ground floor (likely to focus on high quality food and beverage offer and/or health and fitness provision).

5.7 The Gateway Office Development will increase the amount (and diversity) of high quality, affordable commercial floorspace, shared workspace and/or innovation facilities, delivery of new public spaces, increased number of enterprises utilising high quality, affordable and sustainable commercial spaces and an enhanced perception of the place by residents/businesses/ visitors.

6 JUSTIFICATION FOR COMPULSORY PURCHASE

6.1 The Council has the power under section 226 of the 1990 Act to acquire land compulsorily. These powers may be used if the Council thinks that the acquisition will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land provided that it thinks that the development, redevelopment or improvement is likely to contribute to the achievement of any one or more of the following objectives:

6.1.1 the promotion or improvement of the economic well-being of their area;

6.1.2 the promotion or improvement of the social well-being of their area;

6.1.3 the promotion or improvement of the environmental well-being of their area.

6.2 In using its compulsory purchase powers, the Council has taken into account the considerations set out in the paragraph 12-14 of the DLUHC 'Guidance on Compulsory Purchase Process and the Crichel Down Rules' (last updated in July 2019) (the "**CPO Guidance**", (Document 14)) and of 'Section 1' of the CPO Guidance which deals specifically with the application of powers under s.226 of the 1990 Act.

6.3 Paragraph 12 of the CPO Guidance states that:

"A compulsory purchase order should only be made where there is a compelling case in the public interest.

An acquiring authority should be sure that the purposes for which it is making a compulsory purchase order sufficiently justify interfering with the human rights of those with an interest in the land affected. Regard should be had, in particular, to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention."

- 6.4 In accordance with the CPO Guidance, the Council has considered:
- 6.4.1 whether the purpose for which the Order Land is being acquired fits with the adopted Local Plan for the area;
 - 6.4.2 the extent to which the Scheme will contribute to the achievement of the promotion and/or improvement of the economic, and/or social, and/or environmental well-being of the Council's area (as required by s.226 of the 1990 Act);
 - 6.4.3 whether the purposes for which the proposed Order Land is to be acquired could reasonably be achieved by any other means within a reasonable timeframe;
 - 6.4.4 the potential financial viability of the Scheme, general funding intentions and the timing of available funding, sufficient to reassure the Secretary of State that there is a reasonable prospect that the Scheme will proceed; and
 - 6.4.5 any impediments to the Scheme going ahead.
- 6.5 An analysis of each of these factors is set out below.

7 PLANNING

- 7.1 Council applied for planning permission for the Scheme in October 2023. The application was considered at Committee on 9 January 2024 and the Committee resolved to grant planning permission for the Scheme under planning application reference 23/02052/4FULM. The decision noticed is attached at Document 33. This grants (subject to conditions), 'Full' planning permission to bring forward both the Railway Extension and the Gateway Office Development.

National Planning Policy

- 7.2 The proposals strongly align with national planning policy.

- 7.2.1 Chapter 6 of the National Planning Policy Framework (the “NPPF”) deals with ‘Building a strong, competitive economy’. The Scheme accords with the principles of this chapter, with the Scheme forming a central element of the ongoing transformation of the Doncaster City Centre - increasing employment opportunities, travel benefits, and an increased flow of employees and shoppers. It will also create a significant number of jobs during construction.
- 7.2.2 Chapter 7 of the NPPF focuses on authorities ‘Ensuring the vitality of town centres’. The proposed Scheme is expected to have a significant positive impact upon the vitality of the centre, bolstering the local economy, serving the needs of local businesses and employees.
- 7.3 The benefits of the Scheme, which strongly align with these chapters, are dealt with further in Paragraph 8 below.

Local Planning Policy

- 7.4 The Local Plan was adopted in September 2021. The Scheme accords with the key policies for Town Centre’s⁶ set out in the Local Plan.
- 7.5 As set out at paragraph 16.23:
- As a ‘Sub-Regional Centre’, Doncaster [City] Centre will continue to provide the main focus for most new retail, office, leisure, cultural and tourist facilities. Doncaster [City] Centre will continue to be developed as a thriving and accessible shopping, commercial and leisure destination of regional importance with a broader range of high order services, businesses, homes and cultural, entertainment and education facilities. The historic core of the [city] will be protected and enhanced, including the character and the setting of its heritage assets such as the Mansion House, St. George’s Minster, Christ Church and the Corn Exchange. Linkages between the main shopping areas (e.g. Frenchgate Centre) and the historic waterfront will be enhanced.*
- 7.6 As set out in the strategic map to Policy 67 to the Local Plan, the Order Land falls within the area of the defined ‘Town Centre’ and sits directly adjacent to the ‘Primary Shopping Area’ of the Town Centre.
- 7.7 Proposals in Doncaster ‘Town Centre’ are to be considered against Policy 67, and in particular the Scheme would accord with sub paragraph F and H of Policy 67.

⁶ Policy 67 and Policy 68

Policy 67: Doncaster [City] Centre (Strategic Policy) New development in Doncaster [city] centre will be supported where it helps improve the centre as a thriving and accessible shopping, commercial and leisure destination of regional importance with a broader range of high quality services and businesses, homes and excellent cultural, entertainment and education facilities. Major development opportunities will be directed towards Waterfront, Marshgate, Civic and Business District, Waterdale, Minster Canalside, the Markets and St Sepulchre Gate West areas of the [city] centre, as defined on the Policies Map. Proposals will be supported where relevant, which:

[...]

F) create high-quality streets, public spaces and routes which are safe to walk and cycle between key destinations, particularly at Doncaster Waterfront, Waterdale, Doncaster Market, Marshgate, Doncaster Minster and St Sepulchre Gate West, including where appropriate treelined boulevards, parks and canal-side walkways

[...]

H) create inviting and safe places for pedestrians, cyclists and disabled people, with special emphasis on reducing the severance caused by the Trafford Way/Church Way/Cleveland Street corridor and improving links to Balby Island, Doncaster Minster, St Sepulchre Gate West (including the railway station), Doncaster Waterfront, Lower Wheatley, Hyde Park and Doncaster Lakeside.

7.8 The other key policy for the City Centre is Policy 68: Key Doncaster [City] Centre and Main Urban Area Mixed-Use Sites. The Order Land falls within Area 8 (St Sepulchre Gate West) of the map of 'Key [City] Centre Sites and Main Urban Area Mixed Use-Sites'.

7.9 For Area 8, Policy 68 provides:

"This opportunity area will become a [city] gateway with new landmark mixed-use development which capitalise upon its location close to the retail core and railway station. A reinvigorated and bustling, high-density urban quarter will be created with safe and vibrant streets and spaces. This will involve the relocation of existing car parking, the provision of a new station forecourt public space (including new pedestrian routes) and enhancements to the façades/entrances to Frenchgate shopping centre and other key buildings along St Sepulchre Gate West."

