

Core Documents

Order Documents		Page
1.	CD 1.1 The Order	1
2.	CD 1.2 The Order Land	61
3.	CD 1.3 Statement of Reasons	62
4.	CD 1.4 Castleward Protected Assets Certificate	97
5.	CD 1.5 Statement of Case	98
6.	CD 1.6 Compliance Bundle	155
Planning Permission		Page
7.	CD 2.1 Outline Planning Permission	220
8.	CD 2.2 20 00518 RES Planning Decision Notice Phase 3	240
Policy and Guidance		Page
Local		Page
9.	CD 3.1 Derby City Centre Masterplan 2030	248
10.	CD 3.2 Derby City Local Plan 2011-2028 - Relevant Extracts	274
11.	CD 3.3 Derby City Council - Council Plan 2019 – 2023	303
12.	CD 3.4 Derby City Council Economic Growth Strategy 2018-2022 - Relevant Extracts	312
13.	CD 3.5 Derby City Council Housing Strategy 2019-2029	313
14.	CD 3.6 Private Housing Renewal Policy	361
15.	CD 3.7 City Centre Eastern Fringes Area Action Plan	400
16.	CD 3.8 City of Derby Local Plan Review (2006) - Relevant Extracts	528
National		Page
17.	CD 3.9 National Planning Policy Framework (2019)	536
18.	CD 3.10 Guidance on Compulsory Purchase and the Crichel Down Rules (2019)	612
19.	CD 3.11 National Planning Policy Framework (2012)	767
Other Supporting Documents		Page
20.	CD 4.1 Glossary	832
21.	CD 4.2 Development Phasing Plan	836
22.	CD 4.3 Equality Impact Assessment (30 November 2020)	837

Legislation		Page
23.	<u>CD 5.1 Section 17 Housing Act 1985</u>	863
24.	<u>CD 5.2 Section 13 Local Government (Miscellaneous Provisions) Act 1976--</u>	866
25.	<u>CD 5.3 Article 8 Convention</u>	869
26.	<u>CD 5.4 Section 149 Equality Act 2010</u>	870

THE DERBY CITY COUNCIL (CASTLEWARD)
COMPULSORY PURCHASE ORDER 2020

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

SECTION 17 HOUSING ACT 1985

SECTION 13 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

AND THE ACQUISITION OF LAND ACT 1981

Derby City Council (in this order called “the acquiring authority”) hereby makes the following order –

- 1 Subject to the provisions of this order, the acquiring authority is under section 17 of the Housing Act 1985 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976 hereby authorised to purchase compulsorily the land and the new rights over land described in paragraph 2 for the purpose of facilitating the provision of new housing enabling further phases of the Castleward Urban Village Regeneration Scheme to be brought forward.
- 2
 - (1) The land authorised to be purchased compulsorily under this order is the land described in the Schedule and delineated and shown coloured pink on the map prepared in duplicate, sealed with the common seal of the acquiring authority and marked “Map referred to in The Derby City Council (Castleward) Compulsory Purchase Order 2020”.
 - (2) The new rights to be purchased compulsorily over land under this order are described in the Schedule and the land is shown coloured blue on the said map.

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

SCHEDULE

Table 1

Number on Map	Extent, Description and Situation of the Land	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 – Name and Address			
		Owners or Reputed Owners	Lessees or Reputed Lessees	Tenants or Reputed Tenants	Occupiers
1	Number Not Used	-	-	-	-
2	All interests in approximately 377 square metres of public highway (Siddals Road); south of Pride Parkway, A6 and north west of John Street except those owned by the Acquiring Authority	<p>Unregistered / Unknown</p> <p>Derby City Council Council House Corporation Street Derby DE1 2FS <i>(as highway authority)</i></p> <p>ADL Derby Limited The Woodlands Residential Home Woolley Low Moor Lane Wakefield WF4 2LN <i>(Co. Reg. 09729206)</i> <i>(in respect of subsoil fronting 176 Siddals Road)</i></p> <p>Compendium Regeneration Limited Kent House 14-17 Market Place London W1W 8AJ <i>(Co. Reg. 05305007)</i> <i>(in respect of subsoil fronting The Chocolate Factory, Siddals Road)</i></p>	-	-	Derby City Council Council House Corporation Street Derby DE1 2FS <i>(as highway authority)</i>
3	Number Not Used	-	-	-	-
4	Number Not Used	-	-	-	-
5	Number Not Used	-	-	-	-

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

6	All interests in approximately 3312 square metres of land and premises (The Chocolate Factory, Siddals Road, Derby, DE1 2QD)	Compendium Regeneration Limited Kent House 14-17 Market Place London W1W 8AJ (Co. Reg. 05305007) (DY160252) (DY281369)	-	Collaborate & Innovate Limited The Chocolate Factory Siddals Road Derby DE1 2QD (Co. Reg. 07483416) (trading as Cosy Direct)	Collaborate & Innovate Limited The Chocolate Factory Siddals Road Derby DE1 2QD (Co. Reg. 07483416) (trading as Cosy Direct)
7	All interests in approximately 25 square metres of public highways (John Street and Siddals Road) except those owned by the Acquiring Authority	Compendium Regeneration Limited Kent House 14-17 Market Place London W1W 8AJ (Co. Reg. 05305007) (DY160252)	-	-	Derby City Council Council House Corporation Street Derby DE1 2FS (as highway authority)
8	All interests in approximately 1092 square metres of land and premises; east of Liversage Street and south of Siddals Road except those owned by the Acquiring Authority	Derby City Council Council House Corporation Street Derby DE1 2FS (DY9670)	Frederick Charles William Hawkins The Swallows, Anslow Road Hanbury, Burton On Trent Staffordshire DE13 8TJ (DY75574) Frederick Charles William Hawkins The Swallows, Anslow Road Hanbury, Burton On Trent Staffordshire DE13 8TJ (DY75574)	-	Hawkins & Shepherd Limited 18 St. Christophers Way Pride Park Derby DE24 8JY (Co. Reg. 04577912)

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

9	All interests in approximately 3902 square metres of public highways, overhead cables and telecommunication apparatus (Siddals Road, John Street, New Street and Canal Street) except those owned by the Acquiring Authority	Derby City Council Council House Corporation Street Derby DE1 2FS (DY439270)	-	-	Derby City Council Council House Corporation Street Derby DE1 2FS <i>(as highway authority)</i> BT Limited 81 Newgate Street London EC1A 7AJ <i>(Co. Reg. 02216369)</i> <i>(in respect of overhead cables and telecommunication apparatus)</i> CenturyLink Communications UK Limited 10 Fleet Place London EC4M 7RB <i>(Co. Reg. 02495998)</i> <i>(in respect of overhead cables and telecommunication apparatus)</i>
---	--	--	---	---	---

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

10	All interests in approximately 1207 square metres of public highway (John Street), overhead cables and telecommunication apparatus; south of Siddals Road and north of Castleward Boulevard except those owned by the Acquiring Authority	<p>Unregistered / Unknown</p> <p>Derby City Council Council House Corporation Street Derby DE1 2FS (as highway authority)</p> <p>Compendium Regeneration Limited Kent House 14-17 Market Place London W1W 8AJ (Co. Reg. 05305007) (in respect of subsoil fronting The Chocolate Factory, John Street)</p> <p>Jacqueline Margaret Rayson Old Rectory Taghole Lane Mugginton Weston Underwood Ashbourne DE6 4PN (in respect of subsoil fronting Tarmac Trading Limited site, John Street)</p>	-	-	<p>Derby City Council Council House Corporation Street Derby DE1 2FS (as highway authority)</p> <p>BT Limited 81 Newgate Street London EC1A 7AJ (Co. Reg. 02216369) (in respect of overhead cables and telecommunication apparatus)</p>
10 (cont'd)		<p>Homes England Arpley House 110 Birchwood Boulevard Birchwood Warrington WA3 7QH (in respect of subsoil fronting 30 – 36, John Street)</p>			

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

11	All interests in approximately 2546 square metres of land, premises and overhead cables (Castleward Coachworks, Liversage Street, Derby, DE1 2LD)	<p>David Booler Sipp Trustees Limited 9 Grove Court Grove Park Enderby Leicester LE19 1SA (Co. Reg. 04697835) (DY373560)</p> <p>Michael George Daniel Key 9 Grove Court Grove Park Enderby Leicester LE19 1SA (as Trustee of the World First Limited Executive Pension Scheme and David Booler Sipp Trustees Limited) (DY373560)</p> <p>Anthony Simon Daniel Key 9 Grove Court Grove Park Enderby Leicester LE19 1SA (as Trustee of the Simon Key Sipp and David Booler Sipp Trustees Limited) (DY373560)</p>	Derbyshire County Council Department of Transport Ambergate Workshop Ripley Road Ambergate Belper DE56 2ER	-	<p>Derbyshire County Council Department of Transport Ambergate Workshop Ripley Road Ambergate Belper DE56 2ER</p> <p>BT Limited 81 Newgate Street London EC1A 7AJ (Co. Reg. 02216369) (in respect of overhead cables)</p>
----	---	--	--	---	---

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

12	All interests in approximately 564 square metres of public highway (Siddals Road) and overhead cables; north east of Canal Street and south of Pride Parkway, A6 except those owned by the Acquiring Authority	<p>Unregistered / Unknown</p> <p>Derby City Council Council House Corporation Street Derby DE1 2FS (as highway authority)</p> <p>Matthew James Stanton 1 Canal Street Derby DE1 2RJ (as Trustee of the W & S (Long Eaton) Limited Pension Scheme) (in respect of subsoil fronting 201 Siddals Road)</p> <p>Maurice Stanton 1 Canal Street Derby DE1 2RJ (as Trustee of the W & S (Long Eaton) Limited Pension Scheme) (in respect of subsoil fronting 201 Siddals Road)</p>	-	-	<p>Derby City Council Council House Corporation Street Derby DE1 2FS (as highway authority)</p> <p>BT Limited 81 Newgate Street London EC1A 7AJ (Co. Reg. 02216369) (in respect of overhead cables)</p> <p>CenturyLink Communications UK Limited 10 Fleet Place London EC4M 7RB (Co. Reg. 02495998) (in respect of overhead cables)</p>
----	--	---	---	---	---

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

12 (cont'd)		<p>Andrew Paul Stanton Flat 1 8 Old Chester Road Derby DE1 3SA <i>(as Trustee of the W & S (Long Eaton) Limited Pension Scheme) (in respect of subsoil fronting 201 Siddals Road)</i></p> <p>JLT Pension Trustees Limited The St. Botolph Building 138 Houndsditch London EC3A 7AW <i>(Co. Reg. 01964902) (as Trustee of the W & S (Long Eaton) Limited Pension Scheme) (in respect of subsoil fronting 201 Siddals Road)</i></p> <p>Sushruth Ganesha Swamy 216 Siddals Road Derby DE1 2QE <i>(in respect of subsoil fronting 216 Siddals Road)</i></p>			
----------------	--	---	--	--	--

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

<p align="center">12 (cont'd)</p>		<p>Christopher Charles Edge 218 Siddals Road Derby DE1 2QE <i>(in respect of subsoil fronting 218 Siddals Road)</i></p> <p>Brian Harris Wayside Cottage Woodlands Farm Whitemore Congleton CW12 3NE <i>(in respect of subsoil fronting 218-220 Siddals Road)</i></p> <p>Craig Stephen Harris Barn Farm Stable Chapel Lane Rolleston-on-Dove Burton-On-Trent DE13 9AG <i>(in respect of subsoil fronting 218-220 Siddals Road)</i></p>			
<p align="center">12 (cont'd)</p>		<p>R & L Developments Limited Barn Farm Stable Chapel Lane Rolleston-on-Dove Burton-on-Trent DE13 9AG <i>(in respect of subsoil fronting 220 Siddals Road)</i></p>			

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

13	All interests in approximately 1612 square metres of public highway (Canal Street), overhead cables and telecommunication apparatus; north of Park Street and south of Siddals Road except those owned by the Acquiring Authority	<p>Unregistered / Unknown</p> <p>Derby City Council Council House Corporation Street Derby DE1 2FS <i>(as highway authority)</i></p> <p>Matthew James Stanton 1 Canal Street Derby DE1 2RJ <i>(as Trustee of the W & S (Long Eaton) Limited Pension Scheme)</i> <i>(in respect of subsoil fronting 1-9 Canal Street)</i></p> <p>Maurice Stanton 1 Canal Street Derby DE1 2RJ <i>(as Trustee of the W & S (Long Eaton) Limited Pension Scheme)</i> <i>(in respect of subsoil fronting 1-9 Canal Street)</i></p>	-	-	<p>Derby City Council Council House Corporation Street Derby DE1 2FS <i>(as highway authority)</i></p> <p>BT Limited 81 Newgate Street London EC1A 7AJ <i>(Co. Reg. 02216369)</i> <i>(in respect of overhead cables and telecommunication apparatus)</i></p> <p>CenturyLink Communications UK Limited 10 Fleet Place London EC4M 7RB <i>(Co. Reg. 02495998)</i> <i>(in respect of overhead cables)</i></p>
----	---	--	---	---	--

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

<p>13 (cont'd)</p>		<p>Andrew Paul Stanton Flat 1 8 Old Chester Road Derby DE1 3SA <i>(as Trustee of the W & S (Long Eaton) Limited Pension Scheme) (in respect of subsoil fronting 1-9 Canal Street)</i></p> <p>JLT Pension Trustees Limited The St. Botolph Building 138 Houndsditch London EC3A 7AW <i>(Co. Reg. 01964902) (as Trustee of the W & S (Long Eaton) Limited Pension Scheme) (in respect of subsoil fronting 1-9 Canal Street)</i></p> <p>Anthony Stuart Ross 8 Wesley Road Alvaston Derby DE24 0LG <i>(in respect of subsoil fronting 11 Canal Street)</i></p>			
------------------------	--	--	--	--	--

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

13 (cont'd)		<p>Derby Auto Electrical Services Limited 11 Canal Street Derby DE1 2RJ <i>(Co. Reg. 04088231)</i> <i>(in respect of subsoil fronting Unit 1, 36 Canal Street)</i></p> <p>Robert John Cotton 17 Twyford Road Barrow-on-Trent Derby DE73 7HA <i>(in respect of subsoil fronting 36 Canal Street)</i></p> <p>Sandra Bernadette Wharton Cotton 17 Twyford Road Barrow-on-Trent Derby DE73 7HA <i>(in respect of subsoil fronting 36 Canal Street)</i></p>			
----------------	--	--	--	--	--

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

<p>13 (cont'd)</p>		<p>Western Power Distribution (East Midlands) PLC Avonbank Feeder Road Bristol BS2 0TB <i>(Co. Reg. 02366923)</i> <i>(in respect of subsoil fronting electricity substation, Canal Street)</i></p> <p>Ian Keith Neal 9 Grove Court Grove Park Enderby Leicester LE19 1SA <i>(as Trustee of the David Booler Sipp Trustees Limited)</i> <i>(in respect of subsoil fronting The Mills and 49 Canal Street)</i></p>			
------------------------	--	--	--	--	--

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

<p>13 (cont'd)</p>		<p>Glyn Anthony Evans 9 Grove Court Grove Park Enderby Leicester LE19 1SA <i>(as Trustee of the David Booler Sipp Trustees Limited)</i> <i>(in respect of subsoil fronting The Mills and 49 Canal Street)</i></p> <p>Wayne Douglas Thomas 9 Grove Court Grove Park Enderby Leicester LE19 1SA <i>(as Trustee of the David Booler Sipp Trustees Limited)</i> <i>(in respect of subsoil fronting The Mills and 49 Canal Street)</i></p> <p>Compendium Regeneration Limited Kent House 14-17 Market Place London W1W 8AJ <i>(Co. Reg. 05305007)</i> <i>(in respect of subsoil fronting 63 Canal Street)</i></p>			
------------------------	--	--	--	--	--

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

14	All interests in approximately 1543 square metres of land and premises; south of Siddals Road and east of Canal Street	<p>Matthew James Stanton 1 Canal Street Derby DE1 2RJ (as Trustee of the W & S (Long Eaton) Limited Pension Scheme) (DY249862)</p> <p>Maurice Stanton 1 Canal Street Derby DE1 2RJ (as Trustee of the W & S (Long Eaton) Limited Pension Scheme) (DY249862)</p> <p>Andrew Paul Stanton Flat 1 8 Old Chester Road Derby DE1 3SA (as Trustee of the W & S (Long Eaton) Limited Pension Scheme) (DY249862)</p>	-	<p>Juice Marketing Limited The Limes Woodlands Park Hopwell Road Derby DE72 3SD (Co. Reg. 04730350) (trading as Dream Doors Limited) (in respect of Unit 1, 201 Siddals Road)</p> <p>Speedy Glass Limited 4 Carnaby Close Mackworth Derby DE22 4FD (Co. Reg. 08983429) (in respect of Unit 2, 1 Canal Street)</p> <p>Life Cycle UK The Create Centre Smeaton Road Bristol BS1 6XN (Co. Reg. 03836786) (in respect of Unit 3, 1 Canal Street)</p>	<p>Juice Marketing Limited The Limes Woodlands Park Hopwell Road Derby DE72 3SD (Co. Reg. 04730350) (trading as Dream Doors Limited) (in respect of Unit 1, 201 Siddals Road)</p> <p>Speedy Glass Limited 4 Carnaby Close Mackworth Derby DE22 4FD (Co. Reg. 08983429) (in respect of Unit 2, 1 Canal Street)</p> <p>Life Cycle UK The Create Centre Smeaton Road Bristol BS1 6XN (Co. Reg. 03836786) (in respect of Unit 3, 1 Canal Street)</p>
14 (cont'd)		<p>JLT Pension Trustees Limited The St. Botolph Building 138 Houndsditch London EC3A 7AW (Co. Reg. 01964902) (as Trustee of the W & S (Long Eaton) Limited Pension Scheme) (DY249862)</p>		<p>Embody Tattoo Limited Unit 7 1 Canal Street Derby DE1 2RJ (Co. Reg. 10364566) (in respect of Unit 7, 1 Canal Street)</p>	<p>Embody Tattoo Limited Unit 7 1 Canal Street Derby DE1 2RJ (Co. Reg. 10364566) (in respect of Unit 7, 1 Canal Street)</p>

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

15	All interests in approximately 2261 square metres of land and premises; west of John Street and east of Liversage Street	Jacqueline Margaret Rayson Old Rectory Taghole Lane Mugginton Weston Underwood Ashbourne DE6 4PN (DY372098)	Tarmac Trading Limited Portland House Bickenhill Lane Birmingham B37 7BQ (Co. Reg. 00453791)	-	Tarmac Trading Limited Portland House Bickenhill Lane Birmingham B37 7BQ (Co. Reg. 00453791)
16	All interests in approximately 1622 square metres of land and premises (2 Canal Street, Derby, DE1 2RJ) except those owned by the Acquiring Authority	Derby City Council Council House Corporation Street Derby DE1 2FS (DY9670)	Midcastle Limited 4 Canal Street Derby DE1 2RJ (Co. Reg. 01121042) (DY141053)	-	Bathroom Traders Limited 4 Canal Street Derby DE1 2RJ (Co. Reg. 02427005)
17	All interests in approximately 338 square metres of land and premises (Unit 2, New Street, Derby, DE1 2LX) except those owned by the Acquiring Authority	Derby City Council Council House Corporation Street Derby DE1 2FS	Homes England Arpley House 110 Birchwood Boulevard Birchwood Warrington WA3 7QH (DY50400)	Alpha Pro Creative Limited 183 Henhurst Hill Burton-on-trent DE13 9SX (Co. Reg. 10078606)	Alpha Pro Creative Limited 183 Henhurst Hill Burton-on-trent DE13 9SX (Co. Reg. 10078606)

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

18	All interests in approximately 28 square metres of car park; west of Canal Street and south of Siddals Road except those owned by the Acquiring Authority	Derby City Council Council House Corporation Street Derby DE1 2FS (DY9670)	Homes England Arpley House 110 Birchwood Boulevard Birchwood Warrington WA3 7QH (DY50400) Nicholas David Bulmer 1 Hallam Way West Hallam Derby DE7 6LA (DY256046) M & B Motor Engineers Limited 1 New Street Derby DE1 2LX (Co. Reg. 06712776)	-	M & B Motor Engineers Limited 1 New Street Derby DE1 2LX (Co. Reg. 06712776)
----	---	--	--	---	---

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

19	All interests in approximately 393 square metres of land and premises (1-2 New Street, Derby, DE1 2LX) except those owned by the Acquiring Authority	Derby City Council Council House Corporation Street Derby DE1 2FS (DY9670)	Homes England Arpley House 110 Birchwood Boulevard Birchwood Warrington WA3 7QH (DY50400) Nicholas David Bulmer 1 Hallam Way West Hallam Derby DE7 6LA (DY256046) M & B Motor Engineers Limited 1 New Street Derby DE1 2LX (Co. Reg. 06712776)	-	M & B Motor Engineers Limited 1 New Street Derby DE1 2LX (Co. Reg. 06712776)
----	--	--	--	---	---

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

20	All interests in approximately 54 square metres of land and premises (5 Canal Street, Derby, DE1 2RJ)	<p>Matthew James Stanton 1 Canal Street Derby DE1 2RJ <i>(as Trustee of the W & S (Long Eaton) Limited Pension Scheme)</i> (DY249862)</p> <p>Maurice Stanton 1 Canal Street Derby DE1 2RJ <i>(as Trustee of the W & S (Long Eaton) Limited Pension Scheme)</i> (DY249862)</p> <p>Andrew Paul Stanton Flat 1 8 Old Chester Road Derby DE1 3SA <i>(as Trustee of the W & S (Long Eaton) Limited Pension Scheme)</i> (DY249862)</p>	-	Katherine Elizabeth Moorcroft 9 Woodstock Close Allestree Derby DE22 2LP	Mr Mustards Limited 5 Canal Street Derby DE1 2RJ <i>(Co. Reg. 09645554)</i>
20 (cont'd)		<p>JLT Pension Trustees Limited The St. Botolph Building 138 Houndsditch London EC3A 7AW <i>(Co. Reg. 01964902)</i> <i>(as Trustee of the W & S (Long Eaton) Limited Pension Scheme)</i> (DY249862)</p>			

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

21	All interests in approximately 22 square metres of public highways (at the junction of John Street and New Street) except those owned by the Acquiring Authority	Derby City Council Council House Corporation Street Derby DE1 2FS (DY9670)	Homes England Arpley House 110 Birchwood Boulevard Birchwood Warrington WA3 7QH (DY50400) Nicholas David Bulmer 1 Hallam Way West Hallam Derby DE7 6LA (DY256046)	-	Derby City Council Council House Corporation Street Derby DE1 2FS <i>(as highway authority)</i>
22	All interests in approximately 3686 square metres of car park and telecommunication apparatus; east of Liversage Street and west of John Street	Alcora Limited C/O Piper Smith Watton LLP Red House 1 The Parade Castletown Isle of Man IM9 1LG <i>(Co. Reg. 083599C)</i> (DY322515)	National Car Parks Limited Saffron Court 14B St. Cross Street London EC1N 8XA <i>(Co. Reg. 00253240)</i> (DY374457)	-	National Car Parks Limited Saffron Court 14B St. Cross Street London EC1N 8XA <i>(Co. Reg. 00253240)</i> BT Limited 81 Newgate Street London EC1A 7AJ <i>(Co. Reg. 02216369)</i> <i>(in respect of telecommunication apparatus)</i>

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

23	All interests in approximately 59 square metres of land, premises and telecommunication apparatus; south of Siddals Road and east of Canal Street	<p>Matthew James Stanton 1 Canal Street Derby DE1 2RJ <i>(as Trustee of the W & S (Long Eaton) Limited Pension Scheme)</i> (DY249862)</p> <p>Maurice Stanton 1 Canal Street Derby DE1 2RJ <i>(as Trustee of the W & S (Long Eaton) Limited Pension Scheme)</i> (DY249862)</p> <p>Andrew Paul Stanton Flat 1 8 Old Chester Road Derby DE1 3SA <i>(as Trustee of the W & S (Long Eaton) Limited Pension Scheme)</i> (DY249862)</p>	<p>Centurylink Communications UK Limited 10 Fleet Place London EC4M 7RB <i>(Co. Reg. 02495998)</i> (lease referred to under title DY249862)</p>	-	<p>Centurylink Communications UK Limited 10 Fleet Place London EC4M 7RB <i>(Co. Reg. 02495998)</i></p>
23 (cont'd)		<p>JLT Pension Trustees Limited The St. Botolph Building 138 Houndsditch London EC3A 7AW <i>(Co. Reg. 01964902)</i> <i>(as Trustee of the W & S (Long Eaton) Limited Pension Scheme)</i> (DY249862)</p>			

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

24	All interests in approximately 1089 square metres of land and premises (11 Canal Street, Derby, DE1 2RJ)	Anthony Stuart Ross 8 Wesley Road Alvaston Derby DE24 0LG (DY212267)	Derby Auto Electrical Services Limited 11 Canal Street Derby DE1 2RJ <i>(Co. Reg. 04088231)</i>	-	Derby Auto Electrical Services Limited 11 Canal Street Derby DE1 2RJ <i>(Co. Reg. 04088231)</i>
25	All interests in approximately 45 square metres of public highways (Canal Street and New Street) except those owned by the Acquiring Authority	Derby City Council Council House Corporation Street Derby DE1 2FS (DY9670)	-	-	Derby City Council Council House Corporation Street Derby DE1 2FS <i>(as highway authority)</i>
26	All interests in approximately 19 square metres of public highways (at the junction of John Street and New Street) except those owned by the Acquiring Authority	Derby City Council Council House Corporation Street Derby DE1 2FS (DY9670)	-	-	Derby City Council Council House Corporation Street Derby DE1 2FS <i>(as highway authority)</i>
27	All interests in approximately 77 square metres of car park; east of John Street and south of New Street except those owned by the Acquiring Authority	Derby City Council Council House Corporation Street Derby DE1 2FS (DY9670)	-	Richard Groombridge 29a Imperial Road Beeston Nottingham NG9 1FN <i>(trading as Willow Coffee)</i>	Richard Groombridge 29a Imperial Road Beeston Nottingham NG9 1FN <i>(trading as Willow Coffee)</i>
28	All interests in approximately 830 square metres of land and premises; east of John Street and south of New Street except those owned by the Acquiring Authority	Derby City Council Council House Corporation Street Derby DE1 2FS (DY9670)	Homes England Arpley House 110 Birchwood Boulevard Birchwood Warrington WA3 7QH (DY102644)	Richard Groombridge 29a Imperial Road Beeston Nottingham NG9 1FN <i>(trading as Willow Coffee)</i>	Richard Groombridge 29a Imperial Road Beeston Nottingham NG9 1FN <i>(trading as Willow Coffee)</i>

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

29	Approximately 1096 square metres of land, premises and car park (30 - 36 John Street, Derby, DE1 2RJ)	Homes England Arpley House 110 Birchwood Boulevard Birchwood Warrington WA3 7QH (DY282185) (DY293680) (DY293681) (DY292114)	-	Tarmac Trading Limited Portland House Bickenhill Lane Birmingham B37 7BQ (Co. Reg. 00453791)	Tarmac Trading Limited Portland House Bickenhill Lane Birmingham B37 7BQ (Co. Reg. 00453791)
----	---	--	---	---	---

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

30	All interests in approximately 2189 square metres of land, premises, car park and overhead cables (4 Canal Street, Derby, DE1 2RJ) except those owned by the Acquiring Authority	Derby City Council Council House Corporation Street Derby DE1 2FS (DY9670)	Midcastle Limited 4 Canal Street Derby DE1 2RJ (Co. Reg. 01121042) (DY19630)	First Electrical Wholesalers Limited 4 Canal Street Derby DE1 2RJ (Co. Reg. 01792419) Bathroom Traders Limited 4 Canal Street Derby DE1 2RJ (Co. Reg. 02427005) Supaplumb Limited 4 Canal Street Derby DE1 2RJ (Co. Reg. 02666909) Lamp Shed Limited 4 Canal Street Derby DE1 2RJ (Co. Reg. 02431100)	First Electrical Wholesalers Limited 4 Canal Street Derby DE1 2RJ (Co. Reg. 01792419) Bathroom Traders Limited 4 Canal Street Derby DE1 2RJ (Co. Reg. 02427005) Supaplumb Limited 4 Canal Street Derby DE1 2RJ (Co. Reg. 02666909) Lamp Shed Limited 4 Canal Street Derby DE1 2RJ (Co. Reg. 02431100) BT Limited 81 Newgate Street London EC1A 7AJ (Co. Reg. 02216369) (in respect of overhead cables)
----	--	--	--	--	---

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

30 (cont'd)					CenturyLink Communications UK Limited 10 Fleet Place London EC4M 7RB (Co. Reg. 02495998) (in respect of overhead cables and telecommunication apparatus)
31	All interests in approximately 148 square metres of land, premises and car park (Unit 1, 36 Canal Street, Derby, DE1 2RJ)	Derby Auto Electrical Services Limited 11 Canal Street Derby DE1 2RJ (Co. Reg. 04088231) (DY209464)	-	-	Derby Auto Electrical Services Limited 11 Canal Street Derby DE1 2RJ (Co. Reg. 04088231)
32	All interests in approximately 123 square metres of land and premises (Unit 2, 36 Canal Street, Derby, DE1 2RJ)	M. J. S. Fabrications Limited Biggin Head Farm Kirk Ireton Ashbourne DE6 3JU (Co. Reg. 01981960) (DY209465)	-	David Shepherd Unit 2 36 Canal Street Derby DE1 2RJ (trading as DCC Autos)	David Shepherd Unit 2 36 Canal Street Derby DE1 2RJ (trading as DCC Autos)
33	All interests in approximately 47 square metres of public highways (New Street and Canal Street) except those owned by the Acquiring Authority	Derby City Council Council House Corporation Street Derby DE1 2FS (DY9670)	-	-	Derby City Council Council House Corporation Street Derby DE1 2FS (as highway authority)

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

34	All interests in approximately 937 square metres of land and premises (3 John Street, Derby, DE1 2LU) except those owned by the Acquiring Authority	Derby City Council Council House Corporation Street Derby DE1 2FS (DY9670)	Robert Pacer 8 Field Close Borrowash Derby DE72 3HJ (DY161966) Carol Joyce Pacer 8 Field Close Borrowash Derby DE72 3HJ (DY161966) Derby Timber Supplies Limited M P S Accountancy Services 80 Friar Gate Derby DE1 1FL (Co. Reg. 11869220)	-	Derby Timber Supplies Limited M P S Accountancy Services 80 Friar Gate Derby DE1 1FL (Co. Reg. 11869220)
----	---	--	--	---	---

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

35	All interests in approximately 574 square metres of car park (36 Canal Street, Derby, DE1 2RJ)	<p>Robert John Cotton 17 Twyford Road Barrow-on-Trent Derby DE73 7HA (DY209548)</p> <p>Sandra Bernadette Wharton Cotton 17 Twyford Road Barrow-on-Trent Derby DE73 7HA (DY209548)</p>	-	-	<p>The Kitchen and Bedroom Warehouse Limited Unit 4 36 Canal Street Derby DE1 2RJ (Co. Reg. 04781543)</p> <p>K.J. Motors Derby Limited 19 Tonbridge Drive Alvaston Derby DE24 0DH (Co. Reg. 08394772)</p> <p>David Shepherd Unit 2 36 Canal Street Derby DE1 2RJ (trading as DCC Autos)</p> <p>Derby Auto Electrical Services Limited 11 Canal Street Derby DE1 2RJ (Co. Reg. 04088231)</p>
36	All interests in approximately 172 square metres of land, premises and car park (Unit 3, 36 Canal Street, Derby, DE1 2RJ)	<p>M. J. S. Fabrications Limited Biggin Head Farm Kirk Ireton Ashbourne DE6 3JU (Co. Reg. 01981960) (DY209465) (DY209466)</p>	-	<p>K.J. Motors Derby Limited 19 Tonbridge Drive Alvaston Derby DE24 0DH (Co. Reg. 08394772)</p>	<p>K.J. Motors Derby Limited 19 Tonbridge Drive Alvaston Derby DE24 0DH (Co. Reg. 08394772)</p>

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

37	All interests in approximately 1516 square metres of land, premises and car park; west of John Street and north of Castleward Boulevard	Homes England Arpley House 110 Birchwood Boulevard Birchwood Warrington WA3 7QH (DY284916)	-	-	Compendium Regeneration Limited Kent House 14-17 Market Place London W1W 8AJ (Co. Reg. 05305007)
38	All interests in approximately 316 square metres of land and premises (36 Canal Street, Derby, DE1 2RJ)	Robert John Cotton 17 Twyford Road Barrow-on-Trent Derby DE73 7HA (DY209548) Sandra Bernadette Wharton Cotton 17 Twyford Road Barrow-on-Trent Derby DE73 7HA (DY209548)	-	The Kitchen and Bedroom Warehouse Limited Unit 4 36 Canal Street Derby DE1 2RJ (Co. Reg. 04781543)	The Kitchen and Bedroom Warehouse Limited Unit 4 36 Canal Street Derby DE1 2RJ (Co. Reg. 04781543)
39	All interests in approximately 830 square metres of land and premises; east of John Street and south of New Street except those owned by the Acquiring Authority	Derby City Council Council House Corporation Street Derby DE1 2FS (DY9670)	Homes England Arpley House 110 Birchwood Boulevard Birchwood Warrington WA3 7QH (DY19808)	Collaborate & Innovate Limited The Chocolate Factory Siddals Road Derby DE1 2QD (Co. Reg. 07483416) (trading as Cosy Direct)	Collaborate & Innovate Limited The Chocolate Factory Siddals Road Derby DE1 2QD (Co. Reg. 07483416) (trading as Cosy Direct)
40	All interests in approximately 1349 square metres of land and premises adjacent to Castleward Boulevard; east of John Street and south of New Street except those owned by the Acquiring Authority	Derby City Council Council House Corporation Street Derby DE1 2FS (DY9670)	Homes England Arpley House 110 Birchwood Boulevard Birchwood Warrington WA3 7QH (DY19808)	Bustler Market Limited Unit 6 Heritage Business Centre Derby Road Belper DE56 1SW (Co. Reg. 10638815)	Bustler Market Limited Unit 6 Heritage Business Centre Derby Road Belper DE56 1SW (Co. Reg. 10638815)

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

41	All interests in approximately 1504 square metres of land and premises (6 Canal Street, Derby, DE1 2RJ)	<p>Matthew James Stanton 1 Canal Street Derby DE1 2RJ <i>(as Trustee of the W & S (Long Eaton) Limited Pension Scheme)</i> (DY247243)</p> <p>Maurice Stanton 1 Canal Street Derby DE1 2RJ <i>(as Trustee of the W & S (Long Eaton) Limited Pension Scheme)</i> (DY247243)</p> <p>Andrew Paul Stanton Flat 1 8 Old Chester Road Derby DE1 3SA <i>(as Trustee of the W & S (Long Eaton) Limited Pension Scheme)</i> (DY247243)</p>	-	<p>Power Adaptors UK 6 Canal Street Derby DE1 2RJ <i>(Co. Reg. 09978164)</i></p> <p>First Electrical Wholesalers Limited 4 Canal Street Derby DE1 2RJ <i>(Co. Reg. 01792419)</i></p> <p>Bathroom Traders Limited 4 Canal Street Derby DE1 2RJ <i>(Co. Reg. 02427005)</i></p>	<p>Power Adaptors UK 6 Canal Street Derby DE1 2RJ <i>(Co. Reg. 09978164)</i></p> <p>First Electrical Wholesalers Limited 4 Canal Street Derby DE1 2RJ <i>(Co. Reg. 01792419)</i></p> <p>Bathroom Traders Limited 4 Canal Street Derby DE1 2RJ <i>(Co. Reg. 02427005)</i></p>
41 (cont'd)		<p>JLT Pension Trustees Limited The St. Botolph Building 138 Houndsditch London EC3A 7AW <i>(Co. Reg. 01964902)</i> <i>(as Trustee of the W & S (Long Eaton) Limited Pension Scheme)</i> (DY247243)</p>			

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

42	All interests in approximately 6 square metres of public footway; north of Castleward Boulevard and west of John Street except those owned by the Acquiring Authority	Derby City Council Council House Corporation Street Derby DE1 2FS (DY9670)	-	-	Derby City Council Council House Corporation Street Derby DE1 2FS <i>(as highway authority)</i>
43	All interests in approximately 320 square metres of public highway verge and telecommunication apparatus; north of Carrington Court and south east of John Street except those owned by the Acquiring Authority	Compendium Regeneration Limited Kent House 14-17 Market Place London W1W 8AJ <i>(Co. Reg. 05305007)</i> (DY474546)	-	-	Derby City Council Council House Corporation Street Derby DE1 2FS <i>(as highway authority)</i> BT Limited 81 Newgate Street London EC1A 7AJ <i>(Co. Reg. 02216369)</i> <i>(in respect of telecommunication apparatus)</i>
44	All interests in approximately 1284 square metres of land and premises (63 Canal Street, Derby, DE1 2RJ)	Compendium Regeneration Limited Kent House 14-17 Market Place London W1W 8AJ <i>(Co. Reg. 05305007)</i> (DY274472)	-	-	Compendium Regeneration Limited Kent House 14-17 Market Place London W1W 8AJ <i>(Co. Reg. 05305007)</i>

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

45	All interests in approximately 361 square metres of land and premises (8 Canal Street, Derby, DE1 2RJ)	C & N Property Limited 5 Prospect Place Millennium Way Pride Park Derby DE24 8HG (Co. Reg. 03538676) (DY228613)	Moguntia Food Ingredients UK Limited Hetton Lyons Industrial Estate Houghton Le Spring Tyne & Wear DH5 0RH (Co. Reg. 02363812)	-	F K Solutions (UK) Limited C/O Moguntia Food Ingredients UK Limited Unit 1 Hetton Lyons Industrial Estate Houghton Le Spring Tyne & Wear DH5 0RH (Co. Reg. 04768960)
46	All interests in approximately 125 square metres of public highways (Castleward Boulevard and Canal Street) except those owned by the Acquiring Authority	Derby City Council Council House Corporation Street Derby DE1 2FS (DY439270)	-	-	Derby City Council Council House Corporation Street Derby DE1 2FS (as highway authority)
47	All interests in approximately 866 square metres of land and premises (65 Canal Street, Derby, DE1 2RJ) except those owned by the Acquiring Authority	Derby City Council Council House Corporation Street Derby DE1 2FS (DY9670) (DY33064)	Homes England Arpley House 110 Birchwood Boulevard Birchwood Warrington WA3 7QH (DY206808)	-	Compendium Regeneration Limited Kent House 14-17 Market Place London W1W 8AJ (Co. Reg. 05305007)

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

48	The right to swing the jib of a crane over and above approximately 1334 square metres of land and premises (8 Siddals Road, Derby, DE1 2QD)	<p>Beechwood (Derby) Limited 8 Siddals Road Derby DE1 2QD (Co. Reg. 02017860) (DY159860)</p> <p>Michael John Wood 8 Siddals Road Derby DE1 2QD (as Trustee of Beechwood (Derby) Limited) (DY159860)</p> <p>Sandra Wood 8 Siddals Road Derby DE1 2QD (as Trustee of Beechwood (Derby) Limited) (DY159860)</p>	-	-	<p>Beechwood (Derby) Limited 8 Siddals Road Derby DE1 2QD (Co. Reg. 02017860)</p> <p>Michael John Wood 8 Siddals Road Derby DE1 2QD (as Trustee of Beechwood (Derby) Limited)</p> <p>Sandra Wood 8 Siddals Road Derby DE1 2QD (as Trustee of Beechwood (Derby) Limited)</p>
----	---	---	---	---	---

