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National Planning Casework Unit
5 St Philip's Place
Colmore Row
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**For the attention of Secretary of State for Housing, Communities
and Local Government**

**CMS Cameron McKenna Nabarro
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3 April 2020

Email

Our ref CHBG/EMDL/SHEF/NT1953.00354

Dear Sir

Objection to The Derby City Council (Castleward) Compulsory Purchase Order 2020 (the "Order")

1. THE OBJECTOR

- 1.1 This **OBJECTION** is submitted on behalf of Tarmac Trading Limited (company registration number: 00453791) of Portland House, Bickenhill Lane, Solihull, Birmingham B37 7BQ (the "**Objector**").
- 1.2 The Objector is the leasehold proprietor of Derby Rmx, John Street, Derby, Derbyshire DE1 2LU pursuant to a lease dated 24 December 1996 and made between (1) Cromford Group Limited and (2) Tarmac Quarry Products Limited (the "**Property**"). The Property comprises area 15 on the Order Map. The principle purpose of the Property is the production, supply and distribution of ready mixed concrete, mortars and screeds, and similar products.
- 1.3 Please note that Table 1 to the Order identifies the Objector as being a tenant and occupier of area 29 on the Order Map. However, the Objector does not believe that it has any interest whatsoever in this land, which is physically separate from area 15.

2. STATUTORY BASIS FOR MAKING THE ORDER

- 2.1 Within the Statement of Reasons, Derby City Council (the "**Acquiring Authority**") states that it "*is empowered by Section 17 of the Housing Act 1985 to acquire land, houses or other properties*"

UK - 638069832.4

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by compulsion for the provision of housing accommodation” and 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”.

2.2 Section 17(1)(a) of the Housing Act 1985 provides that “A local housing authority may for the purposes of this Part acquire land as a site for the erection of houses”. Paragraph 146 of the Ministry of Housing, Communities & Local Government’s Guidance on Compulsory purchase process and The Crichel Down Rules (July 2019) (the “**Guidance**”) states that “Acquisition must achieve a quantitative or qualitative housing gain”.

2.3 The Objector’s objection is submitted in this context.

3. SUMMARY OF OBJECTION

3.1 In summary, the Objector **OBJECTS** to the Order on the following grounds:

3.1.1 The absence of a compelling case in the public interest and failure to comply with the ECHR;

3.1.2 Failure to fully grasp the operations and requirements of a ready mixed concrete plant;

3.1.3 Failure to consider Planning Policy Guidance on safeguarding existing sites contrary to the advice in the National Planning Policy Framework (February 2019) (“**NPPF**”);

3.1.4 Prematurity.

3.2 These grounds are discussed in more detail below but the Objector reserves the right to expand on these grounds in its formal statement of case in the event that a public inquiry is held into the Order.

4. ABSENCE OF A COMPELLING CASE IN THE PUBLIC INTEREST AND FAILURE TO COMPLY WITH THE ECHR

4.1 The Guidance makes it clear that a compulsory purchase order should only be made where there is a **compelling case in the public interest**, and that the purposes for which the compulsory purchase order is made justifies interference with the human rights of those with an interest in the land affected.

4.2 The Acquiring Authority’s Statement of Reasons does not disclose a compelling case in the public interest for the exercise of compulsory purchase powers against the Objector.

4.3 The justification for depriving the Objector of the Property and displacing the current commercial and industrial occupiers is also inadequate in the context of the Acquiring Authority’s obligations under the European Convention on Human Rights.

5. FAILURE TO FULLY GRASP THE OPERATIONS AND REQUIREMENTS OF A READY MIXED CONCRETE PLANT

5.1 The Acquiring Authority has failed to fully grasp the operations and requirements of a ready mixed concrete plant, which has unfortunately resulted in the Acquiring Authority’s inability to:

5.1.1 suitably address the relocation of the business of the Objector, contrary to the advice underlying the Guidance; and

- 5.1.2 use reasonable endeavours to negotiate by private treaty.
- 5.2 With regard to relocation, the Statement of Reasons acknowledges that the Objector's site "*will be perhaps the most challenging to relocate*". By the Acquiring Authority's own admission, a combination of factors mean that it may be difficult to secure planning consent on a suitable and proximate new site in order for the Objector's operations to continue. It acknowledges 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*".
- 5.3 However, this would not be the only consideration for the Objector given its unique operations. By its nature concrete batching has maximum distribution distances beyond which it is not possible to supply concrete: central locations such as that found at the Property are essential to the efficient and effective supply of ready mixed concrete.
- 5.4 The effect of the acquisition and any relocation of the Objector's business (unless such relocation is to a suitable local alternative site and assuming such relocation is ultimately possible), will be to extend journey times and distances making it impractical to sustain the business requirements of existing customers and the importing of materials for processing from the Objector's alternative plants. This is contrary to the advice contained within Chapter 9 of the NPPF to promote planning policy for sustainable transport. It is this crucial element that the Acquiring Authority has failed to fully consider during its attempts to identify alternative locations for the Objector's business.
- 5.5 Although the Objector accepts that there have been a very limited number of proposed alternative locations capable of supporting its operations, none of these have been accompanied by a willing landlord, any agreed heads of terms or a comparable rent. As such, the Acquiring Authority has failed to date to identify any **viable** alternative locations for the Objector's business despite the passing of almost 3 years since its initial contact with the Objector concerning the Order.
- 5.6 Furthermore, the Acquiring Authority has not sought to offer any of its own land or utilise its compulsory purchase order powers to acquire a suitable alternative site, which could then be leased to the Objector.
- 5.7 In relation to using reasonable endeavours to negotiate by private treaty, the evidence of such negotiations at paragraph 7 of the Statement of Reasons comprises a list of just five occurrences of contact between February/March 2017 and 2 February 2020; a period of almost 3 years.
- 5.8 No evidence has been provided of the nature of the correspondence, the steps taken to establish whether the parties contacted were authorised to represent the Objector, the terms offered, or the response received. Paragraph 7 merely provides a short list of the dates and methods of contact, but it does not extend to the type of offer made by the Acquiring Authority and the Objector has confirmed that a formal offer has not been received.
- 5.9 Furthermore, for clarification the Objector does not recall that a meeting took place between it and the Acquiring Authority on 3 October 2019 but rather a brief telephone conversation.
- 5.10 The evidence of attempts to negotiate with the Objector are inadequate. Given the failure to take reasonable steps to negotiate with the Objector the making of the Order is not justified and is premature at this stage.

5.11 Based on the circumstances set out above, the Objector's business carried out from the Property will be extinguished resulting in an immediate erosion in its market share of the ready mixed concrete sector given competitors proximity to the region.

6. FAILURE TO CONSIDER PLANNING POLICY GUIDANCE ON SAFEGUARDING EXISTING SITES

6.1 Contrary to the advice at Paragraph 204(e) of Chapter 17 to the NPPF for planning policies to safeguard existing sites for the processing of minerals, the manufacture of concrete and concrete products, and the processing and recycling of secondary aggregate material, the acquisition of the Property will cause such activities and a viable business to cease. Furthermore, 2 Full Time and 4 Part Time employees will be redundant, contrary to Paragraph 80 of the NPPF, which provides that “[p]lanning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”.

6.2 In addition, the Statement of Reasons fails to have regard to the Department of Housing, Communities and Local Government's Planning Practice Guidance (Minerals) that planning authorities should safeguard existing storage, handling and transport sites (Paragraph 006, Reference ID: 27-006-20140306), and accordingly the Acquiring Authority is failing to ensure that the land used by the Objector will remain available for the current mineral processing purposes, and is failing to prevent sensitive or inappropriate development that would conflict with the Objectors' mineral processing business.

7. PREMATURITY

7.1 Overall, the Order is premature.

7.2 There is no compelling case in the public interest to acquire the Property, in particular:

7.2.1 The Acquiring Authority has failed to fully grasp the operations and requirements of a ready mixed concrete plant resulting in:

- (a) its inability to identify any viable solutions in respect of alternative sites to enable the Objector to continue its operations;
- (b) its failure to take reasonable steps to assemble the site by private treaty (as evidenced by the very limited number of attempts made to negotiate with the Objector and the terms of such negotiations); and

7.2.2 The Acquiring Authority has failed to safeguard the Objector's existing site for the production, batching, sale and distribution of ready mixed concrete contrary to Planning Policy Guidance advice in the NPPF.