7.10 The supporting text to the policy further sets out at paragraph 16.40:

“There are a number of other opportunities to redevelop rundown and underutilised areas on the fringes of the [city] centre such as... the area around the railway station and bus interchange (St Sepulchre Gate West)”

- 7.11 As can be seen, the Council’s aspirations to develop the area of the ‘Gateway’ area of the City, in front of Doncaster Railway Station, are clearly set out in its adopted policies.
- 7.12 The Scheme represents a core part of the Council’s proposals set out in the DTIP and DUCM.
- 7.13 The Council is therefore satisfied that the Scheme is in accordance with Local Plan policy.

8 CONTRIBUTION TO WELL-BEING OF THE AREA

- 8.1 The Scheme will deliver significant improvement to the social, economic and environmental well-being of the City Centre and the City of Doncaster as a whole.
- 8.2 In developing the business case for the Scheme, the Council appointed Mott MacDonald to assess the full economic business case and assess the quantifiable benefits of the Scheme. The below table sets out the combined elements of both parts of the Scheme.

Value for Money – Combined Benefits (Multi Use Building and Railway Square Extension projects)

Benefit	Total present value
Direct Land Value Uplift	£751,711
Amenity gain	£826,804
Wider LVU - commercial	£1,629,130
Wider LVU - residential	£5,531,760
Active mode benefits	£7,432,872
Employment impacts	£32,354,811
Crime reduction	£81,771
Total benefits	£48,608,860
Costs	£28,289,674
BCR	1.72
NPSV	£20,319,185

Source: Mott MacDonald (Towns Fund Business Case, Document 9)

- 8.3 As set out in the table below which was included in the Council’s Cabinet Report of June 2022, the Scheme will deliver significant social, economic and environmental benefits for the City Centre and wider area:

Outcomes	Implications
<p>Doncaster Working: Our vision is for more people to be able to pursue their ambitions through work that gives them and Doncaster a brighter and prosperous future;</p> <ul style="list-style-type: none"> • Better access to good fulfilling work • Doncaster businesses are supported to flourish • Inward Investment 	<ul style="list-style-type: none"> • Improves flow and circulation from Doncaster town centre key public transport entry point into the urban centre of the town • Railway square extension leverages Doncaster's position as a major regional transport link to further encourage potential investors • Provision of good quality office/mixed use facilities attracts growing and new business to the town, and therefore better-quality employment opportunities • Supports the wider regeneration of Doncaster town centre following the economic shock of Covid-19 and previous observed town centre trends
<p>Doncaster Living: Our vision is for Doncaster's people to live in a borough that is vibrant and full of opportunity, where people enjoy spending time;</p> <ul style="list-style-type: none"> • The city centre is the beating heart of Doncaster • More people can live in a good quality, affordable homes • Healthy and Vibrant Communities through Physical Activity and Sport • Everyone takes responsibility for keeping Doncaster Clean • Building on our cultural, artistic and sporting heritage 	<ul style="list-style-type: none"> • Doncaster Gateway new multi-use building provides upgraded spaces to create vibrancy and footfall in a currently underused site. • The station square extension will provide green space for the community to enjoy and will encourage people to use public transport and feel safe and welcome. • The sense of 'arrival' at the new Gateway raises the aspiration for the community of Doncaster and increased perception of the town as a great place to visit and of which to be rightly proud • Gateway projects protect and enhance the cultural public house assets in the area – whilst promoting increased footfall to the area. • Promotes investment opportunities outside of the town centre

8.4 Section 4 of the DTIP sets out the extensive benefits to be delivered by the Scheme.

These are summarised as follows:

	Theme	Issues	Railway Square Extension	Gateway Phase 1
Challenges	Access and Connectivity	• Reduce A630 severance separating rail and communities from retail core	✓	✓
		• Reduce high car mode share	✓	✓
		• Reduce disconnection leading to lack of footfall	✓	✓
	Productive Places	• Reduce net export of labour		✓
		• Improve employment and economic activity rates		✓
		• Reduce stubborn deprivation		✓
		• Improve low skills base		✓
	Community	• Bring jobs and opportunities back to the town centre	✓	✓
		• Retain more graduates and under-35s		✓
		• Reduce crime and anti-social behaviour hot spots	✓	✓
	Spaces to change perceptions	• Investment in heritage spaces		
		• Improvement to cycling provision needs	✓	
		• More office space for growing businesses		
		• Provision in town for living, working and socialising that meets modern aspirations	✓	
	Sustainability	• Support Doncaster's Net Zero by 2040 ambition	✓	
		• Provide green space that is currently lacking	✓	
• Improve connection of existing green space		✓		
• Improve on environmental standard of buildings			✓	
Strengths and Opportunities	Access and Connectivity	• Strategic position on East Coast mainline	✓	✓
		• Build on recent investment	✓	✓
		• Better connected pedestrian provision and public realm	✓	✓
	Productive Places	• Strong rail sector specialism	✓	
		• Growth in distribution sector		
		• Enable parts of Doncaster to reap benefits of wider investment	✓	✓
		• Fill gap in office market		✓
	Community	• Provide environment for growth		✓
		• Create jobs, vibrancy and footfall	✓	✓
		• Develop safe and well used spaces	✓	✓
	Spaces to change perceptions	• Create modern, attractive built environment that people want to spend time in and invest in	✓	✓
		• Release potential of heritage buildings		
		• Public realm to improve sense of place	✓	✓
		• Better experience for cyclists and pedestrians	✓	✓
	Sustainability	• Creation of green space and public realm to generate wellbeing and sense of connection	✓	✓
		• Making rail, walking and cycling more attractive to encourage mode shift from cars	✓	
• Reduction in congestion and improvement in air quality		✓		

8.5 The Council is therefore clear that the benefits to be delivered by the Scheme are both substantial and transformative.

9 ALTERNATIVES TO COMPULSORY PURCHASE

9.1 In accordance with the CPO Guidance (paragraph 104), it must be considered “*whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means*”.

9.2 The Council has fully considered this issue and has concluded that there are no other suitable alternatives to secure the benefits of the Scheme, other than by way of the Order.

Location

9.3 There is no other location which could achieve the benefits that will be delivered by the Scheme. The Scheme is specifically identified in the DTIP and, by its very nature, the ‘Gateway’ project flows from Doncaster Railway Station’s status as a central focus point for the regeneration of the City Centre.

Delivery of Alternative Scheme

9.4 The Council is not aware of any appetite from the owners of Plots within the Order Land to either:- (a) deliver the Scheme themselves; or (b) put forward alternative schemes.

9.5 By its nature as a City Centre regeneration scheme, the Scheme focuses on the improvement of the City Centre environment.

Delivery of a reduced Scheme

9.6 The benefits set out above can only be achieved as a result of the delivery of the entire Scheme across the entirety of the Order Land.

9.7 The Council does not consider there is a scheme by which some, or all, of the Plots could be removed from the Order and still deliver the same benefits set out in paragraph 8 above.

10 DELIVERY, VIABILITY AND FUNDING

10.1 The Railway Square Extension and Gateway Office Development were included in DTIP and were subject to the award of a combined £24,239,000 Town Deal funding, confirmed by letter from DLUHC in November 2021.