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

49	The right to swing the jib of a crane over and above approximately 2864 square metres land and premises (1 to 24 Castle House, Siddals Road, Derby, DE1 2QG)	Derby City Council Council House Corporation Street Derby DE1 2FS (DY9670) (DY439270)	Tracey Wadsworth Flat 2 Castle House Siddals Road Derby DE1 2QG <i>(in respect of Flat 2, Castle House)</i> (DY482054) Tracey Ann Lynch Flat 3 Castle House Siddals Road Derby DE1 2QG <i>(in respect of Flat 3, Castle House)</i> (DY217003) Paul Joseph Ryan Flat 16 Castle House Siddals Road Derby DE1 2QG <i>(in respect of Flat 16, Castle House)</i> (DY364991)	Sheila Pacey Flat 5 Castle House Siddals Road Derby DE1 2QG <i>(in respect of Flat 5, Castle House)</i> Neville Pacey Flat 5 Castle House Siddals Road Derby DE1 2QG <i>(in respect of Flat 5, Castle House)</i> Lee Anthony Flat 6 Castle House Siddals Road Derby DE1 2QG <i>(in respect of Flat 6, Castle House)</i>	Tracey Wadsworth Flat 2 Castle House Siddals Road Derby DE1 2QG <i>(in respect of Flat 2, Castle House)</i> Tracey Ann Lynch Flat 3 Castle House Siddals Road Derby DE1 2QG <i>(in respect of Flat 3, Castle House)</i> Sheila Pacey Flat 5 Castle House Siddals Road Derby DE1 2QG <i>(in respect of Flat 5, Castle House)</i>
----	--	---	--	---	---

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

49 (cont'd)			Kamal Mohamed Farah Flat 24 Castle House Siddals Road Derby DE1 2QG <i>(in respect of Flat 24, Castle House)</i> (DY493025)	Craig Ward Flat 11 Castle House Siddals Road Derby DE1 2QG <i>(in respect of Flat 11, Castle House)</i> Jonathon Smith Flat 12 Castle House Siddals Road Derby DE1 2QG <i>(in respect of Flat 12, Castle House)</i> Derek Reid Flat 17 Castle House Siddals Road Derby DE1 2QG <i>(in respect of Flat 17, Castle House)</i>	Neville Pacey Flat 5 Castle House Siddals Road Derby DE1 2QG <i>(in respect of Flat 5, Castle House)</i> Lee Anthony Flat 6 Castle House Siddals Road Derby DE1 2QG <i>(in respect of Flat 6, Castle House)</i> Craig Ward Flat 11 Castle House Siddals Road Derby DE1 2QG <i>(in respect of Flat 11, Castle House)</i>
----------------	--	--	---	---	---

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

<p>49 (cont'd)</p>				<p>The Occupier Flat 18 Castle House Siddals Road Derby DE1 2QG <i>(in respect of Flat 18, Castle House)</i></p> <p>Darren Lynch Flat 23 Castle House Siddals Road Derby DE1 2QG <i>(in respect of Flat 23, Castle House)</i></p>	<p>Jonathon Smith Flat 12 Castle House Siddals Road Derby DE1 2QG <i>(in respect of Flat 12, Castle House)</i></p> <p>Paul Joseph Ryan Flat 16 Castle House Siddals Road Derby DE1 2QG <i>(in respect of Flat 16, Castle House)</i></p> <p>Derek Reid Flat 17 Castle House Siddals Road Derby DE1 2QG <i>(in respect of Flat 17, Castle House)</i></p>
------------------------	--	--	--	---	--

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

49 (cont'd)					<p>The Occupier Flat 18 Castle House Siddals Road Derby DE1 2QG <i>(in respect of Flat 18, Castle House)</i></p> <p>Darren Lynch Flat 23 Castle House Siddals Road Derby DE1 2QG <i>(in respect of Flat 23, Castle House)</i></p> <p>Kamal Mohamed Farah Flat 24 Castle House Siddals Road Derby DE1 2QG <i>(in respect of Flat 24, Castle House)</i></p>
----------------	--	--	--	--	---

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

50	The right to swing the jib of a crane over and above approximately 162 square metres of land and premises (49 Canal Street, Derby, DE1 2RJ)	<p>David Booler Sipp Trustees Limited 9 Grove Court Grove Park Enderby Leicester LE19 1SA (Co. Reg. 04697835) (DY193544)</p> <p>Ian Keith Neal 9 Grove Court Grove Park Enderby Leicester LE19 1SA (as Trustee of the David Booler Sipp Trustees Limited) (DY193544)</p> <p>Glyn Anthony Evans 9 Grove Court Grove Park Enderby Leicester LE19 1SA (as Trustee of the David Booler Sipp Trustees Limited) (DY193544)</p>	-	<p>Easywebstore Limited The Vaults The Old School House 31 Derby Road Matlock Bath Matlock DE4 3PU (Co. Reg. 06725643) (in respect of Second and Third Floor, The Mills)</p>	<p>Easywebstore Limited The Vaults The Old School House 31 Derby Road Matlock Bath Matlock DE4 3PU (Co. Reg. 06725643) (in respect of Second and Third Floor, The Mills)</p>
50 (cont'd)		<p>Wayne Douglas Thomas 9 Grove Court Grove Park Enderby Leicester LE19 1SA (as Trustee of the David Booler Sipp Trustees Limited) (DY193544)</p>			

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

51	The right to swing the jib of a crane over and above approximately 53 square metres of land and car park (49 Canal Street, Derby, DE1 2RJ)	<p>David Booler Sipp Trustees Limited 9 Grove Court Grove Park Enderby Leicester LE19 1SA (Co. Reg. 04697835) (DY193544)</p> <p>Ian Keith Neal 9 Grove Court Grove Park Enderby Leicester LE19 1SA (as Trustee of the David Booler Sipp Trustees Limited) (DY193544)</p> <p>Glyn Anthony Evans 9 Grove Court Grove Park Enderby Leicester LE19 1SA (as Trustee of the David Booler Sipp Trustees Limited) (DY193544)</p>	-	-	<p>Easywebstore Limited The Vaults The Old School House 31 Derby Road Matlock Bath Matlock DE4 3PU (Co. Reg. 06725643) (in respect of car park)</p> <p>Key Survival Equipment Ltd 49 Canal Street Derby DE1 2RJ (Co. Reg. 06412442) (in respect of car park)</p> <p>KSE Training Limited 49 Canal Street Derby DE1 2RJ (Co. Reg. 10017169) (trading as Exeve Training) (in respect of car park)</p>
51 (cont'd)		<p>Wayne Douglas Thomas 9 Grove Court Grove Park Enderby Leicester LE19 1SA (as Trustee of the David Booler Sipp Trustees Limited) (DY193544)</p>			

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

52	The right to swing the jib of a crane over and above approximately 1303 square metres land and premises (The Mills, Canal Street, Derby, DE1 2RJ)	David Booter Sipp Trustees Limited 9 Grove Court Grove Park Enderby Leicester LE19 1SA (Co. Reg. 04697835) (DY33986)	Bates Weston LLP The Mills Canal Street Derby DE1 2RJ (Co. Reg. OC361828) (DY478710)	Easywebstore Limited The Vaults The Old School House 31 Derby Road Matlock Bath Matlock DE4 3PU (Co. Reg. 06725643) <i>(in respect of Second and Third Floor, The Mills and car park)</i> Key Survival Equipment Ltd 49 Canal Street Derby DE1 2RJ (Co. Reg. 06412442) <i>(in respect of car park)</i> KSE Training Limited 49 Canal Street Derby DE1 2RJ (Co. Reg. 10017169) <i>(trading as Exeve Training)</i> <i>(in respect of car park)</i>	Bates Weston LLP The Mills Canal Street Derby DE1 2RJ (Co. Reg. OC361828) Easywebstore Limited The Vaults The Old School House 31 Derby Road Matlock Bath Matlock DE4 3PU (Co. Reg. 06725643) <i>(in respect of Second and Third Floor, The Mills and car park)</i> Key Survival Equipment Ltd 49 Canal Street Derby DE1 2RJ (Co. Reg. 06412442) <i>(in respect of car park)</i> KSE Training Limited 49 Canal Street Derby DE1 2RJ (Co. Reg. 10017169) <i>(trading as Exeve Training)</i> <i>(in respect of car park)</i>
----	---	--	---	---	---

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

53	The right to swing the jib of a crane over and above approximately 125 square metres of land and car park (The Mills, Canal Street, Derby, DE1 2RJ)	<p>David Booler Sipp Trustees Limited 9 Grove Court Grove Park Enderby Leicester LE19 1SA (Co. Reg. 04697835) (DY403324)</p> <p>Ian Keith Neal 9 Grove Court Grove Park Enderby Leicester LE19 1SA (as Trustee of the David Booler Sipp Trustees Limited) (DY403324)</p> <p>Glyn Anthony Evans 9 Grove Court Grove Park Enderby Leicester LE19 1SA (as Trustee of the David Booler Sipp Trustees Limited) (DY403324)</p>	-	-	<p>Bates Weston LLP The Mills Canal Street Derby DE1 2RJ (Co. Reg. OC361828)</p> <p>Easywebstore Limited The Vaults The Old School House 31 Derby Road Matlock Bath Matlock DE4 3PU (Co. Reg. 06725643) (in respect of car park)</p> <p>Key Survival Equipment Ltd 49 Canal Street Derby DE1 2RJ (Co. Reg. 06412442) (in respect of car park)</p> <p>KSE Training Limited 49 Canal Street Derby DE1 2RJ (Co. Reg. 10017169) (trading as Exeve Training) (in respect of car park)</p>
53 (cont'd)		<p>Wayne Douglas Thomas 9 Grove Court Grove Park Enderby Leicester LE19 1SA (as Trustee of the David Booler Sipp Trustees Limited) (DY403324)</p>			

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

54	The right to swing the jib of a crane over and above approximately 912 square metres of land and premises (50 and 61 Canal Street, Derby, DE1 2RJ)	St Mary's Investments Limited Ryknield House Alrewas Burton-on-Trent DE13 7AB (Co. Reg. 00573414) (DY202453) (DY190799) (DY424994)	Inspirative Arts LLP 50 Canal Street Derby DE1 2RJ (Co. Reg. OC379202) (in respect of 50 Canal Street) (DY491911)	Inspirative Arts LLP 50 Canal Street Derby DE1 2RJ (Co. Reg. OC379202) (in respect of Ground Floor and First Floor, 50 Canal Street) Senior Care At Home Ltd c/o Right At Home UK Burlington House Crosby Road North Liverpool L22 0PJ (Co. Reg. 07064895) (in respect of First Floor, 50 Canal Street) (trading as Right At Home UK)	Inspirative Arts LLP 50 Canal Street Derby DE1 2RJ (Co. Reg. OC379202) (in respect of Ground Floor and First Floor, 50 Canal Street) Senior Care At Home Ltd c/o Right At Home UK Burlington House Crosby Road North Liverpool L22 0PJ (Co. Reg. 07064895) (in respect of First Floor, 50 Canal Street) (trading as Right At Home UK)
----	--	---	--	---	---

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

54 (cont'd)				<p>7Jay Home Care Ltd Sycamore Farm Repton Road Willington Derby DE65 6BX (Co. Reg. 08257875) (in respect of First Floor, 50 Canal Street) (trading as Right At Home UK)</p> <p>William Hare Limited Brandlesholme House Brandlesholme Road Bury BL8 1JJ (Co. Reg. 02616280) (trading as Hybrid Structures) (in respect of First Floor, 61 Canal Street)</p>	<p>7Jay Home Care Ltd Sycamore Farm Repton Road Willington Derby DE65 6BX (Co. Reg. 08257875) (in respect of First Floor, 50 Canal Street) (trading as Right At Home UK)</p> <p>William Hare Limited Brandlesholme House Brandlesholme Road Bury BL8 1JJ (Co. Reg. 02616280) (trading as Hybrid Structures) (in respect of First Floor, 61 Canal Street)</p>
55	The right to swing the jib of a crane over and above approximately 29 square metres of electricity sub-station (Canal Street, Derby, DE1 2RJ)	Western Power Distribution (East Midlands) PLC Avonbank Feeder Road Bristol BS2 0TB (Co. Reg. 02366923) (DY25196)	-	-	Western Power Distribution (East Midlands) PLC Avonbank Feeder Road Bristol BS2 0TB (Co. Reg. 02366923)

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

Table 2

Number on Map	Other Qualifying Persons under Section 12(2A)(a) of the Acquisition of Land Act 1981		Other Qualifying Persons under Section 12(2A)(b) of the Acquisition of Land Act 1981 – Not otherwise shown in Tables 1 and 2	
	Name and Address	Description of Interest to be Acquired	Name and Address	Description of the land for which the person in adjoining column is likely to make a claim
1	Compendium Regeneration Limited Kent House 14-17 Market Place London W1W 8AJ (Co. Reg. 05305007) (DY439053)	Unilateral notice in respect of a development agreement dated 16 September 2011		
5	Xafinity Pension Trustees Limited Phoenix House 1 Station Hill Reading RG1 1NB (DY159860)	Restriction on the disposition of the registered estate		

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

Table 2

Number on Map	Other Qualifying Persons under Section 12(2A)(a) of the Acquisition of Land Act 1981		Other Qualifying Persons under Section 12(2A)(b) of the Acquisition of Land Act 1981 – Not otherwise shown in Tables 1 and 2	
	Name and Address	Description of Interest to be Acquired	Name and Address	Description of the land for which the person in adjoining column is likely to make a claim
6	<p>Derby City Council Council House Corporation Street Derby DE1 2FS (DY160252) (DY281369)</p> <p>David Booter Sipp Trustees Limited 9 Grove Court Grove Park Enderby Leicester LE19 1SA (Co. Reg. 04697835) (DY281369)</p>	<p>Restrictive covenants and building restrictions relating to the provision of light, air, other easements or rights as contained within transfer dated 30 September 1987 and As mortgagee to Compendium Regeneration Limited in respect of a registered charge dated 27 April 2016</p> <p>Rights appurtenant to maintenance of fences, sewers and conduits as contained within transfer dated 4 December 1996</p>		

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

Table 2

Number on Map	Other Qualifying Persons under Section 12(2A)(a) of the Acquisition of Land Act 1981		Other Qualifying Persons under Section 12(2A)(b) of the Acquisition of Land Act 1981 – Not otherwise shown in Tables 1 and 2	
	Name and Address	Description of Interest to be Acquired	Name and Address	Description of the land for which the person in adjoining column is likely to make a claim
6 (cont'd)	Michael George Daniel Key 9 Grove Court Grove Park Enderby Leicester LE19 1SA <i>(as Trustee of the World First Limited Executive Pension Scheme and David Booler Sipp Trustees Limited)</i> (DY281369)	Rights appurtenant to maintenance of fences, sewers and conduits as contained within transfer dated 4 December 1996		
	Anthony Simon Daniel Key 9 Grove Court Grove Park Enderby Leicester LE19 1SA <i>(as Trustee of the Simon Key Sipp and David Booler Sipp Trustees Limited)</i> (DY281369)	Rights appurtenant to maintenance of fences, sewers and conduits as contained within transfer dated 4 December 1996		
6 (cont'd)	Jacqueline Margaret Rayson Old Rectory Taghole Lane Mugginton Weston Underwood Ashbourne DE6 4PN (DY281369) (DY372098)	Rights appurtenant to maintenance of fences, sewers and conduits as contained within transfer dated 4 December 1996		

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

Table 2

Number on Map	Other Qualifying Persons under Section 12(2A)(a) of the Acquisition of Land Act 1981		Other Qualifying Persons under Section 12(2A)(b) of the Acquisition of Land Act 1981 – Not otherwise shown in Tables 1 and 2	
	Name and Address	Description of Interest to be Acquired	Name and Address	Description of the land for which the person in adjoining column is likely to make a claim
11	Derby City Council Council House Corporation Street Derby DE1 2FS (DY373560)	Restrictive covenants and building restrictions relating land use and to the maintenance of fences as contained within transfer dated 23 July 1976		
14	Derby City Council Council House Corporation Street Derby DE1 2FS (DY249862)	Restrictive covenants and building restrictions relating to the provision of light, air, other easements or rights as contained within transfer dated 23 December 1993	<p>Matthew James Stanton 1 Canal Street Derby DE1 2RJ (as Trustee of the W & S (Long Eaton) Limited Pension Scheme) (DY249862)</p> <p>Maurice Stanton 1 Canal Street Derby DE1 2RJ (as Trustee of the W & S (Long Eaton) Limited Pension Scheme) (DY249862)</p> <p>Andrew Paul Stanton Flat 1 8 Old Chester Road Derby DE1 3SA (as Trustee of the W & S (Long Eaton) Limited Pension Scheme) (DY249862)</p>	<p>Right of way appurtenant to 5 Canal Street, Derby, DE1 2RJ</p> <p>Right of way appurtenant to 5 Canal Street, Derby, DE1 2RJ</p> <p>Right of way appurtenant to 5 Canal Street, Derby, DE1 2RJ</p>

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

Table 2

Number on Map	Other Qualifying Persons under Section 12(2A)(a) of the Acquisition of Land Act 1981		Other Qualifying Persons under Section 12(2A)(b) of the Acquisition of Land Act 1981 – Not otherwise shown in Tables 1 and 2	
	Name and Address	Description of Interest to be Acquired	Name and Address	Description of the land for which the person in adjoining column is likely to make a claim
14 (cont'd)			<p>JLT Pension Trustees Limited The St. Botolph Building 138 Houndsditch London EC3A 7AW (Co. Reg. 01964902) (as trustee of the W & S (Long Eaton) Limited Pension Scheme) (DY249862)</p> <p>Katherine Elizabeth Moorcroft 9 Woodstock Close Allestree Derby DE22 2LP (DY408471)</p> <p>Mr Mustards Limited 5 Canal Street Derby DE1 2RJ (Co. Reg. 09645554)</p>	<p>Right of way appurtenant to 5 Canal Street, Derby, DE1 2RJ</p> <p>Right of way appurtenant to 5 Canal Street, Derby, DE1 2RJ</p> <p>Right of way appurtenant to 5 Canal Street, Derby, DE1 2RJ</p>
14 (cont'd)			<p>Centurylink Communications UK Limited 10 Fleet Place London EC4M 7RB (Co. Reg. 02495998) (lease referred to under title DY249862)</p>	<p>Right of way appurtenant to 9 Canal Street, Derby, DE1 2RJ</p>

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

Table 2

Number on Map	Other Qualifying Persons under Section 12(2A)(a) of the Acquisition of Land Act 1981		Other Qualifying Persons under Section 12(2A)(b) of the Acquisition of Land Act 1981 – Not otherwise shown in Tables 1 and 2	
	Name and Address	Description of Interest to be Acquired	Name and Address	Description of the land for which the person in adjoining column is likely to make a claim
16	Homes England Arpley House 110 Birchwood Boulevard Birchwood Warrington WA3 7QH (DY50400)	Right of way appurtenant to adjoining land as contained within deed dated 13 July 1977		
	Nicholas David Bulmer 1 Hallam Way West Hallam Derby DE7 6LA (DY256046)	Right of way appurtenant to adjoining land as contained within deed dated 13 July 1977 as referred to under title DY50400		
20	Derby City Council Council House Corporation Street Derby DE1 2FS (DY408471)	Restrictive covenants and building restrictions relating to the provision of light, air, other easements or rights as contained within transfer dated 23 December 1993		

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

Table 2

Number on Map	Other Qualifying Persons under Section 12(2A)(a) of the Acquisition of Land Act 1981		Other Qualifying Persons under Section 12(2A)(b) of the Acquisition of Land Act 1981 – Not otherwise shown in Tables 1 and 2	
	Name and Address	Description of Interest to be Acquired	Name and Address	Description of the land for which the person in adjoining column is likely to make a claim
22	<p>Homes England Arpley House 110 Birchwood Boulevard Birchwood Warrington WA3 7QH (DY322515) (DY374457)</p> <p>Western Power Distribution (East Midlands) PLC Avonbank Feeder Road Bristol BS2 0TB (Co. Reg. 02366923) (DY322515)</p>	<p>Restrictive covenants and building restrictions as contained within transfer dated 28 April 1997, 20 June 1997, 4 December 1996 and 30 December 1996</p> <p>Rights appurtenant to the maintenance of underground electricity lines as contained with deed dated 29 January 1998</p>		
24	<p>Derby City Council Council House Corporation Street Derby DE1 2FS (DY212267)</p>	<p>Restrictive covenants and building restrictions relating to the provision of light, air, other easements or rights as contained within transfer dated 3 September 1990</p>		

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

Table 2

Number on Map	Other Qualifying Persons under Section 12(2A)(a) of the Acquisition of Land Act 1981		Other Qualifying Persons under Section 12(2A)(b) of the Acquisition of Land Act 1981 – Not otherwise shown in Tables 1 and 2	
	Name and Address	Description of Interest to be Acquired	Name and Address	Description of the land for which the person in adjoining column is likely to make a claim
29	<p>Datum Pattern & Model Makers Limited 24 Longbridge Lane Ascot Business Park Derby DE24 8UJ (Co. Reg. 04175516) (DY282185)</p> <p>Western Power Distribution (East Midlands) PLC Avonbank Feeder Road Bristol BS2 0TB (DY322515)</p>	<p>Unilateral notice in respect of lease dated 31 March 2013</p> <p>Rights appurtenant to the maintenance of underground electricity lines as contained within deed dated 29 January 1998</p>		
31	<p>Derby City Council Council House Corporation Street Derby DE1 2FS (DY209464)</p>	<p>Restrictive covenants and building restrictions relating to the provision of light, air, other easements or rights as contained within transfer dated 6 March 1979</p>		
34	<p>Barclays Security Trustee Limited 1 Churchill Place London E14 5HP (Co. Reg. 10825314) (DY161966)</p>	<p>As mortgagee to Robert Pachel and Carol Joyce Pachel in respect of registered charge dated 14 May 1992</p>		

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

Table 2

Number on Map	Other Qualifying Persons under Section 12(2A)(a) of the Acquisition of Land Act 1981		Other Qualifying Persons under Section 12(2A)(b) of the Acquisition of Land Act 1981 – Not otherwise shown in Tables 1 and 2	
	Name and Address	Description of Interest to be Acquired	Name and Address	Description of the land for which the person in adjoining column is likely to make a claim
35	<p>Derby City Council Council House Corporation Street Derby DE1 2FS (DY209548)</p> <p>Western Power Distribution (East Midlands) PLC Avonbank Feeder Road Bristol BS2 0TB (Co. Reg. 02366923) (DY209464) (DY209465) (DY209466) (DY209548)</p> <p>Unknown (DY209548)</p>	<p>Restrictive covenants and building restrictions relating to the provision of light, air, other easements or rights as contained within transfer dated 6 March 1979</p> <p>Restrictive covenants and rights appurtenant to the maintenance of underground electricity lines as contained within deed dated 25 March 1988 as referred to under title DY209548</p> <p>Right of way, rights of drainage and other services for the benefit of unknown land</p>	<p>Derby Auto Electrical Services Limited 11 Canal Street Derby DE1 2RJ (Co. Reg. 04088231) (DY209464)</p> <p>M. J. S. Fabrications Limited Biggin Head Farm Kirk Ireton Ashbourne DE6 3JU (Co. Reg. 01981960) (DY209465) (DY209466)</p> <p>David Shepherd Unit 2 36 Canal Street Derby DE1 2RJ (trading as DCC Autos)</p> <p>The Kitchen and Bedroom Warehouse Limited Unit 4 36 Canal Street Derby DE1 2RJ (Co. Reg. 04781543)</p>	<p>Right of way appurtenant to Unit 1, 36 Canal Street, Derby, DE1 2RJ</p> <p>Right of way appurtenant to Unit 2, 36 Canal Street, Derby, DE1 2PW and 36 Canal Street, Derby, DE1 2RJ</p> <p>Right of way appurtenant to Unit 2, 36 Canal Street, Derby, DE1 2PW</p> <p>Right of way appurtenant to 36 Canal Street, Derby, DE1 2RJ</p>

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

Table 2

Number on Map	Other Qualifying Persons under Section 12(2A)(a) of the Acquisition of Land Act 1981		Other Qualifying Persons under Section 12(2A)(b) of the Acquisition of Land Act 1981 – Not otherwise shown in Tables 1 and 2	
	Name and Address	Description of Interest to be Acquired	Name and Address	Description of the land for which the person in adjoining column is likely to make a claim
36	Robert John Cotton 17 Twyford Road Barrow-on-Trent Derby DE73 7HA (DY209466)	Restrictive covenants and building restrictions as contained within transfer dated 24 June 1988		
41	Derby City Council Council House Corporation Street Derby DE1 2FS (DY247243) <i>W & S (Long Eaton) Limited Lodge House Unit 1 Sheets Stores Industrial Estate Long Eaton Nottingham NG10 1AU (Co. Reg. 00725459) (DY247243)</i>	Restrictive covenants and building restrictions as contained within transfer dated 6 December 1991 Restriction on the disposition of the registered estate unless in accordance with the provisions of a trust deed dated 15 July 1994		
43	Derby City Council Council House Corporation Street Derby DE1 2FS (DY474546)	Restrictive covenants and building restrictions relating to the provision of light, air, other easements or rights as contained within transfer dated 6 December 1991 and 21 August 2008		

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

Table 2

Number on Map	Other Qualifying Persons under Section 12(2A)(a) of the Acquisition of Land Act 1981		Other Qualifying Persons under Section 12(2A)(b) of the Acquisition of Land Act 1981 – Not otherwise shown in Tables 1 and 2	
	Name and Address	Description of Interest to be Acquired	Name and Address	Description of the land for which the person in adjoining column is likely to make a claim
44	<p>Unknown (DY274472)</p> <p>Derby City Council Council House Corporation Street Derby DE1 2FS (DY274472)</p>	<p>Restrictive covenants and easements as may have been imposed thereon before 23 May 1996 and are still subsisting and capable of being enforced for the benefit of unknown land</p> <p>As mortgagee to Compendium Regeneration Limited in respect of registered charge dated 27 April 2016</p>		
45	<p>Lloyds Bank PLC 25 Gresham Street London EC2V 7HN (Co. Reg. 00002065) (DY228613)</p> <p>Derby City Council Council House Corporation Street Derby DE1 2FS (DY228613)</p>	<p>As mortgagee to C & N Property Limited in respect of registered charge dated 20 December 2018</p> <p>Restrictive covenants and building restrictions relating to the provision of light, air, other easements or rights as contained within transfer dated 6 December 1991</p>		

General Entries Register

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

Name and Address	Capacity	Qualification
BT Limited 81 Newgate Street London EC1A 7AJ (Co. Reg. 02216369)	As licensed telecommunications operator	In respect of underground cables and telecommunications apparatus
Cadent Gas Limited Ashbrook Court Prologis Park Central Boulevard Keresley End CV7 8PE (Co. Reg. 10080864)	As statutory gas distribution and transmission undertaker	In respect of gas mains, pipes and associated apparatus
CenturyLink Communications UK Limited 10 Fleet Place London EC4M 7RB (Co. Reg. 02495998)	As licensed telecommunications operator	In respect of underground cables and telecommunications apparatus
CityFibre Limited 15 Bedford Street London WC2E 9HE (Co. Reg. 09759465)	As licensed telecommunications operator	In respect of underground cables and telecommunications apparatus
Colt Technology Services Colt House 20 Great Eastern Street London EC2A 3EH (Co. Reg. 02452736)	As statutory utility undertaker	In respect of underground cables and telecommunications apparatus

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

Electricity Network Company Limited Unit 23 Woolpit Business Park Windmill Avenue Woolpit Bury St. Edmunds IP30 9UP (Co. Reg. 05581824)	As statutory utility undertaker	In respect of electricity transmission lines, underground cables and associated apparatus
GTC Pipelines Limited Unit 8 Woolpit Business Park Windmill Avenue Woolpit Bury St. Edmunds IP30 9UP (Co. Reg. 03104203)	As statutory utility undertaker	In respect of electricity transmission lines, underground cables, gas mains, pipes and associated apparatus
Independent Pipelines Limited Unit 23 Woolpit Business Park Windmill Avenue Woolpit Bury St. Edmunds IP30 9UP (Co. Reg. 03104203)	As statutory utility undertaker	In respect of gas mains, pipes and associated apparatus
Independent Power Networks Limited Unit 23 Woolpit Business Park Windmill Avenue Woolpit Bury St. Edmunds IP30 9UP (Co. Reg. 04935008)	As statutory utility undertaker	In respect of electricity transmission lines, underground cables and associated apparatus

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

Independent Water Networks Limited Woolpit Business Park Windmill Avenue Woolpit Bury St. Edmunds IP30 9UP (Co. Reg. 05776438)	As statutory utility undertaker	In respect of pipes and associated apparatus
Independent Fibre Networks Limited Woolpit Business Park Windmill Avenue Woolpit Bury St. Edmunds IP30 9UP (Co. Reg. 05910724)	As statutory utility undertaker	In respect of underground cables
Independent Community Heating Limited Woolpit Business Park Windmill Avenue Woolpit Bury St. Edmunds IP30 9UP (Co. Reg. 05366042)	As statutory utility undertaker	Unknown
National Grid Gas PLC 1-3 Strand London WC2N 5EH (Co. Reg. 02006000)	In respect of gas mains, pipes and associated apparatus	In respect of gas mains, pipes and associated apparatus
Mobile Broadband Network Limited Sixth Floor Thames Tower Station Road Reading RG1 1LX (Co. Reg. 06375220)	As licensed telecommunications operator	In respect of underground cables and telecommunications apparatus

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

<p>Quadrant Pipelines Limited Woolpit Business Park Windmill Avenue Woolpit Bury St. Edmunds IP30 9UP (Co. Reg. 02528816)</p>	<p>As statutory utility undertaker</p>	<p>In respect of gas mains, pipes and associated apparatus</p>
<p>Severn Trent Water Limited Severn Trent Centre 2 St. John's Street Coventry CV1 2LZ (Co. Reg. 02366686)</p>	<p>As statutory water mains and sewage undertaker</p>	<p>In respect of water mains, foul sewer, surface water and associated apparatus</p>
<p>Virgin Media Limited 10-14 Bartley Wood Business Park Bartley Way Hook RG27 9UP (Co. Reg. 02591237)</p>	<p>As licensed telecommunications operator</p>	<p>In respect of underground cables and telecommunications apparatus</p>
<p>Vodafone Limited Vodafone House The Connection Newbury RG14 2FN (Co. Reg. 02373469)</p>	<p>As licensed telecommunications operator</p>	<p>In respect of underground cables and telecommunications apparatus</p>
<p>Western Power Distribution (East Midlands) PLC Avonbank Feeder Road Bristol BS2 0TB (Co. Reg. 02366923)</p>	<p>As statutory electricity distribution undertaker</p>	<p>In respect of electricity transmission lines, underground cables and associated apparatus</p>

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

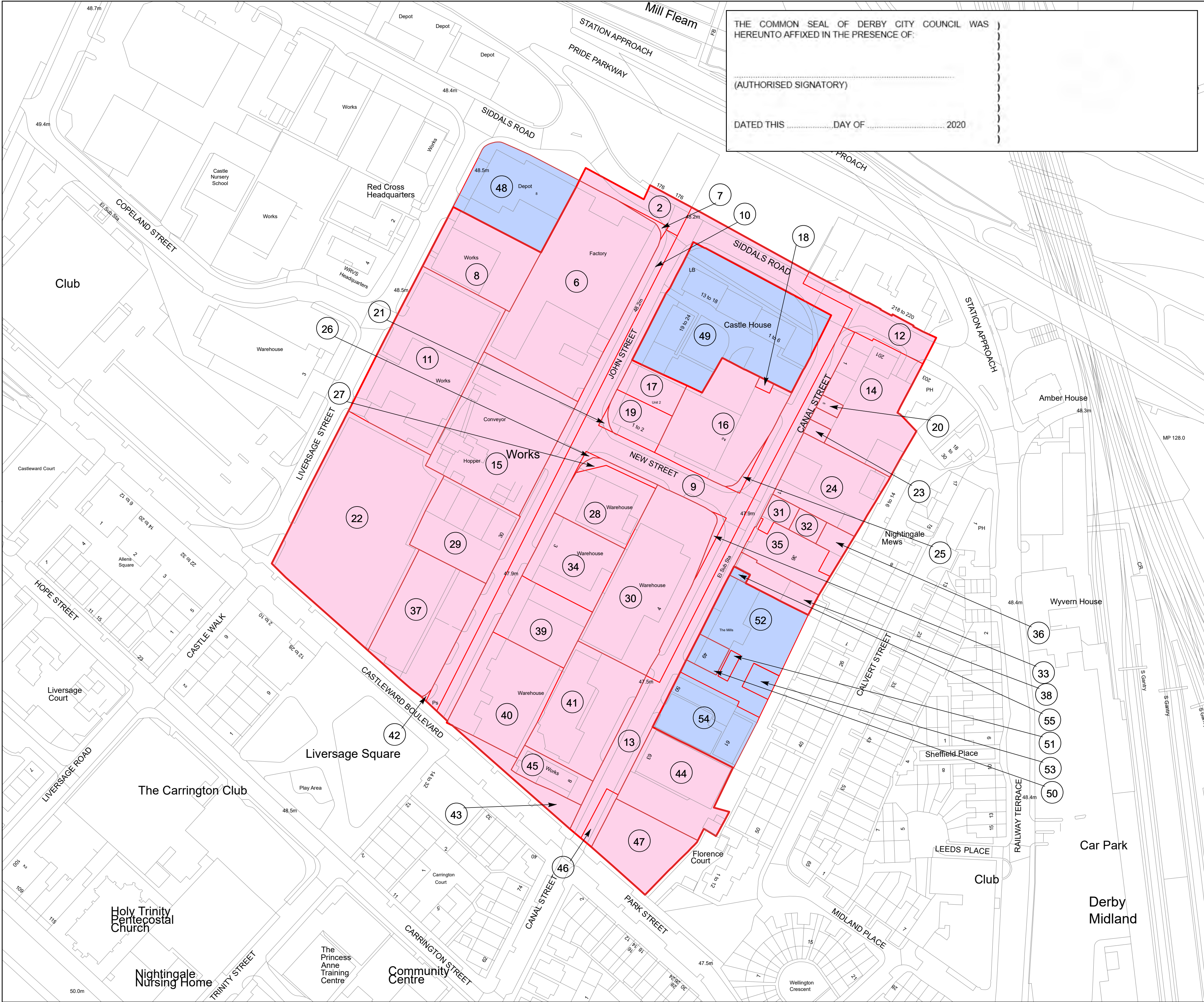
THE COMMON SEAL OF DERBY CITY COUNCIL WAS)
HEREUNTO AFFIXED IN THE PRESENCE OF:)

(AUTHORISED SIGNATORY)

Authorised Officer

DATED THIS 5 DAY OF March 2020





THE COMMON SEAL OF DERBY CITY COUNCIL WAS
HEREUNTO AFFIXED IN THE PRESENCE OF:

(AUTHORISED SIGNATORY)

DATED THIS DAY OF 2020

KEY PLAN

Key

- CPO
- Land to be acquired
- New rights to be acquired

Contains OS data © Crown Copyright and database right 2019 Ordnance Survey 100024913. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

May contain public sector information licensed under the Open Government Licence v3.0.

Client

Derby City Council

Designer

ardent
infrastructure and regeneration

Project

CASTLEWARD URBAN VILLAGE REGENERATION SCHEME

Drawing Title

MAP REFERRED TO IN THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

Status	FINAL	Revision	003
Scale	1:1,000 @ A2	Date	04/03/2020
Spatial Reference System	British National Grid		

0 5 10 20 30 40 50 Metres

Drawn By	Checked By	Approved By
J.HILL	A.KING	P.MILLS

Drawing reference: 019_ARDG_DRBY_CC_CPO4

This document is not to be used in whole or in part other than for the intended purpose and project for which it was prepared and provided.

63

THE HOUSING ACT 1985
THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
AND

THE ACQUISITION OF LAND ACT 1981

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

STATEMENT OF REASONS

Section	Page
1 INTRODUCTION	3
2 DESCRIPTION OF THE ORDER LAND	4
3 ENABLING POWERS AND PURPOSE OF THE CPO	5
4 THE SCHEME	6
5 JUSTIFICATION FOR THE USE OF COMPULSORY PURCHASE POWERS	8
6 CONSULTATION	18
7 EFFORTS TO ACQUIRE LAND BY AGREEMENT	19
8 IMPEDIMENTS TO DELIVERY	23
9 CONSERVATION AREA AND LISTED BUILDINGS	25
10 SPECIAL CATEGORIES OF LAND	26
11 DELIVERY AND FUNDING	27
12 HUMAN RIGHTS	29
13 EQUALITY AND DIVERSITY	31
14 CONCLUSIONS	32
15 LEGAL STATUS OF THIS STATEMENT OF REASONS	32
16 CONTACTS FOR FURTHER INFORMATION AND NEGOTIATION	32
17 LIST OF DOCUMENTS	33
APPENDIX A – DRAFT INDICATIVE DEVELOPMENT PLAN	35

1 INTRODUCTION

- 1.1 This document is the Statement of Reasons of Derby City Council ("**the Council**") prepared in connection with the making of a compulsory purchase order entitled the Derby City Council (Castleward) Compulsory Purchase Order 2020 ("**the Order**"), which is submitted to the Secretary of State for Housing, Communities and Local Government ("**the Secretary of State**") for confirmation. The Council is the acquiring authority for the purposes of the Order. The Order is made pursuant to the Council Resolution at Cabinet on 13 November 2019.
- 1.2 The Council has made the Order pursuant to powers in section 17 of the Housing Act 1985 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976. These powers are explained later in this Statement of Reasons. In this document the land and rights included within the Order and the subject of proposed acquisition are referred to as "**the Order Land**". The Council is the local planning authority and the local highway authority for the Order Land.
- 1.3 The Order has been made to facilitate the acquisition of land for the provision of housing accommodation ("**the Scheme**"). The Scheme will enable further phases of the Castleward Urban Village ("**CUV**") Regeneration Scheme, an attractive and high quality residential-led development, in a key gateway location close to Derby City Centre ("**the City Centre**"). The wider CUV comprises affordable and market housing; improvements to the physical environment; public realm improvements including the provision of new public open space; a new school and community provision; and significant office and commercial development.
- 1.4 The wider CUV has the benefit of a housing allocation of 800 homes in the adopted Derby City Local Plan 2011-28 Part 1 (Policy AC6 (Castleward and the former Derbyshire Royal Infirmary)). Development of the wider CUV has been underway since 2014, and a first phase of 165 dwellings has been completed. A second phase of 54 dwellings is due for completion in July 2020. Neither of these phases required the exercise by the Council of its compulsory purchase powers. The Local Plan specifically envisages the use of compulsory purchase powers to deliver the wider CUV if required.
- 1.5 The Order is necessary to ensure land assembly for the proposed residential development, to provide at least 512 new dwellings (exact number subject to detailed design). The area of the Order Land to be acquired is approximately 4 hectares. New rights as necessary to enable redevelopment are sought over the entire area.
- 1.6 The Scheme has the benefit of outline planning permission for residential-led development, granted on 8 February 2013, Planning Application Reference 05/12/00563. A detailed description of the Scheme proposals is found at Section 4 of this Statement of Reasons.
- 1.7 This Statement of Reasons has been prepared in compliance with paragraphs 22 and 196 of the Government "*Guidance on compulsory purchase process and the Crichel Down Rules for the disposal of surplus land acquired by, or under threat of, compulsion*" (July 2019) ("**the Guidance**").

