

THE DONCASTER (CITY GATEWAY – RAILWAY SQUARE AND PHASE 1)

COMPULSORY PURCHASE ORDER 2023

SUMMARY PROOF OF EVIDENCE OF JOANNE CHIPP-SMITH

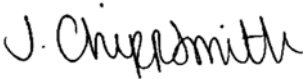
FOR AND ON BEHALF OF CITY OF DONCASTER COUNCIL

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

STATEMENT OF TRUTH

The evidence which I have prepared and provide for this public inquiry reference APP/PCU/CPOP/F4410/3324357 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 INTRODUCTION

- 1.1 My name is Joanne Chipp-Smith and I am a Principal Surveyor in the Strategic Asset Management team at City of Doncaster Council (“the Council”).
- 1.2 I have a BSc (Hons) in Business Property Management and have been a chartered member of the Royal Institution of Chartered Surveyors since October 2010.
- 1.3 My background is in general practice surveying and my experience extends to a variety of commercial property and asset management related activities. I have worked at the Council in a number of surveying roles since 2003. My areas of work range from contributing to the management of the Council's commercial property portfolio, through property management and landlord and tenant related activities, providing valuation advice, managing the Council's investment portfolio and taking a lead role on acquisition activities.
- 1.4 My role in the Railway Square Extension and the Gateway Office Development Scheme (“the Scheme”) began in July 2021. Since that time, I have worked as part of the team tasked with managing the property negotiations and acquisitions with the parties affected by the compulsory purchase order (the “CPO”).

2 SCOPE OF EVIDENCE

- 2.1 My proof of evidence covers in detail the following:
 - 2.1.1 The land referencing process and inquiries that have been made to identify all owners and occupiers of land affected by the Scheme;
 - 2.1.2 The land interests included in the land covered by the CPO (the “Order Land”) - both Council owned and third party interests;
 - 2.1.3 The attempts made to acquire the outstanding third party interests by agreement, in accordance with the in the CPO Guidance¹
 - 2.1.4 Responses to qualifying objections.

¹ Guidance on Compulsory Purchase Process and the Crichel Down Rules July 2019

3 LAND REFERENCING

- 3.1 The Council has worked with its internal legal team and solicitors Browne Jacobson LLP to carry out the referencing exercise for the Order Land.
- 3.2 Multiple searches, including Land Registry searches, have been undertaken by the Council and Browne Jacobson to be able to establish all interests affecting the Order Land and have been recorded in the Order Schedule accordingly.
- 3.3 Additional steps taken to identify potential affected interests included service of s.16 Notices to all to all freehold and leasehold interests; multiple site visits; and statutory notices (including public notices (newspaper and site) and personal notifications).
- 3.4 The referencing exercise has been kept under review and will continue to be updated up to the point of the inquiry.

4 ORDER LAND

- 4.1 The Order Land is located in the centre of Doncaster, next to the City's main railway station. It comprises an area of approximately 6,205.84 square meters and is shown edged red and coloured pink on the map accompanying the Order (the "Order Map"), which is split into 16 'Plots'.
- 4.2 The Order Land is made up of six main areas:
 - 4.2.1 The north part of the Order Land forming Plot 1, is the 'Trafford Court' office complex.
 - 4.2.2 In the centre of the Order Land, forming Plot 3, is the 'Wolseley Building' which is currently a plumbers merchants with a delivery yard and parking to the rear.
 - 4.2.3 The public highway named West Street, forms plots 7 and 13.
 - 4.2.4 Directly to the south of the Wolseley Building is the 'Mobility Centre' which is an oblong shaped, two storey, retail unit. This area forms Plot 2.
 - 4.2.5 Edging the Wolseley Building and Mobility Centre, on the eastern and western sides, are paved areas of highway land. These form Plots 4, 5, 6, 8, 14 and 15.

- 4.2.6 To the south of the Mobility Centre is a pedestrianised pavement area, which is largely featureless, forming Plots 10, 12 and 16.

5 LAND INTERESTS

Council Owned Plots

- 5.1 The Council already owns a significant proportion of the Order Land, namely, freehold interests in Plots 1, 4, 5, 6, 7, 8, 9, 10, 11 and 16.
- 5.2 Plots 12, 13, 14 and 15 are unregistered highway land that is understood to be owned by the Council, and to which there is no other evidence of alternative ownership.