10.2 This funding was allocated on the basis of:

10.2.1 Railway Square Extension £4.149 million ; and

10.2.2 Gateway Office Development £20.09 million.

- 10.3 The estimated cost of the Scheme is now £27,039,000⁷. The proposed investment by Town Deal of £24,239,000 of funding towards the project will leave £2,800,000 of public sector investment required to deliver the development⁸.
- 10.4 The funding for the Scheme is set out in the Full Business Case produced by the Council, which was approved to be submitted to DLUHC by Cabinet decision of 8 June 2022. This was approved by DLUHC in August 2022.
- 10.5 A summary of the funding for the Scheme as set out in the Full Business Case is as follows:

Projects	2022/23 £m	2023/24 £m	2024/25 £m	2025/26 £m	Total £m
Doncaster Gateway: New Multi-Use Building and Associated Public Realm	1.488	2.595	12.075	4.932	21.090
Doncaster Gateway: Railway Square Extension	2.307	1.975	0.604	1.063	5.949
Total Estimated Project Costs	3.795	4.570	12.679	5.995	27.039
Funding Source	2022/23 £m	2023/24 £m	2024/25 £m	2025/26 £m	Total £m
Doncaster Gateway: New Multi-Use Building and Associated Public Realm					
Town Deal Investment	1.488	1.595	12.075	4.932	20.090
Other Public Sector Investment - DMBC	0.000	1.000	0.000	0.000	1.000
Doncaster Gateway: Railway Square Extension					
Town Deal Investment	2.307	0.175	0.604	1.063	4.149
Other Public Sector Investment - DMBC		1.800			1.800
Total Funding	3.795	4.570	12.679	5.995	27.039

- 10.6 The increase in the project cost to £27,039,000, from that sought in the Towns Fund bid, is primarily due to increased costs related to the property acquisitions required to deliver the Scheme. The District Valuer has provided an estimated cost for the acquisition of the properties required to deliver the Scheme which is significantly higher

⁷ See Towns Fund Business Case, Document 9

⁸ See Towns Fund Business Case, Document 9

than the costs included in the DTIP which did not take account of disturbance and severance costs⁹. The Council have a robust cost estimate which they consider to be deliverable, and keep under review the cost and design of the Scheme to ensure this is the case.

- 10.7 The Council has approved the use of its Investment and Modernisation Fund to meet the identified funding gap of £2.80m. The Investment and Modernisation Fund is funded by borrowing with the borrowing costs assumed to be covered by income generated from the project (in this case the rents).
- 10.8 The Council has been working with Queensberry Real Estate Consultants who have provided expert advice on the current market demands for commercial office space, in addition to projected potential rental income from the development.
- 10.9 Queensberry have advised that within the regional marketplace there is a regular demand for 5-20,000sqft office accommodation¹⁰. Queensbury's advice is that as businesses return to the office post-Covid, they are seeing faults and challenges within their existing premises with several clients starting to think about potential moves in the next 12-24 months. Moreover, many businesses are closer to lease expiries or breaks following small extensions through Covid Lockdown conditions or are currently located in generally older less attractive buildings. They are now looking at relocation or taking the next step to a larger office base. The number of businesses taking into account these considerations is expected to steadily increase over the next few years. The fundamental requirement for businesses to have an office base have not changed, despite the impact of the Covid Pandemic.
- 10.10 The Council is therefore satisfied that there is a strong and deliverable business model for the Scheme.

11 IMPEDIMENTS

- 11.1 Paragraph 15 of the CPO Guidance states that an acquiring authority will need to show that delivery of the Scheme is unlikely to be prevented by any physical or legal impediment.
- 11.2 Key elements to consider are the position on planning and funding, which have been detailed above. In summary:

⁹ See Towns Fund Business Case, Document 9

¹⁰ See Towns Fund Business Case, Document 9

Planning

- 11.2.1 The Council has now granted planning permission for the Scheme subject to conditions.
- 11.2.2 As planning permission has been secured, the planning position is not an impediment to the delivery of the Scheme.
- 11.2.3 The Council will continue to work with Wilmott Dixon (the Council's contractor for the Scheme) to ensure all conditions attached to the planning permission are appropriately discharged.

Funding

- 11.2.4 As set out above, the Scheme is fully funded. The Council has drawn down on the first element of the Towns Deal funding (being £3.6 million), and applied for the remaining funding from DLUHC. There are therefore no concerns on whether the Council will secure the full funding sum.
 - 11.2.5 The Council has carried out diligent and extensive funding reviews for the Scheme.
 - 11.2.6 Risk reviews have identified that inflationary costs will have an impact on the total budget for delivery of the Scheme. Budgeting for the projects therefore includes provision for inflationary costs.
 - 11.2.7 At the point of appointing a contractor to deliver the Scheme, the inflationary risks of the development will pass to the contractor.
 - 11.2.8 As set out above, the Council has identified a gap in funding from the initial budgets secured under the Grant Funding. The Council committed by way of Cabinet Decision on 8 June 2022 to fund that gap by way of allocation of finances from the Council's Investment & Modernisation Fund.
- 11.3 Investigations undertaken to date have not revealed any physical factors which would impede development.
- 11.4 The Council is therefore satisfied that it will be able to deliver the Scheme.

Timing

- 11.5 As set out in the Grant Offer Letter from DLUHC dated 11 November 2021 (Document 28) the funding is to be used across the financial years 2021/22 to 2025/26, therefore

the project needs to be delivered by March 2026¹¹. The work carried out by the Council to deliver the project remains on track, and the securing of the Planning Consent has successfully met a key hurdle in that delivery timetable.

- 11.6 The remaining impediment to that timetable is securing all necessary interests in the Order Land. The Council continues to negotiate with all interest holders, as set out further below, and has already acquired the freehold interest to Trafford Court. However, it needs to ensure that it can secure all interests in the Order Land in a timely manner. Accordingly, the Order is necessary to ensure the timetable can be met.

12 STEPS TAKEN TO ACQUIRE THE ORDER LAND BY AGREEMENT

- 12.1 The CPO Guidance states that powers to compulsorily purchase land are intended to be used as a method of last resort. The Council are expected to take reasonable steps to acquire Order Land by agreement.
- 12.2 The Council has actively sought to engage with interest holders within the Order Land to negotiate a voluntary sale, wherever possible.
- 12.3 The Council has offered its support in conjunction with 'Business Doncaster', to assist with relocation of office and retail spaces.
- 12.4 Business Doncaster is the Council's Inward Investment Team, which is tasked with supporting businesses in the Council's area to thrive. They provide assistance and guidance to businesses, including those looking to move premises.
- 12.5 The support of the Council and Business Doncaster will remain available to all interest holders throughout the compulsory purchase process, and beyond.
- 12.6 However, the CPO Guidance also notes that if an acquiring authority waits for negotiations to break down before starting the compulsory purchase process, valuable time may be lost.
- 12.7 Dependent on when the land is required, the CPO Guidance acknowledges that it may often be sensible for local authorities to plan a compulsory purchase timetable and initiate formal procedures, in parallel with conducting negotiations (paragraph 2 of the CPO Guidance).
- 12.8 As already set out, delivery timing is key to ensure the Council is able to obtain the full Towns Deal funding and so the Council is proceeding with the Order in parallel with continued negotiations.