2 DESCRIPTION OF THE ORDER LAND

- 2.1 The Order Land comprises approximately 43 plots over 4 hectares and is bounded by Siddals Road, Castleward Boulevard and Liversage Street and includes Canal Street (east and west sides). The site is intersected by public vehicular highways, with John Street running from south to north, and New Street joining John Street to Canal Street, running from west to east. The plan at Appendix 2 shows the Order Land (edged red) in the context of the CUV as a whole.
- 2.2 As well as acquiring land, new rights only are sought for the purposes of carrying out the development comprising the Scheme, namely rights to over-sail land with loaded or unloaded cranes.

3 ENABLING POWERS AND PURPOSE OF THE CPO

- 3.1 The Council is empowered by section 17 of the Housing Act 1985 to acquire land, houses or other properties by compulsion for the provision of housing accommodation. A requirement of the exercise of the power is that the acquisition must achieve a quantitative or qualitative housing gain.
- 3.2 Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 enables the Council to compulsorily acquire any such new rights over the land as are specified in a compulsory purchase order.
- 3.3 The Government has prepared the Guidance. The Council has had regard to and followed the Guidance where appropriate in relation to the Order.
- 3.4 The Council's purpose in seeking to acquire the Order Land is to enable the construction, through its delivery partner, Compendium Living, a minimum of 512 new dwellings (the precise number being subject to the approval of reserved matters planning applications). The new dwellings are proposed to be a mixture of private market housing and affordable housing, and make a significant contribution to meeting the need for new homes in the City.

4 THE SCHEME

- 4.1 As set out in section 1 above, the Scheme involves the delivery of new residential development in the Castleward area, comprising further phases of the wider CUV, an attractive and high quality residential-led development, in a key gateway location close to the City Centre. The Scheme represents a coherent residential development in its own right, and will provide a high level of amenity for occupiers without reliance on the development of any future phases.
- 4.2 The Scheme will provide a minimum of 512 new homes in a desirable and highly sustainable location, being within a few minutes' walk of the principal shopping areas of Derby City Centre, workplaces both in the City Centre and on Pride Park, the bus station, the railway station, Bass' Recreation Ground and the banks of the River Derwent.
- 4.3 Outline planning permission for the residential-led development of the wider CUV (including the area covered by the Scheme) was granted on 8 February 2013 (reference 05/12/00563), for up to 840 homes. Planning approval was in accordance with Policy AC6 (Castleward Urban Village) of the adopted City of Derby Local Plan.
- 4.4 Phase 1 of the development at the Castleward Urban Village is complete. Phase 2 is currently in progress, albeit being progressed under a separate full permission rather than the outline permission described above.
- 4.5 As agreed in the Council's grant agreement with Homes England, reserved matters consent for future phases of development (all of which are comprised in the Scheme) will be obtained by:
- Phase 3 – 30th April 2020
- Phase 4 – 31st March 2023
- Phase 5 – 31st March 2027
- 4.6 The plan at Appendix A shows the indicative development phasing for the Order Land.
- 4.7 The *minimum* number of new dwellings to be delivered under the Scheme is 512, this is the number the Council is contracted to deliver under the terms of the Housing Infrastructure Fund (HIF) grant supplied by Homes England, (see paragraph 11.9). The actual figure is currently expected to be higher. There are up to 675 permitted remaining under the outline planning permission with the option of seeking a new planning permission if required. The exact number of dwellings to be constructed within each future phase will depend upon the detailed design and prevailing market conditions at the time. The benefits set out in this Statement of Reasons have however been described based on the achievement of the minimum number of new dwellings.
- 4.8 A mix of tenures and range of property types will encourage a diverse and inclusive community to develop in a neighbourhood well placed to reduce dependence on the private car and to promote walking and the informal interactions between neighbours that result.
- 4.9 Separately, to the development of the Scheme, the Council is progressing the development of a new primary and nursery school on a site lying around 100m outside and to the south of the Order

Land. Scheduled to open in September 2021, the school will form a focal point for the new community, encouraging interaction between neighbours and providing facilities for social and community groups to meet.

- 4.10 The Scheme will contribute significantly to the revitalisation of communities and quality of life improvements as envisaged in the Guidance.

5 JUSTIFICATION FOR THE USE OF COMPULSORY PURCHASE POWERS

The statutory and policy tests

- 5.1 Section 17(1)(a) Housing Act 1985 ("**1985 Act**") provides that a local housing authority, the Council in this instance, "*may for the purposes of this Part acquire land as a site for the erection of houses*".
- 5.2 Section 17(2) of the 1985 Act provides that, "*The power conferred by subsection (1) includes power to acquire land for the purpose of....disposing of the land to a person who intends to provide housing accommodation*".
- 5.3 Section 17(3) provides that "*Land may be acquired by a housing authority for the purposes of this Part by agreement, or they may be authorised by the Secretary of State to acquire it compulsorily*".
- 5.4 Section 17(4) provides that "*A local housing authority may, with the consent of, and subject to any conditions imposed by, the Secretary of State, acquire land for the purposes of this Part notwithstanding that the land is not immediately required for those purposes; but an authority shall not be so authorised to acquire land compulsorily unless it appears to the Secretary of State that the land is likely to be required for those purposes within ten years from the date on which he confirms the compulsory purchase order.*"
- 5.5 The Guidance at paragraph 146 provides that, "*Section 17 of the Housing Act 1985 empowers local housing authorities to acquire land, houses or other properties by compulsion for the provision of housing accommodation. Acquisition must achieve a quantitative or qualitative housing gain*".
- 5.6 Further, at paragraph 147 of the Guidance it provides that, "*The main uses of this power have been to assemble land for housing and ancillary development, including the provision of access roads; to bring empty properties into housing use; and to improve substandard or defective properties. Current practice is for authorities acquiring land or property compulsorily to dispose of it to the private sector, housing associations or owner-occupiers*".

Existing Housing Need

National and local policy

- 5.7 It is widely acknowledged by stakeholders that England continues to experience a housing crisis. The effects of this include a widening ratio of earnings to house prices, falling rates of home ownership, a rise in the age of first time buyers and rising levels of homelessness. According to the Government's 2017 White Paper, '*Fixing the Broken Housing Market*',

"The cause is very simple: for too long, we haven't built enough homes."

The White Paper set out the aim to significantly increase building levels, and went on to state:

"We must make as much use as possible of previously-developed ('brownfield') land for homes – so that this resource is put to productive use, to support the regeneration of our cities, towns and villages, to support economic growth and to limit the pressure on the countryside."

- 5.8 The White Paper set out the Government's intention to amend the National Planning Policy Framework ("**NPPF**"), to strengthen support for high-quality, high-density residential development in urban centres that are well served by amenities and public transport. This was given effect by the introduction of a new Chapter 11 on '*Making Effective Use of Land*' in the version published in February 2019.
- 5.9 The updated NPPF encourages authorities to plan for larger scale development (*NPPF, paragraph 72*) and gives extensive support to planning policies and decisions that will bring about an increase in residential densities in urban areas, stating:
- "Plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination, and should include the use of minimum density standards for city and town centres and other locations that are well served by public transport. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate."* (*NPPF, paragraph 123*)
- 5.10 Beyond this support, the NPPF encourages local authorities to intervene more directly where they can promote the development of new homes:
- "Local planning authorities, and other plan-making bodies, should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield registers or held in public ownership, using the full range of powers available to them. This should include identifying opportunities to facilitate land assembly, supported where necessary by compulsory purchase powers, where this can help to bring more land forward for meeting development needs and/or secure better development outcomes."* (*NPPF, paragraph 119*)
- 5.11 In 2015, the Government designated Derby City Centre (including the Order Land and the wider CUV area) as a Housing Zone, indicating the particular desirability of building new homes here.
- 5.12 The Scheme is an opportunity to facilitate land assembly, supported by compulsory purchase powers, to meet development needs and secure better outcomes, promoted by the NPPF and required by the Local Plan, for example the delivery of high quality, mixed tenure homes, transforming the Eastern Fringes of the City Centre into a vibrant residential and commercial neighbourhood where people will enjoy a high quality of life within a distinctive, accessible and sustainable urban environment. The Scheme will contribute to delivery of the new homes that are urgently needed nationwide.
- 5.13 Phase 1 of the regeneration of Castleward delivered new public realm, open space and a boulevard as a catalyst to provide a high quality environment through future developments.

Local housing policy

- 5.14 The evidence shows that Derby requires a quantitative increase in the number of homes, an improvement in the quality of the housing offer and that the CUV is an appropriate and desirable location to deliver these.
- 5.15 The Council's adopted Local Plan, Part 1 sets a requirement to deliver a minimum of 11,000 new homes in the City over the plan period (2011 to 2028). The objectively assessed housing need is in fact higher than this, at 16,388, with the remaining balance to be delivered elsewhere in the Housing Market Area, which also includes South Derbyshire District and Amber Valley Borough. The objectively assessed need arises from evidence based on the projected population growth, changes in headship rates and migration over the Local Plan period.
- 5.16 The evidence base for the Local Plan therefore establishes the city-wide need for a quantitative increase in housing in the City, both for private sale and affordable housing.
- 5.17 The Local Plan Part 1 specifically identifies Castleward as part of an "area for change" in policy AC6, and sets an expectation that "a minimum of 800 new high quality, mixed tenure homes" will be delivered in this location.
- 5.18 Policy AC6 goes on to state that:

"Castleward occupies a strategic position between the Core Area and the railway station. It has a wide range of uses including offices, industry, car showrooms and warehousing. It also contains a large amount of surface car parking. This area is considered to be under used and is an inefficient and mostly inappropriate use of land in such a prominent, important and sustainable location. The regeneration of this area for a high density mixed-use development will make more efficient use of the land and can provide much greater benefits to the City's economy and environment."

And that,

"The Council will work with partners to ensure that regeneration of the Eastern Fringes (including Castleward) is delivered in a comprehensive manner and will use compulsory purchase powers if necessary to ensure delivery."

- 5.19 The area-specific policies of the Local Plan are underpinned by an extensive evidence base, for example policy AC6 states that the regeneration of Castleward will deliver a minimum of 800 new high quality, mixed tenure homes creating a new and sustainable community. The Local Plan was robustly tested in public examination and therefore requires both a quantitative increase and qualitative improvement in housing by 2028, to which the Scheme will make a significant contribution.
- 5.20 Affordable housing needs in the City are significant and policy CP7 sets out requirements related to affordable and specialist housing. The policy requires that a maximum of 30% affordable housing is provided on residential developments of 15 or more dwellings, subject to development viability.
- 5.21 Policy AC6 draws upon and develops an earlier policy document, the City Centre Eastern Fringes Area Action Plan, which, whilst not progressed to adoption, was developed as a policy document

and remains a material consideration. This gives further support to the delivery of the wider CUV development, as an important brownfield opportunity for the delivery of housing, improving the vitality of the City Centre through more urban living, and making the most of this highly sustainable location which encourages walking and the use of public transport.

- 5.22 The wider CUV development (including the Scheme) is also taken into account in Derby's Strategic Housing and Employment Land Availability Assessment, which assumes that all homes can be delivered within the ten year timeframe to 2028, thus making an important contribution to meeting the Local Plan target.

Local need for a quantitative increase and qualitative improvement in housing

- 5.23 As at 1 October 2019, 6,415 households were on the Council's Housing Register in need of affordable housing, because their current accommodation did not meet their needs. Of these, 3,600 were single people or couples with no children, and the remaining 2,815 had children. Over the last three years, Council-owned properties have become available for letting at an average rate of 559 per year. As new households apply to join the Housing Register all the time, it can be seen that the level of affordable stock in Derby is not sufficient to meet need.
- 5.24 The evidence from the Council's housing register establishes that a quantitative increase in affordable housing is therefore required.
- 5.25 The Scheme sits within a wider area which benefits from outline planning permission for up to 840 new homes. The outline permission requires 30% of the homes should be provided as affordable housing, which equates to up to 210 affordable homes, subject to viability and depending on the density of future development.
- 5.26 The Council's Private Sector Stock Condition Survey shows that 48.9% of the housing stock in Arboretum ward, which includes Castleward and much of the City Centre, is of pre-1918 construction and suffers from problems associated with its age. Many larger homes have been sub-divided to form apartments or houses in multiple occupation. It is estimated that 25.7% would fail the Decent Homes Standard (compared to 21.6% nationwide).
- 5.27 The Council's Urban Renewal Strategy (2016) explains that:

Our strategy for urban renewal focuses primarily on inner-city areas, where there are densely populated neighbourhoods of un-modernised Victorian terraced houses, and a high number of empty properties. These areas are often characterised by high levels of deprivation, where residents also have a significantly lower life expectancy compared to other parts of the city.

The Urban Renewal Strategy sees the Council's intervention in the Castleward area as a critical part of its wider approach of "renovating and investing in communities to improve quality of life for residents and also for people working or visiting an area", in this case by replacing inappropriate low-density employment uses with a desirable residential neighbourhood.

- 5.28 The Derby Renaissance Board (a public-private partnership) has published its City Centre Masterplan, setting out ambitions for a Living City, with an increase in residential uses to support the City Centre's retail, leisure and evening economy sectors to benefit the whole City and region.
- 5.29 If these ambitions are to be realised, then a qualitative improvement in the housing offer will be required to attract new occupiers.

Wider social, environmental and economic benefits

- 5.30 Development on this scale represents a significant investment in a key strategic development site, the benefits of which will be considerable to the social, environmental and economic well-being of the Council's area, including by means of:
- 5.30.1 delivery of a variety of housing types to accommodate population growth in the City and, in particular, provide a living environment and offer that is not currently available in the City in a sustainable location adjacent to the City Centre and with excellent public transport connections;
 - 5.30.2 improving the image and perception of the City for residents, for visitors arriving in the City at the railway station and for potential investors;
 - 5.30.3 optimising the use of land in an important City fringe location; and
 - 5.30.4 assisting existing businesses in the area to relocate to suitable premises that have long term viability as commercial accommodation.

Dis-benefits to be compared to benefits of new housing delivery

- 5.31 The identified area currently comprises an established employment zone on the edge of Derby City Centre. It provides predominantly secondary accommodation for a range of activities. There are currently 27 businesses trading from the proposed Scheme area. This includes a number of linked trade showroom businesses which taken as a single entity equates to 21 business occupiers in the proposed CPO Scheme area.
- 5.32 Based upon published SIC codes from Companies House, there exists a predominance of retail and wholesale businesses within the area, including car repair operations, depot facilities to the public sector, supplies to the construction sector, small production and storage facilities.
- 5.33 The dis-benefit of the Scheme will be the displacement of 21 existing business occupiers who have in total an estimated total of 205 FTE employees. Based on output level data derived from the 2011 Census, it is estimated that around 65% of those employed in the area (133 FTE employees) reside within the City of Derby. Details of these businesses, together with the number of employees the Council understands them to have, and the Council's current assessment of their prospects for relocation, are summarised in the table below:

Name of affected business (nature of use)	Order map reference	Number of employees	Full time	Part Time	Prospects for relocation
Alpha Pro Creative <i>(creative music studios)</i>	17	6	0	6	Good
Bathroom Traders Ltd (incorporating SupaPlumb, Midcastle Ltd, First Electrical Wholesalers Ltd, Lamp Shed and Power Adaptors UK) <i>(showroom/retail/storage)</i>	16, 30, 41	28	25	3	Good
Bustler Market <i>(monthly pop-up street food market and event space)</i>	40	11	1	10	Very good
Cosy Direct <i>(supply/distribution of educational resources)</i>	6, 39	75	72	3	Medium
DCC Autos <i>(vehicle service/repairs)</i>	32, 35	1	1	0	Challenging
Derby Auto Electrical Services <i>(vehicle parts supply, MOTs, vehicle service/repairs)</i>	24, 31, 35	28	28	0	Challenging
Derby Timber Supplies <i>(manufacture of timber products)</i>	34	4	4	0	Good
Derbyshire County Transport – Depot <i>(vehicle depot for public sector organisations)</i>	11	12	12	0	Medium
Embody Tattoo <i>(tattoo studio)</i>	14	2	2	0	Very good
FK Solutions <i>(supply of food products)</i>	45	5	5	0	Very good
Hawkins & Shepherd <i>(vehicle service/repairs)</i>	8	4	4	0	Challenging
Juice Marketing Ltd, trading as Dream Doors <i>(storage units/showroom)</i>	14	Unmanned, access only	0	0	Very good
KJ Motors <i>(vehicle service/repairs)</i>	35, 36	1	1	0	Challenging

Name of affected business (nature of use)	Order map reference	Number of employees	Full time	Part Time	Prospects for relocation
Life Cycle UK (charity workshop - bicycle maintenance)	14	4	0	4	Very good
M&B Motors (vehicle service/repairs)	18, 19	5	4	1	Challenging
Mr Mustards (sandwich shop)	20	6	3	3	Very good
National Car Park / Alcora (car park)	22	2	0	2	n/a
Speedy Glass Ltd (storage)	14	Assumed access only	0	0	Very good
Tarmac Trading Ltd (manufacture and distribution of ready-mixed concrete)	15, 29	6	2	4	Challenging (nature of use)
The Kitchen and Bedroom Warehouse Ltd (supply of kitchen/bedroom appliances)	35, 38	7	7	0	Good
Willow Coffee (coffee & tea wholesalers)	27, 28	8	8	0	Very good

Total employees

215

179

36

5.34 The Council has sought to provide its current assessment of the prospects of each business being successfully relocated. This is based on feedback from the businesses about their requirements, local market intelligence and applying the following indicative criteria:

5.34.1 **Very good** – the business is small in scale, their requirements are generic without the need for specialist premises, and/or would have a wide choice of possible locations;

5.34.2 **Good** – as above, but space requirements are greater;

5.34.3 **Medium** – as above, but space requirements are greater. There are: some specialist requirements; constraints on location; and/or potential planning or environmental constraints; and

5.34.4 **Challenging** – used here to refer to motor trade businesses and the Tarmac site.

- 5.35 Some motor trade businesses may find it particularly challenging to relocate as customers choose them because they are close to the City Centre and they may lose significant custom if they relocate in a highly competitive market. In addition, they require the appropriate planning consent, and are more at risk of objections from neighbouring occupiers to such a use, owing to the number of vehicles arriving and potential noise and smells.
- 5.36 The concrete batching plant operated by Tarmac Trading Ltd is a specialist industrial use which will be perhaps the most challenging to relocate. This is a relatively large site, with regular heavy goods vehicle movements and the potential impact on neighbouring occupiers may make it challenging to secure planning consent on a new site.
- 5.37 It is acknowledged that the Scheme will mean that businesses can no longer operate in a location that they and their customers may have found convenient over the years. However, the decision to repurpose the land as a residential neighbourhood was taken at a policy level through the Local Plan Part 1, which was subject to extensive public consultation, political scrutiny and examination in public (see 5.16 – 5.18). The Scheme is the means by which this democratically agreed vision of Derby's future is now being realised.
- 5.38 Any businesses that are unable to be relocated will be eligible to receive compensation in accordance with the Compensation Code.
- 5.39 In addition to the businesses, there is a piece of telecommunication apparatus that will have to be relocated. This comprises of a cabinet with associated equipment / apparatus owned by CenturyLink Communications UK Limited, located on Canal Street.

Compliance with the Guidance

- 5.40 Paragraph 147 of the Guidance indicates certain information is to be included with applications for confirmation of compulsory purchase orders made pursuant to section 17 Housing Act 1985. The information required is as follows:
- 5.40.1 there are 110,261 dwellings in the Council's administrative area;
- 5.40.2 there are an estimated 12,500 substandard dwellings in the Council's administrative area;
- 5.40.3 there were 102,271 households in the Council's administrative area as at the 2011 Census. 6,415 households were on the Council's Housing Register and required the provision of housing as at 1 October 2019;
- 5.40.4 as at 4 October 2019, the Council owned a total housing stock of 12,707, broken down as follows:

	1 bedroom	2 bedrooms	3 bedrooms	4+ bedrooms	Total
Houses	67	1,760	5,130	161	7,118
Bungalows	984	291	88	2	1,365

Flats and maisonettes	2,819	1,341	64	-	4,224
Total	3,870	3,392	5,282	163	12,707

5.40.5 The Scheme is not intended to provide housing of a particular type, and it is likely that affordable housing will be provided by a Registered Provider, rather than by the Council directly.

5.40.6 The Scheme will deliver a range of market and affordable housing, and is not intended to meet the specialist housing need of any particular group;

5.40.7 The Council does propose to dispose of the land acquired under the Order to a third party, namely Compendium Living Ltd, who are the Council's development partner. Full details of these arrangements can be found at section 11 of this Statement.

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

5.41 The Order Land has been identified as the appropriate site for the delivery of a contracted minimum of 512 new dwellings. The purpose of the Scheme and its benefits are set out above. A comprehensive approach to development is required to realise the aspirations of the relevant planning policies and the public benefits that would result. The piecemeal development of individual parcels within the Order Land is an unacceptable alternative, as it would be a highly inefficient use of land, lacking in coherent design and requiring residential occupiers to live among various light industrial uses for an indefinite period. Moreover, the Council and its partners would lack any control over timescales, and thus the grant funding now available to realise the Scheme would need to be returned, and the development halted altogether. There would, furthermore, be no certainty of any delivery.

5.42 Whilst discussions have taken place with affected landowners, the Council has been unable to acquire all of the relevant interests required for the Scheme by agreement and, whilst discussions with landowners will continue throughout the CPO process, there is no realistic prospect of the site being fully assembled without the use of compulsory purchase powers.

5.43 The Council's role is primarily one of enabling development. It is considered that the failure to bring forward the Scheme for redevelopment, in spite of a positive planning framework, is largely down to the fragmented nature of the land ownerships across the site, poor neighbouring land uses, and the difficulty in creating developments that are economically viable, where the costs of brownfield remediation are high and market prices are comparatively modest when compared with more attractive greenfield locations outside of the City. These matters cannot be realistically addressed without the intervention of the Council.

5.44 The Council has committed funding (both grant aid from Homes England through the HIF and its own revenue resources) to support the acquisition of the Order Land. The Council also has

existing freehold interests within the Order Land, together with Homes England and the developer partner, Compendium Living. The Council is providing administration, project management and professional services / expertise to complete land assembly.

- 5.45 In conclusion, the Council is satisfied that it has met the test in section 17 of the Housing Act 1985. The Scheme will achieve a quantitative and qualitative housing gain. The Council is also satisfied that the dis-benefits arising from the interference with private rights are outweighed by the benefits of the Scheme to the public interest.

6 CONSULTATION

- 6.1 Prior to submission of the outline planning application in 2013, extensive consultation was undertaken with local stakeholders, businesses, community groups and the general public in the Castleward area. Initial consultation in the form of questionnaires, events and focus groups was used to inform the preparation of the Masterplan proposals, and a number of changes to the outline design were made in response to feedback. These are described within the Statement of Community Involvement submitted with the application. The OPUN Design Review Panel was also invited to give an assessment of the initial Masterplan scheme and their comments were taken into account in the final design.
- 6.2 Following submission of the planning application, the local planning authority publicised and consulted on the plans. All responses relating to relevant planning considerations were taken into account in the Officer's Report to Committee and informed the decision to grant planning permission on 8 February 2013.
- 6.3 With regard to the acquisition of land and properties and the potential use of CPO powers, the following engagement activities have taken place over the previous 4 years:
- 6.3.1 **2015 to 2018** (inclusive) – Initial conversations held with affected parties to discuss the forthcoming phases of the Castleward project, the likely timeline for implementation and the potential for early acquisition of land and properties.
- 6.3.2 **Spring and Summer 2019** – Meetings with affected parties within the entire Castleward area including business owners, land owners, leaseholders and organisations.
- 6.3.3 **September 2019** – Business survey conducted by Ardent which established how many employees, the nature of the businesses plus information to support the Council's assessment of their relative ease of relocation.
- 6.3.4 **9 October 2019** – Information event held with affected parties to feedback on work completed since November 2018 on the acquisition of land and properties and the potential use of CPO powers, the next steps in the process and to respond to questions from those in attendance.
- 6.3.5 **Winter 2019/20** – The City Council's appointed agent, Thomas Lister attempted to make contact with all affected businesses in order to progress the potential acquisition of their interests and to further understand their requirements informing relocation options.

7 EFFORTS TO ACQUIRE LAND BY AGREEMENT

- 7.1 Single ownership of the Order Land is required to implement the Scheme. Negotiations have been taking place with all landowners and other parties with interests in the Order Land. The Council has actively sought to acquire land and property required for the Scheme since 2015; although there were earlier attempts dating back to 2002 (see also section 6).
- 7.2 Although the Council is not obliged to find alternative premises, the Council is providing relocation support through Marketing Derby, a public/private agency tasked with the wider regeneration of Derby through the inward attraction of new investment. The Council will continue to engage with affected businesses and local agents, developers and investors to explore relocation options. Through these networks and using other means of searching the commercial market in Derby for alternative premises, the Council is assisting businesses to identify suitable relocation options within the City of Derby.
- 7.3 The Council has been active in its engagement with owners and occupiers of the Order Land. In March 2019 the Council wrote to all landowners in the wider CUV area to advise them that it wanted to purchase their interests by agreement in order to progress with the redevelopment and also extended the offer of assistance with relocations. A total of 130 separate land interests across the entire CUV were identified and questionnaires issued under section 16 of the Local Government (Miscellaneous Provisions) Act 1976. This resulted in a number of replies, promoting conversations with the Council about its regeneration plans including requiring land for new housing as well as the delivery of a new primary school. The Council employed a specialist land referencing company, Ardent Management Ltd, to undertake this exercise.
- 7.4 The Order Land houses 21 businesses, one charity, and one site owned by a neighbouring local authority. The Council has sought to engage with all businesses and interests within the Order Land and has opened negotiations with all affected parties and thus far, has been able to agree terms with one. The situation in respect of each of the business occupiers is summarised below:

Name of affected business (nature of use)	Order map reference	Status of negotiations and Contacts made
Alpha Pro Creative (creative music studios)	17	Partner controlled. Meeting held 15 April 2019. Thomas Lister provided information 2 nd December 2019.
Midcastle Ltd (incorporating Bathroom Traders Ltd, SupaPlumb, First Electrical Wholesalers Ltd, Lamp Shed and Power Adaptors) (showroom/retail/storage)	16, 30, 41	Initial contact made Meeting held 3 October 2019 Information Event 9 October 2019 Thomas Lister provided information 5 th December 2019.

Name of affected business (nature of use)	Order map reference	Status of negotiations and Contacts made
Bustler Market (monthly pop-up street food market and event space)	40	Initial contact made Communication with landlord Homes England, September 2019 Information Event 9 October 2019
Cosy Direct (supply/distribution of educational resources)	6, 39	Initial contact made Ongoing communication with their landlord, Compendium Living, the Castleward development partner ast made October 2019.
DCC Autos (vehicle service/repairs)	32, 35	Initial contact made Information Event 9 October 2019 Letter issued 3 January 2020.
Derby Auto Electrical Services (vehicle parts supply, MOTs, vehicle service/repairs)	24, 31, 35	Initial contact made Meeting 5 September 2018 Information Event 9 October 2019 Communication 14 November 2019
Derby Timber Supplies (manufacture of timber products)	34	Agreement in principle reached Conversations included meeting 13 April 2019 Information Event 9 October 2019 Discussion held with Thomas Lister 12 February 2020
Derbyshire County Transport – Depot (vehicle depot for public sector organisations)	11	Initial contact made Meeting on site 10 June 2019 Information Event 9 October 2019 Meeting 26 November 2020 Phone discussion 12 February 2020
Embody Tattoo (tattoo studio)	14	Initial contact made Information Event 9 October 2019 Phone conversation with Thomas Lister 12 February 2020
Moguntia Food, trading as FK Solutions (supply of food products)	45	Initial contact made Meetings February 2017 and (also with owner C&N Property Ltd March 2017, with offers made and rejected). Information Event 9 October 2019 Meeting arranged 1 December 2020 was cancelled.
Hawkins & Shepherd (vehicle service/repairs)	8	Initial contact made Meetings held 12 April 2019, 24 September 2019 Information Event 9 October 2019 Correspondence with surveyor 12 February 2020

Name of affected business (nature of use)	Order map reference	Status of negotiations and Contacts made
Juice Marketing Ltd, trading as Dream Doors (storage units/showroom)	14	Initial contact made Conversation 3 October 2019 Conversation 16 January 2020
KJ Motors (vehicle service/repairs)	35, 36	Initial contact made Information Event 9 October 2019 Letter issued by Thomas Lister to arrange meeting.
Life Cycle UK (charity workshop - bicycle maintenance)	14	Initial contact made Information Event 9 October 2019 Meeting with Marketing Derby 27 January 2020
M&B Motors (vehicle service/repairs)	18, 19	Initial contact made Meeting with landlord 13 August 2019 Meeting 3 October 2019 Information Event 9 October 2019
Mr Mustards (sandwich shop)	20	Initial contact made Information Event 9 October 2019 Letter issued 3 January 2020 by Thomas Lister to arrange meeting
National Car Park (car park)	22	Initial contact made Response provided 1 October 2019 Since changed ownership to Elevate (formerly Alcora)
Speedy Glass Ltd (storage)	14	Initial contact made Response provided 8 April 2019 Letter issued 3 January 2020 by Thomas Lister to arrange meeting
Tarmac Trading Ltd (manufacture and distribution of ready-mixed concrete)	15, 29	Initial contact made Discussion February / March 2017 Meeting 20 June 2019 Meeting 3 October 2019 Phone call with information provided 2 February 2020
The Kitchen and Bedroom Warehouse Ltd (supply of kitchen/bedroom appliances)	35, 38	Initial contact made 23 May 2019 discussion held Letter issued 3 January 2020 by Thomas Lister to arrange meeting
Willow Coffee (coffee & tea wholesalers)	27, 28	Partner controlled Information Event 9 October 2019

- 7.5 The Council considers that the use of its compulsory purchase order making powers to acquire all outstanding interests in the Order Land and the new rights is required, as it has not yet been possible to achieve this by agreement and it is highly unlikely that it would be able to do so within an acceptable timescale, without the Order.
- 7.6 The Council is continuing to engage with those affected but now it is considered appropriate to proceed with CPO procedures in parallel, as contemplated by the Guidance.

8 IMPEDIMENTS TO DELIVERY

- 8.1 There are no significant impediments to the delivery of the Scheme once land assembly is completed.
- 8.2 The Scheme benefits from the outline planning consent for the wider CUV (ref 05/12/00563), issued in February 2013. All material factors relevant to the acceptability of the development were considered and resolved at that stage, to the satisfaction of the Local Planning Authority. The Council has the flexibility to deliver the Scheme either via reserved matters applications relating to the existing outline permission or through a new separate planning application. If applications are made through Reserved Matters, the following restrictive conditions will apply:
- 8.2.1 Condition 2 of the planning consent requires that all reserved matters applications for future phases of the development (including the Scheme for which the Order Land is required) be submitted within twenty years (by February 2033). As the first reserved matters application for the Scheme is now in pre-application discussion with officers, there will be no difficulty in meeting this timescale;
- 8.2.2 Condition 9 of the consent restricts the number of homes that can be occupied until a single form primary school has been completed. It will be necessary to complete and open the school before the Order Land can be fully developed. As described at 4.9, this project is progressing well. Land has been identified which is in the Council's ownership, and Cabinet approved the necessary budget and development programme in September 2019. The school is expected to open in September 2021;
- 8.2.3 Condition 10 of the consent restricts the number of homes that can be occupied until a new community centre has been provided. An application to vary the condition could be made given that the proposed Scheme area does not affect any community organisations outside this area;
- 8.2.4 Condition 13 of the consent restricts the number of homes that can be occupied until a new pedestrian crossing and footbridge has been constructed to improve access from the CUV to Bass' Recreation Ground. This condition could be varied through an application to amend the triggers, given the changes in the market and delivery of housing since the permission was granted;
- 8.2.5 Condition 36 of the consent restricts the number of homes that can be occupied until works have been completed to change the priority of the junction between Siddals Rd and Station Approach. Again, this condition could be varied through an application to amend the triggers, given the changes in the market and delivery of housing since the permission was granted;

- 8.3 The various remaining conditions imposed on the consent relate to standard planning matters such as environmental protection and traffic management. The Council has no reason to believe that these cannot be discharged at the appropriate stage of the development.
- 8.4 In order for the Scheme on the Order Land to progress, one or more reserved matters applications will need to be granted and, as discussed above, the first of these is in pre-application discussions and approaching submission. The outline planning permission sets out the overall design approach and a number of parameters, and all reserved matters applications will be consistent with this approach. It is therefore anticipated that there will be no difficulty in securing the reserved matters consents necessary to progress with the Scheme.
- 8.5 In summary, there are no known planning or other consenting impediments to the delivery of the Scheme once land assembly has been completed.

9 CONSERVATION AREA AND LISTED BUILDINGS

- 9.1 The Order Land is not within a conservation area and contains no listed buildings. To the east, towards the Derby railway station lies the Railway Conservation Area, designated in 1979. Planning applications for development within the CUV including the Scheme proposed, are assessed with this adjacent conservation area in mind.

10 SPECIAL CATEGORIES OF LAND

- 10.1 There are no known special categories of land within the Order Land.

11 DELIVERY AND FUNDING

- 11.1 Paragraph 13 of the Guidance requires that the Council demonstrate that all the necessary resources are likely to be available to deliver the Scheme within a reasonable time-scale. Section 17(4) of the Housing Act 1985 provides that the Secretary of State may not confirm a compulsory purchase order made under these powers unless he is satisfied that the land is likely to be required within 10 years of the date the order is confirmed.

Delivery

- 11.2 The outline planning permission (see paragraph 4.3) establishes the capacity of the site in terms of a proposed mix and quantum of accommodation, providing a framework to developers as to the appropriate type of development on the site for the Scheme. The planning framework promotes the delivery of a minimum of 840 new high quality, mixed tenure homes in the wider CUV area of which a minimum of 512 can be provided within the Order Land.
- 11.3 In light of the Cityscape Masterplan, the 2008 Area Action Plan Preferred Option, and the (then) emerging City Local Plan the Council resolved to focus increasingly on project delivery and in 2009 commenced a competitive procurement process for a development partner for the wider CUV.
- 11.4 In September 2011 the Council appointed Compendium Living, a partnership between Compendium Regeneration Ltd, Lovell Partnerships Ltd and the Riverside Group Ltd, as its development partner for the wider CUV.
- 11.5 Compendium Living has successfully demonstrated its ability to deliver high quality development through Phase 1 of Castleward, and is working towards completion of Phase 2 in the coming months. Compendium and its constituent partners have extensive experience of brownfield residential development and regeneration, giving high confidence in the deliverability of future phases of the CUV, including the Scheme proposed on the Order Land.

Development agreement and the role of Compendium Living

- 11.6 Compendium entered into a development agreement and other associated documents with the Council, as the principal land owner and also Homes England. The Development Agreement provides the legal framework upon which the development is proceeding. Compendium is responsible for proceeding with the preparation of planning applications, as referred to above. Although the development agreement appoints Compendium to act as the developer of the CUV area, for all phases of the project, the commencement of development of each phase is subject to the satisfactory performance of the previous phase and the satisfaction of preconditions including, where necessary, the securing of external funding. If these pre-conditions are not met, then the Council reserves the right to terminate the relationship at its discretion and to appoint a replacement partner.
- 11.7 Compendium is expected to take the lead in site assembly but, in certain situations, it has been made clear that the Council would be prepared to consider the use of its powers of compulsory purchase to ensure that the regeneration of the area proceeds. In terms of land transfer, the

Council is prepared to grant long leasehold interests or freehold transfer of sites on a phased basis to Compendium, at agreed stages of the development process. Homes England, which is a significant landowner in the Castleward area, is also prepared to make available its land ownership within the site area on terms to be agreed.

- 11.8 Any transfer of land to Compendium will include a condition allowing the Council to buy back the land after a certain period in the event that housing development has not come forward. This would allow the Council to ensure housing is delivered by other routes if necessary.

Funding required to deliver the Scheme

- 11.9 In March 2019 the Council secured funding from Homes England's HIF programme, for the acquisition of land by 31 March 2022, to enable the delivery of at least 512 new homes by March 2030.
- 11.10 The use of Council Housing Revenue Account Right to Buy receipts has helped switch part of the HIF funding to help fund the new primary school.
- 11.11 The Council has also committed to the principle of recycling any receipts received for its land in the Castleward area for further housing land acquisition.
- 11.12 Investment from Compendium Living, the appointed development partner for the CUV, provides the last part of the funding for acquisitions within the proposed Scheme area.
- 11.13 Further, through a CPO Indemnity Agreement, Compendium Living are obliged in the Development Agreement to repay the Council's costs of acquiring land and interests in land pursuant to the Order.
- 11.14 In light of the Council's commitment to fund the Scheme through the funding received from Homes England; its own resources and from Compendium Living it is satisfied that sufficient funding is available to enable it to:
- 11.14.1 complete the compulsory acquisition of the Order Land and meet statutory compensation claims together with all resource costs associated with making the Order; and
- 11.14.2 deliver the infrastructure required to facilitate the Scheme.
- 11.15 The Council is also satisfied that the Order Land will be required for development well within the 10 year statutory timescale, and indeed has entered into a grant agreement with Homes England which requires the same.

12 HUMAN RIGHTS

- 12.1 Determining whether or not to confirm the Order, the Secretary of State must have regard to any interference with human rights, the provisions of the Human Rights Act 1998 and the European Convention on Human Rights (**"the Convention"**). The Secretary of State must consider whether, on balance, the case for compulsory purchase justifies interfering with the human rights of the owners and occupiers of the Order Land. The Secretary of State also has to be satisfied that the land included in the Order is necessary in order to secure the delivery of the Scheme and does not include land which is not required for that purpose.
- 12.2 Article 1 of the First Protocol to the Convention states that *"...Every natural or legal person is entitled to peaceful enjoyment of his possessions" and "no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by the law and by the general principles of international law..."*. Whilst occupiers and owners in the Order Land will be deprived of their property if the Order is confirmed and the powers are exercised, this will be carried out in accordance with the law, in this case the Act. The Order is being pursued in the public interest as required by Article 1 of the First Protocol. The public benefits associated with the Scheme are set out earlier in this Statement of Reasons. The Council considers that the Order will strike a fair balance between the public interest in the implementation of the proposals and those private rights which will be affected by the Order.
- 12.3 Article 6 of the Convention provides that: *"In determining his civil rights and obligations...everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law"*. The regeneration proposals, including those associated with the Order Land, have been extensively publicised and consultation has taken place with the communities and parties that may be affected by the Order. All those affected by the Order will be notified, will have the right to make representations and/or objections to the Secretary of State, and objecting parties will have the right to be heard at a public inquiry. It has been held that the statutory processes are compliant with Article 6 of the Convention.
- 12.4 Article 8 of the Convention states that: *"Everyone has the right to respect for his private and family life, his home and his correspondence...interference is justified however, if it is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for its prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others."* The Council considers that any interference with this right that would result from the exercise of the powers conferred by the Order will be in accordance with the law (namely the Act), give effect to a legitimate aim (namely securing a quantitative increase in housing, and a qualitative improvement in the housing available in Derby), and will be proportionate having regard to the public benefits to be secured.
- 12.5 Those whose interests are acquired under the Order will also be entitled to compensation which will be payable in accordance with the compulsory purchase Compensation Code, assessed on the

basis of the market value of the property interest acquired, disturbance (i.e. reasonable moving costs and costs/losses directly related to the compulsory acquisition) and statutory loss payments. The reasonable surveying and legal fees incurred by those affected in transferring interests to the Council will also be paid by the Council. The Compensation Code has been held to be compliant with Article 8 and Article 1 of the First Protocol to the Convention.