8. CONCLUSION

8.1 For the reasons given above the making of the Order is misconceived and / or premature and should not be confirmed by the Secretary of State.

- 8.2 We reserve the right to expand on these grounds of objection upon receipt of further information from the Acquiring Authority including, but not limited to, its detailed Statement of Case.
- 8.3 Please acknowledge safe receipt of this letter which, for the avoidance of doubt, is written without prejudice to any further submissions that may be made by or on behalf of the Objector in the future.

Yours faithfully

CMS

CMS Cameron McKenna Nabarro Olswang LLP

Copy to: Derby City Council (John Gilman)

**THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020
OUTSTANDING OBJECTIONS**

MIDCASTLE LIMITED

PUBLIC INQUIRY 26 – 29 January 2021

MIDCASTLE LIMITED

The Midcastle Trading Centre. 4 Canal Street. Derby. DE1 2RJ.
Tel:- 01332 202500. Fax:- 01332 204835

Secretary of State for Communities and Local Government
National Planning Casework Unit
5 St Philips Place
Colmore Row
Birmingham B3 2PW

30 March 2020



Dear Sir

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

We wish to lodge objections to the implementation of the above mentioned CPO, on behalf of Midcastle Ltd, First Electrical Wholesalers Ltd, Lamp Shed Ltd, Supaplumb Ltd, Bathroom Traders Ltd, who have all received notification of the Order, on the grounds listed below:-

1. Current site is central to the City of Derby and easily accessible to the general public. Any enforced move will have the effect of reducing sales and footfall in the showroom. The businesses involved all have a shop front, easily noticeable, fronting Canal Street.
2. The logistics involved in moving the operation to a new site would be very disruptive, seeing a reduction in sales both in the showroom and on the internet due to the factors of having to operate from a new site and the current site and that the stock required to service both outlets would not be readily available for some period of time.
3. There would also be difficulties relating to container deliveries, ensuing that staff would have to access two sites in an attempt to fulfill orders.
4. The fact that the Canal Street site is in the centre of the city is an added bonus for staff travelling to work by public transport with, in most cases, ensuring that they will not have to catch two buses.
5. We currently employ 37 staff on this site, with the prospect of having to reduce numbers if we are forced to move the business.
6. The current Coronavirus situation will exacerbate the CPO situation in that we will be unable to view possible alternative sites for a period of up to 6 months leaving very little time to pursue alternative locations, with every chance that we will be forced to reduce staff levels or possibly close the business with resultant redundancies.
7. This business has operated from this location for a period of approximately 40 years and is well known and well established. It would be unacceptable for this facility to be lost to the community.

We await your response in due course.

Yours faithfully

Keith E Johnson
Director

**THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020
OUTSTANDING OBJECTIONS**

DERBY AUTO ELECTRICAL SERVICES LIMITED

PUBLIC INQUIRY 26 – 29 January 2021

Carter Jonas LLP
2 Snow Hill
Birmingham
B4 6GA
M: 07920 419344

Secretary of State for Housing, Communities and Local Government
National Planning Casework Unit
5 St Philip's Place
Colmore Row
Birmingham
B3 2PW

By email: Rachael.Beard@communities.gov.uk

Dear Sir / Madam

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020 (THE 'DRAFT ORDER')

ANTHONY STUART ROSS AND DERBY AUTO ELECTRICAL SERVICE LIMITED – 11 CANAL STREET DERBY DE1 2RJ & UNIT 1, 36 CANAL STREET, DERBY, DE1 2RJ

Carter Jonas LLP are instructed on behalf of Anthony Stuart Ross (Tony) and Derby Auto Electrical Services Ltd (Derby Auto Electrical).

Background

Tony owns the Freehold interest of 11 Canal Street, Derby DE1 2RJ Title Number: DY212267, which is subsequently let to Derby Auto Electrical.

Derby Auto Electrical own the Freehold of Unit 1, 36 Canal Street, Derby, DE1 2RJ. Title Number: DY209464, which is owner occupied

The sole directors of Derby Auto Electrical are Tony and Linda Ross.

Derby Auto Electrical

Derby Auto Electrical is a family run local business, which has been operating for over 30 years and has 24 employees. The company offers a complete in-house MOT testing service providing a one stop shop for repair and maintenance for a variety of vehicles. It is also part of the RAC approved Garages Program which is an approved network focusing on quality work, honest pricing and excellent customer service. The company services long established existing contracts as a network supplier to companies such as Balfour Beatty. It is also on the approved supplier list for Network Rail, Harsco, Western Power, St Johns Ambulance, Rolls Royce, TARMAC and CEMEX, as well as many more individual loyal customers.

The Properties

The Properties are interconnected and comprise a warehouse utilised as an automobile repair workshop which is split into a variety of areas to service its business activities. This includes, a MOT workshop, HGV workshop, warehouse storage space, trade counter areas, offices, w/c, and kitchen. The building extends approximately 797.4 sq m (8,583 sq ft). The site extends to 0.3-acre (0.12 hectares) with an attractive site coverage of 50%.

The following services are operating from the Property

1. Vehicle Servicing
2. MOTs
3. Services / Repairs for HGVs
4. Vehicle fittings including Tyre, Exhaust and Battery fittings
5. Air conditioning maintenance and repair services
6. Alarm Systems and Tracking maintenance and repair services
7. Electrical diagnostic and repair
8. Derby Eberspacher Service Centre
9. Vehicle Part Supply

The property is particularly suitable for this type of business for the following reasons

1. The property is purpose built and the site is designed to suit the business needs with a substantial mezzanine to accommodate the space required for storing spare parts and separate self-contained HGV and MOT workshop.
2. The proximity to the town centre, public transport and local motorway network are critical to make this business accessible to its client base. Customers particularly female feel safe walking to and from the garage to their place of work and the shops in Derby City Centre.
3. Proximity to the local rail network is strategic and compliments existing rail clients such as; Network Rail, Harsco Rail and Colas Rail.
4. The location is strategic, the area is known for various vehicle repair facilities which provides regular referrals to Derby Auto Electrical such as MOTs and other local businesses purchasing of spare parts.

Draft Order

The Draft Order has been made applying for compulsory purchase powers in accordance with section 17 of the Housing Act 1985 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976. The purpose of the Draft Order is for land assembly to deliver a comprehensive, residential led regeneration (the Scheme).

My clients object to the Draft Order for the reasons set out below

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

The Ministry of Housing, Communities and Local Government document 'Guidance on Compulsory purchase process and The Crichel Down Rules' states:

'The confirming authority will expect the acquiring authority to demonstrate that they have taken reasonable steps to acquire all of the land and rights included in the Order by agreement.'

The Draft Order Statement of Reasons states that:

"Negotiations have been taking place with all landowners and other parties with interest in the land."

Despite requests to commence negotiations we are unaware of any meaningful discussions with the Council, or their representatives and are unaware of any substantial efforts to pursue negotiations beyond:

- i. Attendance by Thomas Lister to the property 03 March 2020 to facilitate meaningful negotiations requested by Carter Jonas LLP. The council have not provided an updated offer as requested.

We conclude that the acquiring authority has not taken reasonable steps to acquire the Property by agreement nor is compulsory purchase being used as a last resort.

2. The acquiring authority have not provided any assurances on minimal level of compensation for Tony or Derby Auto Electrical or provided 'a not before date'.

The Ministry of Housing, Communities and Local Government document 'Guidance on Compulsory purchase process and The Crichel Down Rules' states that acquiring authorities should

'offer to alleviate concerns about future compensation entitlement by entering in agreements about minimum level of compensation..... providing a 'not before' date, confirming that acquisition will not take place before a certain time'

The Draft Order Statement of Reasons states that:

12.5 Those whose interest are acquired under the Order will also be entitled to compensation which will be payable in accordance with the Compulsory Purchase Compensation code.

The council have acknowledged the anticipated disruption to businesses within the scheme and made reference to motor businesses, labelling them as '*challenging*'. They have provided no assurance or information of their intention to sustain my clients financial position with regard to minimal levels of compensation in particular appropriate disturbance compensation.

As a direct result, the lack of information has made my client vulnerable and created further uncertainty for their Business. In addition, it has had the effect of adding significant anxiety for Tony, Linda and the employees of Derby Auto Electrical, which in turn has been detrimental to business activities.

The acquiring authority have not committed to or provided any indicative estimates of appropriate compensation in line with the compulsory purchase code, nor provided any assurance of anticipated timescales for understanding this further.