¹¹ Also see Towns Fund Business Case, Document 9

The Wolseley Building

- 12.9 The Council has been in contact with the owners of the Plot 3 (Wolseley Centres Limited) (“Wolseley”) since September 2021 in relation to the proposed purchase of the land.
- 12.10 The Council has been actively engaged with representatives for the company. Various proposals have been considered including both existing premises and serviced sites. Both parties are working to find a suitable alternative location for the business. The Council has provided an undertaking in relation to Wolseley’s legal and professional fees in relation to their search for a replacement premises.
- 12.11 Business Doncaster have provided several alternative properties for consideration (details of which are as set out at Document 35), all of which so far have either been rejected by Wolseley, or they have ultimately decided not to proceed with.
- 12.12 As at the date of this Statement of Case, Wolseley have expressed an interest in a unit on Wheatley Hall Road (currently owned by Jewsons, who are no longer operating from the unit). The freehold interest is available, although Wolseley would wish to acquire a leasehold interest. Business Doncaster have made enquiries with local investors and put them in touch with Wolseley to try to enable Wolseley to acquire a long leasehold interest in the property. Enquiries have also been made with the agent, Knight Frank.
- 12.13 Bids have been submitted in relation to the freehold of the Jewsons site, and the Council are awaiting a further update in relation to this.
- 12.14 The Council remains hopeful that it will be able to secure Wolseley’s interest in the Order Land by agreement, however until negotiations are concluded, the Council cannot be certain of an agreement being reached. Therefore, it is important that the land is included within the Order Land.

The Mobility Centre

- 12.15 The Council has been in contact with the owners of the Plot 2 (Rent Doncaster Ltd (“Rent Doncaster”)) since September 2021 in relation to the proposed purchase of the land (the “Mobility Centre”). The Mobility Centre was previously operated as a mobility and age care retail store, but is currently vacant, albeit the Council understands it is used for storage by Rent Doncaster.
- 12.16 As well as owning the freehold interest of the Mobility Centre, Rent Doncaster are tenants of the Council in two adjoining city centre premises (27 and 28 Waterdale). As such, Rent Doncaster and the Council have been negotiating a land swap between the Mobility Centre and the Waterdale properties.

12.17 The land swap deal had reached the stage of engrossments being issued over a year ago, but the matter is currently stalled, with the Council still waiting on progress from Rent Doncaster.

12.18 The Council are still able and willing to complete the transaction, and whilst hopeful this may be concluded soon, there of course remains an element of uncertainty and so it is prudent for this land to be included within the Order Land.

Trafford Court

12.19 Following negotiation with the freeholder owners of Plot 1, the Council acquired the freehold interest in Trafford Court on 31 March 2023.

12.20 The acquisition has now been formerly registered with the land registry.

Trafford Court Leaseholders

12.21 Plot 1 is subject to a series of leases, both registered and unregistered.

12.22 Due to the construction program timings, the Council will need to extinguish the majority of the leases that fall within Plot 1, and cannot simply wait for all the leases to expire. The Council has therefore sought to acquire all the leases (whether registerable at the land registry or not), by agreement. The Council has sent out letters to all leaseholders/occupiers offering support in relocation, including offering the support of 'Business Doncaster' to find suitable alternative premises.

British Transport Police

12.23 The British Transport Police ("BTP") have a lease and occupy Units 7 and 8 of Trafford Court. They were first contacted in June 2022 in relation to the proposed purchase of the lease and offered support in relation to relocation.

12.24 Doncaster Council have been supporting the BTP in their relocation search and identified two potential relocation properties. Given the requirements for them to be located close to the railway station, the options available are limited.

12.25 The Former Trades and Labour Club was identified as a potential suitable alternative, and the Council have been facilitating the discussions between the BTP and the relevant agent since June 2023.

12.26 Matters have progressed in a very positive manner, with Heads of Terms being approved and now making their way through BTP's governance process. The Council and BTP have fortnightly meetings scheduled to review progress and provide assistance where possible.

12.27 The Council remains committed to relocating the BTP, at a location suitable for their needs and will continue to engage with them throughout the compulsory purchase process to ensure there is no disruption to their functions.

Keltbray Rail

12.28 Keltbray Rail (“Keltbray”) occupy Units 5 and 6 of Trafford Court. Their lease is not registered with the Land Registry. They were contacted in June 2022 in relation to the proposed purchase of the lease and offered support in relation to relocation.

12.29 Discussions have been held with Keltbray to discuss office requirements and Business Doncaster are working with them to locate suitable alternatives. Specifically, the Council have met with Keltbray on four occasions since May 2023, and Keltbray have viewed a number of properties put forward by the Council. However, these were not deemed to be appropriate by Keltbray. Keltbray have expressed interest in another Council owned property, and Business Doncaster are in direct contact with Keltbray in relation to this. Whilst the Council remains committed to working on a voluntary deal, prospects of an imminent agreement seem unlikely at this stage.

Central Young Men’s Christian Association

12.30 The Central Young Men’s Christian Association (“CYMCA”) occupy Units 1 and 2 of Trafford Court. They currently occupy under a Tenancy at Will and were contacted in June 2022 in relation to the proposed purchase of the lease and offered support in relation to relocation.

12.31 Following several requests for contact, a meeting was held on 21 February 2023 to discuss their requirements. Business Doncaster were introduced to the CYMCA on 4 May 2023. One viewing was arranged in July 2023 but the location was deemed to be too far out of the city centre.

12.32 Business Doncaster will continue to work with the CYMCA to locate suitable alternatives.

Taskmaster Resources Limited

12.33 Taskmaster Resources Limited (“Taskmaster”) occupy and hold a registered lease of Unit 4 of Trafford Court and were first contacted in June 2022 in relation to the proposed purchase of the lease and offered support in relation to relocation.

12.34 Taskmaster made contact with the Council on 20 September 2022 and a meeting was arranged for 30 September 2022 to discuss Taskmaster’s requirements. Taskmaster and the Council agreed at this meeting that contact would be re-established in early

2023 to commence the search for alternative premises, as it was anticipated that a new sales and commercial director would be on board at this time and would be able to progress this matter.

- 12.35 Business Doncaster provided Taskmaster with updates of available premises in December 2022 and March 2023. Taskmaster advised in June 2023 that they wished to defer actively engaging in the search for alternative premises until there was a clearer indication of timings, i.e. should it transpire that a CPO would be upheld, a date by which their vacation of Trafford Court would be likely to be deemed as mandatory.
- 12.36 Business Doncaster continue to work with Taskmaster and have recently introduced them to a number of alternative premises. The Business Doncaster team are actively working to resolve any potential issues Taskmaster may have with alternative properties. For example, on one property where there were potential parking issues, Business Doncaster are making enquiries with the Council's parking team to see if the Council can assist with this using the Council's car parks. There are two particular properties that Taskmaster are interested in, and Business Doncaster are assisting with enquiries where they can in relation to these two properties.
- 12.37 The negotiations remain ongoing, and the Council and Business Doncaster are hopeful that a deal can be reached on one of the two properties currently being explored. The Council are willing to work with Taskmaster to end their current lease at Trafford Court early to assist with any potential relocation

Leger Education Trust

- 12.38 Leger Education Trust occupy Unit 3 Trafford Court on a 5 year lease entered into from September 2022. The Council contacted the Trust in November 2022, once details of their occupation became known, setting out in the Council's proposed purchase of the lease and offering support in relation to relocation.
- 12.39 Regular meetings have been held with Leger Education Trust, and the Council have identified a property at St Leger Court which Leger Education Trust are keen to progress a lease of. The Council are now working through the practicalities of recommissioning the building in order to agree timescales for relocation. High level terms have been discussed and provisionally agreed between the parties.
- 12.40 Whilst other options may be available, the Ledger Education Trust's current focus is on the St Ledger's Court property, rather than reviewing options in parallel.
- 12.41 Negotiations and support from Business Doncaster will continue.