- 12.6 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 that has to be struck between the competing interests of the individual and the community as a whole*”. Both public and private interests are to be taken into account in the exercise of the Council’s powers and duties. Similarly, any interference with Article 8 rights must be “*necessary in a democratic society*” i.e. proportionate.
- 12.7 In promoting this Order, the Council has carefully considered the balance to be struck between the effect of acquisition on individual rights and the wider public interest in the redevelopment of the Order Land. Interference with Convention Rights is considered by the Council to be justified here in order to secure the economic regeneration, environmental and public benefits which the proposals will bring.
- 12.8 The requirements of the Human Rights Act 1998 and the Convention, particularly the rights of property owners, have therefore been fully taken into account. There is a compelling case in the public interest for the Order to be made and confirmed, and the interference with the private rights of those affected that would be the inevitable result of the exercise of the compulsory powers conferred by the Order would be lawful, justified and proportionate.
- 12.9 There has been public consultation on the proposals to regenerate this area, and the opportunity has been given through the consideration of the planning applications to make representations on the proposals. If objections are received, a public inquiry will be held into the Order, and those, whose interests are acquired under the Order, if it is confirmed, will be entitled to compensation as provided for by law.

13 EQUALITY AND DIVERSITY

- 13.1 In line with the Equality Act 2010 the Council has undertaken an Equalities Impact Assessment as part of its decision-making exercise, considering the impacts of the proposals on those affected, identifying whether there may be any impact on a protected group of individuals, establishing whether there are negative impacts and how these could be mitigated.
- 13.2 The Equalities Impact Assessment identified that the vast majority of the business owners and workforce affected by the proposed compulsory purchase are male, but in terms of other characteristics there is no predominating group. Therefore it is possible to say that the dis-benefit of the proposals mainly affects men. The dis-benefits can be mitigated if businesses successfully relocate to other premises in a suitable location for their workforce to access. The Council is assisting businesses in the search for premises in which to relocate and maintain their business. The compulsory purchase process for business owners is highly regulated and prescriptive to ensure a fair outcome for them in terms of compensation. The Council is satisfied, therefore, that neither direct nor indirect discrimination on the grounds of any protected characteristic will result from the proposals.
- 13.3 The Equalities Impact Assessment also identified the positive benefits the development of the Order Land would have on the Council's area as a whole in the form of much needed housing. These development opportunities will address the following Public Sector Equality Duty aims:
- 13.3.1 elimination of discrimination – the new homes will include affordable provision, and will be highly accessible by public transport and close to some of Derby's most diverse areas, in terms of ethnicity and nationality. It is anticipated that the demographic profile of those benefiting from the new homes will reflect the diverse population of the Council's area covering all protected characteristics;
 - 13.3.2 promotion of equality of opportunity – the housing and employment opportunities which will expand opportunities and outcomes available locally;
 - 13.3.3 fostering good relations between different groups of people – by providing a pleasant and walkable residential neighbourhood, with little dependence on the private car, a new school and small retail stores, people from all backgrounds will be encouraged to use the public realm spaces, providing more opportunities to mix and participate together in community life.
- 13.4 The Council is satisfied that the Scheme will not have any negative impacts on equality and diversity, and is consistent with its Public Sector Equality Duty.

14 CONCLUSIONS

14.1 The Council considers that there is a compelling case in the public interest for making the Order. The Scheme is a direct response to both national and local policy objectives to meet housing need. The Scheme will achieve a quantitative increase in the number of homes in Derby and help the City to maximise its economic, social and environmental potential by improving the quality of the City's housing offer. To facilitate this development, the assembly of the Order Land is required. Given the number of third party interests in the Order Land, the only way that this can be achieved, within a reasonable timeframe, is through the exercise of compulsory purchase powers.

14.2 The uses proposed by the Scheme accord with national policy guidelines and local policy objectives. The adopted Local Plan has a specific policy for Castleward, which advocates the use of compulsory purchase powers if required, stating:

“The Council will work with partners to ensure that regeneration of the Eastern Fringes is delivered in a comprehensive manner and will use compulsory purchase powers if necessary to ensure delivery.”

14.3 The Council has entered into a development agreement with a development partner to ensure delivery of new homes. The Council, with its partners Homes England and Compendium Living, already owns or controls a substantial part of the Order Land. Further, the Council has secured significant capital grant from Homes England through the HIF to enable land assembly.

14.4 The Council is satisfied that there is a compelling case in the public interest for compulsory purchase powers to be sought to secure the delivery of the Scheme. The Council has made the Order and asks the Secretary of State to confirm the Order.

15 LEGAL STATUS OF THIS STATEMENT OF REASONS

15.1 This Statement of Reasons is not a statement under Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules 2007.

16 CONTACTS FOR FURTHER INFORMATION AND NEGOTIATION

16.1 Owners and occupiers of property affected by the Scheme seeking further information about the Castleward Urban Village Regeneration programme should contact:

Matt Wilson, Regeneration & Major Projects team, Communities and Place Directorate,
The Council House, Corporation Street, Derby DE1 2FS

Email: matthew.wilson@derby.gov.uk

Tel: 01332 641589 Mobile: 07812 301650 Minicom: 01332 640666

16.2 Owners and occupiers of property affected by the Scheme who wish to negotiate or discuss matters of compensation should contact:

Rachel Lister, Thomas Lister Limited, 11 The Courtyard, Buntsford Gate, Bromsgrove, B60 3DJ

Email: rachel.lister@thomaslister.com

- 16.3 A copy of this Statement of Reasons, the Order and the accompanying maps and background documents are available for inspection at:

Riverside Library, Derby City Council, Council House, Corporation Street, Derby DE1 2FS between the hours of 8.30am to 5pm Monday to Friday and also 9am to 1pm on Saturday.

Alternatively, you can view online at www.derby.gov.uk/castleward

17 LIST OF DOCUMENTS

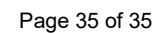
- 17.1 In the event of a public inquiry the Council intends to refer or to put in evidence the following documents:

	Document	Date
1	Compulsory Purchase Order and Supporting Policy	
	Derby City Council (Castleward) Compulsory Purchase Order 2020 and Map	March 2020
	Guidance on compulsory purchase process and the Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion.	February 2018
2	Planning Policy and other relevant policy	
	National Planning Policy Framework https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf	February 2019
	Housing Delivery Test Management Rule Book https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/728523/HDT_Measurement_Rule_Book.pdf	July 2018
	Local Plan – adopted Derby City Local Plan Part 1 (DCLP1) and Saved Policies of the City of Derby Local Plan Review (CDLPR) https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy_ADOPTED_DEC%202016_V3_WEB.pdf	January 2017
	Policy AC1 – City Centre Strategy – City living agenda – Housing Zone. Minimum of 2,200 homes should be delivered in the City Centre by 2028	January 2017
	Policy AC6 – Specific policy requirements for the regeneration and delivery of the site. Includes commitment to use CPO powers if required to ensure delivery.	January 2017
	Eastern Fringes Area Action Plan – Status and process https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents	July 2008

	Document	Date
	s/reports/localdevelopmentframework/EB047-CCEastern_Fringes_Area_Action_Plan.pdf	
3	Other Derby City Council Background Documents	
	Castleward listing within Strategic Housing Land Availability Assessment ("SHLAA") (update) http://docs.derby.gov.uk/padocumentserver/SHLAA.aspx?DocID=DER0089	April 2018
	Private Sector Housing Stock Condition Survey Yet to be published	Forthcoming
4	Planning Permission	
	Outline Planning Permission (reference 05/12/00563) for demolition of existing buildings; development comprising up to 840 dwellings together with associated public open space, roads, school, community facilities and commercial premises https://eplanning.derby.gov.uk/online-applications/applicationDetails.do?keyVal=ZZZZQQFSXE974&activeTab=summary	February 2013
	Castleward Master Plan https://www.castleward.co.uk/about-castleward/development-masterplan	
	Pre-application Statement of Community Involvement https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=9095570	March 2012
5	Legislation (relevant extracts)	
	The Housing Act 1985	
	Local Government (Miscellaneous Provisions) Act 1976	
	The Acquisition of Land Act 1981	
	Compulsory Purchase (Inquiries Procedure) Rules 2007	

17.2 The Council may also refer to other documents in order to address any objections made to the Order.

March 2020



THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

PROTECTED ASSETS CERTIFICATE

1. Listed buildings

Nil

2. Building subject to building preservation notices

Nil

3. Other buildings which may be of quality to be listed

Nil

4. Buildings within a conservation area

Nil

5. Scheduled Monuments

Nil

6. Registered parks/gardens/historic battlefields

Nil



John Gilman

Principal Regeneration Manager

For and on behalf of Derby City Council

11 March 2020

THE HOUSING ACT 1985
THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
AND

THE ACQUISITION OF LAND ACT 1981

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

STATEMENT OF CASE

Section	Page
1 INTRODUCTION	3
2 DESCRIPTION OF THE ORDER LAND	4
3 ENABLING POWERS AND PURPOSE OF THE ORDER	5
4 THE SCHEME	6
5 JUSTIFICATION FOR THE USE OF COMPULSORY PURCHASE POWERS	8
6 CONSULTATION	19
7 EFFORTS TO ACQUIRE LAND BY AGREEMENT	22
8 IMPEDIMENTS TO DELIVERY	31
9 CONSERVATION AREA AND LISTED BUILDINGS	33
10 SPECIAL CATEGORIES OF LAND	34
11 VIEWS OF GOVERNMENT DEPARTMENTS	35
12 DELIVERY AND FUNDING	36
13 HUMAN RIGHTS	39
14 EQUALITY AND DIVERSITY	41
15 OBJECTIONS AND THE COUNCIL’S RESPONSE	42
16 CONCLUSIONS	52
17 LEGAL STATUS OF THIS STATEMENT OF CASE	52
18 CONTACTS FOR FURTHER INFORMATION AND NEGOTIATION	52
19 LIST OF DOCUMENTS	53
APPENDIX A – DRAFT INDICATIVE DEVELOPMENT PLAN	57

1 INTRODUCTION

- 1.1 This document is the Statement of Case of Derby City Council ("**the Council**") prepared in connection with the making of a compulsory purchase order entitled the Derby City Council (Castleward) Compulsory Purchase Order 2020 ("**the Order**"), which is submitted to the Secretary of State for Housing, Communities and Local Government ("**the Secretary of State**") for confirmation. The Council is the acquiring authority for the purposes of the Order.
- 1.2 The Council has made the Order pursuant to powers contained in section 17 of the Housing Act 1985 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976. These powers are explained later in this Statement of Case. In this document the land and rights included within the Order and the subject of proposed acquisition are referred to as "**the Order Land**". The Council is the local planning authority and the local highway authority for the Order Land.
- 1.3 The Order has been made to facilitate the acquisition of land for the provision of housing accommodation ("**the Scheme**"). The Scheme will enable further phases of the Castleward Urban Village ("**CUV**") Regeneration Scheme, an attractive and high quality residential-led development, in a key gateway location close to Derby City Centre ("**the City Centre**"). The wider CUV comprises affordable and market housing; improvements to the physical environment; public realm improvements including the provision of new public open space; a new school and community provision; and significant office and commercial development.
- 1.4 The wider CUV has the benefit of a housing allocation of a minimum 800 homes in the adopted Derby City Local Plan 2011-28 Part 1 (Policy AC6 (Castleward and the former Derbyshire Royal Infirmary)). Development of the wider CUV has been underway since 2014, and a first phase of 164 dwellings has been completed. A second phase of 54 dwellings is due for completion in October 2020. Neither of these phases required the exercise by the Council of its compulsory purchase powers. The Local Plan specifically envisages the use of compulsory purchase powers to deliver the wider CUV if required.
- 1.5 The Order is necessary to ensure land assembly for the proposed residential development, to provide at least 512 new dwellings (exact number subject to detailed design). The area of the Order Land to be acquired is approximately 4 hectares. New rights as necessary to enable redevelopment are sought over the entire area.
- 1.6 The Scheme has the benefit of outline planning permission for residential-led development, granted on 8 February 2013, Planning Application Reference 05/12/00563. A detailed description of the Scheme proposals is found at Section 4 of this Statement of Case.
- 1.7 This Statement of Case has been prepared in compliance with the Government "*Guidance on compulsory purchase process and the Crichel Down Rules for the disposal of surplus land acquired by, or under threat of, compulsion*" (July 2019) ("**the Guidance**").

2 DESCRIPTION OF THE ORDER LAND

- 2.1 The Order Land comprises approximately 43 plots over 4 hectares and is bounded by Siddals Road, Castleward Boulevard and Liversage Street and includes Canal Street (east and west sides). The site is intersected by public vehicular highways, with John Street running from south to north, and New Street joining John Street to Canal Street, running from west to east. The plan at Appendix A shows the Order Land (edged red) in the context of the CUV as a whole.
- 2.2 As well as acquiring land, new rights are sought for the purposes of carrying out the development comprising the Scheme, namely rights to over-sail land with loaded or unloaded cranes.

3 ENABLING POWERS AND PURPOSE OF THE ORDER

- 3.1 The Council is empowered by section 17 of the Housing Act 1985 to acquire land, houses or other properties by compulsion for the provision of housing accommodation. A requirement of the exercise of the power is that the acquisition must achieve a quantitative or qualitative housing gain.
- 3.2 Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 enables the Council to compulsorily acquire any such new rights over the land as are specified in a compulsory purchase order.
- 3.3 The Government has prepared the Guidance. The Council has had regard to and followed the Guidance where appropriate in relation to the Order.
- 3.4 The Council's purpose in seeking to acquire the Order Land is to enable the construction, through its delivery partner, Compendium Living, a minimum of 512 new dwellings (the precise number being subject to the approval of reserved matters planning applications). A reserved matter application for Phase 3a for 82 dwellings is pending determination. The new dwellings are proposed to be a mixture of private market housing and affordable housing and make a significant contribution to meeting the need for new homes in the City.

4 THE SCHEME

- 4.1 As set out in section 1 above, the Scheme involves the delivery of new residential development in the Castleward area, comprising further phases of the wider CUV, an attractive and high quality residential-led development, in a key gateway location close to the City Centre. The Scheme represents a coherent residential development in its own right and will provide a high level of amenity for occupiers without reliance on the development of any future phases.
- 4.2 The Scheme will provide a minimum of 512 new homes in a desirable and highly sustainable location, being within a few minutes' walk of the principal shopping areas of Derby City Centre, workplaces both in the City Centre and on Pride Park, the bus station, the railway station, Bass' Recreation Ground and the banks of the River Derwent.
- 4.3 Outline planning permission for the residential-led development of the wider CUV (including the area encompassed by the Scheme) was granted on 8 February 2013 (reference 05/12/00563), for up to 840 homes. Planning approval was in accordance with Policy AC6 (Castleward Urban Village) of the adopted City of Derby Local Plan.
- 4.4 Phase 1 of the development at the CUV is complete. Phase 2 is currently in progress, albeit being progressed under a separate full permission rather than the outline permission described above.
- 4.5 As agreed in the Council's grant agreement with Homes England, reserved matters consent for future phases of development (all of which are comprised in the Scheme) will be obtained by:
- Phase 3 – 30th April 2020 (this date has been revised in agreement with Homes England)
- Phase 4 – 31st March 2023
- Phase 5 – 31st March 2027
- 4.6 The plan at Appendix A shows the indicative development phasing for the Order Land.
- 4.7 The *minimum* number of new dwellings to be delivered under the Scheme is 512, being the number, the Council is contracted to deliver under the terms of the Housing Infrastructure Fund (HIF) grant provided by Homes England (see paragraph 12.9). The actual figure is currently expected to be higher. There is capacity for a further 675 new dwelling pursuant to the outline planning permission with the option of seeking a new planning permission, if required. The exact number of dwellings to be constructed within each future phase will depend upon the detailed design and prevailing market conditions at the time. The benefits of the Scheme, as set out in this Statement of Case, are based on the assumption that only the minimum number of new dwellings are delivered.
- 4.8 A mix of tenures and range of property types will encourage a diverse and inclusive community to develop in a neighbourhood well placed to reduce dependence on the private car and to promote walking and the informal interactions between neighbours that result.
- 4.9 Separately, to the development of the Scheme, the Council is progressing the development of a new primary and nursery school on a site lying approximately 100m outside and to the south of the

Order Land. Scheduled to open in September 2021, the school will form a focal point for the new community, encouraging interaction between neighbours and providing facilities for social and community groups to meet.

- 4.10 The Scheme will contribute significantly to the revitalisation of communities and quality of life improvements as envisaged in the Guidance.

5 JUSTIFICATION FOR THE USE OF COMPULSORY PURCHASE POWERS

The statutory and policy tests

- 5.1 Section 17(1)(a) Housing Act 1985 ("**1985 Act**") provides that a local housing authority, the Council in this instance," *may for the purposes of this Part acquire land as a site for the erection of houses*".
- 5.2 Section 17(2) of the 1985 Act provides that, *"The power conferred by subsection (1) includes power to acquire land for the purpose of.... disposing of the land to a person who intends to provide housing accommodation"*.
- 5.3 Section 17(3) provides that *"Land may be acquired by a housing authority for the purposes of this Part by agreement, or they may be authorised by the Secretary of State to acquire it compulsorily"*.
- 5.4 Section 17(4) provides that *"A local housing authority may, with the consent of, and subject to any conditions imposed by, the Secretary of State, acquire land for the purposes of this Part notwithstanding that the land is not immediately required for those purposes; but an authority shall not be so authorised to acquire land compulsorily unless it appears to the Secretary of State that the land is likely to be required for those purposes within ten years from the date on which he confirms the compulsory purchase order."*
- 5.5 The Guidance at paragraph 146 provides that, *"Section 17 of the Housing Act 1985 empowers local housing authorities to acquire land, houses or other properties by compulsion for the provision of housing accommodation. Acquisition must achieve a quantitative or qualitative housing gain"*.
- 5.6 Further, at paragraph 147 of the Guidance it provides that, *"The main uses of this power have been to assemble land for housing and ancillary development, including the provision of access roads; to bring empty properties into housing use; and to improve substandard or defective properties. Current practice is for authorities acquiring land or property compulsorily to dispose of it to the private sector, housing associations or owner-occupiers"*.

Existing Housing Need

National and local policy

- 5.7 It is widely acknowledged by stakeholders that England continues to experience a housing crisis. The effects of this include a widening ratio of earnings to house prices, falling rates of home ownership, a rise in the age of first time buyers and rising levels of homelessness. According to the Government's 2017 White Paper, '*Fixing the Broken Housing Market*',

"The cause is very simple: for too long, we haven't built enough homes."

The White Paper set out the aim to significantly increase building levels, and went on to state:

"We must make as much use as possible of previously-developed ('brownfield') land for homes – so that this resource is put to productive use, to support the regeneration of our cities, towns and villages, to support economic growth and to limit the pressure on the countryside."

- 5.8 The White Paper set out the Government's intention to amend the National Planning Policy Framework ("**NPPF**"), to strengthen support for high-quality, high-density residential development in urban centres that are well served by amenities and public transport. This was given effect by the introduction of a new Chapter 11 on '*Making Effective Use of Land*' in the version published in February 2019.
- 5.9 The updated NPPF encourages authorities to plan for larger scale development (*NPPF, paragraph 72*) and gives extensive support to planning policies and decisions that will bring about an increase in residential densities in urban areas, stating:
- "Plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination and should include the use of minimum density standards for city and town centres and other locations that are well served by public transport. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate."* (*NPPF, paragraph 123*)
- 5.10 Beyond this support, the NPPF encourages local authorities to intervene more directly where they can promote the development of new homes:
- "Local planning authorities, and other plan-making bodies, should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield registers or held in public ownership, using the full range of powers available to them. This should include identifying opportunities to facilitate land assembly, supported where necessary by compulsory purchase powers, where this can help to bring more land forward for meeting development needs and/or secure better development outcomes."* (*NPPF, paragraph 119*)
- 5.11 The Government published a consultation report entitled "Planning for the Future" on 6 August 2020 with details on radical changes to England's planning system. The proposed changes will make it easier to build new homes and commercial buildings thereby speeding up development in areas designated for growth.
- 5.12 In 2015, the Government designated Derby City Centre (including the Order Land and the wider CUV area) as a Housing Zone, indicating the particular desirability of building new homes here.
- 5.13 The Scheme is an opportunity to facilitate land assembly, supported by compulsory purchase powers, to meet development needs and secure better outcomes, promoted by the NPPF and required by the Local Plan, by the delivery of high quality, mixed tenure homes, transforming the Eastern Fringes of the City Centre into a vibrant residential and commercial neighbourhood where people will enjoy a high quality of life within a distinctive, accessible and sustainable urban environment. The Scheme will contribute to delivery of the new homes that are urgently needed nationwide.

- 5.14 Phase 1 of the regeneration of Castleward delivered new public realm, open space and a boulevard as a catalyst to provide a high quality environment through future developments.

Local housing policy

- 5.15 The evidence shows that Derby requires a quantitative increase in the number of homes and an improvement in the quality of the housing offer, and that the CUV is an appropriate and desirable location to deliver these.
- 5.16 The Council's adopted Local Plan, Part 1 sets out a requirement to deliver a minimum of 11,000 new homes in the City over the plan period (2011 to 2028). The objectively assessed housing need is in fact higher than this, at 16,388, with the remaining balance to be delivered elsewhere in the Housing Market Area, which also includes South Derbyshire District and Amber Valley Borough. The objectively assessed need arises from evidence based on the projected population growth, changes in headship rates and migration over the Local Plan period.
- 5.17 The evidence base for the Local Plan therefore establishes the city-wide need for a quantitative increase in housing in the City, both for private sale and affordable housing.
- 5.18 The Local Plan Part 1 specifically identifies Castleward as part of an *"area for change"* in policy AC6 and sets an expectation that *"a minimum of 800 new high quality, mixed tenure homes"* will be delivered in this location.
- 5.19 Policy AC6 (at paragraph 6.6.3) goes on to state that:

"Castleward occupies a strategic position between the Core Area and the railway station. It has a wide range of uses including offices, industry, car showrooms and warehousing. It also contains a large amount of surface car parking. This area is considered to be under used and is an inefficient and mostly inappropriate use of land in such a prominent, important and sustainable location. The regeneration of this area for a high-density mixed-use development will make more efficient use of the land and can provide much greater benefits to the City's economy and environment."

And that (in the policy summary on page 90),

"The Council will work with partners to ensure that regeneration of the Eastern Fringes (including Castleward) is delivered in a comprehensive manner and will use compulsory purchase powers if necessary, to ensure delivery."

- 5.20 The area-specific policies of the Local Plan are underpinned by an extensive evidence base, for example policy AC6 states that the regeneration of Castleward will deliver a minimum of 800 new high quality, mixed tenure homes creating a new and sustainable community. The Local Plan was robustly tested in public examination and therefore requires both a quantitative increase and qualitative improvement in housing by 2028, to which the Scheme will make a significant contribution.
- 5.21 Affordable housing needs in the City are significant and policy CP7 (page 32) sets out requirements related to affordable and specialist housing. The policy requires that a minimum of

30% affordable housing is provided on residential developments of 15 or more dwellings, subject to development viability.

- 5.22 Policy AC6 draws upon and develops an earlier policy document, the City Centre Eastern Fringes Area Action Plan, which, whilst not progressed to adoption, was developed as a policy document and remains a material consideration. This gives further support to the delivery of the wider CUV development, as an important brownfield opportunity for the delivery of housing, improving the vitality of the City Centre through more urban living, and making the most of this highly sustainable location which encourages walking and the use of public transport.
- 5.23 The wider CUV development (including the Scheme) is also taken into account in Derby's Strategic Housing and Employment Land Availability Assessment, which assumes that all homes can be delivered within the ten year timeframe to 2028, thus making an important contribution to meeting the Local Plan target.

Local need for a quantitative increase and qualitative improvement in housing

- 5.24 As at 31 March 2020, 7584 households were on the Council's Housing Register in need of affordable housing, because their current accommodation did not meet their needs. Of these, 4464 were single people or couples with no children, and the remaining 3120 had children. Applicants who made a bid in the last 12 months were 4,369. Even though not all applicants made a bid for housing over the preceding 12 months there were significantly fewer properties available to let than applicants bidding for housing. The average number of lettings for 2019/20 was 668, a number that has been reducing over the last three years. This is due in part to the use of stock for additional temporary accommodation. New households apply to join the Housing Register all the time while turnover and the number of suitable properties available to let is reducing. In summary, the level of affordable stock in Derby is not sufficient to meet need.
- 5.25 The evidence from the Council's housing register establishes that a quantitative increase in affordable housing is therefore required.
- 5.26 The Scheme sits within a wider area which benefits from outline planning permission for up to 840 new homes. The outline permission requires 30% of the homes provided are affordable housing, which equates to up to 210 affordable homes, subject to viability and depending on the density of future development.
- 5.27 The Council's Private Sector Stock Condition Survey shows that 48.9% of the housing stock in Arboretum ward, which includes Castleward and much of the City Centre, is of pre-1918 construction and suffers from problems associated with its age. Many larger homes have been sub-divided to form apartments or houses in multiple occupations. It is estimated that 25.7% would fail the Decent Homes Standard (compared to 21.6% nationwide).
- 5.28 The Council's Urban Renewal Strategy (2016) explains that (Part 3):

"Our strategy for urban renewal focuses primarily on inner-city areas, where there are densely populated neighbourhoods of un-modernised Victorian terraced houses, and a high number of

empty properties. These areas are often characterised by high levels of deprivation, where residents also have a significantly lower life expectancy compared to other parts of the city."

- 5.29 The Urban Renewal Strategy sees the Council's intervention in the Castleward area as a critical part of its wider approach of *"renovating and investing in communities to improve quality of life for residents and also for people working or visiting an area"*, in this case by replacing inappropriate low-density employment uses with a desirable residential neighbourhood (Part 3).
- 5.30 The Derby Renaissance Board (a public-private partnership) has published its City Centre Masterplan, setting out ambitions for a Living City, with an increase in residential uses to support the City Centre's retail, leisure and evening economy sectors to benefit the whole City and region.
- 5.31 The design ethos and vision for Castleward has been to create, *"a vibrant, exemplar quality, mixed use and sustainable community: a place that will open up this part of the City for new homes, businesses and leisure uses; a place which will provide an attractive new boulevard from the station to the City Centre and contribute to the long term future of the City as a whole"*. Extract from Compendium Living's bid document responding the Council's Competitive Dialogue process pre-2011.
- 5.32 The key urban design principles embodied in the masterplan for the CUV also include Castleward Square, a quality hard and soft landscaped area of public open space (completed), taller 'gateway' buildings (built as part of Phase 1 along Castleward Boulevard), connectivity and enhancement to Bass' recreation ground (yet to be implemented), connectivity to Railway Conservation Area around Midland Terrace (achieved through Castleward Boulevard) and a new school and nursery (now on site and under construction).
- 5.33 The key specification and detailed design standards for each phase of development also incorporate or take reference from the following built environment guidance: Building for Life, Lifetime homes, BREEAM, Code for Sustainable Homes and Inclusive Design.
- 5.34 Compendium Living have already completed Phase 1 comprising 164 homes and 12 commercial units that incorporate these design and construction quality standards. This step change in the quality of the local housing offer in the CUV has been continued with the Phase 2(a) scheme for 54 homes that is now nearing build completion.
- 5.35 The development phases constructed to-date incorporate a mix of dwelling types, including affordable housing, that respond to the demands of the open market and particular local housing needs. The phases therefore incorporate two, three and, in Phase 1, some four-bedroom homes that are identical in specification and provide for true tenure-blind build quality.
- 5.36 To date the affordable homes have been transferred to The Riverside Group Limited, the 50% shareholder in Compendium Living with Lovell Partnerships Limited. To ensure affordable housing does not compromise the viability of development phases, grant funding from Homes England's Shared Ownership and Affordable Housing Programme (SOAHP) or the Council's Housing

Revenue Account (HRA) is accessed and any additional specification requirements attached to the grant funding conditions is incorporated within the affordable homes. For example, there are 12 two-bedroom apartments in Phase 2(a) let for affordable rent, which the Council has supported with HRA funding. The ground floor apartments have been enhanced to include full wet room provision within the bathrooms; which allows these homes to be let to elderly residents or those with Motability requirements without the need for further modification.

- 5.37 If the regeneration ambitions of the Council, its residents and stakeholders are to be realised, then sustaining a qualitative improvement in the housing offer will be required to retain existing households and attract new occupiers.

Wider social, environmental and economic benefits

- 5.38 Development on this scale represents a significant investment in a key strategic development site, the benefits of which will be considerable to the social, environmental and economic well-being of the Council's area, including by means of:

- 5.38.1 delivery of a variety of housing types to accommodate population growth in the City to support City Centre retail, leisure and other economies and, in particular, provide a living environment and offer that is not currently available in the City in a sustainable location adjacent to the City Centre and with excellent public transport connections;
- 5.38.2 improving the image and perception of the City for residents, for visitors arriving in the City at the railway station and for potential investors;
- 5.38.3 optimising the use of land in an important City fringe location; and
- 5.38.4 assisting existing businesses in the area to relocate to suitable premises that have long term viability as commercial accommodation.

Dis-benefits to be compared to benefits of new housing delivery

- 5.39 The identified area currently comprises an established employment zone on the edge of Derby City Centre. It provides predominantly secondary accommodation for a range of activities. There are currently 27 businesses trading from the proposed Scheme area. This includes a number of linked trade showroom businesses which taken as a single entity equates to 21 business occupiers in the proposed Scheme area.
- 5.40 Based upon published SIC codes from Companies House, there exists a predominance of retail and wholesale businesses within the area, including car repair operations, depot facilities to the public sector, supplies to the construction sector, small production and storage facilities.
- 5.41 The dis-benefit of the Scheme will be the displacement of 21 existing business occupiers who have in total an estimated total of 205 FTE employees. Based on output level data derived from the 2011 Census, it is estimated that around 65% of those employed in the area (133 FTE employees) reside within the City of Derby. Details of these businesses, together with the number of employees the Council understands them to have, and the Council's current assessment of their prospects for relocation, are summarised in the table below:

Name of affected business (nature of use)	Order map reference	Number of employees	Full time	Part Time	Prospects for relocation
Alpha Pro Creative (creative music studios)	17	6	0	6	Good
Bathroom Traders Ltd (showroom/retail/storage)	41	See Midcastle Ltd	See Midcastle Ltd	See Midcastle Ltd	Good
Bustler Market (monthly pop-up street food market and event space)	40	11	1	10	Very good
Cosy Direct (supply/distribution of educational resources)	6, 39	75	72	3	Have found relocation property
DCC Autos (vehicle service/repairs)	32, 35	1	1	0	Challenging
Derby Auto Electrical Services (vehicle parts supply, MOTs, vehicle service/repairs)	24, 31, 35	28	28	0	Challenging
Derby Timber Supplies (manufacture of timber products)	34	4	4	0	Good, have secured relocation property.
Derbyshire County Transport – Depot (vehicle depot for public sector organisations)	11	12	12	0	Challenging
Embody Tattoo (tattoo studio)	14	2	2	0	Very good
FK Solutions (supply of food products)	45	5	5	0	Very good
Hawkins & Shepherd (vehicle service/repairs)	8	4	4	0	Blight purchase notice served and accepted.
Juice Marketing Ltd, trading as Dream Doors (storage units/showroom)	14	Unmanned, access only	0	0	Very good
KJ Motors (vehicle service/repairs)	35, 36	1	1	0	Challenging

Name of affected business (nature of use)	Order map reference	Number of employees	Full time	Part Time	Prospects for relocation
Life Cycle UK (charity workshop - bicycle maintenance)	14	4	0	4	Very good
M&B Motors (vehicle service/repairs)	18, 19	5	4	1	Challenging
Midcastle Ltd (incorporating SupaPlumb, First Electrical Wholesalers Ltd, Lamp Shed and Power Adaptors UK*) (showroom/retail/storage) *Power Adaptors UK plot reference 41 were surveyed as part of the same group due to similar family ownership.	16, 30	28	25	3	Good
Mr Mustards (sandwich shop)	20	6	3	3	Very good
National Car Park / Alcora – Elevate Property Group (Liversage Street Ltd and John Street Ltd) (car park)	22	2	0	2	n/a
Speedy Glass Ltd (storage)	14	Assumed access only	0	0	Very good
Tarmac Trading Ltd (manufacture and distribution of ready-mixed concrete)	15, 29	6	2	4	Challenging (due to nature of use)
The Kitchen and Bedroom Warehouse Ltd (supply of kitchen/bedroom appliances)	35, 38	7	7	0	Good
Willow Coffee (coffee & tea wholesalers)	27, 28	8	8	0	Very good
Total employees		215	179	36	

- 5.42 The Council has sought to provide its current assessment of the prospects of each business being successfully relocated. This is based on feedback from the businesses about their requirements, local market intelligence and applying the following indicative criteria:
- 5.42.1 **Very good** – the business is small in scale, their requirements are generic without the need for specialist premises, and/or would have a wide choice of possible locations;
 - 5.42.2 **Good** – as above, but space requirements are greater;
 - 5.42.3 **Medium** – as above, but space requirements are greater. There are: some specialist requirements; constraints on location; and/or potential planning or environmental constraints; and
 - 5.42.4 **Challenging** – used here to refer to motor trade businesses and the Tarmac site.
- 5.43 Some motor trade businesses may find it particularly challenging to relocate as customers choose them because they are close to the City Centre and they may lose significant custom if they relocate in a highly competitive market. In addition, they require the appropriate planning consent, and are more at risk of objections from neighbouring occupiers to such a use, owing to the number of vehicles arriving and potential noise and smells.
- 5.44 The concrete batching plant operated by Tarmac Trading Ltd is a specialist industrial use which will be perhaps the most challenging to relocate. This is a relatively large site, with regular heavy goods vehicle movements and the potential impact on neighbouring occupiers may make it challenging to secure planning consent on a new site. Tarmac is a remaining objector in respect of whom further information can be found at paragraph 15.6.
- 5.45 It is acknowledged that the Scheme will mean that businesses can no longer operate in a location that they and their customers may have found convenient over the years. However, the decision to repurpose the land as a residential neighbourhood was taken at a policy level through the Local Plan Part 1, which was subject to extensive public consultation, political scrutiny and examination in public (see 5.16– 5.18). The Scheme is the means by which this democratically agreed vision of Derby's future is now being realised.
- 5.46 Any businesses that are unable to be relocated will be eligible to receive compensation in accordance with the Compensation Code. In addition to the businesses, there is a piece of telecommunication apparatus that will have to be relocated. This comprises of a cabinet with associated equipment / apparatus owned by CenturyLink Communications UK Limited, a statutory undertaker, located on Canal Street on plots references 9, 12, 13, 23 and 30. CenturyLink is a remaining objector in respect of whom further information can be found at paragraph 15.4.
- 5.47 Western Power Distribution, a statutory undertaker, have indicated that their plant and equipment within plot reference 55 will require relocating. To the extent this is necessary such apparatus, plant and equipment will be relocated to accommodate the Scheme. Western Power Distribution is a remaining objector in respect of whom further information can be found at paragraph 15.3.

Compliance with the Guidance

5.48 Paragraph 147 of the Guidance indicates certain information is to be included with applications for confirmation of compulsory purchase orders made pursuant to section 17 Housing Act 1985. The information required is as follows:

5.48.1 there are approximately 110,300 dwellings in the Council's administrative area according to the 2019 Derby Stock Condition Report;

5.48.2 there are an estimated 12,500 substandard dwellings in the Council's administrative area;

5.48.3 there were 102,271 households in the Council's administrative area as at the 2011 Census. 7584 households were on the Council's Housing Register and required the provision of housing as at 1 October 2019;

5.48.4 as at 4 October 2019, the Council owned a total housing stock of 12,671, broken down as follows:

	1 bedroom	2 bedrooms	3 bedrooms	4+ bedrooms	Total
Houses	68	1,761	5,056	178	7,063
Bungalows	986	302	89	2	1,379
Flats and maisonettes	2,837	1,327	65	-	4,229
Total	3,891	3,390	5,210	180	12,671

5.48.5 The Scheme is not intended to provide housing of a particular type, and it is likely that affordable housing will be provided by a Registered Provider, rather than by the Council directly.

5.48.6 The Scheme will deliver a range of market and affordable housing, and is not intended to meet the specialist housing need of any particular group;

5.48.7 The Council does propose to dispose of the land acquired under the Order to a third party, namely Compendium Regeneration Ltd (trading as Compendium Living), who are the Council's development partner. Full details of these arrangements can be found at section 12 of this Statement.

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

5.49 The Order Land has been identified as the appropriate site for the delivery of a contracted minimum of 512 new dwellings. The purpose of the Scheme and its benefits are set out above. A comprehensive approach to development is required to realise the aspirations of the relevant planning policies and the public benefits that would result. The piecemeal development of

individual parcels within the Order Land is an unacceptable alternative, as it would be a highly inefficient use of land, lacking in coherent design and requiring residential occupiers to live among various light industrial uses for an indefinite period. Moreover, the Council and its partners would lack any control over timescales, and thus the grant funding now available to realise the Scheme would need to be returned, and the development halted altogether. There would, furthermore, be no certainty of any delivery.

- 5.50 Whilst discussions have taken place with affected landowners, the Council has been unable to acquire all of the relevant interests required for the Scheme by agreement and, whilst discussions with landowners will continue throughout the compulsory purchase order process, there is no realistic prospect of the site being fully assembled without the use of compulsory purchase powers.
- 5.51 The Council's role is primarily one of enabling development. It is considered that the failure to bring forward the Scheme for redevelopment, in spite of a positive planning framework, is largely down to the fragmented nature of the land ownerships across the site, poor neighbouring land uses, and the difficulty in creating developments that are economically viable, where the costs of brownfield remediation are high and market prices are comparatively modest when compared with more attractive greenfield locations outside of the City. These matters cannot be realistically addressed without the intervention of the Council.
- 5.52 The Council has committed funding (both grant aid from Homes England through the HIF and its own revenue resources) to support the acquisition of the Order Land. The Council also has existing freehold interests within the Order Land, together with Homes England and the developer partner, Compendium Living. The Council is providing administration, project management and professional services / expertise to complete land assembly.
- 5.53 In conclusion, the Council is satisfied that it has met the test in section 17 of the Housing Act 1985. The Scheme will achieve a quantitative and qualitative housing gain. The Council is also satisfied that the dis-benefits arising from the interference with private rights are outweighed by the public interests benefits of the Scheme.

6 CONSULTATION

6.1 Prior to the submission of the outline planning application in 2013, extensive consultation related to regeneration plans was undertaken with local stakeholders, businesses, community groups and the general public in the wider CUV area. Initial consultation in the form of questionnaires, events and focus groups was used to inform the preparation of the Masterplan proposals, and a number of changes to the outline design were made in response to feedback. These are described within the Statement of Community Involvement submitted with the application. The OPUN Design Review Panel was also invited to give an assessment of the initial Masterplan scheme and their comments were taken into account in the final design.

6.2 Following submission of the planning application, the local planning authority publicised and consulted on the plans. All responses relating to relevant planning considerations were taken into account in the Officer's Report to Committee and informed the decision to grant planning permission on 8 February 2013.

6.3 With regard to the acquisition of land and properties and the potential use of the Order making powers, the following engagement activities were undertaken:

6.3.1 **2015 to 2018** (inclusive) – Initial conversations held with affected parties to discuss the forthcoming phases of the CUV, the likely timeline for implementation and the potential for early acquisition of land and properties; and

6.3.2 as a co-sponsor of the CUV with the Council, Homes England attempted to acquire land currently comprised within the Order land with their capital funding but were unsuccessful. In addition, the Council engaged with various landowners, in an attempt to acquire land interests by agreement.

