

**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 REASONS  
OF  
CITY OF DONCASTER COUNCIL**

**9 May 2023**

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## 1 INTRODUCTION

- 1.1 The City of Doncaster Council (the “**Council**”) of Civic Office, Waterdale, Doncaster, South Yorkshire, DN1 3BU has 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**”) and it is about to submit it to the Secretary of State for confirmation.
- 1.2 The Council’s Cabinet approved the making of the Order on 2 November 2022. 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**”). Specifically, the extension of the Railway Square (the “**Railway Square Extension**”) and delivery of the Gateway Phase 1 mixed use and public realm development (the “**Gateway Office Development**”)¹.
- 1.3 The Council has secured significant funding (£24.8 million) from the Department for Levelling Up, Housing and Communities (“**DLUHC**”) towards the delivery of these two projects. Delivering these projects will drive economic regeneration of the City Centre and will form a transformative, catalyst project, as part of a wider redevelopment of the City Centre.<sup>2</sup>
- 1.4 As set out in this Statement of Reasons, the Council is confident that the Order will improve the social, economic and environmental well-being of the City Centre and of the wider area of Doncaster, and that there is a compelling case in the public interest for the making of the Order.

## 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 realm 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

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<sup>1</sup> Further details for the Railway Square Extension and the Gateway Office Development are set out at Paragraph 5 this Statement of Reasons

<sup>2</sup> 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.

pedestrianised area and lying south of this the Flying Scotsman Health Centre and Pharmacy building.

- 2.3 The Order Land can be said to be 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 delivery yard access and parking to the rear.
  - 2.3.3 Running east-west, the Trafford Court office complex and the 'Wolseley Building' are separated by part of the public highway named West Street. 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.
- 2.5 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.

2.6 It is noted that, despite the enquires made, the Order does include interests in land where it has not been possible to identify the current beneficiary or owner.

### **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 the acquiring authority thinks that the acquisition will facilitate the carrying out of development, redevelopment, or improvement on or in relation to that land.

3.3 The power at 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 as s.226(1)(a) and (1A) of the 1990 Act, as further set out in this Statement of Reasons.

#### **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 will include easements and restrictive covenants.<sup>3</sup>

3.6 The Council is already the freeholder of sections of the Order Land. However, there are a number of third-party rights and interests which burden the Council’s land and so 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

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

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.

#### **4 THE NEED FOR REGENERATION**

4.1 The regeneration of Doncaster City Centre is pivotal in the Council's plans to regenerate and develop the City of Doncaster and the surrounding areas. The need for regeneration is set out in the DTIP and forms part of the vision set out in the Council's urban masterplan - '*Doncaster - A Vision for the Future - Doncaster Urban Centre Masterplan*' (the "DUCM").

4.2 Doncaster's City Centre area 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 Several key zones are disconnected from the Centre, with the symbiotic issues of lack of footfall and dilapidated buildings resulting in a poor environment and raised levels of antisocial behaviour. The proximity of these areas to both the train and bus stations and the core retail/leisure offer is currently creating an access barrier between key economic zones and a wasted opportunity to connect the core of Doncaster with the transport hub.

4.2.3 The City has a high car mode share and high volumes of traffic during peak times. The Council needs to facilitate a mode shift away from cars to make places more sustainable, attractive and safe.

4.2.4 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 also relatively over reliant on retail and has considerably less office accommodation. Having fewer office workers in the city centre reduces the support available for retail which is already under pressure from on-line shopping.

4.2.5 Doncaster is a net exporter of labour, continuing to be dependent on sub-regional links to other city/town centres for employment.

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

- 4.3 To build its status as a key economic driver, it is essential to the City Centre and the wider Council area that Doncaster strengthens its asset base to allow it to play a stronger role as an economic hub.

## **5 THE SCHEME**

- 5.1 The Scheme can be said to be made up of two core parts, the Railway Square Extension and the Gateway Office Development.
- 5.2 The Scheme can be delivered by virtue of Town Deal funding grants from central government. Capitalising upon the proximity to Doncaster Railway Station (which provides links to major UK cities and towns), it will drive economic regeneration of the City Centre, providing a transformative, catalyst project as part of a wider commercial masterplan redevelopment<sup>4</sup>.