Leasehold Interests in Trafford Court (Plot 1)

- 5.1 There are leasehold interests in relation to the units forming Trafford Court (Plot 1), which have not yet been acquired by the Council. The Council continue to take steps to assist those leaseholders affected by the CPO in their search for suitable alternative properties.
- 5.2 Details of the leaseholders and their current relocation status can be seen in my Proof of Evidence at paragraphs 5.3.1 to 5.3.5; and are recorded in the Schedule to the CPO.
- 5.3 One of those leaseholders are Taskmaster Resources Ltd (“Taskmaster”), who are an objector to the CPO.

Wolseley – Freehold (Plot 3)

- 5.4 Plot 3: this is a trade retail unit and associated car parking which is known as the Wolseley Plumb Centre, a plumbers merchants. Wolseley UK Limited (“Wolseley”) are the freehold owner of this unit, and one of the objectors to the Order.

Mobility Centre – Freehold (Plot 2)

- 5.5 Plot 2: this is a retail unit, known as the former “Mobility Centre”. The Council have reached agreement with the owners of Plot 2 Macauley Gibb Realty Ltd to acquire the land and contracts are being progressed with solicitors. The transaction is due to complete in the near future and simply awaits a completion date from their solicitors.

6 ATTEMPTS TO ACQUIRE BY AGREEMENT

- 6.1 The CPO Guidance states that powers to compulsorily purchase land are intended to be used as a method of last resort. As such, the Council is expected to take reasonable steps to acquire all interests in the Order Land by agreement.
- 6.2 The Council has actively engaged with all interest holders. This work has been supported by Business Doncaster who are the Councils Inward Investment Team, and provide assistance and guidance to businesses, including those looking to move premises.
- 6.3 As demonstrated in my Proof of Evidence at paragraphs 7 to 10 (and summarised below at paragraphs 7 to 10 of this document), the Council has taken all reasonable steps, over a long period of time, to reach agreement on acquisition and has taken extensive steps to provide assistance with suitable relocation. The Council continues to actively engage with all remaining interest holders.
- 6.4 To ensure the Council is able to obtain the full Towns Deal funding required to deliver the Scheme, the Council needs to secure the relevant interests and begin works on the site (the delivery programme for the Scheme is set out further in Neil Firth's proof at paragraph 4). As such so the Council must proceed with the CPO in parallel with continued negotiations.

7 ENGAGEMENT WITH THE LANDOWNERS

- 7.1 For the majority of the landowners, the Council has been able to reach agreement (or continues to support them in finding alternative premises) however, to date, the Council have not been able to reach agreement with the Objectors to the scheme namely Wolseley and Taskmaster. Further details are set out below.

8 WOLSELEY UK LIMITED

- 8.1 As set out in detail in my Proof of Evidence, both the Council and Business Doncaster have been actively and extensively engaged with representatives for Wolseley since September 2021, in order to assist with relocation efforts and to try and agree a purchase of their freehold interest.
- 8.2 This has included:

- 8.2.1 the Council providing an undertaking in relation to Wolseley's legal and professional fees to assist in relation to their search for a replacement premises (**CD/42**).
- 8.2.2 Business Doncaster have provided multiple alternative properties for consideration, details of which are as set out in the Proof of Chris Dungworth and **POE/JCS/8A**), all of which so far have either been rejected by Wolseley, or they have ultimately decided not to proceed with - other than current negotiations relating to Unit 22 Shaw Lane. This property is being actively progressed and is currently subject to contract and planning.
- 8.2.3 The Council and Business Doncaster have held regular scheduled meetings with Wolseley (and their representatives) since 19th July 2023 in order to present, discuss and consider options for relocation and compensation. This has included meetings on 19th July 2023, 13 September 2023, 18 October 2023, 13 November 2023, 4 December 2023, 15 January 2023, 5 February 2024, 26 March 2024, 8 March 2024, 21 March 2024 and 23 March 2024.
- 8.3 In addition to this, the Council have made a number of Offers to Acquire following steps taken to appropriately value the property and acquire their interest by agreement. With the Council's most recent offer being sent on 5 March 2024.
- 8.4 In my view, it is apparent that the Council (and Business Doncaster) have taken significant steps to both engage and support Wolseley in a search for suitable alternative premises and to ensure their interest could be acquired by agreement.

9 TASKMASTER

- 9.1 As set out in detail in my Proof of Evidence at paragraph 9, the Council has been actively engaged with representatives from Taskmaster since 24 June 2022.
- 9.2 Both parties are working to find a suitable alternative location for the business, and Business Doncaster have provided multiple alternative properties for consideration.