6.3.3 **Spring 2019**

- **27 March 2019** – the Council sent letters to all interested parties prior to the formal land interest requisitioning process.
- **3 April 2019** – Land referencing agent, Ardent Management Ltd issued, on the Council's behalf, formal requisitions for information pursuant to section 16 Local Government (Miscellaneous Provisions) Act 1976 together with a frequently asked questions sheet.
- **8 April 2019** – those with subsoil interests were also sent a formal requisition for information pursuant to section 16 Local Government (Miscellaneous Provisions) Act 1976.

6.3.4 **Summer 2019**

- 9th July 2019 – The Council sent a letter to all those with interests in the land potentially affected by any future Order in respect of the CUV proposals to provide them with an update on the proposed timings of any future steps so that the proposal could be considered by the Council's Cabinet in the Autumn of 2019.

6.3.5 **Autumn 2019**

- A business intelligence survey was conducted by Ardent Management Ltd to establish the number of employees, the nature of the businesses and obtain other information to support the Council's assessment of their relative ease of relocation.
- 19th September 2019 – A letter was sent to those affected by the proposed Order by the Council confirming the parcels of land comprised within the Order Land with a map enclosed. Letters were also sent to those not directly affected by Order but were located in the vicinity.
- 30th September 2019 – A letter was sent to all affected parties to invite them to an information event on the 9th October 2019. This was followed up with calls and emails.
- 9th October 2019 – An information event was held with affected parties to provide information on: the work completed since November 2018 on the acquisition of land and properties; the intended use of Order powers; the next steps in that process and to respond to questions from those in attendance.
- 1st November 2019 – A letter was sent to all parties advising them of the date of the Cabinet meeting at which approval would be sought for the Order.
- 25th November 2019 – A letter was sent to inform all affected landowners that the Council's Cabinet had approved the making of the Order and signposted them to Thomas Lister, the Council's agent for these purposes, for support on relocation as the Council remained keen to acquire land interests by mutual agreement, where this was possible.

6.3.6 **Winter 2019/20**

- Following approval of the Council's Cabinet to the making of the Order (13 November 2019) the Council's appointed agent, Thomas Lister, attempted to make contact with all affected businesses in order to progress the potential

acquisition of their interests and to further understand their requirements informing relocation options.

6.3.7 Spring 2020

- In advance of the Council making the Order in March 2020, a letter was issued by the Council to those affected by the Order on the 2 March 2020. This provided indicative development timescales, an update on the Order making process and re-iterated the Council's preference to acquire by mutual agreement, where possible.
- Following up on the end of the objection period, the Council working with their agent Thomas Lister, have been in contact with all of the remaining objectors to the Order. Meetings have been convened with those interested in meeting to discuss the possible acquisition of their interest by agreements and/or their individual relocation options, see Section 7.
- In light of COVID-19, the Council has sent three further letters including to those affected by the Order. The first letter issued on 1 April 2020 was to all known businesses in the City of Derby which signposted information from the Government providing options for financial support. The second and third letters followed in the Summer of 2020 – see below.

6.3.7 Summer 2020

- The second letter dated 12 June 2020 targeted all businesses within Castleward including those affected by the Order, offering them a “Top Up” grant if they had not already benefitted from other COVID-19 government grants. The letter also re-iterated that it was the Council's preference to acquire by mutual agreement with details of someone to contact to progress those negotiations. Of the businesses affected by the Order, there were two expressions of interest for the “Top Up” grant.
- A third letter dated 16 July 2020, was sent to affected businesses, identifying a potential site to which they could relocate, approximately one mile south of Castleward. The Council received two responses requesting further information.

7 EFFORTS TO ACQUIRE LAND BY AGREEMENT

- 7.1 Single ownership of the Order Land is required to implement the Scheme. Negotiations have been taking place with all landowners and other parties with interests in the Order Land. The Council has actively sought to acquire land and property required for the Scheme since 2015; although there were earlier attempts dating back to 2002 (see also section 6).
- 7.2 Although the Council is not obliged to find alternative premises, the Council is providing relocation support through Marketing Derby, a public/private agency tasked with the wider regeneration of Derby through the inward attraction of new investment. The Council will continue to engage with affected businesses and local agents, developers and investors to explore relocation options. Through these networks and using other means of searching the commercial market in Derby for alternative premises, the Council is seeking to assist businesses to identify suitable relocation options within the City of Derby.
- 7.3 The Council has been active in its engagement with owners and occupiers of the Order Land. In March 2019 the Council wrote to all landowners in the wider CUV area to advise them that it wanted to purchase their interests by agreement in order to progress with the redevelopment and also extended the offer of assistance with relocations. A total of 130 separate land interests across the wider CUV area were identified and questionnaires issued under section 16 of the Local Government (Miscellaneous Provisions) Act 1976. This resulted in a number of replies, promoting conversations with the Council about its regeneration plans including requiring land for new housing as well as the delivery of a new primary school. The Council employed a specialist land referencing company, Ardent Management Ltd, to undertake this exercise.
- 7.4 The Order Land comprises 21 businesses, one charity, and one site owned by a neighbouring local authority. The Council has sought to engage with all businesses and interests within the Order Land and has opened negotiations with all affected parties and thus far, has been able to agree terms with one. In addition to the correspondence mentioned in Section 6, the following contacts history and status of negotiation is summarised below for each of the business, with remaining objectors identified by grey shading:

Name of affected business (nature of use)	Order map reference	Status of negotiations and Contacts made
Alpha Pro Creative (creative music studios)	17	<ul style="list-style-type: none"> • Partner controlled. • Meeting held 15 April 2019. • Thomas Lister provided information for available alternative sites on 2 and 30 December 2019 and confirmed continued assistance was available or from Marketing Derby. • Further letters sent by the Council in March, April, June and July 2020 (see Section 6) offering contact details to discuss relocation support and grant assistance in light of Covid-19 to which no response has been received.
<p>Midcastle Ltd (incorporating Bathroom Traders Ltd, SupaPlumb, First Electrical Wholesalers Ltd and the Lamp Shed) (showroom/retail/storage) Leaseholder at plot references 16 and 30</p> <p><u>REMAINING OBJECTOR [see paragraph 15.7]</u></p>	16, 30	<ul style="list-style-type: none"> • Initial contact made August 2017 through First Electrical. • Meeting held 3 October 2019. • Attended Information Event hosted by the Council on 9 October 2019. • Thomas Lister provided information at a meeting on 3 December 2019. • Following attempts made by Thomas Lister to review by phone, most recent contact (and information) was provided by email on 30 April 2020. • Business proprietor is shielding as high risk during COVID-19 and advised unable to deal with CPO and business relocation during shielding. Tentative approaches were made to offer assistance but no response received. • Potential further approach to be considered when shielding restrictions lifted. • Further letters issued by the Council in March, April, June and July 2020 (see Section 6) offering contact details to discuss relocation support and grant assistance in light of Covid-19 to which no response has been received.

Name of affected business (nature of use)	Order map reference	Status of negotiations and Contacts made
Bustler Market (monthly pop-up street food market and event space)	40	<ul style="list-style-type: none"> Became a tenant of co-sponsor Homes England in 2019, aware of subsequent development Phase 3a expected in 2020. Homes England, acting on behalf of the CUV regeneration partnership. Attended Information Event hosted by the Council on 9 October 2019. Further letters issued by the Council in March, April, June and July 2020 (see Section 6) offering contact details to discuss relocation support and grant assistance in light of Covid-19 to which no response has been received. An alternative site is now being considered following discussion with the Council's development partner and landowner Compendium Living for a temporary arrangement prior to re-development plans later.
Cosy Direct (supply/distribution of educational resources)	6, 39	<ul style="list-style-type: none"> Since November 2014, there has been ongoing communication concerning the Council's regeneration plans through landlord Compendium Living, the Castleward development partner with timescales updated as to when the land would be required for housing re-development in the future. Further letters issued by the Council in March, April, June and July 2020 (see Section 6) offering contact details to discuss relocation support and grant assistance in light of Covid-19. As a result, Cosy applied for the "Top Up" Grant and was successful in securing funding. Cosy have been pro-active in considering relocation options and secured an option to relocate this year.
DCC Autos (vehicle service/repairs)	32, 35	<ul style="list-style-type: none"> Letter issued by Thomas Lister on 3 January 2020 requesting a meeting by with no response received. Further letters issued by the Council in March, April, June and July 2020 (see Section 6) offering contact details to discuss relocation support and grant assistance in light of Covid-19 to which no response has been received.

Name of affected business (nature of use)	Order map reference	Status of negotiations and Contacts made
<p>Derby Auto Electrical Services (vehicle parts supply, MOTs, vehicle service/repairs) Plot reference 13 with respect to subsoil interest fronting Unit 1, 36 Canal Street; Plot reference 24 leaseholder and occupier; Plot reference 31 owner and occupier; Plot reference 35 occupier.</p> <p><u>REMAINING OBJECTOR [see paragraph 15.8]</u></p>	24, 31, 35	<ul style="list-style-type: none"> Initial contact made by Thomas Lister by letter in August 2017. Meeting held 5 September 2018. Attended Information Event hosted by the Council on 9 October 2019. Communication 14 November 2019. Conversations ongoing, most recent correspondence 1 May 2020. Further letters sent by the Council in March, April, June and July 2020 (see Section 6) providing Council officer contact details for the purposes of discussing relocation support and grant assistance in light of Covid-19, to which no response has been received. Not before date given of March 2024 but confirmed Council would wish to acquire the property and engage with business at any time prior to the not before date.
<p>Derby Timber Supplies (manufacture of timber products)</p>	34	<ul style="list-style-type: none"> Initial contact made via letter, August 2017. Conversations included meeting on 13 April 2019. Agreement in principle reached to acquire, Summer 2019. Attendance at information Event hosted by the Council on 9 October 2019. Discussion held with Thomas Lister 12 February 2020 and since ongoing discussion pursuing acquisition. Further letters sent by the Council in March, April, June and July 2020 (see Section 6) offering Council officer contact details to discuss relocation support and grant assistance in light of Covid-19. As a result, Derby Timber Supplies applied for the Top Up Grant and was successful in securing funding. Relocation premises now identified. Compensation claim to be considered for relocation costs once legal agreements to acquire have been entered into.

Name of affected business (nature of use)	Order map reference	Status of negotiations and Contacts made
Derbyshire County Transport – Depot (vehicle depot for public sector organisations)	11	<ul style="list-style-type: none"> • Meeting on site 10 June 2019. • Attendance at information Event hosted by the Council on 9 October 2019. • Meeting 26 November 2020. • Phone discussion 12 February 2020. • Further letters were sent by the Council in March, April, June and July 2020 (see Section 6) offering contact details to discuss relocation support and grant assistance in light of Covid-19. As a result, Derbyshire County Transport expressed an initial interest in the relocation site proposed, however this was later rejected due to site restrictions. • Most recent contact with Marketing Derby in July 2020 • Relocation property identified being considered.
Embody Tattoo (tattoo studio)	14	<ul style="list-style-type: none"> • Attendance at information Event hosted by the Council on 9 October 2019. • Phone conversation with Thomas Lister 12 February 2020. • Further letters were sent by the Council in March, April, June and July 2020 (see Section 6) providing Council officer contact details for the purposes of discussing relocation support and grant assistance in light of Covid-19 to which no response was received.
Hawkins & Shepherd (vehicle service/repairs) <u>REMAINING OBJECTOR [see paragraph 15.9]</u>	8	<ul style="list-style-type: none"> • Initial contact made by letter, August 2017. Meetings held 12 April 2019 and 24 September 2019. • Attendance at information Event hosted by the Council on 9 October 2019. • Correspondence with surveyor, 12 February 2020. • Further letters were sent by the Council in March, April, June and July 2020 (see Section 6) offering contact details to discuss relocation support and grant assistance in light of Covid-19. • A Blight Notice was submitted on 20th May 2020 requiring that the Council acquire the objectors' land. This has been accepted by the Council. • Acquisition price for property offered and under review. • Conversations ongoing, most recent correspondence is dated 5 June 2020.

Name of affected business (nature of use)	Order map reference	Status of negotiations and Contacts made
Juice Marketing Ltd, trading as Dream Doors (storage units/showroom)	14	<ul style="list-style-type: none"> • Conversation 3 October 2019. • 15th January 2020 – A letter was sent by the Council to Juice Marketing to advise them on the CPO timescales as they had not attended the 9 October 2019 information Event. • Further letters issued by the Council in March, April, June and July 2020 (see Section 6) offering contact details to discuss relocation support and grant assistance in light of Covid-19 to which no response has been received.
KJ Motors (vehicle service/repairs)	35, 36	<ul style="list-style-type: none"> • Attendance at information Event hosted by the Council on 9 October 2019 • Letter sent by Thomas Lister to arrange meeting in January 2020, with no response. • Further letters sent by the Council in March, April, June and July 2020 (see Section 6) offering Council officers contact details to discuss relocation support and grant assistance in light of Covid-19 to which no response has been received.
Life Cycle UK (charity workshop - bicycle maintenance)	14	<ul style="list-style-type: none"> • Attendance at information Event hosted by the Council on 9 October 2019 • Meeting was held with Marketing Derby 27 January 2020 to discuss requirements for relocation, but not aware of options pursued. • Further letters sent by the Council in March, April, June and July 2020 (see Section 6) offering Council officer contact details to discuss relocation support and grant assistance in light of Covid-19, to which no response has been received.
M&B Motors (vehicle service/repairs)	18, 19	<ul style="list-style-type: none"> • Meeting with landlord 13 August 2019 • Meeting 3 October 2019 • Attendance at information Event hosted by the Council on 9 October 2019 • Further letters sent by the Council in March, April, June and July 2020 (see Section 6) offering Council officer contact details to discuss relocation support and grant assistance in light of Covid-19, to which no response has been received.

Name of affected business (nature of use)	Order map reference	Status of negotiations and Contacts made
<p>Mognutia Food, trading as FK Solutions (supply of food products)</p> <p>C&N Property Limited</p>	45	<ul style="list-style-type: none"> Initial contact made in February 2017 and with owner C&N Property Ltd March 2017, with offers made and rejected). Attendance at information Event hosted by the Council on 9 October 2019 Meeting arranged 1 December 2020 was cancelled. Meeting held with the surveyor representing C&N Property Limited in December 2019. Owners' aspirations for property price considered to be in excess of market value and no further progress made. Further letters issued by the Council in March, April, June and July 2020 (see Section 6) offering Council officer contact details to discuss relocation support and grant assistance in light of Covid-19 to which no response has been received.
<p>Mr Mustards (sandwich shop)</p>	20	<ul style="list-style-type: none"> Attendance at information Event hosted by the Council on 9 October 2019. Letter issued 3 January 2020 by Thomas Lister to arrange meeting, to which no response was received. Further letters sent by the Council in March, April, June and July 2020 (see Section 6) offering Council officer contact details to discuss relocation support and grant assistance in light of Covid-19, to which no response has been received.
<p>Elevate Property Group, (car park operated by National Car Park in respect of plot reference 22. Purchase of adjacent plot 37 from Homes England as land assembly for proposed residential re-development is in progress)</p> <p><u>REMAINING OBJECTOR [see paragraph 15.5]</u></p>	22, 37	<ul style="list-style-type: none"> Initial contact made through previous owner of plot reference 22 (Alcora) in August 2017 Response provided 1 October 2019 Notification received following sale of land from Alcora to Elevate Property Group in Autumn 2019. Further letters issued by the Council in March, April, June and July 2020 (see Section 6) offering contact details to discuss relocation support and grant assistance in light of Covid-19, to which no further response has been received. Council and Thomas Lister met on 24 July 2020 to discuss terms for Option Agreement between the Council and Elevate – this is now agreed and allows Elevate to develop out its sites, but the Council retains a right to acquire in the event that development does not proceed.

Name of affected business (nature of use)	Order map reference	Status of negotiations and Contacts made
Speedy Glass Ltd (storage)	14	<ul style="list-style-type: none"> Letter issued 3 January 2020 by Thomas Lister requesting a meeting with no response received. Further letters issued by the Council in March, April, June and July 2020 (see Section 6) offering Council officer contact details to discuss relocation support and grant assistance in light of Covid-19, to which no response has been received.
Tarmac Trading Ltd (manufacture and distribution of ready-mixed concrete) <u>REMAINING OBJECTOR [see paragraph 15.6]</u>	15, 29	<ul style="list-style-type: none"> Initial contact made. February / March 2017. Request for information made 3 April 2019. Meeting 20 June 2019. Meeting 3 October 2019. Phone call with information provided 2 February 2020. Further letters issued by the Council in March, April, June and July 2020 (see Section 6) offering contact details to discuss relocation support and grant assistance in light of Covid-19. Conversations ongoing, most recent correspondence 28 May 2020. Site searches continue with Marketing Derby and Thomas Lister undertaking. Two relocation options currently being considered, one investigated in some detail.. Email correspondence received 31 July 2020 to provide feedback about a relocation option identified.
The Kitchen and Bedroom Warehouse Ltd (supply of kitchen/bedroom appliances)	35, 38	<ul style="list-style-type: none"> 23 May 2019 discussion held with the Council's agent, Thomas Lister to provide an update about the CUV regeneration plans and offer to discuss their land interest and relocation appetite. Letter issued 3 January 2020 by Thomas Lister to arrange meeting with no response received. Further letters issued by the Council in March, April, June and July 2020 (see Section 6) offering Council officer contact details to discuss relocation support and grant assistance in light of Covid-19. As a result, The Kitchen and Bathroom Warehouse Ltd expressed an interest in the relocation site proposed and Marketing Derby is providing them with the required relocation support.

Name of affected business (nature of use)	Order map reference	Status of negotiations and Contacts made
Willow Coffee (coffee & tea wholesalers)	27, 28	<ul style="list-style-type: none"> • Co-sponsor of CUV regeneration scheme Homes England informed their tenant in 2019 of requirement to vacate for subsequent development Phase 3a expected in 2020. • Attendance at information Event hosted by the Council on 9 October 2019 • Further letters issued by the Council in March, April, June and July 2020 (see Section 6 offering Council officer contact details to discuss relocation support and grant assistance in light of Covid-19. • Vacated as a tenant in Spring 2020.

- 7.5 The Council considers that the use of its compulsory purchase order making powers to acquire all outstanding interests in the Order Land and the new rights is required, as it has not yet been possible to achieve this by agreement and it is highly unlikely that it would be able to do so within an acceptable timescale, without the Order.
- 7.6 The Council is continuing to engage with those affected in the interests of seeking to acquire the Order Land and rights by agreement and a further update will be provided in the Council's evidence to the inquiry.

8 IMPEDIMENTS TO DELIVERY

- 8.1 Delivery of the Scheme is unlikely to be blocked by any impediments once land assembly is completed.
- 8.2 The Scheme benefits from the outline planning consent for the wider CUV (ref 05/12/00563), issued in February 2013. All material factors relevant to the acceptability of the development were considered and resolved at that stage, to the satisfaction of the Local Planning Authority. The applicant has the flexibility to deliver the Scheme either by submission of reserved matters applications relating to the existing outline permission or by the means of a new separate planning application. If the Council proceeds in reliance on the existing outline planning permission the following conditions will apply:
- 8.2.1 Condition 2 of the planning consent requires that all reserved matters applications for future phases of the development (including the Scheme for which the Order Land is required) be submitted within twenty years (by February 2033). As the first reserved matters application for the Scheme is now in pre-application discussion with officers, there will be no difficulty in meeting this timescale;
- 8.2.2 Condition 9 of the consent restricts the number of homes that can be occupied until a single form primary school has been completed. It will be necessary to complete and open the school before the Order Land can be fully developed. As described at 4.9, this project is progressing well. Cabinet approved the necessary budget and development programme in September 2019; and construction commenced on site in June 2020. The school is expected to open in September 2021;
- 8.2.3 Condition 10 of the consent restricts the number of homes that can be occupied until a new community centre has been provided. An application to vary the condition could be made given that the proposed Scheme area does not affect any community organisations outside this area;
- 8.2.4 Condition 13 of the consent restricts the number of homes that can be occupied until a new pedestrian crossing and footbridge has been constructed to improve access from the CUV to Bass' Recreation Ground. This condition could be varied through an application to amend the triggers, given the changes in the market and delivery of housing since the permission was granted;
- 8.2.5 Condition 14 of the consent restricts the number of homes that can be occupied until an enhancement of the Bass' recreation ground has taken place. This condition could be varied through an application to amend the triggers, given the changes in the market and delivery of housing since the permission was granted;

- 8.2.6 Condition 36 of the consent restricts the number of homes that can be occupied until works have been completed to change the priority of the junction between Siddals Rd and Station Approach. Again, this condition could be varied through an application to amend the triggers, given the changes in the market and delivery of housing since the permission was granted.
- 8.3 The various remaining conditions imposed by the outline planning permission relate to standard planning matters such as environmental protection and traffic management. The Council has no reason to believe that these cannot be discharged at the appropriate stage of the development.
- 8.4 In order for the Scheme on the Order Land to progress, one or more reserved matters applications will need to be granted and, as discussed above, the first of these for Phase 3a is awaiting determination in September 2020. The outline planning permission sets out the overall design approach and a number of parameters, and all reserved matters applications will be consistent with this approach. It is therefore anticipated that there will be no difficulty in securing the reserved matters consents necessary to progress with the Scheme.
- 8.5 There are no other known impediments to the delivery of the Scheme once land assembly has been completed.

9 CONSERVATION AREA AND LISTED BUILDINGS

- 9.1 The Order Land is not within a conservation area and contains no listed buildings. To the east, towards the Derby railway station lies the Railway Conservation Area, designated in 1979. Planning applications for development within the CUV including the Scheme proposed, are assessed with this adjacent conservation area in mind.

10 SPECIAL CATEGORIES OF LAND

10.1 There are no known special categories of land within the Order Land.

11 VIEWS OF GOVERNMENT DEPARTMENTS

11.1 None expressed.

12 DELIVERY AND FUNDING

- 12.1 Paragraph 13 of the Guidance requires that the Council demonstrate that all the necessary resources are likely to be available to deliver the Scheme within a reasonable time-scale. Section 17(4) of the Housing Act 1985 provides that the Secretary of State may not confirm a compulsory purchase order made under these powers unless he is satisfied that the land is likely to be required within 10 years of the date the order is confirmed.

Delivery

- 12.2 The outline planning permission (see paragraph 4.3) establishes the capacity of the site in terms of a proposed mix and quantum of accommodation, providing a framework to developers as to the appropriate type of development on the site for the Scheme. The planning framework promotes the delivery of up to 840 new high quality, mixed tenure homes in the wider CUV area of which a minimum of 512 can be provided within the Order Land.
- 12.3 In light of the Cityscape Masterplan, the 2008 Area Action Plan Preferred Option, and the (then) emerging City Local Plan the Council resolved to focus increasingly on project delivery and in 2009 commenced a competitive procurement process for a development partner for the wider CUV.
- 12.4 In September 2011 the Council appointed Compendium Regeneration Ltd, trading as Compendium Living), a joint venture between Lovell Partnerships Ltd and The Riverside Group Ltd ('Compendium'), as its development partner for the wider CUV.
- 12.5 Compendium has successfully demonstrated its ability to deliver high quality development through Phase 1 of Castleward, and is working towards completion of Phase 2a in the coming months. Compendium and its constituent partners have extensive experience of brownfield residential development and regeneration, giving high confidence in the deliverability of future phases of the CUV, including the Scheme proposed on the Order Land.

Development agreement and the role of Compendium Living

- 12.6 Compendium entered into a development agreement and other associated documents with the Council, as the principal landowner and also Homes England. The Development Agreement provides the legal framework upon which the development is proceeding. Compendium is responsible for proceeding with the preparation of planning applications, as referred to above. Although the development agreement appoints Compendium to act as the developer of the CUV area, for all phases of the project, the commencement of development of each phase is subject to the satisfactory performance of the previous phase and the satisfaction of preconditions including, where necessary, the securing of external funding. If these pre-conditions are not met, then the Council reserves the right to terminate the relationship at its discretion and to appoint a replacement partner.
- 12.7 Compendium is expected to take the lead in site assembly but, in certain situations, it has been made clear that the Council would be prepared to consider the use of its powers of compulsory purchase to ensure that the regeneration of the area proceeds. In terms of land transfer, the

Council is prepared to grant long leasehold interests or freehold transfer of sites on a phased basis to Compendium, at agreed stages of the development process. Homes England, which is a significant landowner in the CUV area, is also prepared to make available its land ownership within the site area on terms to be agreed.

- 12.8 When land is transferred, Compendium is obliged to develop within a reasonable timescale consistent with their pre-approved development programme and this is agreed for each development phase. Given the Order Land is likely to be developed over a ten year timescale; where property is transferred but not immediately developed, the transfer will include a condition allowing the Council to buy back the land at market value within a ten year period in the event that housing development has not come forward. This would allow the Council to ensure housing is delivered by other means if necessary.

Funding required to deliver the Scheme

- 12.9 In March 2019 the Council secured funding from Homes England's HF programme, for the acquisition of land by 31 March 2022, to enable the delivery of at least 512 new homes by March 2030.
- 12.10 A revised funding agreement in November 2019 confirmed an increased grant total from Homes England of £7.5m, comprising £4.5m towards the construction of a new primary school and £3.0m towards land acquisitions for 512 new homes by 2030.
- 12.11 The use of Council Housing Revenue Account right-to-buy receipts helped switch part of the HIF funding to help fund the new primary school. Where sites are acquired using right-to-buy and HIF funding finance, land remains in the ownership and control of the Council and released to Compendium Living under the terms of the Development Agreement.
- 12.12 The Council has also committed to the principle of recycling any receipts received for its land in the CUV area for further housing land acquisition.
- 12.13 The Council and Compendium have entered into an indemnity agreement. This agreement provides that Compendium meet the cost of acquiring (either compulsorily or by agreement) land comprising the Order Land up to a total aggregate acquisition cost of £3.5m.

Funding breakdown of the scheme	£m
Housing Infrastructure Fund	3.0
Un ring-fenced HRA Right to Buy receipts	1.5
Capital receipt	0.5
Compendium Living contribution (non-HIF land)	2.8
Acquisition funding total	7.8
Compendium Living contribution for up to 10% contingency	0.7
Total Funding	8.5

- 12.14 In light of the Council's commitment to fund the Scheme through the funding received from Homes England, its own resources and from Compendium, the Council is satisfied that sufficient funding is available to enable it to:
- 12.14.1 complete the compulsory acquisition of the Order Land and meet statutory compensation claims together with all resource costs associated with making the Order; and
 - 12.14.2 deliver the infrastructure required to facilitate the Scheme.
- 12.15 The Council is also satisfied that the Order Land will be required for development well within the 10-year statutory timescale, and indeed has entered into a grant agreement with Homes England which requires the same.

13 HUMAN RIGHTS

- 13.1 Determining whether or not to confirm the Order, the Secretary of State must have regard to any interference with human rights, the provisions of the Human Rights Act 1998 and the European Convention on Human Rights (“**the Convention**”). The Secretary of State must consider whether, on balance, the case for compulsory purchase justifies interfering with the human rights of the owners and occupiers of the Order Land. The Secretary of State also has to be satisfied that the land included in the Order is necessary in order to secure the delivery of the Scheme and does not include land which is not required for that purpose.
- 13.2 Article 1 of the First Protocol to the Convention states that “...*Every natural or legal person is entitled to peaceful enjoyment of his possessions*” and “*no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by the law and by the general principles of international law...*”. Whilst occupiers and owners in the Order Land will be deprived of their property if the Order is confirmed and the powers are exercised, this will be carried out in accordance with the law, in this case the Act. The Order is being pursued in the public interest as required by Article 1 of the First Protocol. The public benefits associated with the Scheme are set out earlier in this Statement of Case. The Council considers that the Order will strike a fair balance between the public interest in the implementation of the proposals and those private rights which will be affected by the Order.
- 13.3 Article 6 of the Convention provides that: “*In determining his civil rights and obligations...everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law*”. The regeneration proposals, including those associated with the Order Land, have been extensively publicised and consultation has taken place with the communities and parties that may be affected by the Order. All those affected by the Order will be notified, will have the right to make representations and/or objections to the Secretary of State, and objecting parties will have the right to be heard at a public inquiry. It has been held that the statutory processes are compliant with Article 6 of the Convention.
- 13.4 Article 8 of the Convention states that: “*Everyone has the right to respect for his private and family life, his home and his correspondence...interference is justified however, if it is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for its prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others.*” The Council considers that any interference with this right that would result from the exercise of the powers conferred by the Order will be in accordance with the law (namely the Act), give effect to a legitimate aim (namely securing a quantitative increase in housing, and a qualitative improvement in the housing available in Derby), and will be proportionate having regard to the public benefits to be secured.
- 13.5 Those whose interests are acquired under the Order will also be entitled to compensation which will be payable in accordance with the compulsory purchase Compensation Code, assessed on the

basis of the market value of the property interest acquired, disturbance (i.e. reasonable moving costs and costs/losses directly related to the compulsory acquisition) and statutory loss payments. The reasonable surveying and legal fees incurred by those affected in transferring interests to the Council will also be paid by the Council. The Compensation Code has been held to be compliant with Article 8 and Article 1 of the First Protocol to the Convention.

- 13.6 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 that has to be struck between the competing interests of the individual and the community as a whole*”. Both public and private interests are to be taken into account in the exercise of the Council’s powers and duties. Similarly, any interference with Article 8 rights must be “*necessary in a democratic society*” i.e. proportionate.
- 13.7 In promoting this Order, the Council has carefully considered the balance to be struck between the effect of acquisition on individual rights and the wider public interest in the redevelopment of the Order Land. Interference with Convention Rights is considered by the Council to be justified here in order to secure the economic regeneration, environmental and public benefits which the proposals will bring.
- 13.8 The requirements of the Human Rights Act 1998 and the Convention, particularly the rights of property owners, have therefore been fully considered. There is a compelling case in the public interest for the Order to be made and confirmed, and the interference with the private rights of those affected that would be the inevitable result of the exercise of the compulsory powers conferred by the Order would be lawful, justified and proportionate.
- 13.9 There has been public consultation on the proposals to regenerate this area, and the opportunity has been given through the consideration of the planning applications to make representations on the proposals. Objections have now been received and a public inquiry will be held into the Order. Those whose interests are acquired under the Order, if it is confirmed, will be entitled to compensation as provided for by law.

14 EQUALITY AND DIVERSITY

- 14.1 In line with the Equality Act 2010 the Council has undertaken an Equalities Impact Assessment as part of its decision-making exercise, considering the impacts of the proposals on those affected, identifying whether there may be any impact on a protected group of individuals, establishing whether there are negative impacts and how these could be mitigated.
- 14.2 The Equalities Impact Assessment identified that the vast majority of the business owners and workforce affected by the proposed compulsory purchase are male, but in terms of other characteristics there is no predominating group. Therefore, it is possible to say that the dis-benefit of the proposals mainly affects men. The dis-benefits can be mitigated if businesses successfully relocate to other premises in a suitable location for their workforce to access. The Council is assisting businesses in the search for premises in which to relocate and maintain their business. The compulsory purchase process for business owners is highly regulated and prescriptive to ensure a fair outcome for them in terms of compensation. The Council is satisfied, therefore, that neither direct nor indirect discrimination on the grounds of any protected characteristic will result from the proposals.
- 14.3 The Equalities Impact Assessment also identified the positive benefits the development of the Order Land would have on the Council's area as a whole in the form of much needed housing. These development opportunities will address the following Public Sector Equality Duty aims:
- 14.3.1 elimination of discrimination – the new homes will include affordable provision, and will be highly accessible by public transport and close to some of Derby's most diverse areas, in terms of ethnicity and nationality. It is anticipated that the demographic profile of those benefiting from the new homes will reflect the diverse population of the Council's area covering all protected characteristics;
 - 14.3.2 promotion of equality of opportunity – the housing and employment opportunities which will expand opportunities and outcomes available locally;
 - 14.3.3 fostering good relations between different groups of people – by providing a pleasant and walkable residential neighbourhood, with little dependence on the private car, a new school and small retail stores, people from all backgrounds will be encouraged to use the public realm spaces, providing more opportunities to mix and participate together in community life.
- 14.4 Following the assessment made in October 2019, upon further review in July 2020, it remains the case that the Council is satisfied that the Scheme does not have any negative impacts on equality and diversity and is consistent with its Public Sector Equality Duty.

15 OBJECTIONS AND THE COUNCIL'S RESPONSE

15.1 By the end of the objection period on 8 April 2020, seven objections were received.

15.2 The case made by each objector is considered in turn below and the Council reserves the right to expand and add to its response in due course.

15.3 WESTERN POWER DISTRIBUTION (EAST MIDLANDS) PLC

15.3.1 An objection dated 16 March 2020 was submitted by Western Power Distribution who have plant and equipment located in plot 55 of the Order Land. In addition, they also have subsoil interest in plot 13.

15.3.2 Summary of objection

15.3.3 **Western Power is a statutory undertaker. Western Power assert that they will not be able to carry out their duties the subject of their operating licence in the Order Land in the event it is confirmed.**

15.3.4 Council's Response

15.3.5 Although no specific plot or rights are referenced as likely to be interfered with by the development of land following the confirmation of the Order, the Council has been working closely with Western Power Distribution making positive progress towards a legal agreement to secure the withdrawal of their objection by making provision for the relocation of plant and equipment in the event this is required.

15.4 CENTURYLINK COMMUNICATIONS UK LIMITED

15.4.1 An objection dated 16 March 2020 was submitted by CenturyLink Communications Limited who have leasehold interest in plot 23 and are tenant occupiers of plots 9, 12, 13 and 30.

15.4.2 Summary of objection

15.4.3 The objection is made on three grounds:-

(1) the leaseholder and occupier is a statutory undertaker and is afforded protective rights under Section 16 of the Acquisition of Land Act 1981.

(2) The Council had not made a meaningful attempt to acquire the interest by agreement. To date no offer had been made to acquire the Property via private treaty.

(3) The need for and use of compulsory purchase is premature and plans appear uncertain.

15.4.4 Council's Response

15.4.5 The Council has been working closely with their agent CBRE to secure the withdrawal of their objection. Advanced discussions propose an agreement to allow CenturyLink to remain in occupation of the premises for a period following its compulsory acquisition. This allows sufficient time to CenturyLink for the purposes of facilitating relocation of their plant and equipment to existing premises nearby.

15.5 LIVERSAGE STREET (DERBY) LIMITED AND JOHN STREET (DERBY) LIMITED

15.5.1 An objection dated 7 April 2020 was submitted by Harrison Clark Rickerbys on behalf of their client who are the freeholder of plot 22 and have entered into a conditional purchase agreement to acquire plot 37 from the CUV's co-sponsor, Homes England.

15.5.2 Summary of objection

15.5.3 **The objection is made on four grounds:**

- (1) the Council has failed to demonstrate that the confirmation of the CPO would deliver a quantitative and/or qualitative housing gain in respect of either plots 22 or 37;**
- (2) the Council has failed to consider an alternative scheme;**
- (3) the Order proposes the acquisition of more land than is necessary for the delivery of the CUV Scheme; and**
- (4) the Council have made inadequate efforts to reach negotiations for the acquisition of the First Land (as defined in their letter of objection, plot 22 of the Order Land) outside of the CPO process.**

15.5.4 Council's Response

In response to ground 1:

As paragraph 5.16 above explains (and those paragraphs that follow), the Council's adopted Local Plan sets a requirement to deliver 11,000 new homes in the Council's administrative area. The evidence base for the Local Plan establishes a city-wide need for a quantitative increase in housing in the City and Castleward is particularly suited for this purpose as an area "for change" and having a strategic location. Further, the

demand for housing creates a local need with 7584 households in need of affordable housing, because their existing accommodation did not meet their need.

In terms of quantitative gain, the re-development of this land contributes to the delivery of at least 512 new homes, of the homes required, in the Local Plan period by 2028. Outline planning consent for development Phases 3-5 expects a minimum of 30% affordable housing, with Phase 3a delivering 33%.

In terms of qualitative need, the Council's private sector stock condition survey shows that just under 50% of the housing in the area incorporating Castleward is over 100 years old and suffers from problems associated with its age and does not meet modern standards. The provision of 512 new high quality homes constructed to modern standards will give rise to a significant qualitative improvement to the available housing stock.

Consequently, confirmation of the Order will result in both a quantitative and qualitative housing gain.

In response to ground 2:

The Council accepts that the objector's alternative proposals are aligned with the Council's aspirations for the Scheme in that they intend to deliver housing on the Order Land. However, in order to ensure the land is developed either by the objector or the Council, it requires that the Council has both a contractual means of ensuring that housing development is actually brought forward by the objector and, in the event that it fails to do so for any reason, that compulsory purchase powers are available as a fall-back. The Council and the objector are negotiating the terms of an agreement for these purposes, but none has been concluded at present. Irrespective of this agreement, given the prominence of the site and its importance to the Scheme, the Council requires a power of compulsory acquisition to guarantee delivery of the Scheme.

In response to ground 3:

As indicated above, the main purpose for seeking confirmation of the Order in respect of the objector's land is to guarantee delivery of housing development on a key site within the Scheme. The site is necessary for the delivery of housing. If it were not delivered, both the quantitative and qualitative gain achieved by the Scheme would be materially compromised.

In response to ground 4:

The Council denies that its negotiations have been inadequate. In particular, it has been in negotiation with the objector's surveyors and heads of terms for an agreement have now been concluded.

15.6 TARMAC TRADING LIMITED

15.6.1 An objection dated 3 April 2020 was submitted by CMS Law on behalf of their client who has a leasehold interest in plot 15 and are the operator on this site. Land referencing carried out in advance of the making of the Order indicated that they had an interest in plot 29 as a tenant and occupier, but this is no longer the case.

15.6.2 Summary of objection

15.6.3 **The objection is made on four grounds:**

(1) the absence of a compelling case in the public interest and failure to comply with the ECHR (European Convention on Human Rights).

(2) failure to fully grasp the operations and requirements of the ready mixed concrete plant;

(3) failure to consider Planning Policy Guidance on safeguarding existing sites contrary to the advice in National Planning Policy Framework (February 2019) ("NPPF"); and

(4) prematurity

15.6.4 Council's Response

In response to ground 1:

The Council has set out its compelling case for promoting the Order at paragraphs 4, 5.12, 5.21 to 5.38 (inclusive) of this Statement of Case namely that the Scheme accords with national and local housing policy objective by delivering a quantitative housing gain whilst improving the quality and increasing the range and types of dwellings on offer. The Council has also adequately taken into account its obligations under the European Convention on Human Rights, as transposed into the Human Rights Act 1998, as described in section 13 above.

In response to ground 2:

The Council's agent, Thomas Lister made initial contact with Tarmac in 2017 to discuss the Council's regeneration plans and to understand their business requirements.

Following a request for information sent by Ardent Management Ltd on behalf of the Council on 3 April 2019, initial information about their business was received. Thomas Lister conducted a valuation exercise in June 2019, which included a site visit. In September 2019, a business intelligence exercise undertaken by Ardent Management Ltd

updated the Council's records on business requirements. The Council does not control or own any suitable land, however as part of the Council's relocation support, both Thomas Lister and Marketing Derby have been pro-active in making enquiries for potential sites within the city of Derby that suit their business needs. At the same time, Tarmac have also been pro-active in their site search.

The Council has recently met with Tarmac on 9 July 2020 when specific relocation opportunities were discussed.