3. Lack of appropriate engagement and excessive delays in submitting the draft order have created uncertainty over a 15 year period.

The Ministry of Housing, Communities and Local Government document 'Guidance on Compulsory purchase process and The Crichel Down Rules' states that acquiring authorities should consider

'keeping any delay to a minimum by completing the statutory process as quickly as possible'

The Draft Order Statement of Reasons states that:

'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'

The acquiring authority and / or their representatives have written to my clients to discuss the site as an area of regeneration implying his interest will be an essential part for its delivery sporadically since 2005. This correspondence is the initial engagement required ahead of commencing the statutory process of appropriate acquisition of land. The council have made no meaningful endeavours to purchase the property during this timeframe despite suggesting that it is an essential part of this Scheme.

As a direct result, the threat of acquisition over this period has and continues to influence business decisions for Derby Auto Electrical. For example, required business investment in key operational equipment such as Class 7 MOT testing equipment has been reasonably delayed, which has had a direct influence on overall costs and profit. In addition, Derby Auto Electrical currently have an opportunity to expand their business and fulfil an additional rail contract which involves substantial testing of electrical equipment. In order to undertake this work in line with existing standards they are required to upgrade their existing electrical capacity which is a significant cost.

To date, the council have not identified how lack of business investment as a direct result of the scheme will be captured in agreed compensation.

We reserve the right to amend or extend this objection accordingly in due course.

Please confirm receipt of this objection and that our clients are recorded as a Statutory Objectors.

I look forward to hearing from you.

Yours sincerely



Selina Wakeham MRICS

Partner

M: 07920 419344

Selina.wakeham@carterjonas.co.uk

The electronic official copy of the register follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.



Official copy of register of title

Title number DY209464

Edition date 22.10.2014

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- Issued on 18 Nov 2019.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Nottingham Office.

A: Property Register

This register describes the land and estate comprised in the title.

CITY OF DERBY

- 1 The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being Unit 1, 36 Canal Street, Derby (DE1 2RJ).
- 2 A Transfer of the land in this title and other land dated 6 March 1979 made between (1) Derby City Council and (2) George Heldreich and Evan May Heldreich contains the following provision:-

"IT IS HEREBY AGREED AND DECLARED that the Transferees and their successors in title shall not by virtue of this Deed acquire any right of light or air which would prejudice the free use and enjoyment of any adjoining land of the Transferor for building or for other purposes and that any enjoyment of light or air had by the Transferees or their successors in title from or over any adjoining land of the Transferor shall be deemed to be had by the consent (hereby given) of the Transferor. NOTWITHSTANDING that such agreement and declaration shall in no way prejudice hinder or interfere with any existing right of light or air had and enjoyed by the Transferees or their successors in title in respect of the adjoining premises belonging to the Transferees at Canal Street aforesaid"
- 3 The land has the benefit of the rights granted by but is subject to the rights reserved by the Transfer dated 20 April 1988 referred to in the Charges Register.
- 4 The Transfer dated 20 April 1988 referred to above contains provisions as to light or air and boundary structures.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (22.10.2014) PROPRIETOR: DERBY AUTO ELECTRICAL SERVICES LIMITED (Co. Regn. No. 4088231) of 11 Canal Street, Derby DE1 2RJ.

Title number DY209464

B: Proprietorship Register continued

- 2 (22.10.2014) The price stated to have been paid on 19 September 2014 was £90,000.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 The land is subject to the rights granted by a Deed dated 25 March 1988 made between (1) Robert John Cotton and (2) The East Midlands Electricity Board.

The said Deed also contains restrictive covenants by the grantor.

NOTE: Copy filed under DY209548.

- 2 A Transfer of the land in this title dated 20 April 1988 made between (1) Robert John Cotton and (2) Michael William Richardson and Ann Mary Richardson contains restrictive covenants.

NOTE: Original filed.

End of register

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H.M. LAND REGISTRY

TITLE NUMBER

DY 209464

ORDNANCE SURVEY
PLAN REFERENCE

COUNTY SHEET
AO[R.BYSJ11RE

NATIONAL GRID
SK 3635

SECTION
A

Scale : 1 / 1250

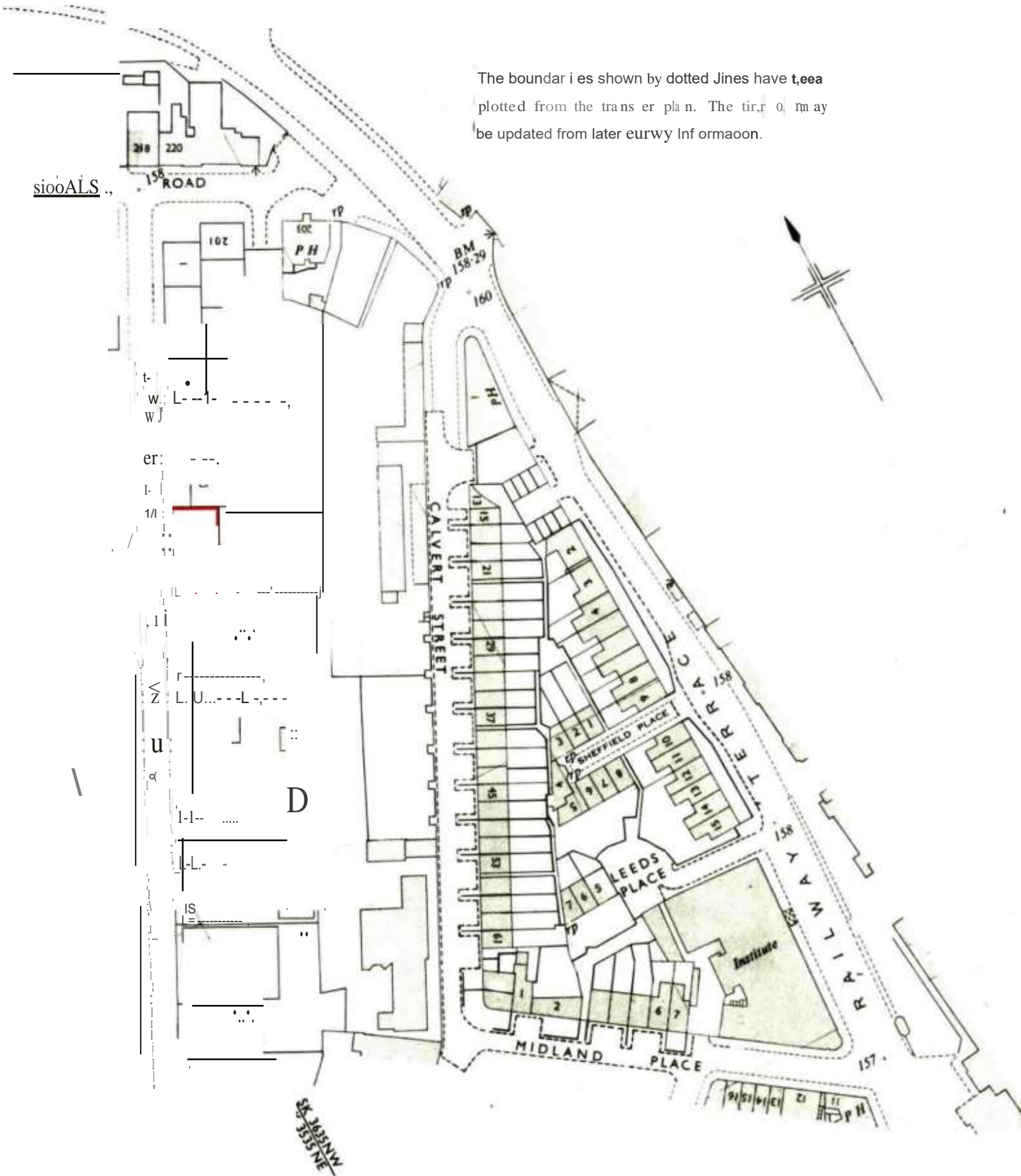
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ADMINISTRATIVE AREA

CITY OF DERBY

The boundaries shown by dotted lines have been plotted from the transfer plan. The title may be updated from later survey information.



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Official copy of register of title

Title number DY212267

Edition date 17.05.2013

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- Issued on 18 Nov 2019.
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- This title is dealt with by HM Land Registry, Nottingham Office.

A: Property Register

This register describes the land and estate comprised in the title.