- 9.3 Correspondence with Taskmaster has largely been by way of email both led by the Council and Business Doncaster to locate alternative properties.
- 9.4 As a result of this regular correspondence and searches for suitable alternative locations, Business Doncaster identified offices at Kings Mews, East Laith Gate, Doncaster, DN1 1JD (“Kings Mews”) to Taskmaster. This property is considered suitable by Taskmaster and they have advised the Council (via telephone call between Mr Skorupka of Taskmaster and myself on 21st March 2024) that they no longer require the Council’s support with the lease negotiations.
- 9.5 The Council have also made Offers of Compensation with the most recent being sent on 6 March 2024, making an offer in return for confirmation that Taskmaster would terminate their lease of Unit 4 Trafford Court on 31 August 2024. The terms of this offer are detailed in my Proof of Evidence at paragraph 9.22.1.
- 9.6 In my view, the Council along with Business Doncaster, have continued to provide up to date information relating to suitable potential alternative properties and continue to take a comprehensive approach to assist and support relocation and to acquire their interest by agreement.

10 RESPONSES TO THE LIST OF REPRESENTATIONS

10.1 Wolseley Objection

10.1.1 Response to Ground 1: Central location of the Property

10.1.2 As set out in detail in paragraph 8 above, the Council & Business Doncaster has worked hard to locate properties that meet the specific list of requirements, which were initially presented to the Council on 14 February 2022 and then reconfirmed at subsequent meetings.

The Council and Business Doncaster continue to do so.

10.1.3 Response to Ground 2: Insufficient support from the Council

10.1.4 The representations from Wolseley on this ground is split in two parts: lack of formal undertaking on costs; and Council owned and third-party relocation options.

10.1.5 In respect of Wolseley’s representation that a formal undertaking for

costs has not been provided, the Council has been clear that it would meet Wolseley's professional costs in relation to its relocation, this is demonstrated by the formal undertaking being provided on 22 November 2023 (CD/42).

- 10.1.6 Turning to the second point raised in this ground of objection, in respect of Council-owned and third-party relocation options, the Council has made diligent enquiries via Business Doncaster, for example sending out Wolseleys requirements to local agents and following these lines of enquiry frequently; however, the Council does not have any Council-owned properties that are suitable to offer to Wolseley.
- 10.1.7 In respect of third-party relocation options, the Council has worked diligently to support Wolseley in identifying suitable sites and has utilised Council resources where possible to expedite enquiries. This is set out in significant detail in the Proof of Evidence of Chris Dungworth.
- 10.1.8 Response to Ground 3: Loss of employment opportunities for longstanding employees
- 10.1.9 As set out above and in my Proof of Evidence, the Council continues to work with Wolseley to assist in relocation of its premises. For the reasons set out above, the Council considers that suitable potential alternative premises options have already in fact been provided.
- 10.1.10 Response to Ground 4: Profitability
- 10.1.11 The Council recognises Wolseley's comment within its objection letter that this branch is one of Wolseley's top ranked branches, with an estimated annual sales revenue of approximately £5.7m.
- 10.1.12 The Council continues to work with Wolseley and is committed to assisting in locating and securing suitable alternative premises.
- 10.1.13 Response to Ground 5: The Scheme
- 10.1.14 The need, and benefit of, the Scheme have been set out in Scott Cardwell's evidence (see specifically paragraphs 11.1 to 11.3) and

Wolseley's specific representation has been addressed therein.

10.1.15 Response to Ground 6: Customer Base

10.1.16 As set out in detail in my Proof of Evidence, statutory provisions set out the basis on which Wolseley will be compensated by the Council; and as such, it is in the interest of the Council to take every reasonable step to reduce these as much as possible. The Council has provided evidence of support to Wolseley in identifying potential relocation premises in order that any such potential implications can be mitigated as far as possible.

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

10.1.18 The Council has addressed this concern in the evidence of Scott Cardwell (see specifically paragraph 11.4) and Wolseley's specific representation has been addressed therein.

10.2 Taskmaster Objection

10.2.1 Response to Ground 1: Justification for the Order

10.2.2 This has been addressed within the evidence of Scott Cardwell at paragraphs 12.1 to 12.5.

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

10.2.4 The Council has been actively seeking to acquire Taskmaster's interest by agreement and find suitable property for Taskmaster to relocate to. This is set out in paragraphs 9 above.