Public Highway

12.42 Plots 4-16 of the Order Land form areas of public highway. These are all believed to be in the ownership of the Council. These Plots form a mix of registered and unregistered land.

12.42.1 The Council has title to all the registered highway land.

12.42.2 The Council is not able to show an epitome of title to the unregistered highway land. However, from its review of relevant documents, no other owner is identifiable; the relevant plots have been public highway for a considerable period of time; and it is the view of the Highway Department that the Council is the most likely owner of these Plots.

12.43 The Plots are included within the Order to ensure there is no uncertainty as to ownership, and to deal with any third party rights that may exist over these areas, that may impede development.

13 OBJECTIONS

13.1 As indicated in paragraph 1 of this Statement, two qualifying objections were received in relation to the Order. No unqualifying objections have been received. The case of each qualifying interest is considered in turn below and the Council reserves the right to expand and add to its response.

Wolseley Objection

13.2 Wolseley's objection can be found at Document 7. The Council's response to each of the grounds raised are set out below.

Ground 1: Central location of the Property

"Wolseley runs a highly successful town centre based operation from the Property, which is centrally located for pedestrian and non-pedestrian customers and benefits from an unloading area and visitor car parking for up to 10 vehicles. Wolseley does not wish to be deprived of the Property as there are no options in the market that can replicate the utility it provides our client."

13.3 Wolseley have provided a list of requirements for a relocation property. These include:

13.3.1 Being within a 2 mile radius of existing the current site, or the south of the Borough;

- 13.3.2 5,000 – 25,000 sq.ft although ideally around 10,000 sq.ft to continue their existing functions;
 - 13.3.3 High eaves ideally, secure yard and parking;
 - 13.3.4 A 'clearance centre' to be included within the unit which would be a trade counter and a separate room for stock (2,000 sq ft in total); and
 - 13.3.5 Not located within the Kirk Sandall area (this is due to the fact that Wolseley already have a small, local branch there, which is currently held under a lease until 2027).
- 13.4 The Council has worked diligently with Business Doncaster to locate properties that meet this specific list of requirements. As can be seen from Document 35¹², which sets out the details of the alternative relocation properties proposed by Business Doncaster, a significant number of private sector properties have been presented to Wolseley, and these have met some of those requirements. Wolseley position is that none of these properties are suitable for their purposes. Limited reasoning has been provided for the rejection of these sites.
- 13.5 The Council of course appreciates that Wolseley may not want to move from its current location to a property that does not meet every one of its requirements or until there was absolute certainty that its current premises were going to be compulsorily acquired. However, the Council considers that a number of suitable alternative options have been provided and that it is taking a comprehensive approach to assist and support relocation.
- 13.6 The Council will continue to work with Business Doncaster and Wolseley to assist in the relocation to suitable premises.

Ground 2: Insufficient support from the Council

“Lack of formal undertaking on costs – Wolseley has yet to receive a formal legal undertaking to protect its exposure to costs in taking advice on the statutory processes and its entitlement to claim compensation under the “Compensation Code” and the request to find and secure alternative accommodation. Although the undertaking has not been forthcoming, Wolseley has appointed Gerald Eve to advise on compensation matters and has appointed Lambert Smith Hampton to conduct a search for suitable premises on the basis that it had to search at its own risk to try and avoid a situation where it would be without relocation premises and continuity of trade. LSH’s search commenced in September 2022 and Wolseley has remained flexible in its search

¹² This document contains some redactions, which relate to the names of individuals

criteria for a warehouse/trade counter unit with parking of between 10,000 – 25,000 sq. ft. without success to date (see 2b below).

Council-owned and third-party relocation options – *The Council has not provided any relocation options within its control. It is likely to be the largest landowner in the City and therefore it could have presented off-market options to reduce the risk of the branch closing and employment opportunities for residents being lost. Negotiations between the Council and Wolseley commenced in August 2022 and there have been no Council owned properties put forward.*

The Council has, from time-to-time, forwarded details of a number of sites in third party ownership in Doncaster, one of which in Total Park Doncaster which was 40,000 sq. ft (well above Wolseley’s criteria), and another at Woodfield Way which was unavailable. Details of several additional properties were sent in November 2022 and between January and June 2023 by the Council but these were unsuitable for Wolseley due to their positioning.”

- 13.7 The Council have been clear that it would meet Wolseley’s professional costs in relation to its relocation. On the 12th May 2023, the Council received an email from Gerald Eve advising that Wolseley UK Limited were their client, and requesting an initial undertaking for legal and professional fees. Following completion of the Council’s governance/sign off procedure the formal undertaking was provided 22nd November 2023¹³. Discussions and work to locate alternative premises was carried out throughout this period.
- 13.8 Whilst Wolseley suggest that the Council could have presented off market opportunities due to it being a large land owner within the City area, the Council does not own any industrial estates or hold any vacant industrial properties.
- 13.9 As such, the Council does not have any Council-owned properties that are suitable to offer to Wolseley.
- 13.10 For further details as to the properties that have been offered by the Council, please see Document 35.

Ground 3: Loss of employment opportunities for longstanding employees

“There are 12 permanent employees based at the Property. The length of employment for current employees ranges from 10 months to 35 years, with the average

¹³ The undertaking letter was dated 21st November 2023 but was sent out via email on 22nd November 2023

employment length being 12 years. Extinguishment of the branch is likely to result in long-term employees may lose their jobs if they cannot be transferred to other locations.

Furthermore, if alternative accommodation is found, employees at the Property may be unable to transfer if the alternative location is far from the Property. The properties that have been proposed by the Council have been unsuitable to date and would result in employees searching for alternative employment.”

- 13.11 As set out in the response to Grounds 1 and 2, the Council continues to work with Wolseley to assist it in the relocation of its premises. For the reasons set out above, the Council considers that suitable potential alternative options have already in fact been provided. Further, it has confidence that an agreeable location for Wolseley will be found – whether it be the Jewson site currently under consideration or an alternative premises.
- 13.12 The Council will continue to work with Wolseley and is committed to assisting them to relocate to suitable alternative premises. The costs of doing so and any loss in trading during this period will be compensated in accordance with the statutory provisions, which would avoid / limit the need for any job losses.
- 13.13 Whilst the Council’s primary position is that any job losses should be avoidable, it should also be noted that the delivery of the Scheme will have significant social, economic and environmental implications for the City Centre and wider area. One of the specific benefits of the scheme is that it is expected to improve employment and economic activity rates (see paragraph 8.4 above). For the reasons set out in this Statement of Case, bringing forward the Scheme is considered to outweigh the risk any harm caused by the potential closure of this branch of Wolseley’s business – however unlikely this outcome is.