CITY OF DERBY

- 1 The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being 11 Canal Street, Derby.
- 2 A Transfer of the land in this title dated 3 September 1990 made between (1) Derby City Council (Transferor) and (2) Peter John Siddall and Jennifer Maureen Siddall (Transferees) contains the following provision:-

"It is hereby agreed and declared that the Transferee and their successors in title shall not by virtue of this deed acquire any right of light or air or any other easement or right which would prejudice the free use and enjoyment of any adjoining land of the Transferor for building or for any other purposes and that any enjoyment of light or air or any other easement or right had by the Transferee or their successors in title from or over any adjoining land of the Transferor shall be deemed to be had by the consent (hereby given) of the Transferor."

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (20.01.1997) PROPRIETOR: ANTHONY STUART ROSS of 8 Wesley Road, Alvaston, Derby.

End of register

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H.M. LAND REGISTRY

D

2267

ORDNANCE SURVEY PLAN REFERENCE	COUNTY <u>DERBYSHIRE</u>	SHEET	NATIONAL GRID SK 3635	SECTION A
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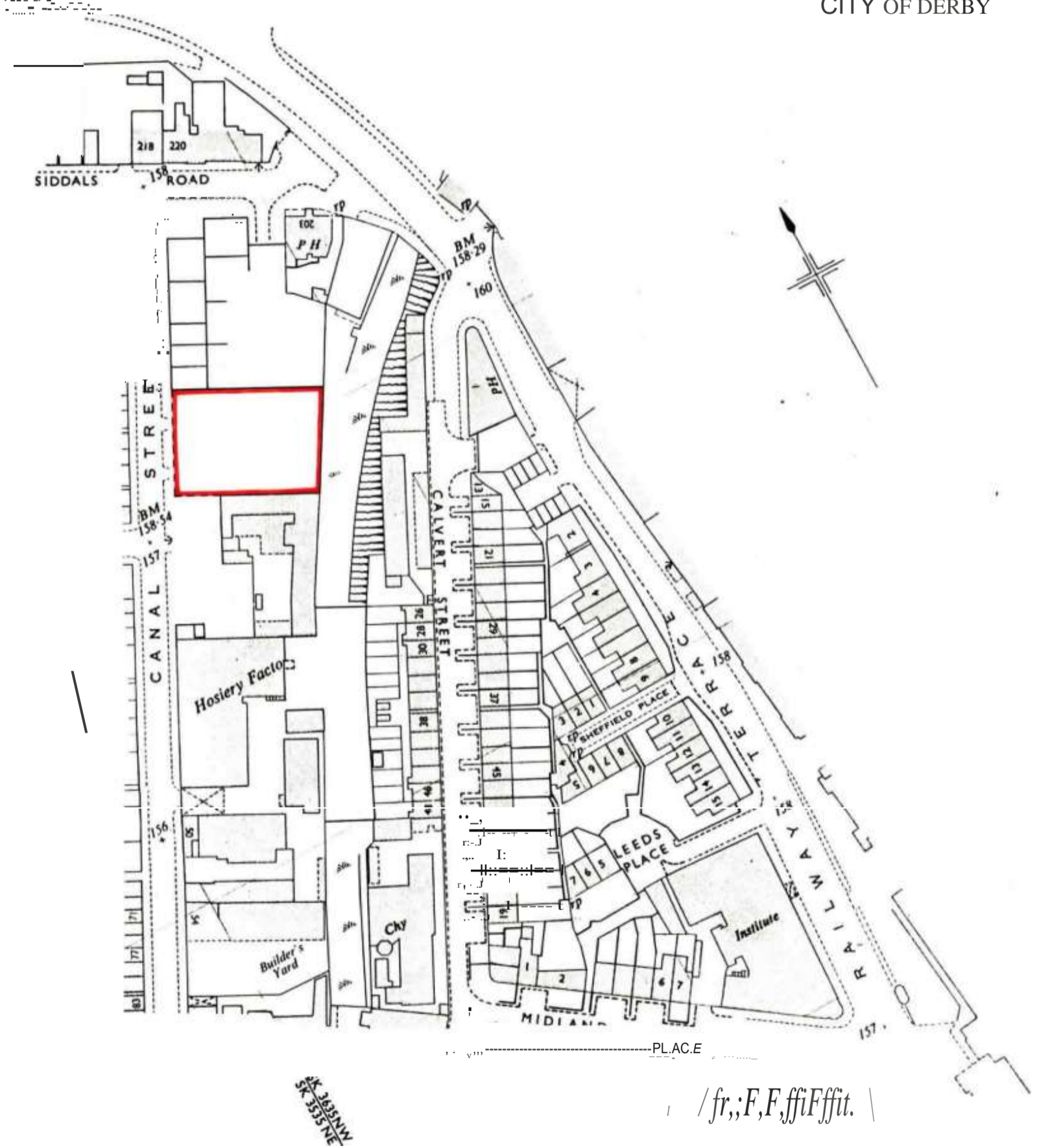
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DERBYSHIRE

