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Our ref: ARHE / CPA

13 June 2023

**The Doncaster (City Gateway – Railway Square and Phase 1) Compulsory Purchase Order 2023 (“the Order”)**  
**Doncaster City Gateway (“the Scheme”)**  
**Wolseley Plumb Centre, 5 West Street, Doncaster, DN1 1AA (“the Property”)**  
**Objection to the Order**

## Introduction

We are instructed by Wolseley UK Limited (“Wolseley”), trading as Wolseley Plumb and Parts, to advise on compulsory purchase and compensation matters in respect of the Property, which it is proposed will be the subject to compulsory acquired by the City of Doncaster Council (“the Council”).

Wolseley is the freeholder of the Property, which it acquired on 1 February 1994. The Land Registry Title number for Wolseley’s interest is SYK339072.

Wolseley is listed as Plot 3 of Table 1 of the Schedule to the Order in respect of permanent land and new rights over the Property and is defined as *“all interests in 1776.94 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”*.

## Objection to the Order

On behalf of Wolseley we object to the Order on the following grounds:

- 1) **Central location of the Property** – Wolseley runs a highly successful town centre based operation from the Property, which is centrally located for pedestrian a 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.
- 2) Wolseley has received insufficient support from the Council; this has been demonstrated in a couple of ways, as follows:

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

- 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 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.

- 4) **Profitability** – The branch is one of the most profitable stores, ranked 10<sup>th</sup> 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.
- 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.

**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.

**Interference with Human Rights / Public Sector Equalities 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.

Accordingly, we consider that there is no compelling case in the public interest for the Order to be confirmed.

We would be grateful if you would acknowledge receipt of this letter and keep us informed of progress. Please contact Adam Rhead ([arhead@geraldeve.com](mailto:arhead@geraldeve.com)) or Cameron Paterson ([cpaterson@geraldeve.com](mailto:cpaterson@geraldeve.com)) if you wish to discuss the objection.

Yours faithfully,

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