Ground 4: Profitability

“ The branch is one of the most profitable stores, ranked 10th out of 429 Wolseley owned branches. It has an estimated annual sales revenue of approximately £5.7m. Due to the profitability of the store, if extinguishment were the case the result of this would be several times more expensive than if relocation were to occur.”

- 13.14 As set out in Grounds 1, 2 and 3 above, the Council will continue to work with Wolseley and is committed to working with them to locate suitable alternative premises.
- 13.15 Wolseley will be compensated by the Council for losses in accordance with the statutory provisions, and as such it is in the interest of the Council to take every reasonable step to reduce these as much as possible.

Ground 5: The Scheme

“There has been no allowance in the Scheme for businesses who specialise in trade related merchandise, such as Wolseley. As demonstrated by the turnover, the branch is a key part of the Wolseley business and many trades related industries rely heavily on this store for parts which cannot be sourced at other Plumb and Parts branches. We note that in Section 7 of the Statement of Reasons dated 9 May 2023 that the development will provide a “thriving and accessible shopping, commercial, and leisure destination of regional importance with a broader range of high-quality services and business”. However, the Order – if confirmed – will only facilitate occupation by commercial retailers who fit the ‘image’ of the redevelopment project.”

- 13.16 The need for, and benefits of, the Scheme have been set out in detail in this Statement of Case – in particular see paragraph 4, Need for Regeneration and the Full Business Case. The Scheme is a vital regeneration project which will create new jobs, enterprise and inward investment into Doncaster and is firmly grounded in the Council’s adopted policies.
- 13.17 The two ground floor units in the Scheme are intended as ancillary spaces that support the office space and, whilst independent in terms of letting, should be viewed as part of the offer for the office. The planning permission granted for the Scheme would not be suitable for Wolseley and does not meet Wolseley’s requirements or needs.
- 13.18 In any event, there are a number of reasons why the retail units that will be created in the new building will not be suitable for Wolseley based on their specified requirements for relocation:
- 13.18.1 The units offer no service yard / storage area for material connections – the building is designed with minimal external areas (other than public realm) due to the surrounding features and public realm. There is no suitable area for a service yard or external storage area that would allow for significant goods drop off or customer collections;
- 13.18.2 West Street Frontage – the proposed West Street frontage is predominately glazed to allow maximum visibility into the units and create an active frontage. This is unlikely to be possible if perimeter walls are used for racking and stock storage, which would likely be required by Wolseley; and
- 13.18.3 Customer Parking – potential customers of the ground floor units are likely, in the majority, to be either Gateway One users (floors 1-5) or passing trade from the train station or the City centre and therefore arriving at the building on foot. There is a distinct lack of immediate or adjacent parking for vehicles

to the units and this could be prohibitive to customers who are likely to arrive to collect goods in vans or other trade vehicles. West Street has limited car parking on the highway which is unsuitable for use for collections and the Network Rail Car Park is a pay and display car park and is predominantly used to serve the railway station.

- 13.19 As set out further above, the Council is committed to relocating Wolseley to a suitable location.

Ground 6: Customer Base

“The branch is one of the leading builders/plumbing merchants in Doncaster, with many trades related industries relying on it for supply of their products and approximately 350 trade accounts administered from the Property. If the branch were to relocate, Wolseley is likely to struggle to retain its customer base in this location without the offer of incentives and could consequently lose them to local competitors. The relative proximity of its competitors is could result in repeat customers moving their custom to competing businesses.”

- 13.20 As set out further above, the Council is committed to relocating Wolseley to a suitable location.

- 13.21 In the event of any trading losses as a result of relocation, Wolseley will be entitled to compensation to be assessed in accordance with the compensation code.

Ground 7: Interference with Human Rights / Public Sector Equality Duty

“We understand that the Council has undertaken a “Due Regard” assessment and extensive consultation into this area. The findings have not been published identifying the characteristics of those affected by the Scheme. Therefore, no justification has been provided to show that there is a justification for interfering with human rights.

As noted above, Wolseley is an employer to 12 longstanding staff members with a combined length of service of 138 years. We are unable to ascertain whether the future loss of employment opportunities at the Property have been fully considered in the Council's decision to make the Order. We have reviewed the Cabinet report on the decision to make the Order and, although we acknowledge that there will be “direct benefits of increased employment at the Gateway site”, the type of employment opportunities to be delivered by the Scheme are contrary to what is currently offered at the Property.”

- 13.22 The Council takes its duties under the Equality Act and the Human Rights Act very seriously and has ensured that in all its decisions and actions undertaken, including its engagement with landowners, they have fulfilled those duties.
- 13.23 In producing its vision for the regeneration for the City Centre (through the DTIP and DUCM), its design for the Scheme and securing of the Towns Deal funding, the Council has continually had regard to its need to have due regard to the objectives set out in s.149 of the Equality Act 2010.
- 13.24 The regeneration of the area has been informed by public consultation through the community engagement and consultation that was undertaken during the development of the DTIP, which is the document which underpins the funding bid to DLUHC.
- 13.25 The Council's Due Regard statement is attached to this Statement of Case at Document 34.
- 13.26 As set out further above, the Council is committed to relocating Wolseley to a suitable location, to ensure there are no necessary job losses.

Taskmaster Objection

Ground 1: Justification for the Order

"In terms of the Interest Owner, insufficient consideration has been given by the Acquiring Authority to the impact of displacing a company which makes a substantial contribution to the local economy and whose purpose is to provide employment for the local economy and replacing it with soft landscaping. This is, at least arguably contrary to, policy 4 of the Doncaster Local Plan 2021 ... which states "Where possible existing land and premises used for offices, research and development and light industrial (Use Class E(g)) will be retained."...

As the Scheme does not have planning permission, this affects the planning arguments which are relevant in the Confirming Authority's considerations as to whether to confirm the Order.

Without seeing the indicative or approved layout it is difficult to understand why the Scheme needs another 3000 m2 of soft landscaping, to provide a green urban space in the city centre (as stated in the Statement of Reasons) when the Gateway Office part of the Scheme already consists of 2600 m2 of public realm/landscaping.

The Statement of Reasons does not provide any detail on what is being done, apart from building the Scheme, to attract the kind of investment that the Acquiring Authority

wants in Doncaster City Centre. There is insufficient information in the Statement of Reasons to demonstrate a compelling case in the public interest for the Order”.