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ADMINISTRATIVE AREA

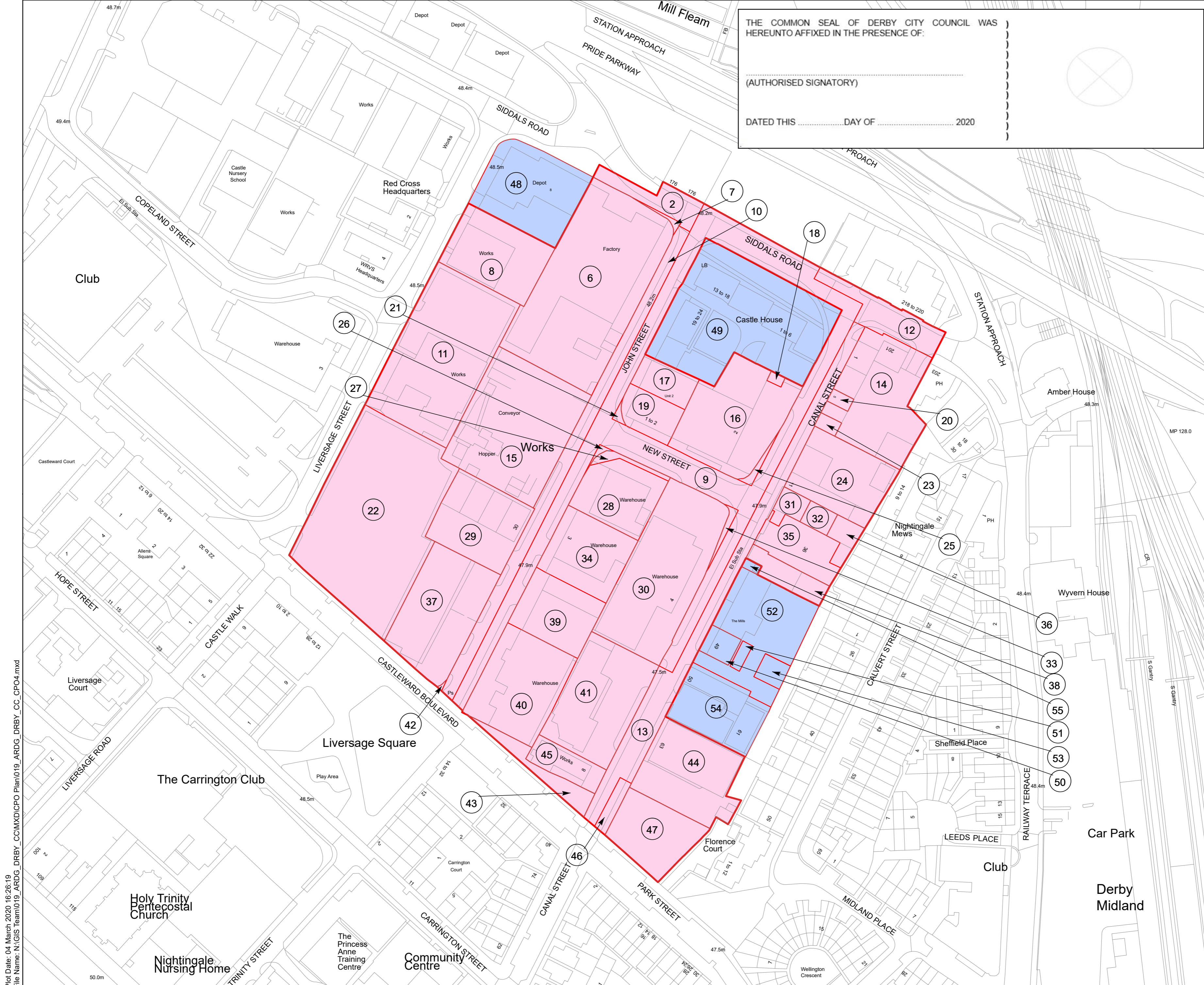
CITY OF DERBY



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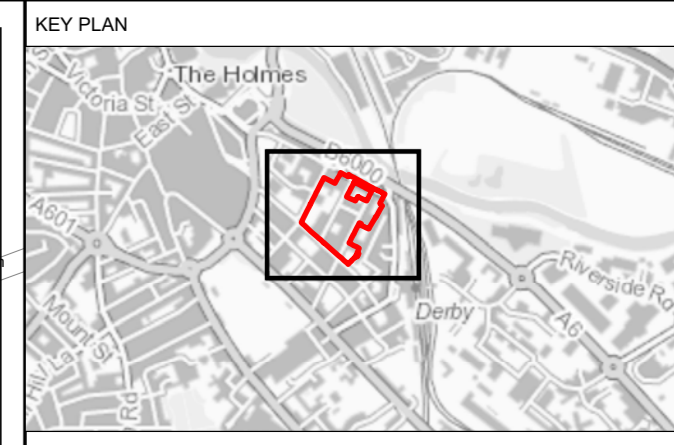
This official copy is incomplete without the preceding notes page.



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

(AUTHORISED SIGNATORY)

DATED THIS DAY OF 2020



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Client

Derby City Council

Designer



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	

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

Drawing reference

019_ARDG_DRBY_CC_CPO4

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Plot Date: 04 March 2020 16:26:19
File Name: N:\GIS Team\019_ARDG_DRBY_CC\CIMXD\CPO Plan\019_ARDG_DRBY_CC_CPO4.mxd

**THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020
OUTSTANDING OBJECTIONS**

ELEVATE

PUBLIC INQUIRY 26 – 29 January 2021

Your reference:

Our reference: RA03.JOH0561-0002.RA

Direct email: randrews@hcrlaw.com



SOLICITORS

7 April 2020

Secretary of State for Housing, Communities & Local Government
Planning Casework Unit
5 St Philip's Place
Colmore Row
Birmingham
B3 2PW

BY EMAIL: pcu@communities.gsi.gov.uk

5 Deansway

Worcester

WR1 2JG

Telephone: 01905 612 001

Fax: 01905 744 899

DX: 716260 Worcester 1

Direct Line: 01905 744 868

PLANNING TEAM

Dear Sirs

OBJECTION to The Derby City Council (Castleward) Compulsory Purchase Order 2020

We write on behalf of Liversage Street (Derby) Limited and John Street (Derby) Limited to **object** to the confirmation of The Derby City Council (Castleward) Compulsory Purchase Order 2020 made on 5th March 2020 ("the Order").

Liversage Street (Derby) Limited ("the Owner") is the freehold owner of land east of Liversage Street and west of John Street, Derby, which is identified as Parcel 22 in the Schedule to the Order ("the First Land"). The Order would authorise the compulsory purchase of all of the Owner's interest in the First Land, for the purposes of facilitating the provision of a minimum of 512 new dwellings on the wider land included within the Order ("the Order Land") being further phases of the Castleward Urban Village Regeneration Scheme.

John Street (Derby) Limited ("the Purchaser") is at an advanced stage of negotiation for the conditional purchase of 36 John Street (identified as Parcel 29 in the Schedule to the Order), and land west of John Street and north of Castleward Boulevard (identified as Parcel 37 in the Schedule to the Order) (together "the Second Land"). Although the Purchaser does not have a land interest in the Second Land at the time of writing, contracts for the purchase have been issued for execution and are highly likely to be exchanged in the coming days. The Purchaser will, therefore, become a qualifying person for the purposes of the Order prior to the merits of the Order being considered by the Secretary of State.

The draft Indicative Phasing Plan published with the Order shows the First Land and Second Land forming the entirety of Phase 2B of the Castleward Urban Village Regeneration Scheme. The published Statement of Reasons accompanying the Order confirms that Phase 1 has already been delivered, and Phase 2A is currently in progress. Derby City Council's ("the Acquiring Authority")

Birmingham T: 0121 454 0739 F: 0121 455 7211
Cambridge T: 01223 581 429 F: 01223 360 222
Cardiff T: 02922 749 200 F: 02922 749 201
Cheltenham T: 01242 224 422 F: 01242 518 428
Hereford T: 01432 349 670 F: 01432 349 660
London T: 0207 489 6320 F: 0207 681 1261
Thames Valley T: 0118 911 1206 F: 0118 900 7874
Worcester T: 01905 612 001 F: 01905 744 899
Wye Valley T: 01989 562 377 F: 01989 565 961

63 Church Street Birmingham B3 2DP
Compass House Chivers Way Histon Cambridge CB24 9AD
Unit B Copse Walk Cardiff Gate Business Park Cardiff CF23 8RB
Ellenborough House Wellington Street Cheltenham GL50 1YD
Thorpe House 29 Broad Street Hereford HR4 9AR
3 St Helen's Place London EC3A 6AB
100 Longwater Avenue Green Park Reading RG2 6GP
5 Deansway Worcester WR1 2JG
Overross House Ross Park Ross-on-Wye HR9 7US

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intention is presumably therefore that the First Land and Second Land would form the next part of the Castleward Urban Village Regeneration Scheme to be delivered.

As the freehold owners of a significant part of the intended next phase of the development the Order is seeking to deliver, the objection of the Owner is a 'relevant objection'. The objection of the Purchaser should also be treated as a 'relevant objection' for the reasons set out above.

The objection is made on a number of grounds as set out below.

1. Failure of the Acquiring Authority to demonstrate that the confirmation of the Order would deliver a quantitative and / or qualitative housing gain in respect of the First Land and Second Land

The Owner and Purchaser both support the regeneration of the Order Land for the provision of housing, and support the aspirations of the Acquiring Authority to create an attractive and high quality residential-led development in this sustainable city centre location.

There is an acknowledged national and local need for housing, and the Owner and Purchaser both support the use of the First Land, Second Land, and wider Order Land for this purpose, provided that the development is in accordance with Chapter 11 and paragraph 123(b) of the National Planning Policy Framework, which encourages high-quality and high-density residential development in urban centres such as this.

The compulsory purchase regime must, however, consider whether the Acquiring Authority's proposed development justifies the use of compulsory purchase powers and interference with the human rights of the landowners.

The Order has been made pursuant to Section 17 of the Housing Act 1985, which requires that there must be a quantitative or qualitative housing gain to justify the use of compulsory purchase powers (paragraph 146, *Guidance on compulsory purchase process and the Crichel Down Rules*, published by the Ministry of Housing, Communities, & Local Government, July 2019).

Although the Owner and Purchaser appreciate that the Order Land benefits from a housing allocation in the adopted Derby City Local Plan 2011-28, and outline planning permission reference 05/12/00563 granted in 2013, the scheme having a housing allocation or planning permission is not sufficient to establish the need for the Acquiring Authority to use compulsory purchase powers to ensure delivery of a housing-led regeneration of the Order Land.

The existing outline planning permission and / or allocation is also insufficient to establish that the Acquiring Authority's proposed development would provide a quantitative and / or qualitative housing gain, particularly where the Acquiring Authority's Statement of Reasons confirms that the detail of the housing proposed to be delivered by the development has not been finalised.

It is instead stated at paragraph 5.40.6 of the Statement of Reasons that "*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*".

Without the detail of the development proposed to be provided on the First Land and Second Land in the event the Order is confirmed, the Acquiring Authority has no reasonable basis to assert that the

development would provide a quantitative and / or qualitative housing gain. This is particularly the case where the Statement of Reasons has failed to give any serious consideration to any advanced and viable alternative scheme that the Acquiring Authority is aware of for the Order Land or any part thereof.

2. Failure of the Acquiring Authority to consider an alternative scheme

If there is an alternative scheme which could bring about the objectives of the Order within an acceptable timescale without interfering with landowners' rights, then this must be given serious consideration by the Acquiring Authority and addressed in full in the Statement of Reasons accompanying the Order.

The Statement of Reasons fails to meet this requirement, and simply asserts at paragraph 5.41 that:

"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 with the Order Land is an unacceptable alternative, as it would be a highly inefficient use of land, lacking in coherent design".

