

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

**PROOF OF EVIDENCE OF SCOTT CARDWELL
FOR AND ON BEHALF OF CITY OF DONCASTER COUNCIL**

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

STATEMENT OF TRUTH

The evidence which I have prepared and provide for this Public Inquiry in this proof of evidence is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions

Date: 27 March 2024

Signature: 

1. PERSONAL STATEMENT

- 1.1. I am Scott Cardwell, Assistant Director for Economy and Place at City of Doncaster Council ('the Council'). I am Chief Planner for the Council.
- 1.2. My qualifications are BA Geography Degree From Sheffield Polytechnic, Diploma in Urban & Regional Planning from Sheffield Hallam University, Diploma in Urban Environmental Design from Leeds University, QCF level 7 Diploma (MA) in Leadership and Management. I am also a member of the Royal Town Planning Institute.
- 1.3. I have 34 years of experience working in local government for the Council. I lead numerous teams spanning Development Management, Planning Policy, Built and Natural Environment, Inward Investment, Business Enterprise and support, Destination Management, Major Regeneration and Transport Infrastructure Projects, Strategic Assets Management, Facilities Management, Buildings Maintenance, and Design.
- 1.4. I have also held senior management positions in Doncaster Council for Change Management, Equalities, Strategic Housing, Corporate Policy and Performance Management.

2. SCOPE OF EVIDENCE:

- 2.1. The scope of the evidence I will provide in this proof of evidence is to:
 - 2.1.1. Detail the land that is subject to the Compulsory Purchase Order (the "Order") (being the "Order Land");
 - 2.1.2. Set out why the extension of the Railway Square (the "Railway Square Extension") and the the delivery of the Gateway Phase 1 mixed use and public realm development (the "Gateway Office Development") (together the "Scheme") are needed.
 - 2.1.3. Set out the formal decision making process and the steps that the Council have gone through in terms of making the CPO;

- 2.1.4. Explain the planning position in relation to the scheme, and how the Scheme accords with national and local planning policy;
- 2.1.5. Explain why there are no other ways of delivering the Scheme's benefits;
- 2.1.6. Set out the Council's responses to objections received in so far as they relate to planning matters; and
- 2.1.7. Explain how the relevant CPO tests are met.

3. THE ORDER LAND

- 3.1. The Order Land is 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 Order Map (**POE/2**).
- 3.2. The individual plots that make up the Order Land are shown on the Order Map (**POE/2**). Further detail is given at paragraph 4.3 of Joanne Chipp-Smith's proof.

4. THE SCHEME

- 4.1. The Scheme is made up of two core parts, the Railway Square Extension and the Gateway Office Development.
- 4.2. I have had extensive involvement with the Scheme. My teams have been involved in masterplanning the Scheme and in applying for planning permission for it. I am a member of the Project Management Group, and the Town Deal Board, both of which is central to the delivery of the Scheme.

THE RAILWAY SQUARE EXTENSION

- 4.3. The Railway Square Extension will be delivered on the land currently occupied by the Trafford Court office complex.
- 4.4. It will provide a significant extension to the recently upgraded Railway Station Forecourt. This was completed in 2020 and, as shown in the image below, has hugely improved the public space around the station (see **Fig.1**).

4.5. The Railway Square Extension will be predominantly soft landscaped to provide a green urban space at the heart of the City Centre. Plans (see **Fig.2**) and CGI's of how the Scheme will appear once delivered, can be seen below (see. **Fig 3-5**).

4.6. The Railway Square Extension will include 400m of new or upgraded cycle or walking paths, the delivery of 4,663 m²¹ of new public realm and walking paths and 30 additional cycle parking spaces. It will provide a landscaped pedestrianised connection between the station forecourt public realm and the Gateway Office Development.

THE GATEWAY OFFICE DEVELOPMENT

4.7. The Gateway Office Development comprises the delivery of a 4-5 storey office/mixed use building. This will consist of two ground two ground floor units which will be coffee shop style food retail and all the other floors above (1st to 4th) will be office use. Elevations and floor plans of the building can be seen below (see Fig 6).