- 13.27 As set out above at paragraph 12.35, Taskmaster have previously indicated that they do not wish to engage fully until a compulsory purchase order requires them to move. The Council is confident that there are alternative premises which will meet Taskmaster's needs, and remains committed to assisting Taskmaster to relocate to suitable premises. This will ensure they continue to make a contribution to the local economy.
- 13.28 The loss of office space at Trafford Court has to be seen in the context of the Scheme, which provides a total net gain of office space. The Railway Square Extension is considered a key component to the destination setting that the regeneration project will create, and is required in order to deliver transformative regenerative change, and secure the benefits set out in this Statement of Case. It also forms part of the business case approved and funded by DLUHC.
- 13.29 The Scheme has now secured planning permission, and so the planning merits of the Scheme have been tested and approved by the local planning authority. Taskmaster is also now able to see the proposed layout of the Scheme. It should also be noted that the hard and soft landscaping of the Scheme are conditioned which, as noted in the committee report at paragraph 8.31 will ensure high quality landscaping scheme will be secured, maintained and managed so as to be in accordance with Policy 43 and Policy 48 of the Local Plan.
- 13.30 The Scheme accords with the DTIP and DUCM. These plans demonstrate the range of packages, developments and funding that has being secured and/or delivered across the City to bring about the transformative change the Council is seeking. The Scheme is a critical component within this, and so the Council considers there is a clear and compelling case in the public interest for the Order.
- 13.31 In order to attract investment to the City, the Council is committed to delivering a programme of capital schemes to support the objectives of the Urban Centre Masterplan. In the last 5 years, it has delivered several major schemes including CCQ Savoy development, Doncaster Library and Museum, Quality Streets and Wool Market costing in the region of £40m. The Council is working with Government to invest a further £40m through the Levelling Up Partnership (LUP), Long Term Plan for Towns (LTPT) over a 10 year period (LTPT).

Ground 2: Duty to Negotiate/Treat Compulsory Purchase as a means of last resort

“The Acquiring Authority has not discharged its duty to negotiate and cannot prove that the compulsory acquisition was a means of last resort or even necessary at this time. The authority’s contact with the director of Interest Owner has been sporadic and has consisted of one substantive phone call, one set of suggested locations and a few emails. It is not correct to say that, as set out in the Statement of Reasons, the Acquiring Authority has held regular meetings with the Interest Owner.

Information about when the Interest Owner would have to move or start looking for properties has been vague in discussions with the Acquiring Authority and the Interest Owner had no real opportunity to make plans before he received notification of the Order.

The Acquiring Authority to date has not made any monetary offer to the Interest Owner or any direct offer to cover the Interest Owner’s costs in engaging professional help to negotiate a settlement. The above is not in keeping with the CPO guidance as set out above.”

- 13.32 As can be seen from paragraphs 12.33 and 12.37 above, the Council has been actively seeking to acquire Taskmaster’s interest by agreement and find a suitable property for Taskmaster to relocate to.
- 13.33 Specifically with regards to an offer on costs, CBRE (Taskmaster’s advisor) submitted a specific undertaking request to the Council on 27 October 2023. On 22 November 2023, the Council asked for clarification in relation to the undertaking request. Despite following this up, the Council have not had a response to their email of 22 November. The Council would be very happy to make an offer in relation to professional costs incurred.

Ground 3: Planning

“There are 3 potential planning impediments to the Scheme which have not been resolved – whether the further design of the Scheme will be satisfactory, whether the sequential test will result in the approval of the scheme and the possible incompatibility of the Scheme with policy 4 of Doncaster’s local plan – as set out above. The Scheme has yet to go through its democratic and statutory planning application process, which does not itself prevent the grant of the Order but creates further uncertainty. As the guidance states, in this case, it is the responsibility of the Acquiring Authority to put forward a compelling case in advance of resolving all its uncertainty.

The Statement of Reasons does not put forward this compelling case. It fails to demonstrate the compelling public interest in compulsorily acquiring land and

disrupting the business of the Interest Owner to replace Unit 4 with landscaping in circumstances where there is already a substantial public realm as part of the scheme. With the information provided with the Statement of Reasons, it is not possible to tell whether an alternative scheme could be designed which will enable the retention of Trafford Court or if this will be considered as part of the further design exercise which the Acquiring Authority's planning officers have said must be undertaken."

- 13.34 As set out above in relation to Ground 2, planning permission has now been obtained for the Scheme and the Railway Square Extension is a key component to the Scheme and the regeneration benefits to be delivered.

Ground 4: Human Rights and Public Sector Equality Duty

"The Interest Owner's directors and majority shareholders human rights in Article 1 of the First Protocol of the European Convention of Human Rights (right to enjoy property peacefully) are engaged in respect of their business interest, income and occupation of Trafford Court.

The Acquiring Authority has failed to make adequate enquiry of the Interest Owner's business which would allow it to assess the impact of disruption, displacement or closure or to discharge its Public Sector Equality Duty ("PSED"). The Acquiring Authority has not made any enquiries about the Interest Owner's Doncaster's office which could have led it to find out the statistics set out in paragraph 9 above or made any real assessment of the impact of displacing or disrupting the Interest Owner's Doncaster office on the local area as well as groups with protected characteristics. It is well known, for example, that losses or displacement of temporary or part time jobs tend to affect women disproportionately.

The above is relevant to the Acquiring Authority's PSED assessment and the CPO guidance advises acquiring authorities to be aware of trends like this. For instance it states in paragraph 6 of the CPO guidance states:

"For example, an important use of compulsory purchase powers is to help regenerate run-down areas. Although low income is not a protected characteristic, it is not uncommon for people from ethnic minorities, the elderly or people with a disability to be over-represented in low income groups. As part of the Public Sector Equality Duty, acquiring authorities must have due regard to the need to promote equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it"

In fact, as shown by paragraph 9 of these objections, a substantial percentage of the staff registered with the Doncaster office are from ethnic minority groups.

The PSED does not require the Acquiring Authority to come to any particular conclusion as regards its assessment but does require that it makes adequate enquiries in discharging its duty. It has not done and therefore has failed to make an adequate assessment in respect of PSED.

- 13.35 The Council takes its duties under the Equality Act and the Human Rights Act very seriously and has ensured that in all its decisions and actions undertaken, including its engagement with landowners, they have fulfilled those duties.
- 13.36 In producing its vision for the regeneration for the City Centre (through the DTIP and DUCM), its design for the Scheme and securing of the Towns Deal funding, the Council has continually had regard to its need to have due regard to the objectives set out in s.149 of the Equality Act 2010.
- 13.37 The regeneration of the area has been informed by public consultation through the community engagement and consultation that was undertaken during the development of the DTIP, which is the document which underpins the funding bid to DLUHC.
- 13.38 The Council's Due Regard statement which preceded the final decision to proceed with the making of the Order is attached to this Statement of Case at Document 34.
- 13.39 As set out further above, the Council is committed to relocating Taskmaster to a suitable location, to ensure there are no necessary job losses.