In the circumstances, the Council does not accept that it does not grasp the operations and requirements of Tarmac, and indeed sites suggested by the Council are under active consideration by Tarmac.

In response to ground 3:

The NPPF does not specifically protect the secondary processing of minerals, e.g. concrete batching, but instead seeks, by way of policy, to encourage the local planning authority to consider the protection of mineral deposits and their associated workings in their development plans. The Council's local development plan allocates Castleward as a housing-led regeneration location. Further the Council's development plan protects existing deposits of minerals and the ability to work them. Having reviewed the consultation responses to development plan, there was only one representation from the objector and this related to a site elsewhere. No representations were made in connection with the site included in the Order. In the circumstances it is not considered that the proposal is in conflict with the NPPF or any other planning policy relating to minerals.

In response to ground 4:

The Castleward site has been in delivery since 2013 following the grant of outline planning permission for up to 840 new dwellings. Phase 1 was completed in 2016 comprising 164 dwellings. Phase 2a of 54 dwellings is due to complete late Autumn 2020. Phase 2b has a resolution to grant planning permission for a further 180 dwellings. Full applications for planning permission for a total of 268 dwellings on the site are pending determination. Land is in the process of being assembled by negotiation for Phase 3a; and a reserved matter application for 82 units is nearing determination. Phases beyond these cannot continue due to fragmented land ownership. The scheme is therefore not premature; it is at an advanced stage of delivery and at risk of stalling without the Order.

15.7 MIDCASTLE LIMITED

15.7.1 An objection dated 30 March 2020 was submitted by Midcastle Limited who have leasehold interests in plots 16 and 30. Midcastle Ltd comprises several businesses, Bathroom Traders Ltd, SupaPlumb, First Electrical Wholesalers Ltd and Lamp Shed.

15.7.2 Summary of objection

15.7.3 Their current site is central to the City of Derby from which they have operated for approximately 40 years and having to relocate would mean a loss to the local community. The current site has a prominent shop frontage and good public accessibility - an enforced move would affect trade. The current site, because of its accessibility, is easy for staff to get to by public transport. The relocation of the premises elsewhere would be disruptive as during any transition period it would mean operating from two sites at the same time meaning that staff would be split between the two. Any relocation is likely to cause a reduction in employment from the current complement of 37 staff.

15.7.4 Council's Response

15.7.5 The objector's grounds for objecting to the Order focus largely on business impacts and issues that relate to relocation and its direct economic cost and the indirect economic consequences. These matters can be addressed by way of identification of a suitable site for relocation, and/or compensation. In terms of staff reductions, it is not clear as to why such reductions would be necessary and no explanation as to the number and whether these would be full or part-time posts has been provided.

15.7.6 At this time, due to the COVID – 19 pandemic, the business proprietor is shielding and has stated that he is unable to consider the Order or relocation of the business at this time. An offer of assistance to support with the financial impacts of the pandemic has been made by the Council. Thomas Lister, as agent for the Council, remain available for when the objector is in a position to engage on the Order and associated business relocation.

15.8 ANTHONY STUART ROSS AND DERBY AUTO ELECTRICAL SERVICES LIMITED

15.8.1 An undated letter of objection was submitted prior to the end of the objection period by Carter Jonas on behalf of Anthony Stuart Ross and the Derby Auto Electrical Services Limited business regarding their freehold, leaseholder and occupier interests at plots 13, 24, 31 and 35.

15.8.2 Summary of objection

15.8.3 **The objection is made on 3 grounds:**

- (1) The acquiring authority has made no meaningful attempts to acquire land by agreement.**
- (2) The acquiring authority have not provided any assurances on minimal level of compensation for Anthony Stuart Ross or Derby Auto Electrical or provided 'a not before date'.**
- (3) Lack of appropriate engagement and excessive delays in submitting the draft order have created uncertainty over a 15 year period.**

15.8.4 Council's Response

In response to ground 1

The Council first made contact with the objector in 2017 when proposal for the Scheme were first advanced. This was followed by meetings with the objector in 2018. The objector attended an information event run by the Council in October 2019, which sought to engage with those affected by the Scheme. Thomas Lister, the Council's agent, met with Anthony Stuart Ross on 9 March 2020 whilst undertaking a site inspection of the property for the purpose of measuring the premises and to ascertain relocation appetite or desire for extinguishment. The Council has also written to the objector in March, April, June and July 2020 both repeating its offer to acquire by agreement as well as offering to agree, further to the confirmation of the Order, to allow the objector to remain in occupation to a date after March 2024. This is to give the objector, in the event the Order is confirmed, as much time as possible to relocate and provide a degree of certainty around the timing of the implementation of any confirmed Order. Further details of the steps taken to engage with objector are set out in section 7 of this Statement of Case. As such it is denied that no meaningful attempts to acquire by agreement have been made.

In response to ground 2

The Council and its agents Thomas Lister provided a 'not before date' as requested, to Selina Wakeham of Carter Jonas, the objector's agent, on 1st May 2020. This confirmed that the Council would allow the objector to remain in occupation until at least 31st March 2024, in the event the Order is confirmed. No response has been received, to date, in respect of this proposal.

In response to ground 3

Whilst it is true that proposals for the regeneration of Castleward have been planned for around fifteen years, a vision for a masterplan and procurement of development partner (and Cabinet approval) took several years, with outline planning permission granted in 2013. Following this process, Phase 1 was completed in 2016. Whilst the partnership

(the Council, Compendium Living and Homes England) possess further land in their respective ownerships within the Scheme, these sites are fragmented and of limited scale to bring forward further development phases.

Following a successful bid to Homes England Housing Infrastructure Fund, grant funding was awarded to the Council in 2017. The availability of new funding has allowed the Council to seek to acquire further parcels of land both by agreement and potentially compulsorily to allow further phases of the Scheme and the wider CUV to progress. The Council has progressed its proposals as promptly as possible as circumstances have allowed.

Engagement with the individual objector has been appropriate, as described in response to ground 1 above.

15.9 FREDERICK CHARLES WILLIAM HAWKINS, JANE CHRISTINE HAWKINS, HAWKINS AND SHEPHERD LIMITED

15.9.1 An undated objection was submitted by Carter Jonas prior to the end of the objection period on behalf of their clients Hawkins and Hawkins and Hawkins and Shepherd Limited, who have a leasehold interest in plot 8. Charles and Jane Hawkins, through their agent, submitted a Blight Notice dated 20 May 2020. The notice has been deemed to have been accepted by the Council.

15.9.2 Summary of objection

15.9.3 **The objection is made on 3 grounds:**

(1) The acquiring authority has made no meaningful attempt to acquire land by agreement.

(2) The acquiring authority have not provided any assurances on minimal level of compensation for Hawkins and Shepherd Ltd or provided 'a not before date'.

(3) Lack of appropriate engagement and excessive delays in submitting the draft order have created uncertainty and as a result have prejudiced the success of Hawkins and Shepherd Ltd.

15.9.4 Council's Response

15.9.5 Further to the objectors submitting their objection to the Secretary of State opposing the confirmation of the Order they have now submitted a Blight Notice in accordance with the Town and Country Planning Act 1990 requiring the Council purchase their interest in the land the subject of the Order. The Council have notified the objectors that they accept the Blight Notice. The Council is unclear, therefore, whether the objection remains valid

as it has not been withdrawn. The following response is provided on the basis that the objection is sustained.

In response to ground 1

Contact was made with the objectors in 2017 to commence negotiations on the acquisition of their property. A meeting was held in April 2019, followed by a further meeting in September 2019. The objectors attended an information event held by the Council in October 2019. Letters were sent by the Council in March, April, June and July seeking to engage with the objectors for the purposes of negotiating the acquisition of their property. The Council last wrote to the objectors on 5 June 2020.

Following the submission of the Blight Notice in 20 May 2020 and its acceptance by the Council two months later, the Council is now deemed to have served a notice to treat and as such will be acquiring the property by that means.

In response to ground 2

Thomas Lister proposed a 'not before date' of 30 September 2021 by letter to Selina Wakeham of Carter Jonas on 1st May 2020. This confirmed that the Council, following confirmation of the Order, would allow the objector to remain in occupation until at least 30 September 2021. No response has been received to date in connection with this proposal, although it is noted that the Blight Notice has since been served and has been deemed to have been accepted.

In response to ground 3

Thomas Lister and representatives of the Council have met/engaged with the objectors on numerous occasions (see Section 7 of this Statement of Case and ground 1 above), including provision of CoStar reports for relocation opportunities.

Whilst it is true that proposals for the regeneration of Castleward have been planned for around fifteen years, a vision for a masterplan and procurement of development partner (and Cabinet approval) took several years, with outline planning permission granted in 2013. Following this process, Phase 1 was completed in 2016. Whilst the partnership (the Council, Compendium Living and Homes England) possess further land in their respective ownerships within the Scheme, these sites are fragmented and of limited scale to bring forward further development phases.

Following a successful bid to Homes England Housing Infrastructure Fund, grant funding was awarded to the Council in 2017. The availability of new funding has allowed the Council to seek to acquire further parcels of land both by agreement and potentially compulsorily to allow further phases of the Scheme and the wider CUV to progress. The

Council has progressed its proposals as promptly as possible as circumstances have allowed.

16 CONCLUSIONS

- 16.1 The Council considers that there is a compelling case in the public interest for making the Order. The Scheme is a direct response to both national and local policy objectives to meet housing need. The Scheme will achieve a quantitative increase in the number of homes in Derby and help the City to maximise its economic, social and environmental potential by improving the quality of the City's housing offer. To facilitate this development, the assembly of the Order Land is required. Given the number of third-party interests in the Order Land, the only way that this can be achieved, within a reasonable timeframe, is through the exercise of compulsory purchase powers.
- 16.2 The uses proposed by the Scheme accord with national policy guidelines and local policy objectives. The adopted Local Plan has a specific policy for Castleward, which advocates the use of compulsory purchase powers if required, stating:
- "The Council will work with partners to ensure that regeneration of the Eastern Fringes is delivered in a comprehensive manner and will use compulsory purchase powers if necessary, to ensure delivery."*
- 16.3 The Council has entered into a development agreement with a development partner to ensure delivery of new homes. The Council, with its partners Homes England and Compendium Living, already owns or controls a substantial part of the Order Land. Further, the Council has secured significant capital grant from Homes England through the HIF to enable land assembly.
- 16.4 The Council is satisfied that there is a compelling case in the public interest for compulsory purchase powers to be sought to secure the delivery of the Scheme. The Council has made the Order and asks the Secretary of State to confirm the Order.

17 LEGAL STATUS OF THIS STATEMENT OF CASE

- 17.1 This Statement of Case is a statement under Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules 2007. The Council reserves the right to alter or expand it as necessary.

18 CONTACTS FOR FURTHER INFORMATION AND NEGOTIATION

- 18.1 Owners and occupiers of property affected by the Scheme should contact:
- Matt Wilson, Regeneration & Major Projects team, Communities and Place Directorate,
The Council House, Corporation Street, Derby DE1 2FS
- Email: matthew.wilson@derby.gov.uk
- Tel: 01332 641589 Mobile: 07812 301650 Minicom: 01332 640666
- 18.2 Owners and occupiers of property affected by the Scheme who wish to negotiate or discuss matters of compensation should contact:
- Rachel Lister, Thomas Lister Limited, 11 The Courtyard, Buntsford Gate, Bromsgrove, B60 3DJ

Email: rachel.lister@thomaslister.com

Tel: 01527 889221 Mobile: 07811 408788

The Council has been advised by the Planning Inspectorate that due to the Covid-19 pandemic, electronic copies of the Statement of Case will be sent to each objector, otherwise shown at www.derby.gov.uk/castleward.

19 LIST OF DOCUMENTS

19.1 In the event of a public inquiry the Council intends to refer or to put in evidence the following documents:

19.2 All of the documents listed are available to view on line at the website addresses shown. If extracts of the relevant documents listed are required then hard copies of the relevant extracts can be provide on request my contacting:

19.3 Matt Wilson, Regeneration & Major Projects team,

Communities and Place Directorate

The Council House,

Corporation Street,

Derby DE1 2FS

Email: matthew.wilson@derby.gov.uk

Tel: 01332 641589 Mobile: 07812 301650 Minicom: 01332 640666

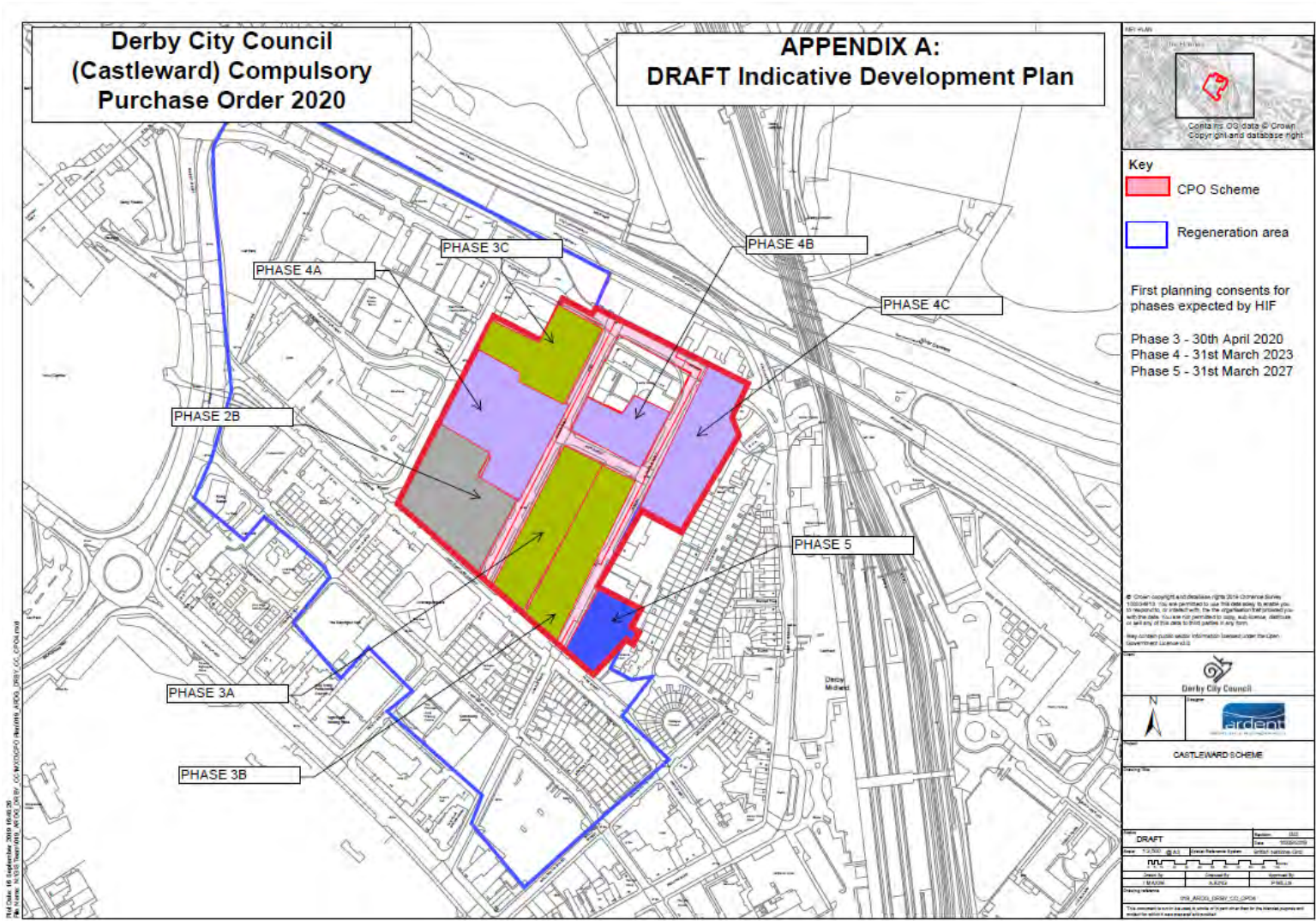
	Document	Date	Relevant sections
1	Compulsory Purchase Order and Supporting Policy		
	Derby City Council (Castleward) Compulsory Purchase Order 2020 https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/regenerationframework/castleward-cpo-2020.pdf The Order Land https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/regenerationframework/dcc-castleward-cpo-order-map.pdf	March 2020	
	Guidance on compulsory purchase process and the Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion. https://assets.publishing.service.gov.uk/government/uploads/s	July 2019	

	Document	Date	Relevant sections
	ystem/uploads/attachment_data/file/817392/CPO_guidance_-_with_2019_update.pdf		
2	Planning Policy and other relevant policy		
	National Planning Policy Framework https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf	February 2019	<i>paragraph 72</i> <i>paragraph 123</i> <i>paragraph 119</i>
	Housing Delivery Test Management Rule Book https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/728523/HDT_Measurement_Rule_Book.pdf	July 2018	
	Local Plan – adopted Derby City Local Plan Part 1 (DCLP1) and Saved Policies of the City of Derby Local Plan Review (CDLPR) https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy_ADOPTED_DEC%202016_V3_WEB.pdf Policy AC1 – City Centre Strategy – City living agenda – Housing Zone. Minimum of 2,200 homes should be delivered in the City Centre by 2028 Policy AC6 – Specific policy requirements for the regeneration and delivery of the site. Includes commitment to use CPO powers if required to ensure delivery. Policy CP 7 – Affordable and specialist Housing	January 2017 January 2017 January 2017	<i>AC1 (Page 77 - 78)</i> <i>AC2 (Page 79 – 83)</i> <i>CP7 – (Page 32 – 33)</i>
	Eastern Fringes Area Action Plan – Status and process https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/reports/localdevelopmentframework/EB047-CCEastern_Fringes_Area_Action_Plan.pdf	July 2008	
3	Other Derby City Council Background Documents		
	Castleward listing within Strategic Housing Land Availability Assessment (“SHLAA”) (update) http://docs.derby.gov.uk/padocumentserver/SHLAA.aspx?DocID=DER0089	April 2018	
	Council’s Urban Renewal Strategy 2016 https://www.derby.gov.uk/media/derbycitycouncil/contentassets	Spring 2016	

	Document	Date	Relevant sections
	ts/documents/councilanddemocracy/DCC-Urban-Renewal-Strategy-2016.pdf		
	Derby City Centre Masterplan 2030 https://www.derby.gov.uk/media/alluncategorised/2016.08.16_MasterplanFinalApproved.pdf	July 2016	
	Private Sector Housing Stock Condition Survey Yet to be published	Forthcoming	
4	Planning Permission		
	Outline Planning Permission (reference 05/12/00563) for demolition of existing buildings; development comprising up to 840 dwellings together with associated public open space, roads, school, community facilities and commercial premises https://eplanning.derby.gov.uk/online-applications/applicationDetails.do?keyVal=ZZZZQQFSXE974&activeTab=summary	February 2013	
	Castleward Master Plan https://www.castleward.co.uk/about-castleward/development-masterplan		
	Pre-application Statement of Community Involvement https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=9095570	March 2012	
5	Legislation (relevant extracts)		
	Housing Act 1985 https://www.legislation.gov.uk/ukpga/1985/68/section/17		section 17
	Section 16 - Local Government (Miscellaneous Provisions) Act 1976 https://www.legislation.gov.uk/ukpga/1976/57/section/16		section 16
	The Acquisition of Land Act 1981 https://www.legislation.gov.uk/ukpga/1981/67/contents		All
	Compulsory Purchase (Inquiries Procedure) Rules 2007 https://www.legislation.gov.uk/uksi/2007/3617/contents/made		All

The Council may also refer to other documents in order to address any objections made to the Order.

APPENDIX A – DRAFT INDICATIVE DEVELOPMENT PLAN



The Derby City Council (“Castleward”) Compulsory Purchase Order 2020 (“the Order”)

We set out below the steps taken by Derby City Council (“the Acquiring Authority”) to comply with the statutory and regulatory requirements as set out in the Acquisition of Land Act 1981 (“the 1981 Act”), The Compulsory Purchase of Land (Prescribed Forms) (Ministers) Regulations 2004 (S.I.2004 No. 2595) (“the 2004 Regulations”) and the Compulsory Purchase (Inquiries Procedure) Rules 2007 (“the 2007 Rules”).

1. We confirm that the CPO has been prepared by the Acquiring Authority in the Form numbered 1 in the 2004 Regulations. The CPO was sealed and dated 5 March 2020.
2. Notice of the Making of the CPO in the Form numbered 7 in the 2004 Regulations was published in two issues of the Derby Telegraph dated 10 March 2020 and 17 March 2020. A copy of the published Notice appears at **Appendix 1** to this letter. Copies of the relevant pages from the above editions of the Derby Telegraph appear at **Appendices 2** and **3** to this statement. The time allowed for objections was in excess of 21 days from the date of the first publication of the Notice, i.e. until 8 April 2020.
3. Site Notices of Making of the CPO in the Form numbered 7 in the 2004 Regulations and addressed to “Persons occupying or having an interest in the land described below” were posted at conspicuous places on the Order Land at locations shown marked by a yellow circle on the plan at **Appendix 4** to this letter. A copy of the Notice appears at **Appendix 5**.
4. Notices of the Making of the CPO in the Form numbered 8 in the 2004 Regulations were duly served on every owner, tenant, occupier and qualifying person in relation to all land comprised within the CPO, in accordance with section 6(1) of the 1981 Act. A copy of the Notice appears at **Appendix 6**. The time allowed for objections specified in each of the Notices was in excess of 21 days, i.e. until 8 April 2020.
5. With the exception of the Notices referred to in paragraph 6 below, the Notices referred to in paragraph 4 above were served (a) by Hand Delivery on 16 and 17 March 2020 (b) by Special Delivery on 9 and 10 March 2020. A Notice of Making pack is shown at **Appendix 7**. A copy of the Acquiring Authority’s Statement of Reasons was served with each Notice.
6. At **Appendix 8** is a certificate dated 24 December 2020 confirming posting of all the Site Notices referred to in paragraph 3, delivery of the Notices referred to in paragraph 5.
7. Copies of the CPO, the Map and Statement of Reasons and documents referred to therein were, in light of the Covid-19 pandemic, were uploaded to the Acquiring Authority’s internet portal established for the purposes of the CPO.
8. In accordance with Rule 7 of the 2007 Rules, a copy of the Acquiring Authority’s Statement of Case was sent by email to CLG and each objector on 21 August 2020 being not later than 6 weeks after the Acquiring Authority received Notice of the public inquiry by way of letter from the Department for Communities and Local Government on 14 July 2020.

9. The Acquiring Authority's proofs of evidence were served by email on each remaining objector on 5 January 2021, being at least 3 weeks in advance of the start of the inquiry in accordance with Rule 15 of the 2007 Rules.
10. In accordance with Rule 11 of the 2007 Rules, notices confirming the holding of an Inquiry into the CPO ("Inquiry Notice") were posted on site within the Order land on 8 January 2021. A copy of the Inquiry Notice appears at **Appendix 9**. The Inquiry Notices were placed in conspicuous locations marked "X" on the plan at **Appendix 10**. A Certificate of Posting of the Inquiry Notices can be found at **Appendix 10**.
11. A copy of the same Inquiry Notice was published in the Derby Telegraph dated 8 January 2021. A copy of the published Inquiry Notice appears at **Appendix 11**.

For and on behalf of Derby City Council

Freeths LLP

Freeths LLP
19 January 2021

PRESS NOTICE

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

COMPULSORY PURCHASE OF LAND AND NEW RIGHTS LOCATED TO THE SOUTH WEST OF DERBY CITY CENTRE RELATING TO LAND BOUNDED BY CASTLEWARD BOULEVARD TO THE SOUTH, LIVERSAGE STREET TO THE WEST, SIDDALS ROAD TO THE NORTH AND 1 TO 65 CANAL STREET TO THE EAST

Notice is hereby given that Derby City Council has made The Derby City Council (Castleward) Compulsory Purchase Order 2020 under section 17 of the Housing Act 1985 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976. It is about to submit this order to the Secretary of State for Housing, Communities and Local Government for confirmation, and if confirmed, the order will authorise Derby City Council to purchase compulsorily the land and the new rights described below for the purpose of facilitating the provision of new housing enabling further phases of the Castleward Urban Village Regeneration Scheme to be brought forward.

A copy of the order and the accompanying map together with the statement of reasons for making the order may be seen at **The Riverside Library, The Council House, Corporation Street, Derby DE1 2FS**; and may be seen between 8.30am-5pm (Monday to Friday) or 9am-1pm (Saturday) and on-line at www.derby.gov.uk/castleward.

Any objection to the order must be made in writing to the Secretary of State for Housing, Communities and Local Government at the National Planning Casework Unit, 5 St Philip's Place, Colmore Row, Birmingham, B3 2PW before **8th April 2020** and should state the title of the order, the grounds of objection and the objector's address and interests in the land.

DESCRIPTION OF LAND AND THE NEW RIGHTS

The land to be acquired

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

PRESS NOTICE

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 rights to be acquired

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.

John Gilman
Principal Regeneration Manager
Derby City Council



Booking Ref: 901730300
 Size: 26 cm x 2 column
 Start date: Tue 10 Mar 2020
 In: Public Notices

**THE DERBY CITY COUNCIL (CASTLEWARD)
 COMPULSORY PURCHASE ORDER 2020
 COMPULSORY PURCHASE OF LAND AND NEW
 RIGHTS IN THE CASTLEWARD
 AREA LOCATED TO THE SOUTHWEST
 OF DERBY CITY CENTRE**

Notice is hereby given that Derby City Council has made The Derby City Council (Castleward) Compulsory Purchase Order 2020 under section 17 of the Housing Act 1985 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976. It is about to submit this order to the Secretary of State for Communities and Local Government for confirmation, and if confirmed, the order will authorise Derby City Council to purchase compulsorily the land and the new rights described below for the purpose of facilitating the provision of new housing enabling further phases of the Castleward Urban Village Regeneration Scheme to be brought forward. A copy of the order together with the accompanying map and the statement of reasons for making the order may be seen at **The Riverside Library, The Council House, Corporation Street, Derby DE1 2FS** (8.30am-5pm Monday to Friday or 9am-1pm on Saturday) and on-line at www.derby.gov.uk/castleward.

Any objection to the order must be made in writing to the Secretary of State for Communities and Local Government at the National Planning Casework Unit, 5 St Philip's Place, Colmore Row, Birmingham, B3 2PW before **8th April 2020** and should state the title of the order, the grounds of objection and the objector's address and interests in the land.

DESCRIPTION OF LAND AND THE NEW RIGHTS

The land to be acquired

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); 330 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; 330 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 rights to be acquired

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.

John Gilman
 Principal Regeneration Manager
 Derby City Council

Booking Ref: 901688347
Size: 26 cm x 2 column
Start date: Tue 17 Mar 2020
In: Public Notices

**THE DERBY CITY COUNCIL (CASTLEWARD)
COMPULSORY PURCHASE ORDER 2020
COMPULSORY PURCHASE OF LAND AND NEW
RIGHTS IN THE CASTLEWARD
AREA LOCATED TO THE SOUTHWEST
OF DERBY CITY CENTRE**

Notice is hereby given that Derby City Council has made The Derby City Council (Castleward) Compulsory Purchase Order 2020 under section 17 of the Housing Act 1985 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976. It is about to submit this order to the Secretary of State for Communities and Local Government for confirmation, and if confirmed, the order will authorise Derby City Council to purchase compulsorily the land and the new rights described below for the purpose of facilitating the provision of new housing enabling further phases of the Castleward Urban Village Regeneration Scheme to be brought forward. A copy of the order together with the accompanying map and the statement of reasons for making the order may be seen at **The Riverside Library, The Council House, Corporation Street, Derby DE1 2FS** (8.30am-5pm Monday to Friday or 9am-1pm on Saturday) and on-line at www.derby.gov.uk/castleward.

Any objection to the order must be made in writing to the Secretary of State for Communities and Local Government at the National Planning Casework Unit, 5 St Philip's Place, Colmore Row, Birmingham, B3 2PW before **8th April 2020** and should state the title of the order, the grounds of objection and the objector's address and interests in the land.

DESCRIPTION OF LAND AND THE NEW RIGHTS

The land to be acquired

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); 330 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; 330 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 rights to be acquired

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.

John Gilman
Principal Regeneration Manager
Derby City Council

TO PERSONS OCCUPYING OR HAVING AN INTEREST IN THE LAND DESCRIBED BELOW

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

COMPULSORY PURCHASE OF LAND AND NEW RIGHTS RELATING TO LAND AT

John Street, between Siddals Road and Castleward Boulevard, and New Street between Canal Street and John Street, and the South West side of Liversage Street between Siddals Road and Castleward Boulevard incorporating / inclusive of Hawkins & Shepherd, Derbyshire County Transport and NCP Liversage Street Car Park, and all of Canal Street between Castleward Boulevard and Siddals Road, excluding 50 Canal Street (Right at Home and the Mills 'Bates Weston') LOCATED TO THE SOUTH WEST OF DERBY CITY CENTRE.

Notice is hereby given that Derby City Council has made The Derby City Council (Castleward) Compulsory Purchase Order 2020 under section 17 of the Housing Act 1985 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976. It is about to submit this order to the Secretary of State for Communities and Local Government for confirmation, and if confirmed, the order will authorise Derby City Council to purchase compulsorily the land and the new rights described below for the purpose of facilitating the provision of new housing enabling further phases of the Castleward Urban Village Regeneration Scheme to be brought forward.

A copy of the order together with the accompanying map and the statement of reasons for making the order may be seen at **The Riverside Library, The Council House, Corporation Street, Derby DE1 2FS** (8.30am-5pm Monday to Friday or 9am-1pm on Saturday) and on-line at www.derby.gov.uk/castleward.

Any objection to the order must be made in writing to the Secretary of State for Communities and Local Government at the National Planning Casework Unit, 5 St Philip's Place, Colmore Row, Birmingham, B3 2PW before **8th April 2020** and should state the title of the order, the grounds of objection and the objector's address and interests in the land.

DESCRIPTION OF LAND AND THE NEW RIGHTS

The land to be acquired

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 highway, (John Street/Siddals Road); 1092 square metres of land and premises (east of Liversage Street and south of Siddals Road); 1207 square metres of public highway in John Street together with overhead cables and telecommunications apparatus (south of Siddals Road and north of Castleward Boulevard); 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 highway (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 highway (Canal Street and New Street); 19 square metres of public highway (John Street and New Street); 77 square metres of car park (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 1, 36 Canal Street; 123 square metres of land and premises at Unit 2, 36 Canal Street; 47 square metres of public highway (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 highway (Castleward Boulevard and Canal Street); 866 square metres of land and premises at 65 Canal Street.

The rights to be acquired

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.

John Gilman
Principal Regeneration Manager
Derby City Council

NOTICE OF MAKING

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

The Housing Act 1985, the Local Government (Miscellaneous Provisions) Act 1976 and the Acquisition of Land Act 1981

- 1 Derby City Council made on the Thursday 5th March 2020 The Derby City Council (Castleward) Compulsory Purchase Order 2020 under section 17 of the Housing Act 1985 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976. It is about to submit this order to the Secretary of State for Communities and Local Government for confirmation and, if confirmed, the order will authorise Derby City Council to purchase compulsorily the land and the new rights described below for the purpose of facilitating the provision of new housing enabling further phases of the Castleward Urban Village Regeneration Scheme to be brought forward.
- 2 A copy of the order together with the accompanying map and the statement of reasons for making the order may be seen at **The Riverside Library, The Council House, Corporation Street, Derby DE1 2FS** (8.30am-5pm Monday to Friday or 9am-1pm on Saturday) and on-line at **www.derby.gov.uk/castleward**.
- 3 If no relevant objection as defined in section 13(6) of the Acquisition of Land Act 1981 is made, or if all such objections made are withdrawn, or if the confirming authority is satisfied that every objection made either relates exclusively to matters of compensation which can be dealt with by the Upper Tribunal or amounts in substance to an objection to the provisions of the development plan defining the proposed use of any land comprised in the order, the confirming authority may confirm the order with or without modifications.
- 4 In any other case where a relevant objection has been made which is not withdrawn or disregarded, the confirming authority is required, before confirming the order either:
 - (i) to cause a public local inquiry to be held; or
 - (ii) to afford to the objector an opportunity of appearing before and being heard by a person appointed by the confirming authority for the purpose; or
 - (iii) with the consent of the objector to follow a written representations procedure.
- 5 The confirming authority may then, after considering the objection and the report of the person who held the inquiry or hearing or considered the written representations, confirm the order with or without modifications. In the event that there is no objection, whether by a qualifying person or otherwise, the confirming authority may in certain circumstances permit the acquiring authority to determine confirmation of the order.
- 6 Any objection to the order must be made in writing to the Secretary of State for Communities and Local Government at National Planning Casework Unit, 5 St Philip's Place, Colmore Row, Birmingham B3 2PW before **8th April 2020** and should state the title of the order, the grounds of objection and the objector's address and interests in the land.

DESCRIPTION OF LAND AND THE NEW RIGHTS

The land to be acquired

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

NOTICE OF MAKING

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 rights to be acquired

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.

**John Gilman
Principal Regeneration Manager
Derby City Council**

We can give you this information in any other way, style or language that will help you access it. Please contact us on: 01332 Minicom: 01332 640666

Polish

Aby ułatwić Państwu dostęp do tych informacji, możemy je Państwu przekazać w innym formacie, stylu lub języku.

Prosimy o kontakt:

Tel. tekstowy: 01332 640666

Punjabi

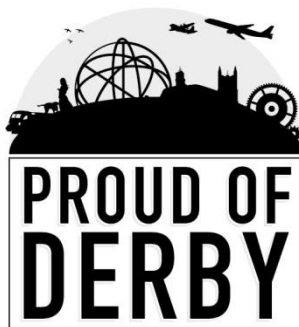
ਇਹ ਜਾਣਕਾਰੀ ਅਸੀਂ ਤੁਹਾਨੂੰ ਕਿਸੇ ਵੀ ਹੋਰ ਤਰੀਕੇ ਨਾਲ, ਕਿਸੇ ਵੀ ਹੋਰ ਰੂਪ ਜਾਂ ਬੋਲੀ ਵਿੱਚ ਦੇ ਸਕਦੇ ਹਾਂ, ਜਿਹੜੀ ਇਸ ਤੱਕ ਪਹੁੰਚ ਕਰਨ ਵਿੱਚ ਤੁਹਾਡੀ ਸਹਾਇਤਾ ਕਰ ਸਕਦੀ ਹੋਵੇ। ਕਿਰਪਾ ਕਰਕੇ ਸਾਡੇ ਨਾਲ ਟੈਲੀਫੋਨ ਮਿਨੀਕਮ 01332 640666 ਤੇ ਸੰਪਰਕ ਕਰੋ।

Slovakian

Túto informáciu vám môžeme poskytnúť iným spôsobom, štýlom alebo v inom jazyku, ktorý vám pomôže k jej sprístupneniu. Skontaktujte nás prosím na tel.č: Minicom 01332 640666

Urdu

یہ معلومات ہم آپ کو کسی دیگر ایسے طریقے، انداز اور زبان میں مہیا کر سکتے ہیں جو اس تک رسائی میں آپ کی مدد کرے۔ براہ کرم منی کام 01332 640666 پر ہم سے رابطہ کریں۔



Derby City Council



Derby City Council

Name
Address

Your ref
Our ref CPO made/landowners
Contact John Gilman
Email John.gilman@derby.gov.uk
Tel 01332 641836
Mobile
Minicom 01332 640666
Date 9 March 2020

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

Dear Sir or Madam

The Derby City Council (Castleward) Compulsory Purchase Order 2020 ("CPO")

We write to formally advise you that Derby City Council ("the Council") resolved at the meeting of its Cabinet on 13 November 2019 to make the above referred to compulsory purchase order. Following on from that decision the Council has now made the CPO.

We understand that you have an interest in the land included in the CPO and we are therefore enclosing, by way of formal service upon you, the following documents:

1. Notice of Making of the CPO;
2. The map referred to in the CPO
3. The Council's Statement of Reasons for making the CPO.

A copy of the CPO can be viewed at the Riverside Library at Derby City Council House, DE1 2FS, which is open on Monday to Friday 8.30am-5pm and Saturday 9am-1pm or online via the Council's website www.derby.gov.uk/castleward

The CPO seeks the acquisition of the land shown shaded pink and new rights in the land shaded blue on the map. This is for the purpose of facilitating the provision of new housing enabling further phases of the Castleward Urban Village Regeneration Scheme to be brought forward.

In order for the CPO to be brought into force it must have been submitted to and then confirmed by the Secretary of State for Communities and Local Government. If there are any objections to the CPO then the Secretary of State may decide to hold a hearing or public inquiry to consider those objections. You will be told about this should the Secretary of State decide to hold a hearing or public inquiry.

As set out in the notice, any objection to the CPO must be sent to the Secretary of State for Communities and Local Government at the National Planning Casework Unit, 5 St Philip's Place, Colmore Row, Birmingham B3 2PW before 8th April 2020 and should state the title of the CPO, the grounds of objection and the objector's address and interest in the land.

In the event that the CPO is confirmed by the Secretary of State, the Council will then have the power to compulsorily purchase the land, and the rights, referred to in the CPO. The Government has published a series of booklets for those affected by compulsory purchase orders and these are available online here:

<https://www.gov.uk/government/organisations/department-for-communities-and-local-government/series/compulsory-purchase-system-guidance>

Alternatively print-outs of the booklets can be provided upon request.

If you are interested in selling your interest in the land affected, please contact our commercial agent Thomas Lister Limited on 01527 889 222, reference Castleward. You may also wish to take advice from a solicitor or property advisor about the documents enclosed with this letter.

You may also wish to take advice from a solicitor or property advisor about the documents enclosed with this letter.

Yours faithfully



John Gilman

Principal Regeneration Manager

On behalf of Derby City Council

Enclosed: Notice of making the CPO

Statement of Reasons

CPO plan

IMPORTANT THIS COMMUNICATION AFFECTS YOUR PROPERTY AND REFERS TO THE EXERCISE BY THE COUNCIL OF COMPULSORY PURCHASE OF LAND POWERS – IF YOU NEED ASSISTANCE IN UNDERSTANDING THE CONTENT OF THIS LETTER PLEASE CONTACT: Matthew Wilson, Regeneration Manager, Derby City Council, Corporation Street, Derby DE1 2FS, or by email at matthew.wilson@derby.gov.uk, or by telephone on 01332 641589.



Derby City Council

Name
Address

Your ref
Our ref CPO made/nonlandowners
Contact John Gilman
Email John.gilman@derby.gov.uk
Tel 01332 641836
Mobile
Minicom 01332 640666
Date 9 March 2020

IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

Dear Sir or Madam

The Derby City Council (Castleward) Compulsory Purchase Order 2020 ("CPO")

We write to formally advise you that Derby City Council ("the Council") resolved at the meeting of its Cabinet on 13 November 2019 to make the above referred to compulsory purchase order. Following on from that decision the Council has now made the CPO.

We understand that you have an interest in the land included in the CPO and we are therefore enclosing, by way of formal service upon you, the following documents:

1. Notice of Making of the CPO;
2. The map referred to in the CPO;
3. The Council's Statement of Reasons for making the CPO.

PLEASE NOTE: The Council is not seeking to acquire your property and you are being served a notice because your title deeds have indicated that you may benefit from a right affected by the CPO.

A copy of the CPO can be viewed at the Riverside Library at Derby City Council House, DE1 2FS, which is open on Monday to Friday 8.30am-5pm and Saturday 9am-1pm or online via the Council's website www.derby.gov.uk/castleward

The CPO seeks the acquisition of the land shown shaded pink [and new rights in the land shaded blue on the map]. This is for the purpose of facilitating the provision of new housing enabling further phases of the Castleward Urban Village Regeneration Scheme to be brought forward.