This statement is unsupported. The design of any development on an individual parcel of land would be controlled through the planning process, and there is currently no coherent design proposed by the Acquiring Authority for the Order Land in any case.

It is nonsensical to assert that the development of individual parcels of the Order Land would automatically result in a "highly inefficient use of land". This may be the case for some smaller parcels of the Order Land, but there are clearly some parts of the Order Land, such as the First Land and Second Land which can be developed on a standalone basis. This in itself is proven by the Acquiring Authority's own indicative phasing plan, which itself proposes that the First Land and Second Land are brought forward as a single phase.

In this case, it is clear that there is a viable and well-advanced alternative scheme for the First Land and Second Land, as the site as a whole is currently the subject of an outline planning application (reference 03/18/00378), that has a resolution to grant subject to S.106. This has yet to be executed due to on-going discussions with Homes England in relation to the Second Land.

As a result of the above, the Owner of the First Land has submitted a detailed planning application for 178 units in order to advance its site due to the delays with the Second Land. This application, reference 19/01766/FUL, is currently under consideration by Derby City Council. Following recent discussions, the scheme has been amended to reduce the height of one of the blocks on site and the Council, as Local Planning Authority, have indicated that the changes proposed are likely to be acceptable from their perspective and are happy to move towards a delegated decision once a updated viability appraisal is received. It is anticipated, subject to the current situation the Country finds itself in, that a positive decision should be forthcoming in early summer.

In addition, as the Purchaser has now reached agreement for the purchase of the Second Land, a planning application has been prepared and is in the process of being submitted for 94 residential units. This scheme has been designed to complement the First Land and its subject application so the two submissions, when consented, read as one harmonious development that makes the best

use of the previously developed land in question and creates a high quality development that will help kick start the regeneration of the wider Castleward Urban Village Regeneration Scheme.

At the date the Order was made, the Acquiring Authority was aware that there was already a resolution to grant planning permission for the First Land and Second Land pursuant to application reference 03/18/00378, and a second valid planning application under consideration by the Local Planning Authority relating to the First Land.

Additionally, prior to the Order being made, Derby City Council both in its capacity as Local Planning Authority and its capacity as Acquiring Authority have been made aware through face to face meetings and written correspondence of the Purchaser's proposed scheme for the Second Land, and that that a planning application for the Second Land is ready to submit and will be lodged once the Purchaser exchanges contracts for the purchase of the Second Land.

The Acquiring Authority is also aware that the Owner and the Purchaser are connected companies and have proposed an alternative scheme representing a combined and coherent development of both the First Land and Second Land.

The Acquiring Authority failed to consider any of the above planning applications in its Statement of Reasons.

Additionally, the Acquiring Authority has failed to consider the fact that a private developer would be capable of delivering housing on the First Land and Second Land more quickly than the Acquiring Authority, thus making a quantifiable contribution to the housing need within Derby. The Acquiring Authority's delivery of housing relies on the Order being confirmed, the compulsory purchase powers exercised, a scheme for the site being designed, reserved matters (or full planning) approval being granted by the Local Planning Authority, relevant planning conditions being discharged, and the timely and effective liaison with the Acquiring Authority's delivery and funding partners, Compendium Living (being a partnership between Compendium Regeneration Ltd, Lovell Partnerships Ltd, and the Riverside Group Ltd), and Homes England, to deliver the scheme.

This process must be contrasted with the situation where the Owner's planning application has been submitted, and is receiving favourable comments from the Local Planning Authority, and where liaison with third party development partnerships is simply not required.

In this case it is clear that the Acquiring Authority has not given the necessary consideration to the alternative scheme, and as such, the Order should not be made in its current form.

3. The Order proposes the acquisition of more land than is necessary for the delivery of the Castleward Urban Village Regeneration Scheme

The permanent acquisition of the First Land and Second Land is not necessary for the delivery of the Castleward Urban Village Regeneration Scheme.

As set out above, there is a valid alternative scheme which delivers the aims of Order and so the unnecessary interference with third party rights is not justified.

For the avoidance of doubt, the Owner and Purchaser do not object to the Acquiring Authority's use of compulsory powers to assemble the Order Land other than the First Land and Second Land, to ensure delivery of the Castleward Urban Village Regeneration Scheme on other parts of the Order Land.

4. The Acquiring Authority have made inadequate efforts to reach negotiations for the acquisition of the First Land outside of the compulsory purchase process

The Acquiring Authority have not made adequate efforts to negotiate the purchase of the First Land outside of the compulsory purchase process.

Although the Acquiring Authority was aware that the Owner completed its purchase of the First Land in Autumn 2019, which is acknowledged in the table on page 20 of the Statement of Reasons, limited efforts have been made to agree an alternative approach with the Owner in the six months prior to the Order being made.

Additionally, the Acquiring Authority failed to serve notice of the making of the Order on the Owner, and instead served notice of the Order on the previous owner of the First Land on 9th March 2020. The mistake was rectified, but not until 16th March 2020, leaving the Owner limited time to prepare this objection, particularly in the current coronavirus crisis.

In conclusion, the Owner and the Purchaser both object to the Order on the basis set out above.

They both consider that their respective objections should be considered by way of public inquiry, and do not consent to the use of the written representations procedure for consideration of objections to the Order, pursuant to section 13A(2)(c) of the Acquisition of Land Act 1981 (as amended).

We would be grateful for acknowledgment of receipt of this letter and the relevant objections of Liversage Street (Derby) Limited and John Street (Derby) Limited.

Yours faithfully



HARRISON CLARK RICKERBYS LIMITED

**THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020
OUTSTANDING OBJECTIONS**

HAWKINS & SHEPHERD

PUBLIC INQUIRY 26 – 29 January 2021

Carter Jonas LLP
2 Snow Hill
Birmingham
B4 6GA
M: 07920 419344

Secretary of State for Housing, Communities and Local Government
National Planning Casework Unit
5 St Philip's Place
Colmore Row
Birmingham
B3 2PW

By email: Rachael.Beard@communities.gov.uk

Dear Sir / Madam

THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020 (THE 'DRAFT ORDER')

FREDERICK CHARLES WILLIAM HAWKINS, JANE CHRISTINE HAWKINS AND HAWKINS AND SHEPHERD LTD - LAND ON THE SOUTH EAST SIDE OF LIVERSAGE STREET, DERBY, DE1 2LD

Carter Jonas LLP are instructed on behalf of Frederick Charles William Hawkins (Fred), Jane Christine Hawkins (Jane) and Hawkins and Shepherd Ltd.

Background

Our clients enjoy the benefit of a 99 (Ninety-Nine) year lease which commenced 17 April 1978 at Land on the South East side of Liversage Street, Derby Title number DY75574 (the 'Property') forming part of the Draft Order. Also enclosed is a copy of the Title Register and associated plans.

Fred and Jane have been in occupation of the premises operating as Hawkins and Shepherd Ltd (04577912) for 26 years. Both Jane and Fred are noted on companies' house as persons with significant control of Hawkins and Shepherd Ltd with Fred appointed as the director.

Hawkins and Shepherd

Hawkins and Shepherd Ltd is a business dedicated to the maintenance and repair of motor vehicles. It is an established local business with a total of 7 (seven) employees. The company has expanded through personal recommendations and as a result developed a long-standing customer portfolio, which continues to grow through extended family and friend recommendations. The business is very much an established concern and well thought of in terms of quality and customer service within the local market.

The Property

The property comprises a warehouse utilised as an automobile repair workshop, comprising two offices, w/c, large open plan warehouse and large yard. The site extends to 0.25 acres (0.1 Hectares) and has an attractive site coverage of 40%.

The following services are operating from the Property

1. Service and repair of all types of motor vehicles.
2. Specialised electronic diagnostic service for all motor vehicles

The property is particularly suitable for this type of business for the following reasons

1. The mix of accommodation including high eaves height warehousing, offices and benefitting from open yard space is particularly suited to the business activities described above. The generous yard provision is unique for a city centre location and highly desirable and beneficial for this business.
2. The proximity to the town centre, public transport and local motorway network are critical to make this business accessible to its client base. Customers particularly female feel safe walking to and from the garage to their place of work and the shops in the Derby City Centre
3. The location is strategic, the area is known for various vehicle repair facilities hence an unusually high cluster of repair workshops. The motor businesses complement each other rather than compete, each specialising in a different area which directly generates business for each situated business.

Draft Order

The Draft Order has been made applying for compulsory purchase powers in accordance with section 17 of the Housing Act 1985 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976. The purpose of the Draft Order is for land assembly to deliver a comprehensive, residential led regeneration (the Scheme).