### **The Railway Square Extension**

- 5.3 The Railway Square Extension will be delivered over the area currently forming the Trafford Court office complex.
- 5.4 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.
- 5.5 The extension scheme will include 400m of new or upgraded cycle or walking paths, delivery of 3,000 m<sup>2</sup> of new public realm and 30 additional cycle parking spaces. It will provide a connection with the Gateway Office Development, greater walkability and space for new enterprise.
- 5.6 Wider outcomes will be improved commuter flows, enhanced perception of place and increased health and well-being for residents.
- 5.7 The Railway Square Extension will be made possible by demolishing the current Trafford Court office blocks.

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<sup>4</sup> As envisaged in both the DTIP and the DUCM

### The Gateway Office Development

- 5.8 The Gateway Office Development is a keystone development to promote and encourage further investment in the Doncaster Gateway site and involves the delivery of a 4-5 storey office/mixed use building.
- 5.9 It is anticipated that the Gateway Office Development will deliver in the region of 6,000 m2 gross of new commercial development, 2,600 m2 of improved public realm, 4,500m2 of gross office space (including shared access and circulation) and 1,500m2 (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).
- 5.10 The office space 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 powers under section 226 of the 1990 Act to acquire land compulsorily. These powers may be used to acquire land compulsorily if it 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 is aware, and 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' (updated in July 2019) (the "**CPO Guidance**") 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 At paragraph 12 of the CPO Guidance it 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 The Council is scheduled to submit its planning application for the Scheme in May 2023. This will be an application for 'Full' planning permission to bring forward both the Railway Extension and the Gateway Office Development.
- 7.2 As detailed below, the proposals for the Scheme have been discussed over a long period of time with planning officers, who are in support of the Scheme. Pre-application advice has been sought in relation to the Scheme, further details of which are included at paragraph 11 below. The proposals accord with National and Local

planning Policy and the Council is confident that permission for the Scheme will be granted.

- 7.3 The design and planning process is well developed, being at RIBA Stage 2, and the Council have a very clear vision of what will be delivered on the Order Land.
- 7.4 As set out in paragraph 105 of the CPO Guidance, it is not essential for planning permission to be obtained until starting compulsory purchase proceedings.
- 7.5 In this case, it is key that the compulsory purchase process is started now, to ensure that all land acquisition can be in place to meet delivery timescales. Specifically, to allow the Scheme to be completed by the deadline set to secure all the funding provided by the Towns Fund.
- 7.6 In order to avoid having to repay any funding, the Council must ensure that the project is delivered by March 2026. The Council is therefore not able to wait until the full permission is secured (expected to be sometime in late 2023) before starting compulsory purchase proceedings, or it would risk not delivering the Scheme within the required timescale.

#### National Planning Policy

- 7.7 The proposals align with National Planning policy principles.
  - 7.7.1 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.
  - 7.7.2 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.
- 7.8 The benefits of the Scheme, which strongly align with these chapters, are dealt with further in Paragraph 8 below.

## Local Planning Policy

7.9 The Council's Local Plan 2015-2023 (the "Local Plan") was adopted in September 2021. The proposed Scheme is in accordance with the key policies for Town Centre's<sup>5</sup> set out in the Local Plan.

7.10 As set out at paragraph 16.23:

As a 'Sub-Regional Centre', Doncaster Town Centre will continue to provide the main focus for most new retail, office, leisure, cultural and tourist facilities. Doncaster town 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 town 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.

7.11 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.

7.12 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.

*Policy 67: Doncaster Town Centre (Strategic Policy) New development in Doncaster town 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 town 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,*

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<sup>5</sup> Policy 67 and Policy 68

*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.*

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

7.14 For Area 8, Policy 68 provides:

*“This opportunity area will become a town 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.”*

7.15 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 town centre such as... the area around the railway station and bus interchange (St Sepulchre Gate West)”*

7.16 The aspirations for the Council under the Local Plan to develop the area of the ‘Gateway’ area of the City, in front of Doncaster Railway station, is therefore clear.

7.17 The Scheme represents a core part of the Council’s proposals set out in the DTIP and DUCM.

7.18 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 Council is clear that the Scheme will deliver significant improvement to the social, economic and environmental well-being of the City Centre and the wider Doncaster area.

