

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

The Town and Country Planning Act 1990 and the Acquisition of Land Act 1981

The Local Government (Miscellaneous Provisions) Act 1976

- 1. Notice is hereby given that the Secretary of State for Housing Communities and Local Government, in exercise of his powers under the above Acts, on 29 April 2021 confirmed The Derby City Council (Castleward) Compulsory Purchase Order 2020 submitted by Derby City Council.
2. The order as confirmed provides for the purchase, for the purposes of facilitating the provision of new housing enabling further phases of the Castleward Urban Village Regeneration Scheme to be brought forward, of the land and the new rights described in Schedule 1 hereto.
3. A copy of the order as confirmed by the Secretary of State for Housing Communities and Local Government and of the map referred to therein can be found on Derby City Council's online page at www.derby.gov.uk/castleward and have been deposited at Riverside Library, Council House, Corporation Street, Derby, DE1 2FS and may be seen at all reasonable hours.
4. The order as confirmed becomes operative on the date on which this notice is first published. A person aggrieved by the order may, by application to the High Court within 6 weeks from that date, challenge its validity under section 23 of the Acquisition of Land Act 1981. The grounds for challenge can be that the authorisation granted by the order is not empowered to be granted or that there has been a failure to comply with any relevant statutory requirement relating to the order.
5. Once the order becomes operative, Derby City Council may acquire any of the land described in Schedule 1 below by executing a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981. A statement on the effect of Parts 2 and 3 of that Act is set out in Schedule 2 below.
6. Every person who, if a general vesting declaration were executed under section 4 of that Act in respect of the land comprised in the order (other than land in respect of which notice to treat has been given), would be entitled to claim compensation in respect of any such land, is invited to give information to the Derby City Council at Council House, Corporation Street, Derby, DE1 2FS about the person's name, address and interest in land, using a prescribed form. The relevant prescribed form is set out in Schedule 3 below.

SCHEDULE 1

LAND AND THE NEW RIGHTS COMPRISED IN THE ORDER AS CONFIRMED

All interests (except those owned by the Acquiring Authority) in approximately: 377 square metres of public highway in Siddals Road (located south of Pride Parkway, the A6 and north west of John Street); 3312 square metres of land and premises known as The Chocolate Factory on Siddals Road; 25 square metres of public highways, (John Street and Siddals Road); 1092 square metres of land and premises (east of Liversage Street and south of Siddals Road); 5109 square metres of public highway in John Street together with overhead cables and telecommunications apparatus (south of Siddals Road and north of Castleward Boulevard); 2546 square metres of land, premises and overhead cables (Castleward Coachworks, Liversage Street); 564 square metres of public highway in Siddals Road together with overhead cables (north east of Canal Street and south of Pride Parkway, the A6); 1612 square metres of public highway in Canal Street together with overhead cables and telecommunications apparatus (north of Park Street and south of Siddals Road); 1543 square metres of land and premises (south of Siddals Road and east of Canal Street); 2261 square metres of land and premises (west of John Street and east of Liversage Street); 1622 square metres of land premises at 2 Canal Street; 338 square metres of land and premises known as Unit 2, New Street; 28 square metres of car park (west of Canal Street and south of Siddals Road); 393 square metres of land and premises at 1 and 2 New Street; 54 square metres of land and premises at 5 Canal Street; 22 square metres of public highways (located at John Street and New Street); 3686 square metres of car park and telecommunications apparatus (east of Liversage Street and west of John Street); 59 square metres of land, premises and telecommunications apparatus (located south of Siddals Road and east of Canal Street); 1089 square metres of land premises at 11 Canal Street; 45 square metres of public highways (Canal Street and New Street); 19 square metres of public highways (John Street and New Street); 77 square metres of car park (east of John Street and south of New Street); 830 square metres of land premises east of John Street and south of New Street); 1096 square metres of land, premises and a car park at No.s 30-36 John Street; 2189 square metres of land, premises, car park and overhead cables at 4 Canal Street; 148 square metres of land, premises and car park at Unit 1, 36 Canal Street; 123 square metres of land and premises at Unit 2, 36 Canal Street; 47 square metres of public highways (New Street and Canal Street); 937 square metres of land and premises at 3 John Street; 574 square metres of car park at 36 Canal Street; 172 square metres of land, premises and car park at Unit 3, 36 Canal Street; 1516 square metres of land, premises and car park (west of John Street and north of Castleward Boulevard); 316 square metres of land and premises at 36 Canal Street; 830 square metres of land and premises (east of John Street and south of New Street); 1349 square metres of land and premises (east of John Street and south of New Street); 1504 square metres of land and premises at 6 Canal Street; 6 square metres of public footway (north of Castleward Boulevard and west of John Street); 320 square metres of public highway verge and telecommunications apparatus (north of Carrington Court and south east of John Street); 1284 square metres of land and premises at 63 Canal Street; 361 square metres of land and premises at 8 Canal Street; 125 square metres of public highways (Castleward Boulevard and Canal Street); 866 square metres of land and premises at 65 Canal Street.