My clients object to the Draft Order for the reasons set out below

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

The Ministry of Housing, Communities and Local Government document 'Guidance on Compulsory purchase process and The Crichel Down Rules' states:

'The confirming authority will expect the acquiring authority to demonstrate that they have taken reasonable steps to acquire all of the land and rights included in the Order by agreement.'

The Draft Order Statement of Reasons states that:

"Negotiations have been taking place with all landowners and other parties with interest in the land.

Despite requests to commence negotiations we are unaware of any meaningful discussions with the Council, or their representatives and are unaware of any substantial efforts to pursue negotiations beyond:

- i. Thomas Lister provided an '*estimate of value*' for the long leasehold interest in September 2017. This estimate was subject to inspection which was subsequently not pursued. It was also not identified as an 'offer'
- ii. Attendance by Thomas Lister to the property 03 March 2020 with the aim of providing an updated offer, which was not subject to inspection as requested by Carter Jonas LLP. The council have not provided an updated offer as requested.

We conclude that the acquiring authority has not taken reasonable steps to acquire the Property by agreement nor is compulsory purchase being used as a last resort.

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'.

The Ministry of Housing, Communities and Local Government document 'Guidance on Compulsory purchase process and The Crichel Down Rules' states that acquiring authorities should

'offer to alleviate concerns about future compensation entitlement by entering in agreements about minimum level of compensation..... providing a 'not before' date, confirming that acquisition will not take place before a certain time'

The Draft Order Statement of Reasons states that:

12.5 Those whose interest are acquired under the Order will also be entitled to compensation which will be payable in accordance with the compulsory Purchase Compensation code.

The council have acknowledged the anticipated disruption to businesses within the scheme and made reference to many motor businesses, labelling them as '*challenging*'. They have provided no assurance or information of their intention to sustain my clients financial position with regard to minimal levels of compensation in particular appropriate disturbance compensation.

As a direct result, the lack of information has made my clients vulnerable and created further uncertainty for their Business. In addition, it has had the effect of adding significant anxiety for Fred and Jane and the employees of Hawkins and Shepherd Ltd, which in turn has been detrimental to business activities.

The acquiring authority have not committed to or provided any indicative estimates of appropriate compensation in line with the compulsory purchase code, nor provided any assurance of anticipated timescales for understanding this further.

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

The Ministry of Housing, Communities and Local Government document 'Guidance on Compulsory purchase process and The Crichel Down Rules' states that acquiring authorities should consider

'keeping any delay to a minimum by completing the statutory process as quickly as possible'

The Draft Order Statement of Reasons states that:

'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'

The acquiring authority and / or their representatives have written to my client to discuss the site as an area of regeneration implying his interest will be an essential part for its delivery in, 2005, 2008, 2010, 2012, 2017 and 2019. This correspondence is the initial engagement required ahead of commencing the statutory process of appropriate acquisition of land. The correspondence that my client is in receipt of has been sporadic. Up until the recently submitted order the acquiring authority made no commitment to purchase the property during this timeframe despite suggesting that it is an essential part of this Scheme.

As a direct result, the threat of acquisition over this period has influenced key business decisions for Hawkins and Shepherd Ltd. Required business investment in key operational equipment such as a Ministry of Transport vehicle testing station (MOT) was reasonably delayed which has had a direct influence on costs and profit.

To date, the council have not committed to identify how this loss which has been caused as a direct result of this delay to the delivery of the scheme will be captured in agreed compensation.

We reserve the right to amend or extend this objection accordingly in due course.

Please confirm receipt of this objection and that our client is recorded as a Statutory Objector.

I look forward to hearing from you.

Yours sincerely



Selina Wakeham MRICS

Partner

M: 07920 419344

Selina.wakeham@carterjonas.co.uk

The electronic official copy of the register follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.



Official copy
of register of
title

Title number DY75574

Edition date 07.06.2019

- This official copy shows the entries on the register of title on 28 NOV 2019 at 16:25:08.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 28 Nov 2019.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Nottingham Office.

A: Property Register

This register describes the land and estate comprised in the title. Except as mentioned below, the title includes any legal easements granted by the registered lease but is subject to any rights that it reserves, so far as those easements and rights exist and benefit or affect the registered land.

CITY OF DERBY

- 1 (23.06.1980) The Leasehold land shown edged with red on the plan of the above Title filed at the Registry and being land on the south east side of Liversage Street, Derby.
- 2 Short particulars of the lease(s) (or under-lease(s)) under which the land is held:
 Date : 29 May 1980
 Term : 99 years from 17 April 1978
 Rent : £915 subject to review
 Parties : (1) Derby City Council
 (2) Peter Walter Wilhelm and Maurice Cyril Billings
- 3 There are excepted from the effect of registration all estates, rights, interests, powers and remedies arising upon, or by reason of, any dealing made in breach of the prohibition or restriction against dealings therewith inter vivos contained in the Lease.
- 4 The lessor's title is registered.
- 5 (14.08.1996) By a Deed dated 12 July 1996 made between Derby City Council, Frederick Charles William Hawkins and Jane Christine Hawkins the terms of the registered lease were expressed to be varied.

NOTE: Copy Deed filed.
- 6 Unless otherwise mentioned the title includes any legal easements granted by the registered lease(s) but is subject to any rights that it reserves, so far as those easements and rights exist and benefit or affect the registered land.

Title number DY75574

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (05.06.1996) PROPRIETOR: FREDERICK CHARLES WILLIAM HAWKINS and JANE CHRISTINE HAWKINS of 4 Milton Road, Repton, Derbyshire.
- 2 (05.06.1996) RESTRICTION: No disposition by a sole proprietor of the land (not being a trust corporation) under which capital money arises is to be registered except under an order of the registrar or of the Court.

Except under an order of the registrar no disposition by the proprietors of the land is to be registered after the death of either of them without the consent of the personal representative(s) of the deceased.
- 3 (05.06.1996) The covenants implied under Part I of the Law of Property (Miscellaneous Provisions) Act 1994 in the disposition to the proprietor are modified.
- 4 (05.06.1996) A Transfer of the land in this title dated 24 May 1996 made between (1) Peter Walter Wilhelm and Maurice Cyril Billings (Transferors) and (2) Frederick Charles William Hawkins and Jane Christine Hawkins (Transferees) contains purchasers personal covenant(s) details of which are set out in the schedule of personal covenants hereto.

Schedule of personal covenants

- 1 The following are details of the personal covenants contained in the Transfer dated 24 May 1996 referred to in the Proprietorship Register:-

"The Transferees hereby jointly and severally agree and covenant with the Transferors that they will not use the name of 'Wilhelm' or the name of Billings' or the name of 'Wilhelm and Billings' in connection with the business carried on at the land hereby transferred or in connection with any other business owned or controlled by them or in which they have any interest."

End of register

These are the notes referred to on the following official copy

The electronic official copy of the title plan follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from HM Land Registry.