In order for the CPO to be brought into force it must have been submitted to and then confirmed by the Secretary of State for Communities and Local Government. If there are any objections to the CPO then the Secretary of State may decide to hold a hearing or public inquiry to consider those objections. You will be told about this should the Secretary of State decide to hold a hearing or public inquiry.

As set out in the notice, any objection to the CPO must be sent to the Secretary of State for Communities and Local Government at the National Planning Casework Unit, 5 St Philip's Place, Colmore Row, Birmingham B3 2PW before 8th April 2020 and should state the title of the CPO, the grounds of objection and the objector's address and interest in the land.

In the event that the CPO is confirmed by the Secretary of State, the Council will then have the power to compulsorily purchase the land and the rights, referred to in the CPO. The Government has published a series of booklets for those affected by compulsory purchase orders and these are available online here:

<https://www.gov.uk/government/organisations/department-for-communities-and-local-government/series/compulsory-purchase-system-guidance>

Alternatively print-outs of the booklets can be provided upon request.

If you are interested in selling your interest in the land affected, please contact our commercial agent Thomas Lister Limited on 01527 889 222, reference Castleward. You may also wish to take advice from a solicitor or property advisor about the documents enclosed with this letter.

Yours faithfully



John Gilman

Principal Regeneration Manager

On behalf of Derby City Council

Enclosed: Notice of making the CPO
 Statement of Reasons
 CPO plan

IMPORTANT THIS COMMUNICATION AFFECTS YOUR PROPERTY AND REFERS TO THE EXERCISE BY THE COUNCIL OF COMPULSORY PURCHASE OF LAND POWERS – IF YOU NEED ASSISTANCE IN UNDERSTANDING THE CONTENT OF THIS LETTER PLEASE CONTACT: Matthew Wilson, Regeneration Manager, Derby City Council, Corporation Street, Derby DE1 2FS, or by email at matthew.wilson@derby.gov.uk, or by telephone on 01332 641589.

THE HOUSING ACT 1985
THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
AND

THE ACQUISITION OF LAND ACT 1981

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

STATEMENT OF REASONS

Section	Page
1 INTRODUCTION	3
2 DESCRIPTION OF THE ORDER LAND	4
3 ENABLING POWERS AND PURPOSE OF THE CPO	5
4 THE SCHEME	6
5 JUSTIFICATION FOR THE USE OF COMPULSORY PURCHASE POWERS	8
6 CONSULTATION	18
7 EFFORTS TO ACQUIRE LAND BY AGREEMENT	19
8 IMPEDIMENTS TO DELIVERY	23
9 CONSERVATION AREA AND LISTED BUILDINGS	25
10 SPECIAL CATEGORIES OF LAND	26
11 DELIVERY AND FUNDING	27
12 HUMAN RIGHTS	29
13 EQUALITY AND DIVERSITY	31
14 CONCLUSIONS	32
15 LEGAL STATUS OF THIS STATEMENT OF REASONS	32
16 CONTACTS FOR FURTHER INFORMATION AND NEGOTIATION	32
17 LIST OF DOCUMENTS	33
APPENDIX A – DRAFT INDICATIVE DEVELOPMENT PLAN	35

1 INTRODUCTION

- 1.1 This document is the Statement of Reasons of Derby City Council ("**the Council**") prepared in connection with the making of a compulsory purchase order entitled the Derby City Council (Castleward) Compulsory Purchase Order 2020 ("**the Order**"), which is submitted to the Secretary of State for Housing, Communities and Local Government ("**the Secretary of State**") for confirmation. The Council is the acquiring authority for the purposes of the Order. The Order is made pursuant to the Council Resolution at Cabinet on 13 November 2019.
- 1.2 The Council has made the Order pursuant to powers in section 17 of the Housing Act 1985 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976. These powers are explained later in this Statement of Reasons. In this document the land and rights included within the Order and the subject of proposed acquisition are referred to as "**the Order Land**". The Council is the local planning authority and the local highway authority for the Order Land.
- 1.3 The Order has been made to facilitate the acquisition of land for the provision of housing accommodation ("**the Scheme**"). The Scheme will enable further phases of the Castleward Urban Village ("**CUV**") Regeneration Scheme, an attractive and high quality residential-led development, in a key gateway location close to Derby City Centre ("**the City Centre**"). The wider CUV comprises affordable and market housing; improvements to the physical environment; public realm improvements including the provision of new public open space; a new school and community provision; and significant office and commercial development.
- 1.4 The wider CUV has the benefit of a housing allocation of 800 homes in the adopted Derby City Local Plan 2011-28 Part 1 (Policy AC6 (Castleward and the former Derbyshire Royal Infirmary)). Development of the wider CUV has been underway since 2014, and a first phase of 165 dwellings has been completed. A second phase of 54 dwellings is due for completion in July 2020. Neither of these phases required the exercise by the Council of its compulsory purchase powers. The Local Plan specifically envisages the use of compulsory purchase powers to deliver the wider CUV if required.
- 1.5 The Order is necessary to ensure land assembly for the proposed residential development, to provide at least 512 new dwellings (exact number subject to detailed design). The area of the Order Land to be acquired is approximately 4 hectares. New rights as necessary to enable redevelopment are sought over the entire area.
- 1.6 The Scheme has the benefit of outline planning permission for residential-led development, granted on 8 February 2013, Planning Application Reference 05/12/00563. A detailed description of the Scheme proposals is found at Section 4 of this Statement of Reasons.
- 1.7 This Statement of Reasons has been prepared in compliance with paragraphs 22 and 196 of the Government "*Guidance on compulsory purchase process and the Crichel Down Rules for the disposal of surplus land acquired by, or under threat of, compulsion*" (July 2019) ("**the Guidance**").

2 DESCRIPTION OF THE ORDER LAND

- 2.1 The Order Land comprises approximately 43 plots over 4 hectares and is bounded by Siddals Road, Castleward Boulevard and Liversage Street and includes Canal Street (east and west sides). The site is intersected by public vehicular highways, with John Street running from south to north, and New Street joining John Street to Canal Street, running from west to east. The plan at Appendix 2 shows the Order Land (edged red) in the context of the CUV as a whole.
- 2.2 As well as acquiring land, new rights only are sought for the purposes of carrying out the development comprising the Scheme, namely rights to over-sail land with loaded or unloaded cranes.

3 ENABLING POWERS AND PURPOSE OF THE CPO

- 3.1 The Council is empowered by section 17 of the Housing Act 1985 to acquire land, houses or other properties by compulsion for the provision of housing accommodation. A requirement of the exercise of the power is that the acquisition must achieve a quantitative or qualitative housing gain.
- 3.2 Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 enables the Council to compulsorily acquire any such new rights over the land as are specified in a compulsory purchase order.
- 3.3 The Government has prepared the Guidance. The Council has had regard to and followed the Guidance where appropriate in relation to the Order.
- 3.4 The Council's purpose in seeking to acquire the Order Land is to enable the construction, through its delivery partner, Compendium Living, a minimum of 512 new dwellings (the precise number being subject to the approval of reserved matters planning applications). The new dwellings are proposed to be a mixture of private market housing and affordable housing, and make a significant contribution to meeting the need for new homes in the City.

4 THE SCHEME

- 4.1 As set out in section 1 above, the Scheme involves the delivery of new residential development in the Castleward area, comprising further phases of the wider CUV, an attractive and high quality residential-led development, in a key gateway location close to the City Centre. The Scheme represents a coherent residential development in its own right, and will provide a high level of amenity for occupiers without reliance on the development of any future phases.
- 4.2 The Scheme will provide a minimum of 512 new homes in a desirable and highly sustainable location, being within a few minutes' walk of the principal shopping areas of Derby City Centre, workplaces both in the City Centre and on Pride Park, the bus station, the railway station, Bass' Recreation Ground and the banks of the River Derwent.
- 4.3 Outline planning permission for the residential-led development of the wider CUV (including the area covered by the Scheme) was granted on 8 February 2013 (reference 05/12/00563), for up to 840 homes. Planning approval was in accordance with Policy AC6 (Castleward Urban Village) of the adopted City of Derby Local Plan.
- 4.4 Phase 1 of the development at the Castleward Urban Village is complete. Phase 2 is currently in progress, albeit being progressed under a separate full permission rather than the outline permission described above.
- 4.5 As agreed in the Council's grant agreement with Homes England, reserved matters consent for future phases of development (all of which are comprised in the Scheme) will be obtained by:
- Phase 3 – 30th April 2020
- Phase 4 – 31st March 2023
- Phase 5 – 31st March 2027
- 4.6 The plan at Appendix A shows the indicative development phasing for the Order Land.
- 4.7 The *minimum* number of new dwellings to be delivered under the Scheme is 512, this is the number the Council is contracted to deliver under the terms of the Housing Infrastructure Fund (HIF) grant supplied by Homes England, (see paragraph 11.9). The actual figure is currently expected to be higher. There are up to 675 permitted remaining under the outline planning permission with the option of seeking a new planning permission if required. The exact number of dwellings to be constructed within each future phase will depend upon the detailed design and prevailing market conditions at the time. The benefits set out in this Statement of Reasons have however been described based on the achievement of the minimum number of new dwellings.
- 4.8 A mix of tenures and range of property types will encourage a diverse and inclusive community to develop in a neighbourhood well placed to reduce dependence on the private car and to promote walking and the informal interactions between neighbours that result.
- 4.9 Separately, to the development of the Scheme, the Council is progressing the development of a new primary and nursery school on a site lying around 100m outside and to the south of the Order

Land. Scheduled to open in September 2021, the school will form a focal point for the new community, encouraging interaction between neighbours and providing facilities for social and community groups to meet.

- 4.10 The Scheme will contribute significantly to the revitalisation of communities and quality of life improvements as envisaged in the Guidance.

5 JUSTIFICATION FOR THE USE OF COMPULSORY PURCHASE POWERS

The statutory and policy tests

- 5.1 Section 17(1)(a) Housing Act 1985 ("**1985 Act**") provides that a local housing authority, the Council in this instance, "*may for the purposes of this Part acquire land as a site for the erection of houses*".
- 5.2 Section 17(2) of the 1985 Act provides that, "*The power conferred by subsection (1) includes power to acquire land for the purpose of....disposing of the land to a person who intends to provide housing accommodation*".
- 5.3 Section 17(3) provides that "*Land may be acquired by a housing authority for the purposes of this Part by agreement, or they may be authorised by the Secretary of State to acquire it compulsorily*".
- 5.4 Section 17(4) provides that "*A local housing authority may, with the consent of, and subject to any conditions imposed by, the Secretary of State, acquire land for the purposes of this Part notwithstanding that the land is not immediately required for those purposes; but an authority shall not be so authorised to acquire land compulsorily unless it appears to the Secretary of State that the land is likely to be required for those purposes within ten years from the date on which he confirms the compulsory purchase order.*"
- 5.5 The Guidance at paragraph 146 provides that, "*Section 17 of the Housing Act 1985 empowers local housing authorities to acquire land, houses or other properties by compulsion for the provision of housing accommodation. Acquisition must achieve a quantitative or qualitative housing gain*".
- 5.6 Further, at paragraph 147 of the Guidance it provides that, "*The main uses of this power have been to assemble land for housing and ancillary development, including the provision of access roads; to bring empty properties into housing use; and to improve substandard or defective properties. Current practice is for authorities acquiring land or property compulsorily to dispose of it to the private sector, housing associations or owner-occupiers*".

Existing Housing Need

National and local policy

- 5.7 It is widely acknowledged by stakeholders that England continues to experience a housing crisis. The effects of this include a widening ratio of earnings to house prices, falling rates of home ownership, a rise in the age of first time buyers and rising levels of homelessness. According to the Government's 2017 White Paper, '*Fixing the Broken Housing Market*',

"The cause is very simple: for too long, we haven't built enough homes."

The White Paper set out the aim to significantly increase building levels, and went on to state:

"We must make as much use as possible of previously-developed ('brownfield') land for homes – so that this resource is put to productive use, to support the regeneration of our cities, towns and villages, to support economic growth and to limit the pressure on the countryside."

- 5.8 The White Paper set out the Government's intention to amend the National Planning Policy Framework ("**NPPF**"), to strengthen support for high-quality, high-density residential development in urban centres that are well served by amenities and public transport. This was given effect by the introduction of a new Chapter 11 on '*Making Effective Use of Land*' in the version published in February 2019.
- 5.9 The updated NPPF encourages authorities to plan for larger scale development (*NPPF, paragraph 72*) and gives extensive support to planning policies and decisions that will bring about an increase in residential densities in urban areas, stating:
- "Plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination, and should include the use of minimum density standards for city and town centres and other locations that are well served by public transport. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate."* (*NPPF, paragraph 123*)
- 5.10 Beyond this support, the NPPF encourages local authorities to intervene more directly where they can promote the development of new homes:
- "Local planning authorities, and other plan-making bodies, should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield registers or held in public ownership, using the full range of powers available to them. This should include identifying opportunities to facilitate land assembly, supported where necessary by compulsory purchase powers, where this can help to bring more land forward for meeting development needs and/or secure better development outcomes."* (*NPPF, paragraph 119*)
- 5.11 In 2015, the Government designated Derby City Centre (including the Order Land and the wider CUV area) as a Housing Zone, indicating the particular desirability of building new homes here.
- 5.12 The Scheme is an opportunity to facilitate land assembly, supported by compulsory purchase powers, to meet development needs and secure better outcomes, promoted by the NPPF and required by the Local Plan, for example the delivery of high quality, mixed tenure homes, transforming the Eastern Fringes of the City Centre into a vibrant residential and commercial neighbourhood where people will enjoy a high quality of life within a distinctive, accessible and sustainable urban environment. The Scheme will contribute to delivery of the new homes that are urgently needed nationwide.
- 5.13 Phase 1 of the regeneration of Castleward delivered new public realm, open space and a boulevard as a catalyst to provide a high quality environment through future developments.

Local housing policy

- 5.14 The evidence shows that Derby requires a quantitative increase in the number of homes, an improvement in the quality of the housing offer and that the CUV is an appropriate and desirable location to deliver these.
- 5.15 The Council's adopted Local Plan, Part 1 sets a requirement to deliver a minimum of 11,000 new homes in the City over the plan period (2011 to 2028). The objectively assessed housing need is in fact higher than this, at 16,388, with the remaining balance to be delivered elsewhere in the Housing Market Area, which also includes South Derbyshire District and Amber Valley Borough. The objectively assessed need arises from evidence based on the projected population growth, changes in headship rates and migration over the Local Plan period.
- 5.16 The evidence base for the Local Plan therefore establishes the city-wide need for a quantitative increase in housing in the City, both for private sale and affordable housing.
- 5.17 The Local Plan Part 1 specifically identifies Castleward as part of an "area for change" in policy AC6, and sets an expectation that "a minimum of 800 new high quality, mixed tenure homes" will be delivered in this location.
- 5.18 Policy AC6 goes on to state that:

"Castleward occupies a strategic position between the Core Area and the railway station. It has a wide range of uses including offices, industry, car showrooms and warehousing. It also contains a large amount of surface car parking. This area is considered to be under used and is an inefficient and mostly inappropriate use of land in such a prominent, important and sustainable location. The regeneration of this area for a high density mixed-use development will make more efficient use of the land and can provide much greater benefits to the City's economy and environment."

And that,

"The Council will work with partners to ensure that regeneration of the Eastern Fringes (including Castleward) is delivered in a comprehensive manner and will use compulsory purchase powers if necessary to ensure delivery."

- 5.19 The area-specific policies of the Local Plan are underpinned by an extensive evidence base, for example policy AC6 states that the regeneration of Castleward will deliver a minimum of 800 new high quality, mixed tenure homes creating a new and sustainable community. The Local Plan was robustly tested in public examination and therefore requires both a quantitative increase and qualitative improvement in housing by 2028, to which the Scheme will make a significant contribution.
- 5.20 Affordable housing needs in the City are significant and policy CP7 sets out requirements related to affordable and specialist housing. The policy requires that a maximum of 30% affordable housing is provided on residential developments of 15 or more dwellings, subject to development viability.
- 5.21 Policy AC6 draws upon and develops an earlier policy document, the City Centre Eastern Fringes Area Action Plan, which, whilst not progressed to adoption, was developed as a policy document

and remains a material consideration. This gives further support to the delivery of the wider CUV development, as an important brownfield opportunity for the delivery of housing, improving the vitality of the City Centre through more urban living, and making the most of this highly sustainable location which encourages walking and the use of public transport.

- 5.22 The wider CUV development (including the Scheme) is also taken into account in Derby's Strategic Housing and Employment Land Availability Assessment, which assumes that all homes can be delivered within the ten year timeframe to 2028, thus making an important contribution to meeting the Local Plan target.

Local need for a quantitative increase and qualitative improvement in housing

- 5.23 As at 1 October 2019, 6,415 households were on the Council's Housing Register in need of affordable housing, because their current accommodation did not meet their needs. Of these, 3,600 were single people or couples with no children, and the remaining 2,815 had children. Over the last three years, Council-owned properties have become available for letting at an average rate of 559 per year. As new households apply to join the Housing Register all the time, it can be seen that the level of affordable stock in Derby is not sufficient to meet need.
- 5.24 The evidence from the Council's housing register establishes that a quantitative increase in affordable housing is therefore required.
- 5.25 The Scheme sits within a wider area which benefits from outline planning permission for up to 840 new homes. The outline permission requires 30% of the homes should be provided as affordable housing, which equates to up to 210 affordable homes, subject to viability and depending on the density of future development.
- 5.26 The Council's Private Sector Stock Condition Survey shows that 48.9% of the housing stock in Arboretum ward, which includes Castleward and much of the City Centre, is of pre-1918 construction and suffers from problems associated with its age. Many larger homes have been sub-divided to form apartments or houses in multiple occupation. It is estimated that 25.7% would fail the Decent Homes Standard (compared to 21.6% nationwide).
- 5.27 The Council's Urban Renewal Strategy (2016) explains that:

Our strategy for urban renewal focuses primarily on inner-city areas, where there are densely populated neighbourhoods of un-modernised Victorian terraced houses, and a high number of empty properties. These areas are often characterised by high levels of deprivation, where residents also have a significantly lower life expectancy compared to other parts of the city.

The Urban Renewal Strategy sees the Council's intervention in the Castleward area as a critical part of its wider approach of "renovating and investing in communities to improve quality of life for residents and also for people working or visiting an area", in this case by replacing inappropriate low-density employment uses with a desirable residential neighbourhood.

- 5.28 The Derby Renaissance Board (a public-private partnership) has published its City Centre Masterplan, setting out ambitions for a Living City, with an increase in residential uses to support the City Centre's retail, leisure and evening economy sectors to benefit the whole City and region.
- 5.29 If these ambitions are to be realised, then a qualitative improvement in the housing offer will be required to attract new occupiers.

Wider social, environmental and economic benefits

- 5.30 Development on this scale represents a significant investment in a key strategic development site, the benefits of which will be considerable to the social, environmental and economic well-being of the Council's area, including by means of:
- 5.30.1 delivery of a variety of housing types to accommodate population growth in the City and, in particular, provide a living environment and offer that is not currently available in the City in a sustainable location adjacent to the City Centre and with excellent public transport connections;
 - 5.30.2 improving the image and perception of the City for residents, for visitors arriving in the City at the railway station and for potential investors;
 - 5.30.3 optimising the use of land in an important City fringe location; and
 - 5.30.4 assisting existing businesses in the area to relocate to suitable premises that have long term viability as commercial accommodation.

Dis-benefits to be compared to benefits of new housing delivery

- 5.31 The identified area currently comprises an established employment zone on the edge of Derby City Centre. It provides predominantly secondary accommodation for a range of activities. There are currently 27 businesses trading from the proposed Scheme area. This includes a number of linked trade showroom businesses which taken as a single entity equates to 21 business occupiers in the proposed CPO Scheme area.
- 5.32 Based upon published SIC codes from Companies House, there exists a predominance of retail and wholesale businesses within the area, including car repair operations, depot facilities to the public sector, supplies to the construction sector, small production and storage facilities.
- 5.33 The dis-benefit of the Scheme will be the displacement of 21 existing business occupiers who have in total an estimated total of 205 FTE employees. Based on output level data derived from the 2011 Census, it is estimated that around 65% of those employed in the area (133 FTE employees) reside within the City of Derby. Details of these businesses, together with the number of employees the Council understands them to have, and the Council's current assessment of their prospects for relocation, are summarised in the table below:

Name of affected business (nature of use)	Order map reference	Number of employees	Full time	Part Time	Prospects for relocation
Alpha Pro Creative <i>(creative music studios)</i>	17	6	0	6	Good
Bathroom Traders Ltd (incorporating SupaPlumb, Midcastle Ltd, First Electrical Wholesalers Ltd, Lamp Shed and Power Adaptors UK) <i>(showroom/retail/storage)</i>	16, 30, 41	28	25	3	Good
Bustler Market <i>(monthly pop-up street food market and event space)</i>	40	11	1	10	Very good
Cosy Direct <i>(supply/distribution of educational resources)</i>	6, 39	75	72	3	Medium
DCC Autos <i>(vehicle service/repairs)</i>	32, 35	1	1	0	Challenging
Derby Auto Electrical Services <i>(vehicle parts supply, MOTs, vehicle service/repairs)</i>	24, 31, 35	28	28	0	Challenging
Derby Timber Supplies <i>(manufacture of timber products)</i>	34	4	4	0	Good
Derbyshire County Transport – Depot <i>(vehicle depot for public sector organisations)</i>	11	12	12	0	Medium
Embody Tattoo <i>(tattoo studio)</i>	14	2	2	0	Very good
FK Solutions <i>(supply of food products)</i>	45	5	5	0	Very good
Hawkins & Shepherd <i>(vehicle service/repairs)</i>	8	4	4	0	Challenging
Juice Marketing Ltd, trading as Dream Doors <i>(storage units/showroom)</i>	14	Unmanned, access only	0	0	Very good
KJ Motors <i>(vehicle service/repairs)</i>	35, 36	1	1	0	Challenging

Name of affected business (nature of use)	Order map reference	Number of employees	Full time	Part Time	Prospects for relocation
Life Cycle UK (charity workshop - bicycle maintenance)	14	4	0	4	Very good
M&B Motors (vehicle service/repairs)	18, 19	5	4	1	Challenging
Mr Mustards (sandwich shop)	20	6	3	3	Very good
National Car Park / Alcora (car park)	22	2	0	2	n/a
Speedy Glass Ltd (storage)	14	Assumed access only	0	0	Very good
Tarmac Trading Ltd (manufacture and distribution of ready-mixed concrete)	15, 29	6	2	4	Challenging (nature of use)
The Kitchen and Bedroom Warehouse Ltd (supply of kitchen/bedroom appliances)	35, 38	7	7	0	Good
Willow Coffee (coffee & tea wholesalers)	27, 28	8	8	0	Very good
Total employees		215	179	36	

5.34 The Council has sought to provide its current assessment of the prospects of each business being successfully relocated. This is based on feedback from the businesses about their requirements, local market intelligence and applying the following indicative criteria:

5.34.1 **Very good** – the business is small in scale, their requirements are generic without the need for specialist premises, and/or would have a wide choice of possible locations;

5.34.2 **Good** – as above, but space requirements are greater;

5.34.3 **Medium** – as above, but space requirements are greater. There are: some specialist requirements; constraints on location; and/or potential planning or environmental constraints; and

5.34.4 **Challenging** – used here to refer to motor trade businesses and the Tarmac site.

- 5.35 Some motor trade businesses may find it particularly challenging to relocate as customers choose them because they are close to the City Centre and they may lose significant custom if they relocate in a highly competitive market. In addition, they require the appropriate planning consent, and are more at risk of objections from neighbouring occupiers to such a use, owing to the number of vehicles arriving and potential noise and smells.
- 5.36 The concrete batching plant operated by Tarmac Trading Ltd is a specialist industrial use which will be perhaps the most challenging to relocate. This is a relatively large site, with regular heavy goods vehicle movements and the potential impact on neighbouring occupiers may make it challenging to secure planning consent on a new site.
- 5.37 It is acknowledged that the Scheme will mean that businesses can no longer operate in a location that they and their customers may have found convenient over the years. However, the decision to repurpose the land as a residential neighbourhood was taken at a policy level through the Local Plan Part 1, which was subject to extensive public consultation, political scrutiny and examination in public (see 5.16 – 5.18). The Scheme is the means by which this democratically agreed vision of Derby's future is now being realised.
- 5.38 Any businesses that are unable to be relocated will be eligible to receive compensation in accordance with the Compensation Code.
- 5.39 In addition to the businesses, there is a piece of telecommunication apparatus that will have to be relocated. This comprises of a cabinet with associated equipment / apparatus owned by CenturyLink Communications UK Limited, located on Canal Street.

Compliance with the Guidance

- 5.40 Paragraph 147 of the Guidance indicates certain information is to be included with applications for confirmation of compulsory purchase orders made pursuant to section 17 Housing Act 1985. The information required is as follows:
- 5.40.1 there are 110,261 dwellings in the Council's administrative area;
- 5.40.2 there are an estimated 12,500 substandard dwellings in the Council's administrative area;
- 5.40.3 there were 102,271 households in the Council's administrative area as at the 2011 Census. 6,415 households were on the Council's Housing Register and required the provision of housing as at 1 October 2019;
- 5.40.4 as at 4 October 2019, the Council owned a total housing stock of 12,707, broken down as follows:

	1 bedroom	2 bedrooms	3 bedrooms	4+ bedrooms	Total
Houses	67	1,760	5,130	161	7,118
Bungalows	984	291	88	2	1,365

Flats and maisonettes	2,819	1,341	64	-	4,224
Total	3,870	3,392	5,282	163	12,707

5.40.5 The Scheme is not intended to provide housing of a particular type, and it is likely that affordable housing will be provided by a Registered Provider, rather than by the Council directly.

5.40.6 The Scheme will deliver a range of market and affordable housing, and is not intended to meet the specialist housing need of any particular group;

5.40.7 The Council does propose to dispose of the land acquired under the Order to a third party, namely Compendium Living Ltd, who are the Council's development partner. Full details of these arrangements can be found at section 11 of this Statement.

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

5.41 The Order Land has been identified as the appropriate site for the delivery of a contracted minimum of 512 new dwellings. The purpose of the Scheme and its benefits are set out above. A comprehensive approach to development is required to realise the aspirations of the relevant planning policies and the public benefits that would result. The piecemeal development of individual parcels within the Order Land is an unacceptable alternative, as it would be a highly inefficient use of land, lacking in coherent design and requiring residential occupiers to live among various light industrial uses for an indefinite period. Moreover, the Council and its partners would lack any control over timescales, and thus the grant funding now available to realise the Scheme would need to be returned, and the development halted altogether. There would, furthermore, be no certainty of any delivery.

5.42 Whilst discussions have taken place with affected landowners, the Council has been unable to acquire all of the relevant interests required for the Scheme by agreement and, whilst discussions with landowners will continue throughout the CPO process, there is no realistic prospect of the site being fully assembled without the use of compulsory purchase powers.

5.43 The Council's role is primarily one of enabling development. It is considered that the failure to bring forward the Scheme for redevelopment, in spite of a positive planning framework, is largely down to the fragmented nature of the land ownerships across the site, poor neighbouring land uses, and the difficulty in creating developments that are economically viable, where the costs of brownfield remediation are high and market prices are comparatively modest when compared with more attractive greenfield locations outside of the City. These matters cannot be realistically addressed without the intervention of the Council.

5.44 The Council has committed funding (both grant aid from Homes England through the HIF and its own revenue resources) to support the acquisition of the Order Land. The Council also has

existing freehold interests within the Order Land, together with Homes England and the developer partner, Compendium Living. The Council is providing administration, project management and professional services / expertise to complete land assembly.

- 5.45 In conclusion, the Council is satisfied that it has met the test in section 17 of the Housing Act 1985. The Scheme will achieve a quantitative and qualitative housing gain. The Council is also satisfied that the dis-benefits arising from the interference with private rights are outweighed by the benefits of the Scheme to the public interest.

6 CONSULTATION

- 6.1 Prior to submission of the outline planning application in 2013, extensive consultation was undertaken with local stakeholders, businesses, community groups and the general public in the Castleward area. Initial consultation in the form of questionnaires, events and focus groups was used to inform the preparation of the Masterplan proposals, and a number of changes to the outline design were made in response to feedback. These are described within the Statement of Community Involvement submitted with the application. The OPUN Design Review Panel was also invited to give an assessment of the initial Masterplan scheme and their comments were taken into account in the final design.
- 6.2 Following submission of the planning application, the local planning authority publicised and consulted on the plans. All responses relating to relevant planning considerations were taken into account in the Officer's Report to Committee and informed the decision to grant planning permission on 8 February 2013.
- 6.3 With regard to the acquisition of land and properties and the potential use of CPO powers, the following engagement activities have taken place over the previous 4 years:
- 6.3.1 **2015 to 2018** (inclusive) – Initial conversations held with affected parties to discuss the forthcoming phases of the Castleward project, the likely timeline for implementation and the potential for early acquisition of land and properties.
- 6.3.2 **Spring and Summer 2019** – Meetings with affected parties within the entire Castleward area including business owners, land owners, leaseholders and organisations.
- 6.3.3 **September 2019** – Business survey conducted by Ardent which established how many employees, the nature of the businesses plus information to support the Council's assessment of their relative ease of relocation.
- 6.3.4 **9 October 2019** – Information event held with affected parties to feedback on work completed since November 2018 on the acquisition of land and properties and the potential use of CPO powers, the next steps in the process and to respond to questions from those in attendance.
- 6.3.5 **Winter 2019/20** – The City Council's appointed agent, Thomas Lister attempted to make contact with all affected businesses in order to progress the potential acquisition of their interests and to further understand their requirements informing relocation options.

7 EFFORTS TO ACQUIRE LAND BY AGREEMENT

- 7.1 Single ownership of the Order Land is required to implement the Scheme. Negotiations have been taking place with all landowners and other parties with interests in the Order Land. The Council has actively sought to acquire land and property required for the Scheme since 2015; although there were earlier attempts dating back to 2002 (see also section 6).
- 7.2 Although the Council is not obliged to find alternative premises, the Council is providing relocation support through Marketing Derby, a public/private agency tasked with the wider regeneration of Derby through the inward attraction of new investment. The Council will continue to engage with affected businesses and local agents, developers and investors to explore relocation options. Through these networks and using other means of searching the commercial market in Derby for alternative premises, the Council is assisting businesses to identify suitable relocation options within the City of Derby.
- 7.3 The Council has been active in its engagement with owners and occupiers of the Order Land. In March 2019 the Council wrote to all landowners in the wider CUV area to advise them that it wanted to purchase their interests by agreement in order to progress with the redevelopment and also extended the offer of assistance with relocations. A total of 130 separate land interests across the entire CUV were identified and questionnaires issued under section 16 of the Local Government (Miscellaneous Provisions) Act 1976. This resulted in a number of replies, promoting conversations with the Council about its regeneration plans including requiring land for new housing as well as the delivery of a new primary school. The Council employed a specialist land referencing company, Ardent Management Ltd, to undertake this exercise.
- 7.4 The Order Land houses 21 businesses, one charity, and one site owned by a neighbouring local authority. The Council has sought to engage with all businesses and interests within the Order Land and has opened negotiations with all affected parties and thus far, has been able to agree terms with one. The situation in respect of each of the business occupiers is summarised below:

Name of affected business (nature of use)	Order map reference	Status of negotiations and Contacts made
Alpha Pro Creative (creative music studios)	17	Partner controlled. Meeting held 15 April 2019. Thomas Lister provided information 2 nd December 2019.
Midcastle Ltd (incorporating Bathroom Traders Ltd, SupaPlumb, First Electrical Wholesalers Ltd, Lamp Shed and Power Adaptors) (showroom/retail/storage)	16, 30, 41	Initial contact made Meeting held 3 October 2019 Information Event 9 October 2019 Thomas Lister provided information 5 th December 2019.

Name of affected business (nature of use)	Order map reference	Status of negotiations and Contacts made
Bustler Market (monthly pop-up street food market and event space)	40	Initial contact made Communication with landlord Homes England, September 2019 Information Event 9 October 2019
Cosy Direct (supply/distribution of educational resources)	6, 39	Initial contact made Ongoing communication with their landlord, Compendium Living, the Castleward development partner ast made October 2019.
DCC Autos (vehicle service/repairs)	32, 35	Initial contact made Information Event 9 October 2019 Letter issued 3 January 2020.
Derby Auto Electrical Services (vehicle parts supply, MOTs, vehicle service/repairs)	24, 31, 35	Initial contact made Meeting 5 September 2018 Information Event 9 October 2019 Communication 14 November 2019
Derby Timber Supplies (manufacture of timber products)	34	Agreement in principle reached Conversations included meeting 13 April 2019 Information Event 9 October 2019 Discussion held with Thomas Lister 12 February 2020
Derbyshire County Transport – Depot (vehicle depot for public sector organisations)	11	Initial contact made Meeting on site 10 June 2019 Information Event 9 October 2019 Meeting 26 November 2020 Phone discussion 12 February 2020
Embody Tattoo (tattoo studio)	14	Initial contact made Information Event 9 October 2019 Phone conversation with Thomas Lister 12 February 2020
Moguntia Food, trading as FK Solutions (supply of food products)	45	Initial contact made Meetings February 2017 and (also with owner C&N Property Ltd March 2017, with offers made and rejected). Information Event 9 October 2019 Meeting arranged 1 December 2020 was cancelled.
Hawkins & Shepherd (vehicle service/repairs)	8	Initial contact made Meetings held 12 April 2019, 24 September 2019 Information Event 9 October 2019 Correspondence with surveyor 12 February 2020

Name of affected business (nature of use)	Order map reference	Status of negotiations and Contacts made
Juice Marketing Ltd, trading as Dream Doors (storage units/showroom)	14	Initial contact made Conversation 3 October 2019 Conversation 16 January 2020
KJ Motors (vehicle service/repairs)	35, 36	Initial contact made Information Event 9 October 2019 Letter issued by Thomas Lister to arrange meeting.
Life Cycle UK (charity workshop - bicycle maintenance)	14	Initial contact made Information Event 9 October 2019 Meeting with Marketing Derby 27 January 2020
M&B Motors (vehicle service/repairs)	18, 19	Initial contact made Meeting with landlord 13 August 2019 Meeting 3 October 2019 Information Event 9 October 2019
Mr Mustards (sandwich shop)	20	Initial contact made Information Event 9 October 2019 Letter issued 3 January 2020 by Thomas Lister to arrange meeting
National Car Park (car park)	22	Initial contact made Response provided 1 October 2019 Since changed ownership to Elevate (formerly Alcora)
Speedy Glass Ltd (storage)	14	Initial contact made Response provided 8 April 2019 Letter issued 3 January 2020 by Thomas Lister to arrange meeting
Tarmac Trading Ltd (manufacture and distribution of ready-mixed concrete)	15, 29	Initial contact made Discussion February / March 2017 Meeting 20 June 2019 Meeting 3 October 2019 Phone call with information provided 2 February 2020
The Kitchen and Bedroom Warehouse Ltd (supply of kitchen/bedroom appliances)	35, 38	Initial contact made 23 May 2019 discussion held Letter issued 3 January 2020 by Thomas Lister to arrange meeting
Willow Coffee (coffee & tea wholesalers)	27, 28	Partner controlled Information Event 9 October 2019

- 7.5 The Council considers that the use of its compulsory purchase order making powers to acquire all outstanding interests in the Order Land and the new rights is required, as it has not yet been possible to achieve this by agreement and it is highly unlikely that it would be able to do so within an acceptable timescale, without the Order.
- 7.6 The Council is continuing to engage with those affected but now it is considered appropriate to proceed with CPO procedures in parallel, as contemplated by the Guidance.

8 IMPEDIMENTS TO DELIVERY

- 8.1 There are no significant impediments to the delivery of the Scheme once land assembly is completed.
- 8.2 The Scheme benefits from the outline planning consent for the wider CUV (ref 05/12/00563), issued in February 2013. All material factors relevant to the acceptability of the development were considered and resolved at that stage, to the satisfaction of the Local Planning Authority. The Council has the flexibility to deliver the Scheme either via reserved matters applications relating to the existing outline permission or through a new separate planning application. If applications are made through Reserved Matters, the following restrictive conditions will apply:
- 8.2.1 Condition 2 of the planning consent requires that all reserved matters applications for future phases of the development (including the Scheme for which the Order Land is required) be submitted within twenty years (by February 2033). As the first reserved matters application for the Scheme is now in pre-application discussion with officers, there will be no difficulty in meeting this timescale;
- 8.2.2 Condition 9 of the consent restricts the number of homes that can be occupied until a single form primary school has been completed. It will be necessary to complete and open the school before the Order Land can be fully developed. As described at 4.9, this project is progressing well. Land has been identified which is in the Council's ownership, and Cabinet approved the necessary budget and development programme in September 2019. The school is expected to open in September 2021;
- 8.2.3 Condition 10 of the consent restricts the number of homes that can be occupied until a new community centre has been provided. An application to vary the condition could be made given that the proposed Scheme area does not affect any community organisations outside this area;
- 8.2.4 Condition 13 of the consent restricts the number of homes that can be occupied until a new pedestrian crossing and footbridge has been constructed to improve access from the CUV to Bass' Recreation Ground. This condition could be varied through an application to amend the triggers, given the changes in the market and delivery of housing since the permission was granted;
- 8.2.5 Condition 36 of the consent restricts the number of homes that can be occupied until works have been completed to change the priority of the junction between Siddals Rd and Station Approach. Again, this condition could be varied through an application to amend the triggers, given the changes in the market and delivery of housing since the permission was granted;

- 8.3 The various remaining conditions imposed on the consent relate to standard planning matters such as environmental protection and traffic management. The Council has no reason to believe that these cannot be discharged at the appropriate stage of the development.
- 8.4 In order for the Scheme on the Order Land to progress, one or more reserved matters applications will need to be granted and, as discussed above, the first of these is in pre-application discussions and approaching submission. The outline planning permission sets out the overall design approach and a number of parameters, and all reserved matters applications will be consistent with this approach. It is therefore anticipated that there will be no difficulty in securing the reserved matters consents necessary to progress with the Scheme.
- 8.5 In summary, there are no known planning or other consenting impediments to the delivery of the Scheme once land assembly has been completed.

9 CONSERVATION AREA AND LISTED BUILDINGS

- 9.1 The Order Land is not within a conservation area and contains no listed buildings. To the east, towards the Derby railway station lies the Railway Conservation Area, designated in 1979. Planning applications for development within the CUV including the Scheme proposed, are assessed with this adjacent conservation area in mind.

10 SPECIAL CATEGORIES OF LAND

10.1 There are no known special categories of land within the Order Land.

11 DELIVERY AND FUNDING

- 11.1 Paragraph 13 of the Guidance requires that the Council demonstrate that all the necessary resources are likely to be available to deliver the Scheme within a reasonable time-scale. Section 17(4) of the Housing Act 1985 provides that the Secretary of State may not confirm a compulsory purchase order made under these powers unless he is satisfied that the land is likely to be required within 10 years of the date the order is confirmed.