4.8. The Gateway Office Development will deliver in the region of:

4.8.1. 4,823 m² gross of new commercial development;

4.8.2. 2,600 m² of improved public realm;

4.8.3. 3,914m² of gross office space (including shared access and circulation); and

4.8.4. 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).

¹ The figure included in the Statement of Reasons (**CD/5**) was 3,000 m², the 4,663 m² figure accords with the approved planning application

Fig 1. Recently upgraded Railway Station Forecourt



Fig.2 Railway Square extension plan

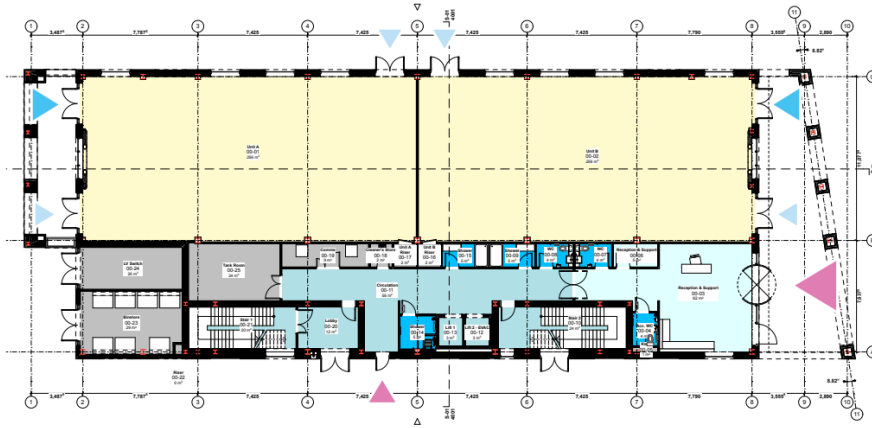
development



Fig 5. View 3 Looking from the Rail Station access road drop off points over the new Railway Square extension



Fig 6. Gateway Office elevations and floor plans



arching masterplan strategy for the urban centre and details a programme of regeneration projects that are set to transform the city. One of these is the “City Gateway” scheme (as defined in the DUCM, see pages 6 and 7 of **(CD/36)**). The City Gateway scheme will provide a vital new arrival statement at the railway station. It will be of a scale and standard that reflects the city ambitions for Doncaster. The Railway Square extension and the Gateway Office Development are both a key part of achieving this new arrival statement as they will transform the look feel and function of this part of the city.

5.2. Doncaster’s City Centre faces challenges. These are set out in the Full Business Case for the Scheme **(CD/9)** and include the following:

5.2.1. The City Centre has unattractive, run down areas, with high levels of vacant property, attracting antisocial behaviour.

5.2.2. 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 **(CD/25)**, the Council needs to facilitate a mode shift away from cars to make places more sustainable, attractive and safe.

5.3. Competition from established out-of-centre locations (e.g. retail warehouse parks and large superstores such as found at the Wheatley Hall Road shopping centre, Lakeside Shopping Centre and Danum retail park) and on-line shopping are a challenge to all cities including Doncaster City Centre. This is a national issue. The City Centre is predominantly retail led with a much lower proportion and quality of office accommodation than is found in other town and cities (Centreforcities Building Blocks report from 26th June 2018 **(POE/SC/1)**). It is therefore important that this balance is addressed, as city centres with well planned office space and residential development, with less reliance on traditional retail, adapt more successfully to challenges and changes (as is referenced in the Government’s Future High Street Fund Prospectus **(POE/SC/2)**). This was a key consideration in developing the scheme and is referred to on page 13 para 3 of the DTIP

5.4. In line with this, the retention and increase of workers within the City Centre would support and expand the existing businesses, helping enhance and regenerating the City Centre.

