

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

**SUMMARY 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. My proof of evidence covers in detail the following:
 - 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 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 metres 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 master planning 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. Details of the Railway Square Extension are set out in detail in my Proof of Evidence (see paragraphs 4.3 to 4.6 and pages 4 to 10), including with a plan and CGI.

4.4. The Railway Square Extension will include 400m of new or upgraded cycle or walking paths, the delivery of 4,663 m² 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

4.5. 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 in my proof of evidence.

THE BENEFITS OF THE SCHEME

4.6. The Scheme consists of two key transformational regeneration projects, and was the core part of the Council's bid to Government for monies via the Town Deal initiative.

5. THE NEED FOR THE SCHEME

5.1. The need for the Scheme is set out in paragraphs 5.1 to 5.7 of my Proof of Evidence. The need for regeneration is set out in the Doncaster Town Investment Plan (the "DTIP") (CD/26). . The DTIP sets a clear vision and strategy for a part of the urban centre, including delivery of the Railway Square Extension part of the Scheme. The need for regeneration also forms part of the vision set out in the Doncaster Urban Centre Masterplan (the "DUCM") (CD/36). The DUCM sets out the over-arching masterplan strategy for the urban centre. The DUCM 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. 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.

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 £24.6 million 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 2024¹ and the 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, in particular chapters 6 and 7 of the National Planning Policy Framework (the "NPPF") (**CD/16**). 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.

LOCAL PLANNING POLICY

7.3. The Scheme accords with the key policies for Town Centres (being policies 67 and 68 of the Local Plan) (**CD/15**).

7.4. 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.

7.5. 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

¹ Planning Committee Report can be found at **CD/32**

67.

7.5.1. *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:*

7.5.2. *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*

7.5.3. *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.*

7.6. 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'.

7.7. For Area 8, Policy 68 provides:

7.7.1. *“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.”*

7.8. The supporting text to the policy further sets out at paragraph 16.40 of the Local Plan:

7.8.1. *“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)”*

7.9. 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.

7.10. 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**).

7.11. 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. The Council has considered whether the purpose for which it is proposing to acquire the land could be achieved by any other means, 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. This is because there is no other location which could achieve the benefits that

will be delivered by the Scheme and 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. 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.

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.

11. WOLSELEY OBJECTION

11.1. Ground 5: the Scheme - The need for, and benefits of, the Scheme have been set out in detail in Matthew Lambert's proof. 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.

11.2. 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:

11.2.1. 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.

11.2.2. 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

11.2.3. 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.

11.2.4. Ground 7 - Interference with Human Rights / Public Sector Equality Duty

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

PSED

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

11.2.7. 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.

11.2.8. 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)**.

11.2.9. 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.

11.2.10. 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

11.2.11. 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:

11.2.11.1. 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.

11.2.11.2. 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.

11.2.12. 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:

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

11.2.12.2. 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

12.1. Ground 1 – justification for the order - 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.

12.2. 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.

12.3. 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.

12.4. 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 been 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.

12.4.1. Ground 3 – planning - 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.

12.5. Ground 4 – Human Rights and Public Sector Equality Duty - The steps taken

in relation to the Council's PSED are set out in paragraph 11.4 of my proof of evidence.

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 am of the view that the relevant CPO tests are met in relation to the Order and Scheme.

13.2. 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.

13.3. 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 Firths proof.

13.4. 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/36**).

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 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 £24.6 million 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 my proof of 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.