8.2 In developing the business case for the Scheme, the Council appointed Mott MacDonald to work with it, 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
<b>Total benefits</b>	<b>£48,608,860</b>
Costs	£28,289,674
<b>BCR</b>	<b>1.72</b>
<b>NPSV</b>	<b>£20,319,185</b>

Source: Mott MacDonald

8.3 Assessed against the Council's desired outcomes, including the Council's 'Doncaster Delivering Together' Strategy, the delivery of the Scheme will have significant social, economic and environmental implications for the City Centre and wider area:

Outcomes	Implications
<p><b>Doncaster Working:</b> 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"> <li>Better access to good fulfilling work</li> <li>Doncaster businesses are supported to flourish</li> </ul>	<ul style="list-style-type: none"> <li>Improves flow and circulation from Doncaster city centre key public transport entry point into the urban centre of the city</li> <li>Railway square extension leverages Doncaster's position as a major regional transport link to further encourage potential investors</li> <li>Provision of good quality office/mixed use facilities</li> </ul>

<ul style="list-style-type: none"> <li>Inward Investment</li> </ul>	<p>attracts growing and new business to the city, and therefore better-quality employment opportunities</p> <ul style="list-style-type: none"> <li>Supports the wider regeneration of Doncaster city centre following the economic shock of Covid-19 and previous observed city centre trends</li> </ul>
<p><b>Doncaster Living:</b> 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"> <li>The city centre is the beating heart of Doncaster</li> <li>More people can live in a good quality, affordable homes</li> <li>Healthy and Vibrant Communities through Physical Activity and Sport</li> <li>Everyone takes responsibility for keeping Doncaster Clean</li> <li>Building on our cultural, artistic and sporting heritage</li> </ul>	<ul style="list-style-type: none"> <li>Doncaster Gateway new multi-use building provides upgraded spaces to create vibrancy and footfall in a currently underused site.</li> <li>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.</li> <li>The sense of ‘arrival’ at the new Gateway raises the aspiration for the community of Doncaster and increased perception of the city as a great place to visit and of which to be rightly proud</li> <li>Gateway projects protect and enhance the cultural public house assets in the area - whilst promoting increased footfall to the area.</li> <li>Promotes investment opportunities outside of the city centre</li> </ul>

8.4 Section 4 of the DTIP sets out extensive opportunities and 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. By its very nature, the ‘Gateway’ project flows from Doncaster Railway Station as a central focus point for the regeneration of the City Centre.

9.4 Whilst the Council could secure delivery of office space elsewhere in the area of the Council, this would not achieve the environmental, social and economic change that is set out in Paragraph 8 above.

Delivery of Alternative Scheme

9.5 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.

9.6 By its nature as a City Centre regeneration scheme, the Scheme focuses on the improvement of the City Centre environment. It is not a profit driven scheme. There would be no financial reason for any of the Plot owners to deliver this Scheme on their own.

9.7 No alternative schemes have been put forward by any of the Plot owners.

Delivery of a reduced Scheme

9.8 The benefits set out above and which can be derived from the Scheme, can only be achieved as a result of the purchase of the entirety of the Order Land.

9.9 The Council does not consider there is a scheme by which some, or all, of the Plots could be removed by 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 £27,039,000. 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 development.

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	<b>21.090</b>
Doncaster Gateway: Railway Square Extension	2.307	1.975	0.604	1.063	<b>5.949</b>
<b>Total Estimated Project Costs</b>	<b>3.795</b>	<b>4.570</b>	<b>12.679</b>	<b>5.995</b>	<b>27.039</b>
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	<b>20.090</b>
Other Public Sector Investment - DMBC	0.000	1.000	0.000	0.000	<b>1.000</b>
Doncaster Gateway: Railway Square Extension					
Town Deal Investment	2.307	0.175	0.604	1.063	<b>4.149</b>

Other Public Sector Investment - DMBC		1.800			1.800
<b>Total Funding</b>	<b>3.795</b>	<b>4.570</b>	<b>12.679</b>	<b>5.995</b>	<b>27.039</b>

- 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 recently provided an estimated cost for the acquisition of the properties required to deliver the Scheme which is significantly higher than the costs included in the DTIP which did not take account of disturbance and severance costs.
- 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 accommodation. As businesses return to the office, 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 fundamentals of the office have not changed for many businesses and still require a space and a base for the business.
- 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 confirms 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:

Planning

11.2.1 As set out in Paragraph 7, whilst the Council does not currently have planning permission for the Scheme, the proposals are considered to be in accordance with National and Local policy and have the in-principal support of the Planning Department of the Council (who are the Local Planning Authority for the area of the Order Land) (the “Planning Department”).