- 5.5. It is essential that the city centre strengthens its offer of suitable office accommodation to attract inward investment, from regional and national businesses to help strengthen and build the economy.
- 5.6. 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 DUCM **(CD/36)**. In the last 5 years, it has delivered several major schemes costing in the region of £40m including CCQ Savoy development, which is a cinema development with 5 food retail outlets overlooking the Civic Square, Doncaster Library and Museum, Which is a £15m new library and museum replacing existing facilities that need replacing as they and function poorly ,Quality Streets which is improvements to some of the streets in the city , widening the footpaths and upgrading the surface materials and reducing down road widths to single carriageway and Wool Market which was the redevelopment of an underused part of the market into a vibrant food hall. (see images below **Fig 7 - 10**)

Fig 7 CCQ Savoy Development



Fig 8 Doncaster Library and Museum



Fig 9 Quality Streets



Fig 10 - Wool Market



5.7. Doncaster has also been selected by government as a recipient of support from the government's levelling agenda. As a result of this the Council will be liaising with government over the summer of 2024 to agree developments for the Government to invest a further £40m. This is due to Doncaster being selected by Government for a Levelling Up Partnership ("LUP"). This will provide bespoke placed based regeneration in England's areas most in need of levelling up **(POE/SC/3)**, and also a selected area for the Long Term Plan for Towns ("LTPT") which will see plans developed in conjunction with Government to fund schemes to regenerate local town in the UK across the next decade initiative **(POE/SC/4)**.

6. THE COUNCIL'S DECISION MAKING PROCESS IN RELATION TO THE ORDER

6.1. The Council has gone through the following steps in making the Order.

6.2. Towns Deal funding of £24,239,000 for the Scheme was confirmed by the Department for Levelling Up, Housing and Communities ("DLUHC") in November 2021 **(CD/28)**.

6.3. On 8 June 2022 Cabinet approved the Full Business Case for the Scheme for submission to DLUHC. DLUHC approved the Full Business Case in August 2022.

6.4. The Council's Cabinet approved the making of the Order on 2 November 2022

(CD/3), with the final approval to effect the making of the Order being made via the Officer Decision Record dated 3 May 2023 **(CD/4)**.

- 6.5. In deciding to use 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") **(CD/14)**, and of Section 1 of the CPO Guidance which deals specifically with the application of powers under s.226 of the 1990 Act **(CD/20)**. These were referred to in the cabinet report to approved the making the order on the 2nd November 2022 **(CD/3)**.
- 6.6. As set out in that report and in accordance with the CPO Guidance, the Council has considered:
- 6.6.1. whether the purpose for which the Order Land is being acquired fits with the Council's Local Plan 2015-2023 ("Local Plan") for the area;
 - 6.6.2. 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);
 - 6.6.3. 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;
 - 6.6.4. 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
 - 6.6.5. any impediments to the Scheme going ahead.

7. PLANNING POSITION

- 7.1. The Council applied for planning permission for the Scheme in October 2023. The application was considered at Committee on 9 January 2024² and the

² Planning Committee Report can be found at **CD/32**

Committee resolved to grant planning permission for the Scheme under planning application reference 23/02052/4FULM. Permission was issued on 10th January 2024 (**CD/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 Scheme strongly aligns with national planning policy:

7.2.1. Chapter 6 of the National Planning Policy Framework (the "NPPF") (**CD/16**) 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.

7.2.3. These sections of the NPPF are clearly referenced as relevant national policy in the case officers report which was used to determine the planning application for the scheme. This is detailed in para 5.2 of the case officer's report (**CD/32**) . This is therefore not just my view but also the view of the planning officer who recommended the decision which was approved.

7.3. The benefits of the Scheme, which strongly align with these chapters, are detailed in paragraphs 4.9 and 4.10 of this proof of evidence and in the Proof of Evidence Matthew Lambert.

LOCAL PLANNING POLICY

7.4. The Local Plan was adopted in September 2021 (**CD/15**). The Scheme accords with the key policies for Town Centres (being policies 67 and 68 of the Local Plan).

7.5. As set out at paragraph 16.23 of the Local Plan:

7.5.1. 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 **(CD/15)**, 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.

7.7.1. 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:

7.7.2. 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

7.7.3. *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:

7.9.1. *"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 of the Local Plan:

7.10.1. *"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. As set out above, the Scheme represents a core part of the Council's proposals set out in the DTIP(**CD/26**) and DUCM(**CD/36**).

7.13. In my view it is clear that the Scheme accords with the Council's planning policies and the National Planning Policy Framework.

8. ALTERNATIVES TO COMPULSORY PURCHASE

8.1. In accordance with the CPO Guidance (paragraph 104) **(CD/14)**, 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*".