Delivery

- 11.2 The outline planning permission (see paragraph 4.3) establishes the capacity of the site in terms of a proposed mix and quantum of accommodation, providing a framework to developers as to the appropriate type of development on the site for the Scheme. The planning framework promotes the delivery of a minimum of 840 new high quality, mixed tenure homes in the wider CUV area of which a minimum of 512 can be provided within the Order Land.
- 11.3 In light of the Cityscape Masterplan, the 2008 Area Action Plan Preferred Option, and the (then) emerging City Local Plan the Council resolved to focus increasingly on project delivery and in 2009 commenced a competitive procurement process for a development partner for the wider CUV.
- 11.4 In September 2011 the Council appointed Compendium Living, a partnership between Compendium Regeneration Ltd, Lovell Partnerships Ltd and the Riverside Group Ltd, as its development partner for the wider CUV.
- 11.5 Compendium Living has successfully demonstrated its ability to deliver high quality development through Phase 1 of Castleward, and is working towards completion of Phase 2 in the coming months. Compendium and its constituent partners have extensive experience of brownfield residential development and regeneration, giving high confidence in the deliverability of future phases of the CUV, including the Scheme proposed on the Order Land.

Development agreement and the role of Compendium Living

- 11.6 Compendium entered into a development agreement and other associated documents with the Council, as the principal land owner and also Homes England. The Development Agreement provides the legal framework upon which the development is proceeding. Compendium is responsible for proceeding with the preparation of planning applications, as referred to above. Although the development agreement appoints Compendium to act as the developer of the CUV area, for all phases of the project, the commencement of development of each phase is subject to the satisfactory performance of the previous phase and the satisfaction of preconditions including, where necessary, the securing of external funding. If these pre-conditions are not met, then the Council reserves the right to terminate the relationship at its discretion and to appoint a replacement partner.
- 11.7 Compendium is expected to take the lead in site assembly but, in certain situations, it has been made clear that the Council would be prepared to consider the use of its powers of compulsory purchase to ensure that the regeneration of the area proceeds. In terms of land transfer, the

Council is prepared to grant long leasehold interests or freehold transfer of sites on a phased basis to Compendium, at agreed stages of the development process. Homes England, which is a significant landowner in the Castleward area, is also prepared to make available its land ownership within the site area on terms to be agreed.

- 11.8 Any transfer of land to Compendium will include a condition allowing the Council to buy back the land after a certain period in the event that housing development has not come forward. This would allow the Council to ensure housing is delivered by other routes if necessary.

Funding required to deliver the Scheme

- 11.9 In March 2019 the Council secured funding from Homes England's HIF programme, for the acquisition of land by 31 March 2022, to enable the delivery of at least 512 new homes by March 2030.
- 11.10 The use of Council Housing Revenue Account Right to Buy receipts has helped switch part of the HIF funding to help fund the new primary school.
- 11.11 The Council has also committed to the principle of recycling any receipts received for its land in the Castleward area for further housing land acquisition.
- 11.12 Investment from Compendium Living, the appointed development partner for the CUV, provides the last part of the funding for acquisitions within the proposed Scheme area.
- 11.13 Further, through a CPO Indemnity Agreement, Compendium Living are obliged in the Development Agreement to repay the Council's costs of acquiring land and interests in land pursuant to the Order.
- 11.14 In light of the Council's commitment to fund the Scheme through the funding received from Homes England; its own resources and from Compendium Living it is satisfied that sufficient funding is available to enable it to:
- 11.14.1 complete the compulsory acquisition of the Order Land and meet statutory compensation claims together with all resource costs associated with making the Order; and
- 11.14.2 deliver the infrastructure required to facilitate the Scheme.
- 11.15 The Council is also satisfied that the Order Land will be required for development well within the 10 year statutory timescale, and indeed has entered into a grant agreement with Homes England which requires the same.

12 HUMAN RIGHTS

- 12.1 Determining whether or not to confirm the Order, the Secretary of State must have regard to any interference with human rights, the provisions of the Human Rights Act 1998 and the European Convention on Human Rights (**"the Convention"**). The Secretary of State must consider whether, on balance, the case for compulsory purchase justifies interfering with the human rights of the owners and occupiers of the Order Land. The Secretary of State also has to be satisfied that the land included in the Order is necessary in order to secure the delivery of the Scheme and does not include land which is not required for that purpose.
- 12.2 Article 1 of the First Protocol to the Convention states that *"...Every natural or legal person is entitled to peaceful enjoyment of his possessions" and "no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by the law and by the general principles of international law..."*. Whilst occupiers and owners in the Order Land will be deprived of their property if the Order is confirmed and the powers are exercised, this will be carried out in accordance with the law, in this case the Act. The Order is being pursued in the public interest as required by Article 1 of the First Protocol. The public benefits associated with the Scheme are set out earlier in this Statement of Reasons. The Council considers that the Order will strike a fair balance between the public interest in the implementation of the proposals and those private rights which will be affected by the Order.
- 12.3 Article 6 of the Convention provides that: *"In determining his civil rights and obligations...everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law"*. The regeneration proposals, including those associated with the Order Land, have been extensively publicised and consultation has taken place with the communities and parties that may be affected by the Order. All those affected by the Order will be notified, will have the right to make representations and/or objections to the Secretary of State, and objecting parties will have the right to be heard at a public inquiry. It has been held that the statutory processes are compliant with Article 6 of the Convention.
- 12.4 Article 8 of the Convention states that: *"Everyone has the right to respect for his private and family life, his home and his correspondence...interference is justified however, if it is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for its prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others."* The Council considers that any interference with this right that would result from the exercise of the powers conferred by the Order will be in accordance with the law (namely the Act), give effect to a legitimate aim (namely securing a quantitative increase in housing, and a qualitative improvement in the housing available in Derby), and will be proportionate having regard to the public benefits to be secured.
- 12.5 Those whose interests are acquired under the Order will also be entitled to compensation which will be payable in accordance with the compulsory purchase Compensation Code, assessed on the

basis of the market value of the property interest acquired, disturbance (i.e. reasonable moving costs and costs/losses directly related to the compulsory acquisition) and statutory loss payments. The reasonable surveying and legal fees incurred by those affected in transferring interests to the Council will also be paid by the Council. The Compensation Code has been held to be compliant with Article 8 and Article 1 of the First Protocol to the Convention.

- 12.6 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 that has to be struck between the competing interests of the individual and the community as a whole*”. Both public and private interests are to be taken into account in the exercise of the Council’s powers and duties. Similarly, any interference with Article 8 rights must be “*necessary in a democratic society*” i.e. proportionate.
- 12.7 In promoting this Order, the Council has carefully considered the balance to be struck between the effect of acquisition on individual rights and the wider public interest in the redevelopment of the Order Land. Interference with Convention Rights is considered by the Council to be justified here in order to secure the economic regeneration, environmental and public benefits which the proposals will bring.
- 12.8 The requirements of the Human Rights Act 1998 and the Convention, particularly the rights of property owners, have therefore been fully taken into account. There is a compelling case in the public interest for the Order to be made and confirmed, and the interference with the private rights of those affected that would be the inevitable result of the exercise of the compulsory powers conferred by the Order would be lawful, justified and proportionate.
- 12.9 There has been public consultation on the proposals to regenerate this area, and the opportunity has been given through the consideration of the planning applications to make representations on the proposals. If objections are received, a public inquiry will be held into the Order, and those, whose interests are acquired under the Order, if it is confirmed, will be entitled to compensation as provided for by law.

13 EQUALITY AND DIVERSITY

- 13.1 In line with the Equality Act 2010 the Council has undertaken an Equalities Impact Assessment as part of its decision-making exercise, considering the impacts of the proposals on those affected, identifying whether there may be any impact on a protected group of individuals, establishing whether there are negative impacts and how these could be mitigated.
- 13.2 The Equalities Impact Assessment identified that the vast majority of the business owners and workforce affected by the proposed compulsory purchase are male, but in terms of other characteristics there is no predominating group. Therefore it is possible to say that the dis-benefit of the proposals mainly affects men. The dis-benefits can be mitigated if businesses successfully relocate to other premises in a suitable location for their workforce to access. The Council is assisting businesses in the search for premises in which to relocate and maintain their business. The compulsory purchase process for business owners is highly regulated and prescriptive to ensure a fair outcome for them in terms of compensation. The Council is satisfied, therefore, that neither direct nor indirect discrimination on the grounds of any protected characteristic will result from the proposals.
- 13.3 The Equalities Impact Assessment also identified the positive benefits the development of the Order Land would have on the Council's area as a whole in the form of much needed housing. These development opportunities will address the following Public Sector Equality Duty aims:
- 13.3.1 elimination of discrimination – the new homes will include affordable provision, and will be highly accessible by public transport and close to some of Derby's most diverse areas, in terms of ethnicity and nationality. It is anticipated that the demographic profile of those benefiting from the new homes will reflect the diverse population of the Council's area covering all protected characteristics;
 - 13.3.2 promotion of equality of opportunity – the housing and employment opportunities which will expand opportunities and outcomes available locally;
 - 13.3.3 fostering good relations between different groups of people – by providing a pleasant and walkable residential neighbourhood, with little dependence on the private car, a new school and small retail stores, people from all backgrounds will be encouraged to use the public realm spaces, providing more opportunities to mix and participate together in community life.
- 13.4 The Council is satisfied that the Scheme will not have any negative impacts on equality and diversity, and is consistent with its Public Sector Equality Duty.

14 CONCLUSIONS

- 14.1 The Council considers that there is a compelling case in the public interest for making the Order. The Scheme is a direct response to both national and local policy objectives to meet housing need. The Scheme will achieve a quantitative increase in the number of homes in Derby and help the City to maximise its economic, social and environmental potential by improving the quality of the City's housing offer. To facilitate this development, the assembly of the Order Land is required. Given the number of third party interests in the Order Land, the only way that this can be achieved, within a reasonable timeframe, is through the exercise of compulsory purchase powers.
- 14.2 The uses proposed by the Scheme accord with national policy guidelines and local policy objectives. The adopted Local Plan has a specific policy for Castleward, which advocates the use of compulsory purchase powers if required, stating:
- "The Council will work with partners to ensure that regeneration of the Eastern Fringes is delivered in a comprehensive manner and will use compulsory purchase powers if necessary to ensure delivery."*
- 14.3 The Council has entered into a development agreement with a development partner to ensure delivery of new homes. The Council, with its partners Homes England and Compendium Living, already owns or controls a substantial part of the Order Land. Further, the Council has secured significant capital grant from Homes England through the HIF to enable land assembly.
- 14.4 The Council is satisfied that there is a compelling case in the public interest for compulsory purchase powers to be sought to secure the delivery of the Scheme. The Council has made the Order and asks the Secretary of State to confirm the Order.

15 LEGAL STATUS OF THIS STATEMENT OF REASONS

- 15.1 This Statement of Reasons is not a statement under Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules 2007.

16 CONTACTS FOR FURTHER INFORMATION AND NEGOTIATION

- 16.1 Owners and occupiers of property affected by the Scheme seeking further information about the Castleward Urban Village Regeneration programme should contact:

Matt Wilson, Regeneration & Major Projects team, Communities and Place Directorate,
The Council House, Corporation Street, Derby DE1 2FS

Email: matthew.wilson@derby.gov.uk

Tel: 01332 641589 Mobile: 07812 301650 Minicom: 01332 640666

- 16.2 Owners and occupiers of property affected by the Scheme who wish to negotiate or discuss matters of compensation should contact:

Rachel Lister, Thomas Lister Limited, 11 The Courtyard, Buntsford Gate, Bromsgrove, B60 3DJ

Email: rachel.lister@thomaslister.com

- 16.3 A copy of this Statement of Reasons, the Order and the accompanying maps and background documents are available for inspection at:

Riverside Library, Derby City Council, Council House, Corporation Street, Derby DE1 2FS between the hours of 8.30am to 5pm Monday to Friday and also 9am to 1pm on Saturday.

Alternatively, you can view online at www.derby.gov.uk/castleward

17 LIST OF DOCUMENTS

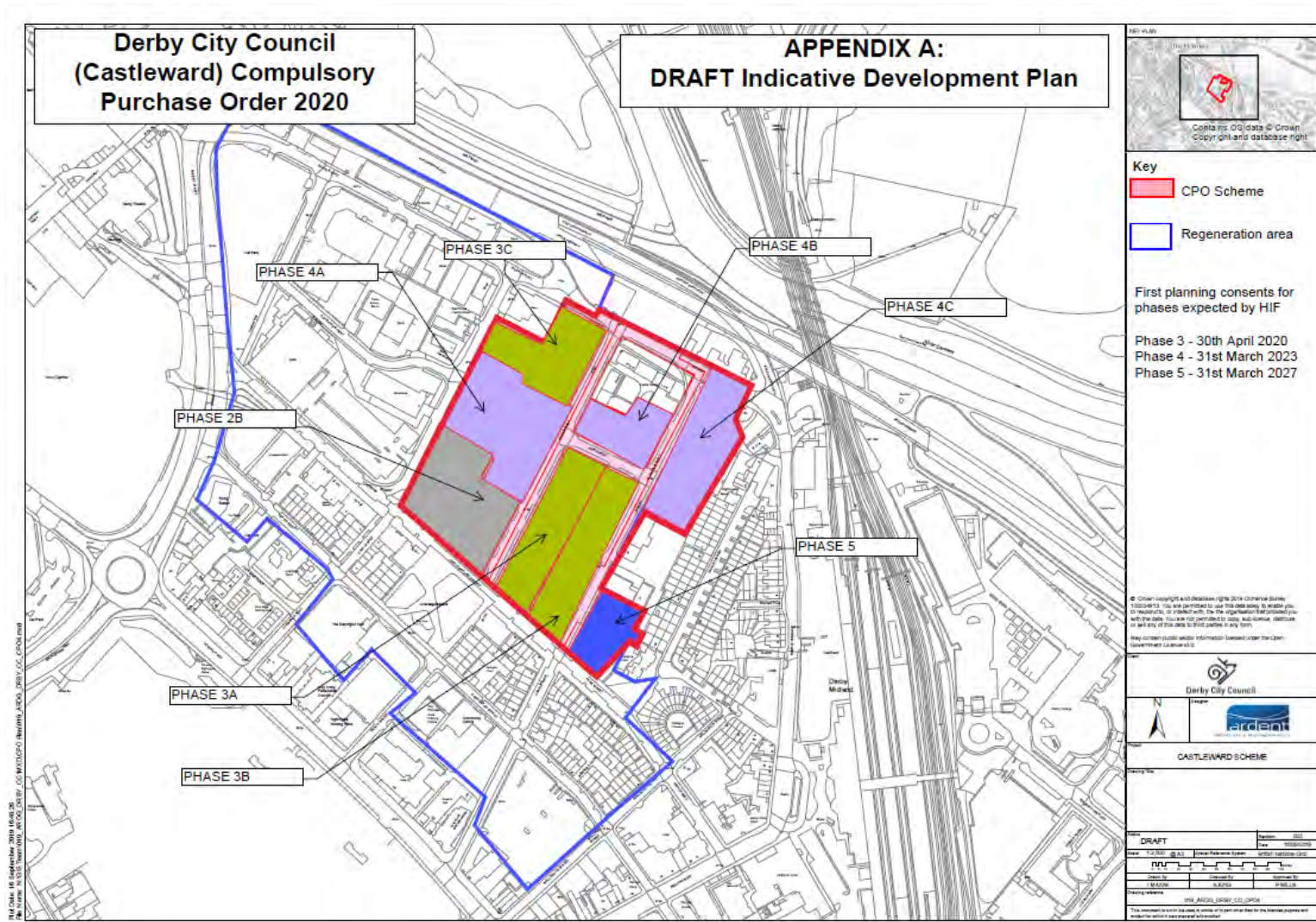
- 17.1 In the event of a public inquiry the Council intends to refer or to put in evidence the following documents:

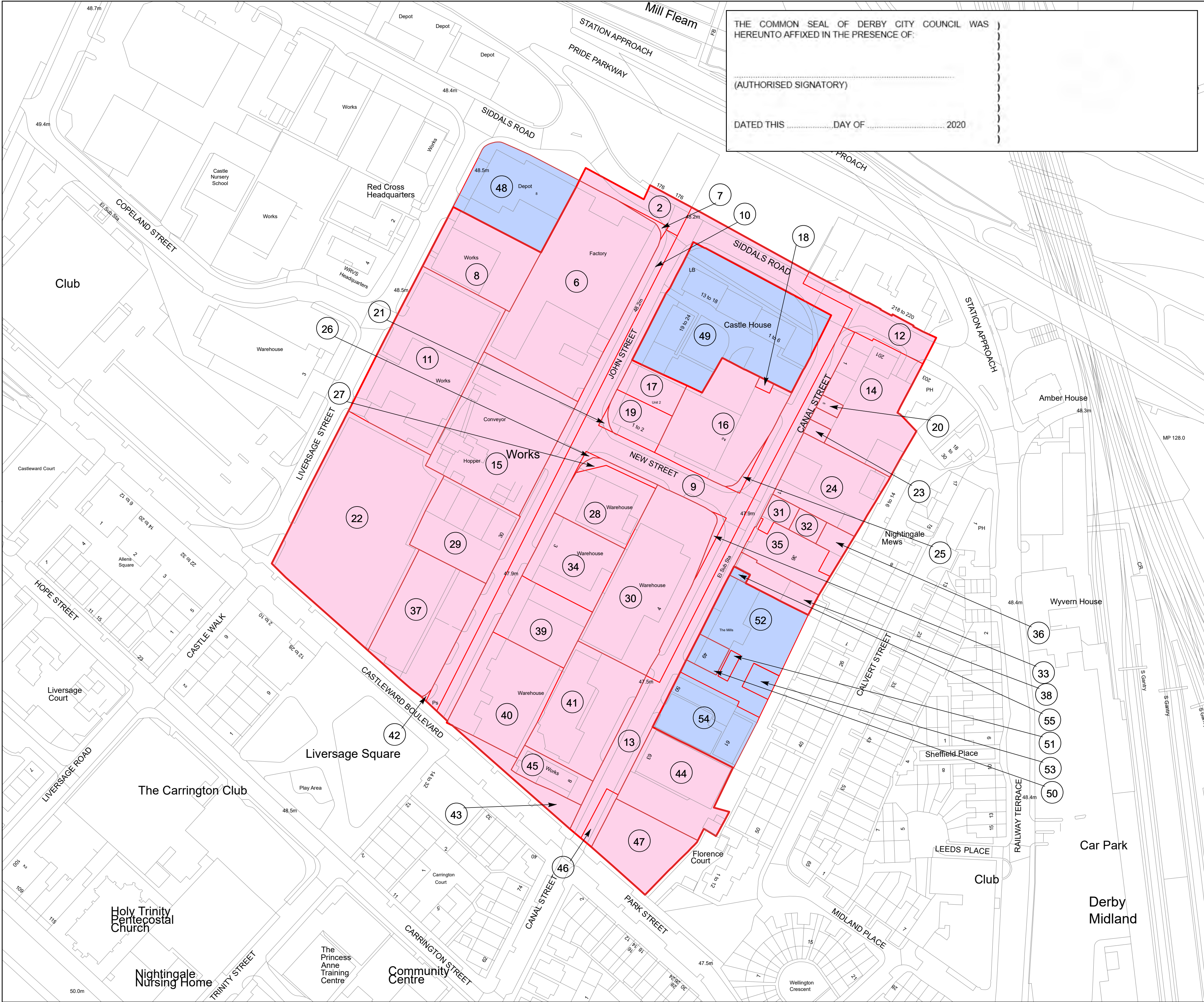
	Document	Date
1	Compulsory Purchase Order and Supporting Policy	
	Derby City Council (Castleward) Compulsory Purchase Order 2020 and Map	March 2020
	Guidance on compulsory purchase process and the Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion.	February 2018
2	Planning Policy and other relevant policy	
	National Planning Policy Framework https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf	February 2019
	Housing Delivery Test Management Rule Book https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/728523/HDT_Measurement_Rule_Book.pdf	July 2018
	Local Plan – adopted Derby City Local Plan Part 1 (DCLP1) and Saved Policies of the City of Derby Local Plan Review (CDLPR) https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy_ADOPTED_DEC%202016_V3_WEB.pdf	January 2017
	Policy AC1 – City Centre Strategy – City living agenda – Housing Zone. Minimum of 2,200 homes should be delivered in the City Centre by 2028	January 2017
	Policy AC6 – Specific policy requirements for the regeneration and delivery of the site. Includes commitment to use CPO powers if required to ensure delivery.	January 2017
	Eastern Fringes Area Action Plan – Status and process https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents	July 2008

	Document	Date
	s/reports/localdevelopmentframework/EB047-CCEastern Fringes Area Action Plan.pdf	
3	Other Derby City Council Background Documents	
	Castleward listing within Strategic Housing Land Availability Assessment ("SHLAA") (update) http://docs.derby.gov.uk/padocumentserver/SHELAA.aspx?DocID=DER0089	April 2018
	Private Sector Housing Stock Condition Survey Yet to be published	Forthcoming
4	Planning Permission	
	Outline Planning Permission (reference 05/12/00563) for demolition of existing buildings; development comprising up to 840 dwellings together with associated public open space, roads, school, community facilities and commercial premises https://eplanning.derby.gov.uk/online-applications/applicationDetails.do?keyVal=ZZZZQQFSXE974&activeTab=summary	February 2013
	Castleward Master Plan https://www.castleward.co.uk/about-castleward/development-masterplan	
	Pre-application Statement of Community Involvement https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=9095570	March 2012
5	Legislation (relevant extracts)	
	The Housing Act 1985	
	Local Government (Miscellaneous Provisions) Act 1976	
	The Acquisition of Land Act 1981	
	Compulsory Purchase (Inquiries Procedure) Rules 2007	

17.2 The Council may also refer to other documents in order to address any objections made to the Order.

APPENDIX A – DRAFT INDICATIVE DEVELOPMENT PLAN





THE COMMON SEAL OF DERBY CITY COUNCIL WAS
HEREUNTO AFFIXED IN THE PRESENCE OF:

(AUTHORISED SIGNATORY)

DATED THIS DAY OF 2020

KEY PLAN

Key

- CPO
- Land to be acquired
- New rights to be acquired

Contains OS data © Crown Copyright and database right 2019 Ordnance Survey 100024913. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

May contain public sector information licensed under the Open Government Licence v3.0.

Client

Derby City Council

Designer

ardent
infrastructure and regeneration

Project

CASTLEWARD URBAN VILLAGE REGENERATION SCHEME

Drawing Title

MAP REFERRED TO IN THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

Status	FINAL	Revision	003
Scale	1:1,000 @ A2	Date	04/03/2020
Spatial Reference System	British National Grid		

0 5 10 20 30 40 50 Metres

Drawn By	Checked By	Approved By
J.HILL	A.KING	P.MILLS

Drawing reference: 019_ARDG_DRBY_CC_CPO4

This document is not to be used in whole or in part other than for the purpose and project for which it was prepared and provided.

208

Certificate confirming the statutory requirements under the Acquisition of Land Act 1981, The Compulsory Purchase of Land (Prescribed Forms) (Ministers) Regulations 2004 (S.I.2004 No. 2595) (“the 2004 Regulations”) and the Compulsory Purchase (Inquiries Procedure) Rules 2007 (“the 2007 Rules”).have been complied with

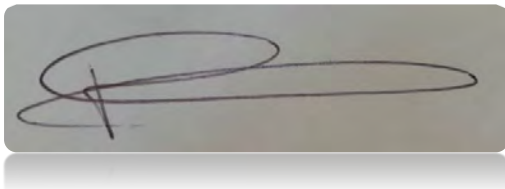
The Derby City Council (Castleward) Compulsory Purchase Order 2020

I Peter Mills certify that the following statutory requirements have been complied with:

1. Site Notices of Making of the CPO in the Form numbered 7 in the 2004 Regulations and addressed to “Persons occupying or having an interest in the land described below” were posted at conspicuous places on the Order Land at locations shown marked by a yellow circle on the plan at **Appendix 1**.
2. Notices of the Making of the CPO in the Form numbered 8 in the 2004 Regulations were duly served on every owner, tenant, occupier and qualifying person in relation to all land comprised within the CPO, in accordance with section 6(1) of the 1981 Act
 - a. by Recorded Delivery on 9 and 10th March 2020
 - b. by Hand Delivery on 16th and 17th March 2020

Details of the notices served on these dates are at **Appendix 2**.

Signed:

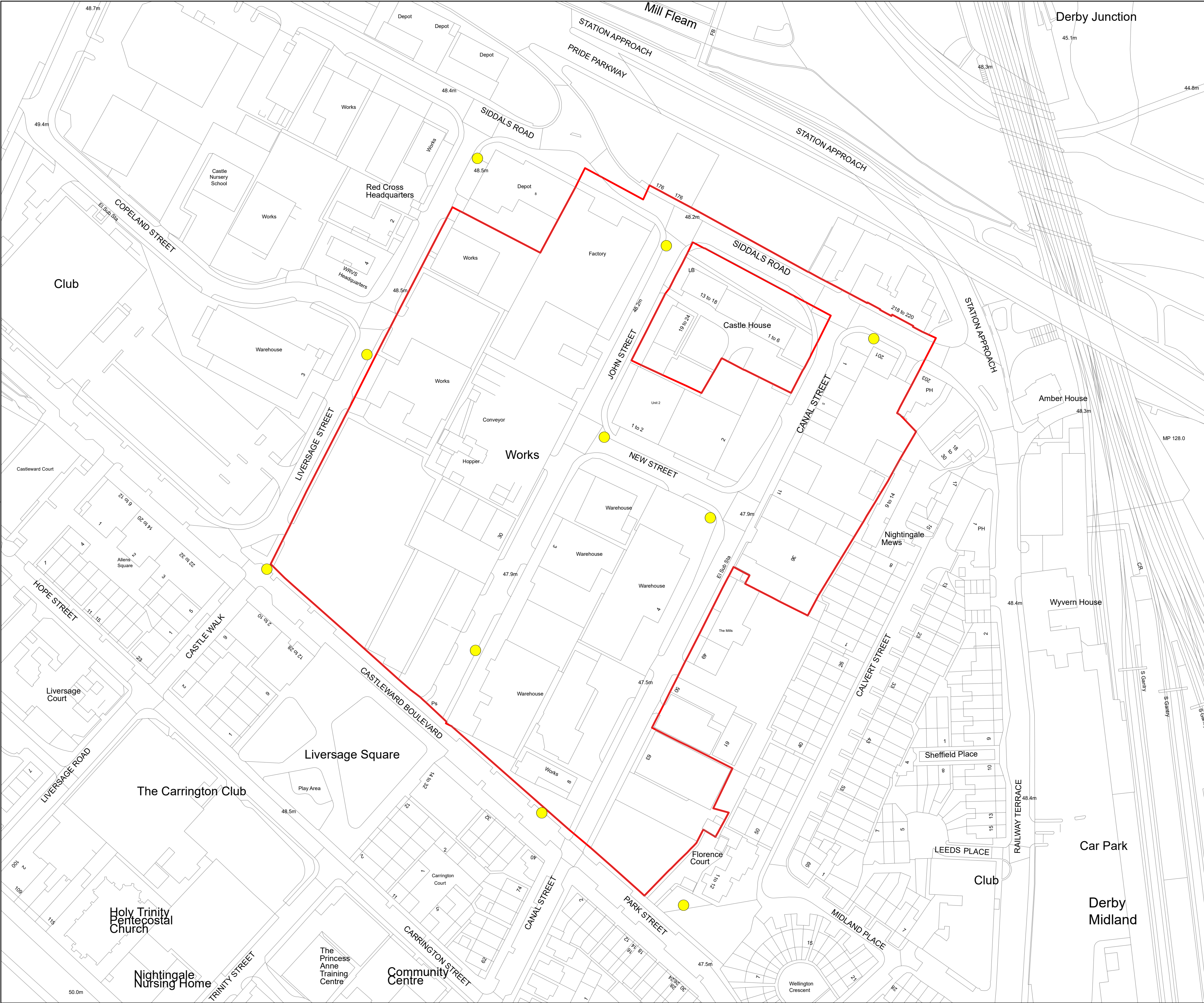


Peter Mills

Dated: 24/12/2020

Appendix 1

Plot Date: 24 December 2020 13:46:25
File Name: N:\GIS Team\019_ARDG_DRBY_CCMXD\Site Notice Plan\019_ARDG_DRBY_Site_Notices.mxd



KEY PLAN

Key

- Site Notice Location
- CPO

Contains OS data © Crown Copyright and database right 2020 Ordnance Survey 100024913. You are permitted to use this data solely to enable you to respond to, or interact with, the the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

May contain public sector information licensed under the Open Government Licence v3.0.

Client

Derby City Council

Designer

ardent
infrastructure and regeneration

Project

CASTLEWARD URBAN VILLAGE REGENERATION SCHEME

Drawing Title

SITE NOTICE LOCATIONS

Status	FINAL	Revision	003
Scale	1:1,000 @ A2	Date	24/12/2020
Spatial Reference System	British National Grid		

0 5 10 20 30 40 50 Metres

Drawn By	Checked By	Approved By
J.HILL	P.MILLS	P.MILLS

Drawing reference

019_ARDG_DRBY_Site_Notices

This document is not to be used in whole or in part other than for the intended purpose and project for which it was prepared and provided.

211

Appendix 2

Party Name	Date Sent	Delivery Method
ADL Derby Limited	09/03/2020	Recorded Delivery
Compendium Regeneration Limited	09/03/2020	Recorded Delivery
Frederick Charles William Hawkins	09/03/2020	Recorded Delivery
Jane Christine Hawkins	09/03/2020	Recorded Delivery
Hawkins & Shepherd Limited	09/03/2020	Recorded Delivery
BT Limited	09/03/2020	Recorded Delivery
CenturyLink Communications UK Limited	09/03/2020	Recorded Delivery
Jacqueline Margaret Rayson	09/03/2020	Recorded Delivery
Homes England	09/03/2020	Recorded Delivery
David Booter Sipp Trustees Limited	09/03/2020	Recorded Delivery
Michael George Daniel Key	09/03/2020	Recorded Delivery
Anthony Simon Daniel Key	09/03/2020	Recorded Delivery
Derbyshire County Council Department of Transport	09/03/2020	Recorded Delivery
Andrew Paul Stanton	09/03/2020	Recorded Delivery
JLT Pension Trustees Limited	09/03/2020	Recorded Delivery
Brian Harris	09/03/2020	Recorded Delivery
Craig Stephen Harris	09/03/2020	Recorded Delivery
R & L Developments Limited	09/03/2020	Recorded Delivery
Anthony Stuart Ross	09/03/2020	Recorded Delivery
Robert John Cotton	09/03/2020	Recorded Delivery
Sandra Bernadette Wharton Cotton	09/03/2020	Recorded Delivery
Western Power Distribution (East Midlands) PLC	09/03/2020	Recorded Delivery
Ian Keith Neal	09/03/2020	Recorded Delivery
Glyn Anthony Evans	09/03/2020	Recorded Delivery
Wayne Douglas Thomas	09/03/2020	Recorded Delivery
Juice Marketing Limited	09/03/2020	Recorded Delivery
Speedy Glass Limited	09/03/2020	Recorded Delivery
Life Cycle UK	09/03/2020	Recorded Delivery
Tarmac Trading Limited	09/03/2020	Recorded Delivery
Alpha Pro Creative Limited	09/03/2020	Recorded Delivery
Nicholas David Bulmer	09/03/2020	Recorded Delivery
Katherine Elizabeth Moorcroft	09/03/2020	Recorded Delivery
Alcora Limited	09/03/2020	Recorded Delivery
National Car Parks Limited	09/03/2020	Recorded Delivery
Richard Groombridge	09/03/2020	Recorded Delivery
M. J. S. Fabrications Limited	09/03/2020	Recorded Delivery
Robert Pancel	09/03/2020	Recorded Delivery
Carol Joyce Pancel	09/03/2020	Recorded Delivery
Derby Timber Supplies Limited	09/03/2020	Recorded Delivery
K.J. Motors Derby Limited	09/03/2020	Recorded Delivery
Bustler Market Limited	09/03/2020	Recorded Delivery
C & N Property Limited	09/03/2020	Recorded Delivery
Moguntia Food Ingredients UK Limited	09/03/2020	Recorded Delivery
F K Solutions (UK) Limited	09/03/2020	Recorded Delivery

Easywebstore Limited	09/03/2020	Recorded Delivery
St Mary's Investments Limited	09/03/2020	Recorded Delivery
Senior Care At Home Ltd	09/03/2020	Recorded Delivery
7Jay Home Care Ltd	09/03/2020	Recorded Delivery
William Hare Limited	09/03/2020	Recorded Delivery
Xafinity Pension Trustees Limited	09/03/2020	Recorded Delivery
Datum Pattern & Model Makers Limited	09/03/2020	Recorded Delivery
Barclays Security Trustee Limited	09/03/2020	Recorded Delivery
W & S (Long Eaton) Limited	09/03/2020	Recorded Delivery
Lloyds Bank PLC	09/03/2020	Recorded Delivery
Cadent Gas Limited	09/03/2020	Recorded Delivery
CityFibre Limited	09/03/2020	Recorded Delivery
Colt Technology Services	09/03/2020	Recorded Delivery
Electricity Network Company Limited	09/03/2020	Recorded Delivery
GTC Pipelines Limited	09/03/2020	Recorded Delivery
Independent Pipelines Limited	09/03/2020	Recorded Delivery
Independent Power Networks Limited	09/03/2020	Recorded Delivery
Independent Water Networks Limited	09/03/2020	Recorded Delivery
Independent Fibre Networks Limited	09/03/2020	Recorded Delivery
Independent Community Heating Limited	09/03/2020	Recorded Delivery
National Grid Gas PLC	09/03/2020	Recorded Delivery
Mobile Broadband Network Limited	09/03/2020	Recorded Delivery
Quadrant Pipelines Limited	09/03/2020	Recorded Delivery
Severn Trent Water Limited	09/03/2020	Recorded Delivery
Virgin Media Limited	09/03/2020	Recorded Delivery
Vodafone Limited	09/03/2020	Recorded Delivery
Western Power Distribution (East Midlands) PLC	09/03/2020	Recorded Delivery
Tracey Wadsworth	10/03/2020	Recorded Delivery
Sheila Pacey	10/03/2020	Recorded Delivery
Tracey Ann Lynch	10/03/2020	Recorded Delivery
Paul Joseph Ryan	10/03/2020	Recorded Delivery
Neville Pacey	10/03/2020	Recorded Delivery
Lee Anthony	10/03/2020	Recorded Delivery
Kamal Mohamed Farah	10/03/2020	Recorded Delivery
Craig Ward	10/03/2020	Recorded Delivery
Jonathon Smith	10/03/2020	Recorded Delivery
Derek Reid	10/03/2020	Recorded Delivery
The Occupier (Flat 18, Castle House)	10/03/2020	Recorded Delivery
Darren Lynch	10/03/2020	Recorded Delivery
Liversage Street (Derby) Limited	16/03/2020	Hand Delivery
ADL Derby Limited	16/03/2020	Hand Delivery
Craig Stephen Harris	16/03/2020	Hand Delivery
R & L Developments Limited	16/03/2020	Hand Delivery
Robert John Cotton	16/03/2020	Hand Delivery
Sandra Bernadette Wharton Cotton	16/03/2020	Hand Delivery
Richard Groombridge	16/03/2020	Hand Delivery
Robert Pancel	16/03/2020	Hand Delivery

Carol Joyce Pacer	16/03/2020	Hand Delivery
Tracey Wadsworth	16/03/2020	Hand Delivery
Derek Reid	16/03/2020	Hand Delivery



PUBLIC NOTICE OF VIRTUAL INQUIRY

The Town & Country Planning Act 1990
The Housing Act 1985
The Acquisition of Land Act 1981

The Derby City Council (Castleward) Compulsory Purchase Order 2020

WHEREAS Derby City Council have submitted to the Secretary of State for Housing, Communities and Local Government for confirmation of an Order made by them under section 226 (1)(a) of the Town & Country Planning Act 1990, The Housing Act 1985 and the Acquisition of Land Act 1981, which would authorise them to acquire compulsorily the land referred to in the Schedule hereto for the purpose of facilitating the provision of new housing enabling further phases of the Castleward Urban Village Regeneration Scheme to be brought forward.

NOTICE IS HEREBY GIVEN that a virtual public local inquiry into this matter will be held by Mr Phillip Ware BSc DipTP MRTPI on 26 January 2021 at 10.00 am.

The public inquiry will be conducted virtually via Microsoft Teams. Please register, by emailing Stephen Waterfield of the Planning Inspectorate at stephen.waterfield@planninginspectorate.gov.uk, if you intend to attend the Inquiry. Please provide the title of the order, the purpose for you attending the public inquiry and your address and interest in the land.

A copies of the Order and of the Map referred to therein and related documents can be found on Derby City Council's online page at: www.derby.gov.uk/castleward

Due to Covid-19 restrictions, there are no paper copies of the Order and Map accessible for inspection at within a council building. Please contact the project team at Derby City Council on 01332 641589 should you require assistance.

Planning Inspectorate Reference: APP/PCU/CPOH/C1055/3249056

SCHEDULE

The land to be acquired

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.

Signed by authority of the Secretary of State for Housing, Communities and Local Government

Stephen Waterfield

Date 6 January 2021

Planning Inspectorate

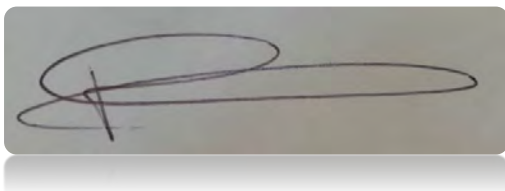
Certificate confirming the posting of Public Notice of Inquiry in relation to the below Order:

The Derby City Council (Castleward) Compulsory Purchase Order 2020

I Peter Mills certify the following:

1. Public Notices of Inquiry were posted at conspicuous places on the Order Land at locations shown marked by a yellow circle on the plan at **Appendix 1** on Friday 8th January 2021.

Signed:

A rectangular box containing a handwritten signature in dark ink. The signature is stylized, featuring a large loop and a horizontal stroke.

Peter Mills

Dated: 19/01/2020

Appendix 1

Booking Ref: 901863006
Size: 31 cm x 2 column
Start date: Fri 8 Jan 2021
In: Public Notices

PUBLIC NOTICE OF VIRTUAL INQUIRY
The Town & Country Planning Act 1990
The Housing Act 1985
The Acquisition of Land Act 1981
The Derby City Council (Castleward)
Compulsory Purchase Order 2020

WHEREAS Derby City Council have submitted to the Secretary of State for Housing, Communities and Local Government for confirmation of an Order made by them under section 226 (1)(a) of the Town & Country Planning Act 1990, The Housing Act 1985 and the Acquisition of Land Act 1981, which would authorise them to acquire compulsorily the land referred to in the Schedule hereto for the purpose of facilitating the provision of new housing enabling further phases of the Castleward Urban Village Regeneration Scheme to be brought forward.

NOTICE IS HEREBY GIVEN that a virtual public local inquiry into this matter will be held by Mr Phillip Ware BSc DipTP MRTPI on 26 January 2021 at 10.00 am.

The public inquiry will be conducted virtually via Microsoft Teams. Please register, by emailing Stephen Waterfield of the Planning Inspectorate at stephen.waterfield@planninginspectorate.gov.uk, if you intend to attend the inquiry. Please provide the title of the order, the purpose for you attending the public inquiry and your address and interest in the land.

A copies of the Order and of the Map referred to therein and related documents can be found on Derby City Council's online page at: www.derby.gov.uk/castleward

Due to Covid-19 restrictions, there are no paper copies of the Order and Map accessible for inspection at within a council building. Please contact the project team at Derby City Council on 01332 641589 should you require assistance.

Planning Inspectorate Reference: APP/PCU/CPOH/C1055/3249056

SCHEDULE
The land to be acquired

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); 966 square metres of land and premises at 65 Canal Street.

Signed by authority of the Secretary of State for Housing, Communities and Local Government
Stephen Waterfield
Date 6 January 2021
Planning Inspectorate