11.2.2 As well as engaging with the Planning Department during the course of the creation of the Business Case for the Scheme, the Council has sought formal advice through the Pre-Application Enquiry Service in order to obtain Pre-Application comments on the proposed Scheme to ensure that it will be able to secure an appropriate planning permission. Following initial comments from the Planning Department on 24 November 2022, the Council provided detailed documentation for the Scheme and the full pre-app response was received on 9 March 2023 (the “Pre-App Response”).

11.2.3 The summary to the Pre-App Response sets out that:

*[...] “The development, on balance, could be considered acceptable in principle subject to meeting the requirements of Policy 22 and by taking into account the findings from the detailed reports (listed below) and consultee responses as part of any future application consideration.”*

11.2.4 The information provided in the Pre-App Response will inform the final submission for the planning application brought forward by the Council, which is due to be submitted in May 2023. The Council is confident it can deal with all points raised in the Pre-App Response to ensure a robust planning application is submitted:

11.2.4.1 The provision of ground floor retail units does raise the requirement for sequential testing against available accommodation in the City Centre, however appropriate justification can be provided for the inclusion of the units on the basis of supporting the wider development and adding to the vitality and vibrancy of the streetscene in this location.

- 11.2.4.2 Further design development will be carried out prior to submission of the planning application to address comments received regarding the siting, orientation and extent of the built footprint proposed and the layout and appearance of the proposed area of public open space adjacent to the railway station forecourt.
- 11.2.4.3 Matters including air quality, ecology, trees and landscaping, and impact on amenity are all acknowledged to be acceptable in principle subject to the provision of final supporting information as part of the planning application.
- 11.2.5 The Council can therefore be confident that a suitable planning permission for the Scheme will be secured.

#### Funding

- 11.2.6 The Council has drawn down on the first element of the Towns Deal funding (being £3.6 million), but will need to secure the final approval for full fund from DLUHC. It has already applied for this in accordance with Cabinet Approval on 8 June 2022. DLUHC confirmed on 5th August 2022 that the summary documents had passed their internal review process. There are therefore no concerns on whether the Council will secure the full funding sum.
- 11.2.7 The Council has carried out diligent and extensive funding reviews for the Scheme.
- 11.2.8 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. In particular, the Council has the advantage of knowledge of the current extent of inflationary pressures and has been able to plan accordingly.
- 11.2.9 At the point of appointing a contractor to deliver the Scheme, the inflationary risks of the development will pass to the contractor.
- 11.2.10 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.

## **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 will 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.

### **The Wolseley Building**

12.9 The Council has been in contact with the owners of the Plot 3 (Wolseley Centres Limited)) 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, and all parties are working on finding a suitable

alternative location for the business. The owners are actively looking for representation in relation to the Compulsory Purchase Order and the Council have enlisted the assistance of Lambert Smith Hampton for the calculation of claims across the scheme.

Business Doncaster have provided several alternative properties for consideration, all of which so far have been rejected. Whilst no suitable alternative location has yet been found, the Council will continue to work with the owners to locate and secure an alternative site. The Council remains hopeful that it will be able to secure the Plot 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*

- 12.11 The Council has been in contact with the owners of the Plot 2 (Rent Doncaster Ltd) since September 2021 in relation to the proposed purchase of the land.
- 12.12 Negotiations for the agreed purchase of this Plot are in an advanced state and the Council is hopefully that the Council will be able to enter legally binding contracts with the owners in the coming months.
- 12.13 However, until negotiations are concluded, 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*

- 12.14 Following negotiation with the freeholder owners of Plot 1, the Council acquired the freehold interest in Trafford Court on 14 April 2023.
- 12.15 The acquisition has now been formerly registered with the land registry.