8.2. The Council has considered this issue, as set out in the Cabinet approval of the report to commence a Compulsory Purchase Order for the Town Deal Projects dated 2 November 2022 **(CD/3)** and has concluded that there are no other suitable alternatives to secure the benefits of the Scheme, other than by way of the Order. I agree with that conclusion.

8.2.1. Location

8.2.1.1. 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.

8.2.2. Delivery of Alternative Scheme

8.2.2.1. 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.

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

9. DELIVERY OF A REDUCED SCHEME

9.1. The benefits that the Scheme will deliver can only be achieved as a result of the delivery of the entire Scheme across the entirety of the Order Land.

9.2. 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 **Error! Reference source not found.** above.

10. OBJECTIONS

10.1. Two qualifying objections were received in relation to the Order. I respond to these below insofar as they relate to planning matters, the Order, the Scheme and Human Rights and Public Sector equality Duty.

11. WOLSELEY OBJECTION

Text taken from Wolseley's objection is shown in italics in this section.

11.1. Ground 5: The Scheme

11.1.1. "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."

11.2. The need for, and benefits of, the Scheme have been set out in detail in Matthew Lambert's Proof of Evidence. 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.

11.3. The two ground floor units in the Gateway Office Development (which is a 4-5 storey office/mixed use building) 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 Scheme would not be suitable for Wolseley and does not meet Wolseley's requirements or needs. In particular:

11.3.1. The units offer no service yard / storage area for materials – the building

is designed with minimal external areas (other than public realm) so as to interface effectively with the wider public realm.

11.3.2. 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 incompatible with the use of perimeter walls being used for racking / stock storage, which would likely be required by Wolseley; and

11.3.3. Lack of 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. The amount of available car parking would be incompatible with a Wolseley type use.

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

11.4.1. *“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.”

11.4.2. The Council takes its duties under the Equality Act and the Human Rights Act very seriously.

PSED

11.4.3. In April 2023, prior to the making of the CPO, the Council carried out an Initial Due Regard Assessment **(CD/34)** (the "IDRA").

11.4.4. The IDRA considered the PSED in the context of building a new purpose built building, utilising DLUHC funding; improving the public realm; and delivering a building that will comply fully with Disability Discrimination Act requirements and planning guidance.

11.4.5. The assessment considered the consultation exercise undertaken for the Doncaster Town Deal project / Phase 1 funding process in 2020 (Doncaster Community Engagement final Report) **(CD/27)**.

11.4.6. The IDRA concluded that the provision of new office space would be mainly of neutral impact on the people of Doncaster, particularly those with Protected Characteristics, along with some positives around improved environment, access and opportunity. The outcome of the assessment was that no further action needed to be taken at that time.

11.4.7. The outcome of the IDRA was taken into account as part of the Officer Decision Record (dated 21 April 2023) that authorised the making of the CPO **(CD/4)**, as set out at paragraph 16 of 'Box 3' in that document.

HRA

11.4.8. As set out in the Council's Statement of Reasons **(CD/5)**, the Council recognises that Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with the European Convention on Human Rights. Various Convention rights may be engaged in the process of making and considering a compulsory purchase order, notably the following articles:

11.4.8.1. 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.

11.4.8.2. 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.

11.4.9. In this case, I am of the view that 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 the substantial benefits that redevelopment will provide. In assessing that balance I would note that:

11.4.9.1. Those directly affected by the Order will be entitled to statutory compensation; and

11.4.9.2. Extensive efforts have been made to support and assist in the relocation of both Taskmaster and Wolseley, to ensure that the impact of CPO is limited as far as possible, including in relation to potential job losses.

12. TASKMASTER OBJECTION

Text taken from Taskmaster's objection is shown in italics in this section.

12.1. Ground 1: Justification for the Order

12.1.1. *"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".

12.2. 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 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 Matthew Lambert's proof of evidence. It also forms part of the full Business Case (**CD/9**) approved and funded by DLUHC.

12.3. The Scheme is not contrary to policy 4 of the Doncaster Local Plan as policy 4 refers to areas of land designated as Employment Policy Areas. The Scheme land is not within an Employment Policy Area. The relevant Doncaster Local Plan (**CD/15**) policies for the Scheme are covered in para 7.4-7.11.