The right for the Acquiring Authority and any person authorised by it to: swing the jib of a crane loaded or unloaded through the airspace over the land comprising: 1334 square metres of land and premises at 8 Siddals Road; 2864 square metres of land and premises at 1 to 24 (inclusive) Castle House, Siddals Road; 162 square metres of land and premises at 49 Canal Street; 53 square metres of land and car park at 49 Canal Street; 1303 square metres of land and premises at The Mills, Canal Street; 125 square metres of land and car park at The Mills, Canal Street; 912 square metres of land and premises at 50 and 61 Canal Street; 29 square metres of electricity substation at Canal Street.

SCHEDULE 2

STATEMENT OF EFFECT OF PARTS 2 AND 3 OF THE COMPULSORY PURCHASE (VESTING DECLARATIONS) ACT 1981

Power to execute a general vesting declaration
1 Once The Derby City Council (Castleward) Compulsory Purchase Order 2020 has become operative, Derby City Council (hereinafter called "the Council") may acquire any of the land described in Schedule 1 above by executing a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 ("the Act"). This has the effect, subject to paragraphs 3 and 5 below, of vesting the land in the Council at the end of the period mentioned in paragraph 2 below.

Notices concerning general vesting declaration

- 2 As soon as may be after the Council execute a general vesting declaration, they must serve notice of it on every occupier of any of the land specified in the declaration (except land where there is one of the tenancies described in paragraph 4) and on every person who gives them information relating to the land in pursuance of the invitation contained in the confirmation notice of the order. When the service of notices of the general vesting declaration is completed, a period specified in the declaration, of not less than three months, will begin to run. On the first day after the end of this period the land described in the declaration will, subject to what is said in paragraphs 3 and 5, vest in the Council together with the right to enter on the land and take possession of it. Every person on whom the Council could have served a notice to treat in respect of his interest in the land (other than a tenant under one of the tenancies described in paragraph 4) will be entitled to claim compensation for the acquisition of his interest in the land, with interest on the compensation from the vesting date.
3 The "vesting date" for any land specified in a declaration will be the first day after the end of the period mentioned in paragraph 2 above, unless a counter-notice is served under Schedule A1 to the Act within that period. In such circumstances, the vesting date for the land which is the subject of the counter-notice will be determined in accordance with Schedule A1.

Modifications with respect to certain tenancies

- 4 In the case of certain tenancies, the position stated above is subject to modifications. The modifications apply where the tenancy is either a "minor tenancy", i.e. a tenancy for a year or a yearly tenancy or a lesser interest, or "a long tenancy which is about to expire". The latter expression means a tenancy granted for an interest greater than a minor tenancy but having on the vesting date a period still to run which is not more than the period specified in the declaration for this purpose (which must be more than a year). In calculating how long a tenancy has still to run, where any option to renew or to terminate it is available to either party, it shall be assumed that the landlord will take every opportunity open to him to terminate the tenancy while the tenant will use every opportunity to retain or renew his interest.
5 The modifications are that the Council may not exercise the right of entry referred to in paragraph 2 in respect of land subject to a tenancy described in paragraph 4 unless they first serve notice to treat in respect of the tenancy and then serve every occupier of the land with a notice of their intention to enter and take possession after the period (not less than three months from the service of the notice) specified in the notice. The right of entry will be exercisable at the end of that period. The vesting of the land will be subject to the tenancy until the end of that period or until the tenancy comes to an end, whichever happens first.

SCHEDULE 3

FORM FOR GIVING INFORMATION

The Derby City Council (Castleward) Compulsory Purchase Order 2020

To: Derby City Council

[I] [We] being [a person] [persons] who, if a general vesting declaration were executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 in respect of all the land comprised in the compulsory purchase order cited above in respect of which notice to treat has not been given, would be entitled to claim compensation in respect of [all] [part of] that land, give you the following information, pursuant to the provisions of section 15 of, or paragraph 6 of Schedule 1, to the Acquisition of Land Act 1981.

- 1 Name and address of informant(s) (i).....
2 Land in which an interest is held by informant(s) (ii)
3 Nature of interest (iii)
- Signed
[on behalf of]
Date

- (i) In the case of a joint interest insert the names and addresses of all the informants.
(ii) The land should be described concisely.
(iii) If the interest is leasehold, the date of commencement and length of term should be given. If the land is subject to a mortgage or other incumbrance, details should be given, e.g. name of building society and roll number.

John Gilman

Principal Regeneration Manager

Derby City Council