#### *Trafford Court Leaseholders*

- 12.16 Plot 1 is subject to a series of leases, both registered and unregistered.
- 12.17 Due to the construction program timings, the Council will need to extinguish all leases that fall within Plot 1, and cannot simply wait for 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*

- 12.18 The British Transport Police (“BTP”) have a lease and occupy Unit 7 and 8 of Trafford Court. They were contacted in June 2022 in relation to the proposed purchase of the lease and offered support in relation to relocation.
- 12.19 Discussions have been held with BTP and office requirements for their relocation have been discussed. Monthly meetings are diarised to discuss progress in finding a suitable alternative property and to review the information and options provided.
- 12.20 The BTP are making their own enquiries with Network Rail and LNER (London North Eastern Railway) to ascertain if there are any opportunities to relocate within any of their buildings close to the railway station but nothing has been forthcoming so far.
- 12.21 One property has been identified as a potential opportunity. Enquiries are at an early stage and the options are being explored further.
- 12.22 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

- 12.23 Keltbray Rail occupy Unit 5 and Unit 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.
- 12.24 Discussions have been held with Keltbray to discuss office requirements and Business Doncaster will work with them to locate suitable alternatives. However, there has been limited contact from them and so whilst the Council remains committed to working on a voluntary deal, prospects of an agreement seem unlikely at this stage.

#### Central Young Men’s Christian Association

- 12.25 The Central Young Men’s Christian Association 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.
- 12.26 Discussions have been held with The Central Young Men’s Christian Association to discuss office requirements and Business Doncaster will work with them to locate suitable alternatives. Regular meetings are to be held to review progress.

#### Taskmaster Resources Limited

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

12.28 Discussions have been held with Taskmaster Resources Ltd to discuss office requirements and Business Doncaster will work with them to locate suitable alternatives. Regular meetings are to be held to review progress.

#### Leger Education Trust

12.29 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.

12.30 Discussions have been held with Leger Education Trust to discuss office requirements and Business Doncaster will work with them to locate suitable alternatives. Regular meetings are to be held to review progress.

#### Public Highway

12.31 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.

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

12.31.2 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.

12.32 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 RELATED ORDERS AND STATUTORY PROVISIONS**

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

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



13.3 Once 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.

13.4 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.

#### **14 STATUTORY UNDERTAKERS**

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

14.2 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.

14.3 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.

#### **15 SPECIAL CONSIDERATIONS AFFECTING THE ORDER LAND**

15.1 In the Protected Assets Certificate a nil return has been made.

15.2 The Mining Code is not being included.

15.3 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.

15.4 There are no known obstacles to further development and the Council is not aware of any other special considerations.

#### **16 HUMAN RIGHTS ACT AND PUBLIC SECTOR EQUALITY DUTY**

16.1 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.

16.2 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:

- 16.2.1 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.
- 16.2.2 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.
- 16.3 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.
- 16.4 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 2022 Order. Those directly affected by the Order will be entitled to statutory compensation.
- 16.5 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 2011 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.

## 17 CONCLUSION

- 17.1 The Council has a clear idea of how it is intending to use the land it seeks to acquire as identified in the Scheme. There is a strong policy basis for securing planning permission for the Scheme, which is shortly to be applied for.
- 17.2 It has all the necessary resources to carry out its plans which are likely to be available within a reasonable timescale.
- 17.3 Finally, there is no known impediment to implementation upon confirmation of the Order.
- 17.4 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.

## **18 FURTHER INFORMATION**

- 18.1 Individuals seeking advice regarding the CPO should in the first instance contact the Council by emailing [DoncasterTownDealGeneralEnquiries@doncaster.gov.uk](mailto:DoncasterTownDealGeneralEnquiries@doncaster.gov.uk)

## **19 LIST OF DOCUMENTS**

- 19.1 This Council relies on the following documents 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.

### **1. Compulsory Purchase Order and Supporting Documents**

The Order

Order Map

Order Schedule

Relevant Cabinet Reports and consequential delegated decisions

Planning Application Pre-App Response (9 March 2023)

### **2. Title Documentation.**

Title Details for the Order Land

### **3. Planning & Policy Documents**

National Planning Policy Framework

National Planning Policy Guidance

Local Plan

Doncaster - A Vision for the Future - Doncaster Urban Centre Masterplan

Doncaster Town Investment Plan

Doncaster Delivering Together

#### **4.Funding documents**

Cabinet Report 8 June

Towns Fund Business Cases

#### **5.Legal Documents and guidance**

Town and Country Planning Act 1990

Local Government (Miscellaneous Provisions) Act 1976

The Acquisition of Land Act 1981

The Compulsory Purchase Act 1965

Compulsory Purchase (Inquiries Procedure) Rules 2007

Guidance on Compulsory Purchase Process and The Crichel Down Rules

**City of Doncaster Council**

9 May 2023