12.4. 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. Full details are available on the Council's website and photographs and pictures detailing the Scheme can be seen at paragraph 4.5. 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 (CD/32) 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.

12.5. The Scheme is the focus of the DTIP (CD/26) and is referenced on pages 6 and 7 of the DUCM (CD/36). 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. £18.6m of Leveling up funding has also already been secured and being spent on projects across the city in the Market area , Civic and Cultural Quarter and the Waterfront area which will be completed by the end of 2024. 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 to be confirmed.

12.6. **Ground 3: Planning**

12.6.1. *“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.”

12.6.2. As set out above at paragraph 7.1, 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.

12.7. **Ground 4: Human Rights and Public Sector Equality Duty**

12.7.1. *“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.

- 12.8. The steps taken in relation to the Council's PSED are set out in paragraph 11.4 above.

13. HOW THE RELEVANT CPO TESTS ARE MET

- 13.1. Compulsory acquisition of land is a means of last resort, and as such, there are a number of tests that need to be satisfied if the Order is to be confirmed. I have set these tests out, and how they relate to planning issues, in this section

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

- 13.2. I am of the view that this test is satisfied.

- 13.3. The purpose of the Order Land being acquired accords with policies in the Local Plan (**CD/15**) and specific Council policy documents, being the whole DTIP (**CD/26**) and DUCM pages 6 and 7 (**CD/36**). This is to bring forward a regeneration scheme, which will deliver the benefits outlined in paragraph **Error! Reference source not found.** of my statement. This 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, and will benefit members of the public and the City of Doncaster as a whole. These benefits will outweigh the private interests that remain.

- 13.4. As set out at paragraph 8.2 above, I am of the view there are no other suitable alternatives to secure the benefits of the Scheme, other than by way of the Order. This is largely due to the fact that there is no other location which could achieve the benefits that will be delivered by the Scheme (as set out at paragraph **Error! Reference source not found.**). The Scheme is specifically identified in the DTIP (**CD/26**) and, by its very nature, the Scheme is a regeneration project, which is focussed on improving the City Centre environment.

The purposes for which the compulsory purchase order is made must justify interfering with the human rights of those with an interest in the land affected, with consideration to be given to the provisions of Article 1 of the First Protocol of the European Convention on Human Rights

13.5. In my view this test is satisfied as I consider that it is in the public interest that the Order should be confirmed. Further detail is set out in paragraphs 11.4.8 – 11.4.8 above.

Why compulsory purchase powers are sought at this time and the Council has a clear idea of how it intends to use the land

13.6. The key reason why compulsory purchase powers are being exercised at this time is largely due to the timescales connected to the use of the Towns Deal funding. Further detail related to this is set out in Neil Firth's Proof of Evidence. To summarise, in accordance with the Towns Deal funding, the Scheme needs to be delivered by March 2026. As such, compulsory purchase powers need to be exercised now in order to meet this delivery deadline.

13.7. I am also of the view that the Council is clear how it will use the land. There is planning permission for the Scheme (**CD/33**), which is being brought forward in accordance with the approved DTIP (**CD/26**) and DUCM (**CD/26**). I have also set out in this statement the intention for the Order Land to be redeveloped in accordance with the planning permission.

13.8. For the reasons set out in this paragraph 13, I am of the view that the relevant CPO tests are met in relation to the Order and Scheme.

14. CONCLUSION

14.1. 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.

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

- 14.3. The Scheme builds on the previous phase of the station forecourt improvements to improve the appearance and function of this critical part of the city.
- 14.4. The office/mixed use building that is at the heart of the scheme will become a flagship creative and digital hub which is an integral element of growing this important business sector for Doncaster's economy. Growing the creative and digital sector is a key part of Doncaster's economic strategy and not securing the land to deliver it would seriously undermine this strategy.
- 14.5. Significant weight must be given to the fact that the Scheme has received approval from, and is backed by, Government (DLUHC). They are fully supportive of this being vital for the Doncaster City Centre and therefore were willing to award £25million of Town Deal monies to ensure it is delivered.
- 14.6. Finally, there is no known impediment to implementation upon confirmation of the Order.
- 14.7. For the reasons summarised above and set out more fully in this evidence, I consider 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.