10.2.5 Specifically with regards to an offer on costs, as detailed earlier, the Council provided the requested undertaking on 13 March 2024.

10.2.6 Further, the Council remain committed to agreeing a voluntary acquisition of Taskmaster's interest and will continue to engage on this basis.

10.2.7 Response to Ground 3: Planning

- 10.2.8 This has been addressed within the evidence of Scott Cardwell at paragraph 12.6.
- 10.2.9 Response to Ground 4: Human Rights and Public Sector Equality Duty
- 10.2.10 This has been addressed within the evidence of Scott Cardwell at paragraphs 12.8 (referencing paragraph 11.4).
- 10.2.11 Response to Ground 5: Funding
- 10.2.12 This has been addressed within the evidence of Neil Firth at paragraph 5.3.

11 ASSESSMENT AGAINST CPO TESTS

- 11.1 I am aware that the Secretary of State will expect the Council to demonstrate that it has taken reasonable steps to acquire all of the land and rights included in the order by agreement.
- 11.2 As demonstrated by the evidence set out in my Proof of Evidence, I believe this test is satisfied because the Council has sought to negotiate voluntary acquisition of all private interests and achieved that in part. It continues to negotiate with those outstanding interests to secure appropriate relocations where required. However, it was necessary to make the CPO to secure acquisition of those remaining interests where voluntary acquisition has not, so far, proved possible, and to secure delivery of the Scheme in a timely manner.

12 SUMMARY CONCLUSIONS

- 12.1 As my Proof has set out, the Council has sought to acquire the Order Land wherever possible by means of agreement rather than by compulsory purchase. To do so, the Council has taken the necessary steps in relation to the land referencing to ensure all owners, lessees, tenants and occupiers were captured as part of the Schedule.
- 12.2 By doing so, I am of the view that this has enabled the Council to have discussions with those impacted by the CPO to negotiate the acquisition of interests by agreement where possible, and to provide assistance with relocation.

- 12.3 When considering the objectors specifically, namely, Wolseley and Taskmaster, the Council and Business Doncaster have at all times remained actively engaged with the relevant company representatives to assist with relocation efforts and to try and agree a purchase of their freehold interest.

Wolseley

- 12.4 The Council, along with Business Doncaster, have been engaged with Wolseley since September 2021 and has more recently been having 3-weekly meetings to work through the alternative premises options. As a result, we have been able to offer in total 34 properties, 8 of which have substantively met all the key requirements.
- 12.5 It is in my opinion that as a result of this regular contact we have been able to proactively work with Wolseley to assist in their search of alternative premises, which has ultimately led to them pursuing the potential relocation at the Unit 22 Shaw Lane property.

Taskmaster

- 12.6 Similarly, the Council, along with Business Doncaster, have been engaged with Taskmaster for a significant period since 24 June 2022. As a result, we have been able to offer multiple properties, 8 of which have substantively met all the key requirements.
- 12.7 As a result of this, we understand Taskmaster are pursuing the potential relocation at the Kings Mews property.

Compliance with CPO Guidance

- 12.8 As already set out in my proof, the CPO Guidance states that powers to compulsorily purchase land are intended to be used as a method of last resort. As such, the Council is expected to take reasonable steps to acquire all interests in the Order Land by agreement. I am confident those reasonable steps have been taken to date, and the Council has sought to acquire the Order Land wherever possible by means of agreement rather than by compulsory purchase, and it continues to liaise with all interest holders.
- 12.9 However, the CPO Guidance also recognises that if an acquiring authority waits for negotiations to break down before starting the compulsory purchase process, valuable time may be lost. Both my Proof and the Proof of Neil Firth

demonstrates, that in the context of this CPO, the delivery timing is key to ensure the Council is able to obtain the full Towns Deal funding required to deliver the Scheme, and so the Council is proceeding with the CPO in parallel with continued negotiations.

12.10 Whilst the Council has made considerable efforts to assist in the relocation, these attempts remain ongoing and so, despite best efforts, it was necessary for the Council to make the CPO to secure acquisition of those remaining interests where voluntary acquisition has not, so far, proved possible, and to secure delivery of the Scheme in a timely manner.

12.11 I will continue to take steps in relation to the support of the Council and Business Doncaster ensuring this remains available to all interest holders throughout the compulsory purchase process and beyond.