Ground 5: Funding

"There is a lack of detail in respect of the funding case for the Order in the following respects:

a. The need to make the Order now seems to be driven, in part, by the impending deadline for spending the grant from the Department of Levelling UP Housing and Communities (DLUHC). The Statement of Reasons does not confirm or provide detail on whether the expenditure deadline of March 2026 can be extended to allow tenants such as the Interest Holder to find alternative properties.

b. There is a lack of detail as to how the Acquiring Authority's agents, Motts MacDonald worked out the value that the Scheme would provide especially in light of the lack of any measures, other than to build the Scheme, to attract the type of investment that the Acquiring Authority has stated that it wants. This information may be in the Acquiring Authority's business case but that document is not available publicly.

c. The assertions regarding the management of inflation in the Statement of Reasons do not reflect the unpredictable rise of inflation that has been observed over the last 12

to 18 months. This coupled with the fact that the Acquiring Authority has left itself with virtually no margins regarding the costs of the scheme, makes the financing of the scheme substantially less certain than asserted in the Statement of Reasons. The guidance states that the greater the uncertainty regarding the financial viability of the Scheme, the more compelling the other grounds for undertaking the compulsory purchase will need to be and as set out elsewhere in these objections, the case for compulsory purchase lacks compelling grounds.”

A

- 13.40 As set out at paragraph 11.5 above, the funding is to be used across the financial years 2021/22 to 2025/26. The funding requirements are clear and as such, the Council must proceed on the basis that the deadline is required to be met. DLUHC representatives are in regular attendance at the Doncaster Town Deal Board and are aware of the progress of the project and the Order.
- 13.41 In any event, as set out above, Taskmaster had previously indicated it did not wish to proceed with relocation until there was a more certain requirement to move under the Order.
- 13.42 The Council remains committed to working with all occupants of the Order Land to relocate them in a timely manner, and as set out in paragraph 12.36 the Council considers that suitable alternative premises are available to Taskmaster.

B

- 13.43 The Summary Business Case was made available with the relevant Cabinet Papers and the Full Business Case is a publicly available document. This can be seen at Document 9.

C

- 13.44 The Council have already identified inflationary pressure as a potential impediment to the project. As set out, the Council committed by way of Cabinet Decision on 8 June 2022 to fund that gap by way of allocation of finances from the Council's Investment & Modernisation Fund. That decision was taken at a time when the inflationary pressures were clearly apparent, following factors such as the Covid Crisis and the invasion of Ukraine.
- 13.45 The timetable or extent of the project has not changed in the last 18 months, and so the precautionary budget and additional funding are considered to be sufficient. The Council has the benefit of significant funding from DLUHC, has already committed by purchasing the freehold to Trafford Court and the Council's Cabinet have resolved to

provide alternative funding to deal with any shortfalls. The Scheme is an important part of the DTIP and DUMC and so there can be every confidence that the Scheme will be delivered.

14 WITNESS AND EXPERT EVIDENCE

14.1 At forthcoming inquiry, the Council currently proposes to adduce witness evidence to deal with the following subject areas:

14.1.1 Planning/construction

14.1.2 The Scheme

14.1.3 Funding

14.1.4 Land acquisition

15 RELATED ORDERS AND STATUTORY PROVISIONS

15.1 In accordance with the Scheme, parts of this public highway will need to be stopped up and the road arrangements will be adjusted.

15.2 The Council's highways department is aware of and supportive of the proposals.

15.3 Now that a planning application has been made the Council will be able to apply for the relevant parts of the public highway to be stopped up under s.247 of the Highways Act 1980.

15.4 The test for a stopping up application made under s.247 is that it must be necessary to stop up in order to enable development to be carried out in accordance with a planning permission. The Council is therefore confident that this test will be met and an order secured for the stopping up of the relevant bits of the highway.

16 STATUTORY UNDERTAKERS

16.1 No statutory undertaker has any property interest in the Order Land for the purposes of a compulsory purchase order.

16.2 Where any statutory undertaker has apparatus within the Order Land, this will either be:- (a) retained; or (b) where it is required to be relocated or adjusted, consent will be sought through the relevant statutory regime.

16.3 Investigations into Plot 1 have identified Wayleave agreements between the owners of that plot and Virgin Media Limited and Vodafone Limited. Although such interests will not be caught by the CPO, those parties have been listed in the Schedule for

completeness. The Council will negotiate a removal of these contractual interests in the normal way.

17 SPECIAL CONSIDERATIONS AFFECTING THE ORDER LAND

- 17.1 In the Protected Assets Certificate a nil return has been made.
- 17.2 The Mining Code is not being included.
- 17.3 No part of the Order Land comprises Green Belt nor Common Land or Open Space within the meaning of Section 19 of the 1981 Act.
- 17.4 There are no known obstacles to further development and the Council is not aware of any other special considerations.

18 HUMAN RIGHTS ACT AND PUBLIC SECTOR EQUALITY DUTY

- 18.1 The Human Rights Act 1998 incorporated into domestic law the European Convention on Human Rights ("the Convention"). The Convention includes provision in the form of articles, the aim of which is to protect the rights of the individual.
- 18.2 Section 6 of the Human Rights Act prohibits public authorities from acting in a way which is incompatible with the Convention. Various Convention rights may be engaged in the process of making and considering a compulsory purchase order, notably the following articles:
 - 18.2.1 Article 1 of the First Protocol protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
 - 18.2.2 Article 8 protects private and family life, home and correspondence. No public authority can interfere with these interests except if it is in accordance with the law and is necessary in a democratic society in the interest of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.
- 18.3 The European Court of Human Rights has recognised in the context of Article 1 of the First Protocol that regard must be had to the fair balance which has to be struck between the competing interests of the individual and of the community as a whole. Similarly, any interference with Article 8 rights must be necessary for the reasons set out. In this case, any interference with Convention rights is considered to be justified in

the public interest in order to secure the development of the Order Land and derive all of the benefits that redevelopment will provide.

18.4 Extensive consultation has been undertaken during the formulation of the Scheme, including as part of the proposals and securing of the Towns Fund bid. Further representations can be made in the context of any public inquiry which the Secretary of State decides to hold in connection with the Order. Those directly affected by the Order will be entitled to statutory compensation.

18.5 The Council has considered whether in the making of the Order it has discriminated, failed to advance equality of opportunity or failed to foster good relations in relation to the characteristics of persons identified in the Equality Act 2010 and has concluded that it has not failed in its duty in respect of this matter. A Due Regard assessment has been carried out and concluded that impacts on those with protected characteristics was either neutral or positive and that no further action needs to be taken at this time. This position will continue to be monitored and updated over the course of projects development.

19 CONCLUSION

19.1 The Council has a clear idea of how it is intending to use the land it seeks to acquire as identified in the Scheme. Planning permission has now been obtained in relation to the Scheme.

19.2 It has all the necessary resources to carry out its plans which are likely to be available within a reasonable timescale.

19.3 Finally, there is no known impediment to implementation upon confirmation of the Order.

19.4 For the reasons summarised above and set out more fully in this statement, the Council considers the Order to be within the necessary statutory powers and that a compelling case exists in the public interest for the making and confirmation of the Order. This then justifies interfering with the human rights of those with an interest in the land affected.

20 FURTHER INFORMATION

20.1 Individuals seeking advice regarding the CPO should in the first instance contact the Council by emailing DoncasterTownDealGeneralEnquiries@doncaster.gov.uk

21 LIST OF DOCUMENTS

21.1 This Council relies on the documents included in the appended documents list in support of its case for confirmation of the Order. It reserves the right to add to the list of documents as it sees fit.

City of Doncaster Council

12 January 2024