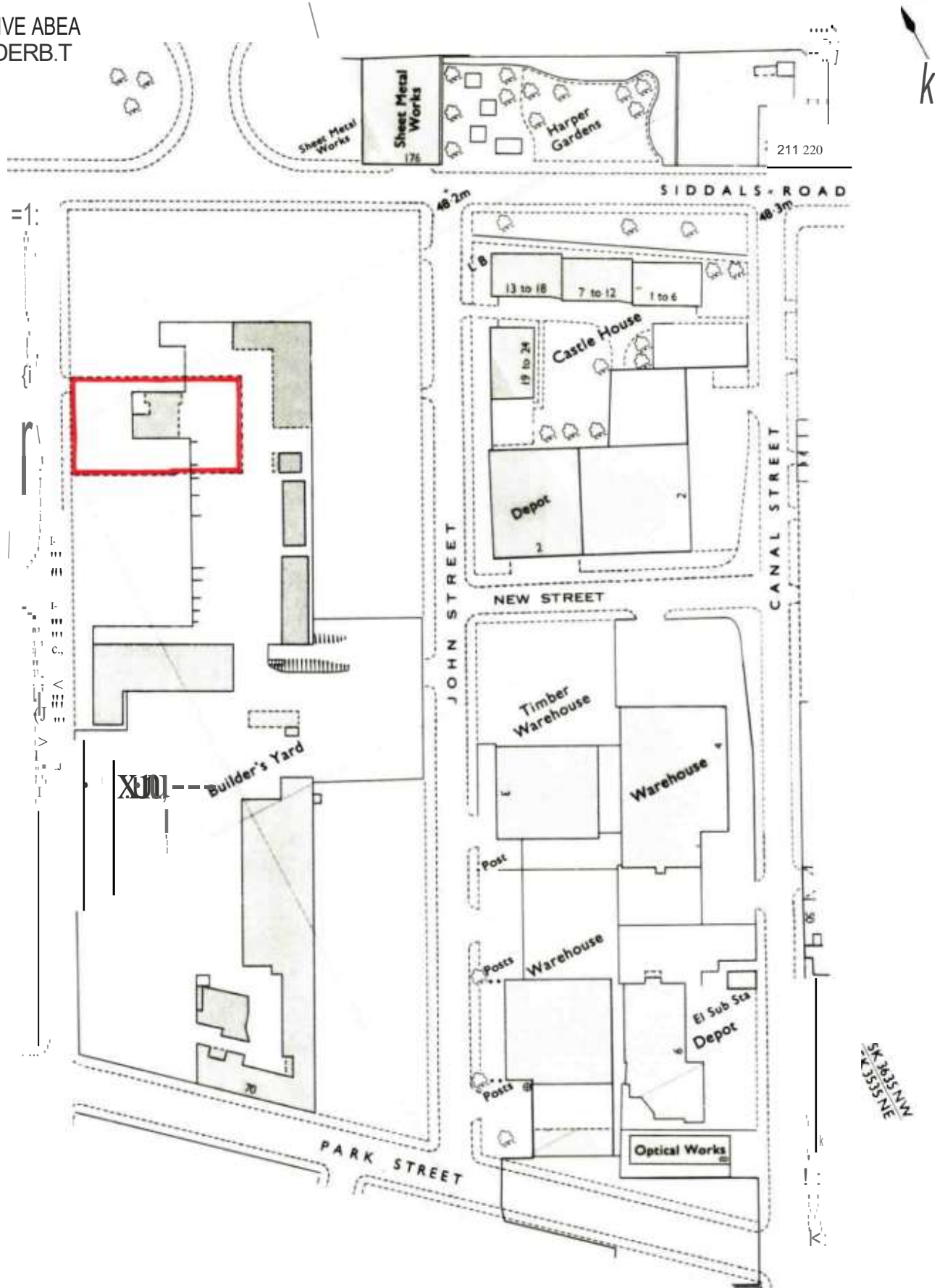
This official copy is issued on 28 November 2019 shows the state of this title plan on 28 November 2019 at 16:25:08. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

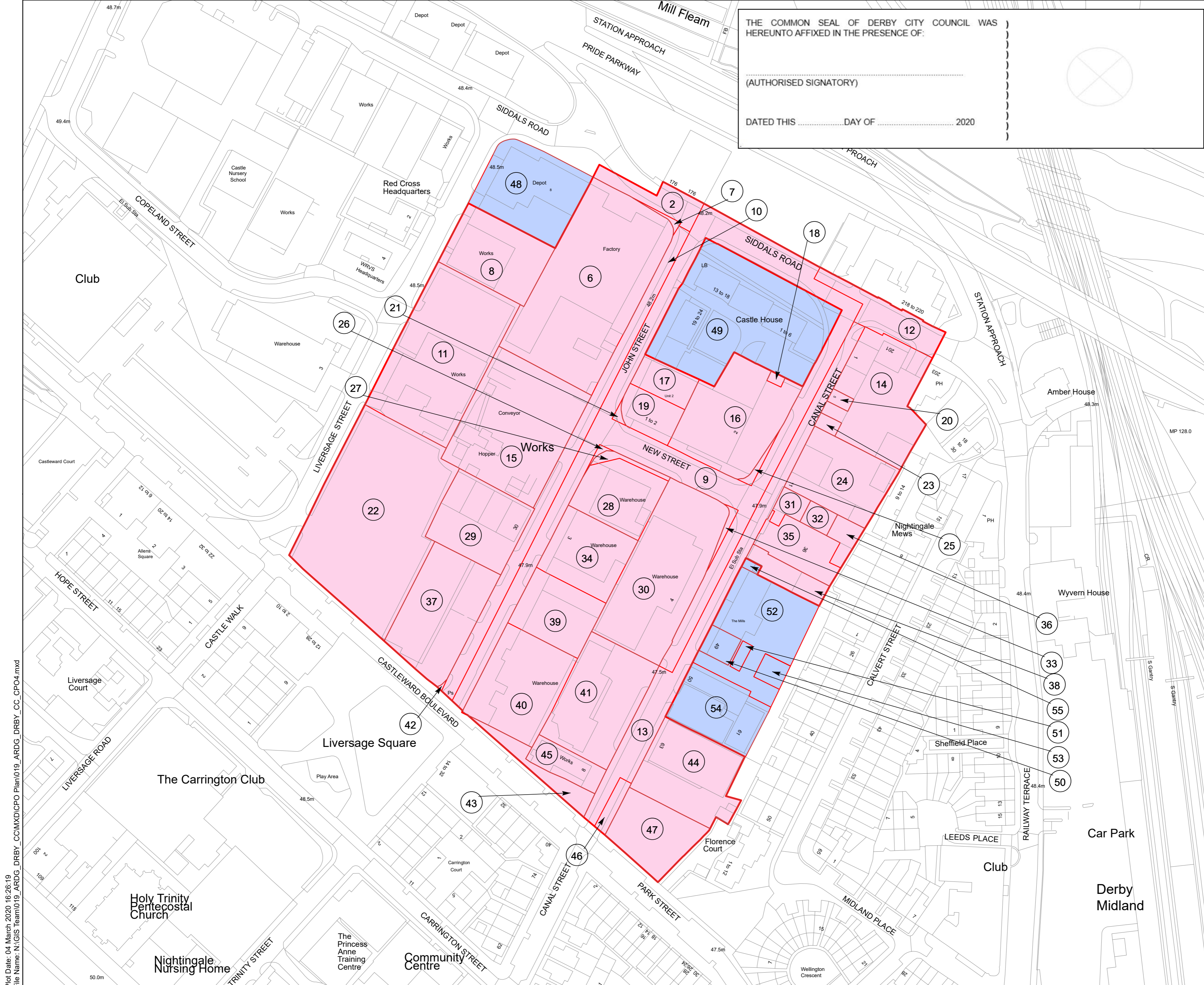
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H.M. LAND REGISTRY		TITLE NUMBER	
		DY755	
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ADMINISTRATIVE AREA
CITY of DERBY

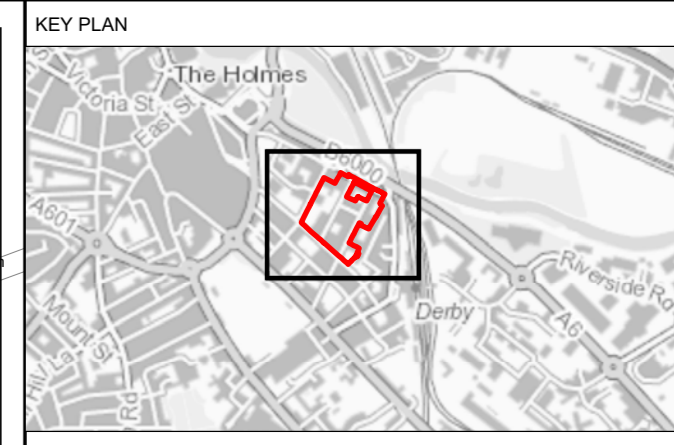




THE COMMON SEAL OF DERBY CITY COUNCIL WAS
HEREUNTO AFFIXED IN THE PRESENCE OF:

(AUTHORISED SIGNATORY)

DATED THIS DAY OF 2020



- Key
- CPO
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 - New rights to be acquired

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Derby City Council

Designer



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CASTLEWARD URBAN VILLAGE REGENERATION SCHEME

Drawing Title

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Plot Date: 04 March 2020 16:26:19
File Name: N:\GIS Team\019_ARDG_DRBY_CC\CIMXD\CPO Plan\019_ARDG_DRBY_CC_CPO4.mxd

Ravinder Bhomra

From: Waterfield, Stephen <stephen.waterfield@planninginspectorate.gov.uk>
Sent: 10 December 2020 10:16
To: Shelton, John E.; Matthew Wilson
Cc: Rachel Lister
Subject: RE: Castleward CPO (WP27831)

CAUTION: This email originated from outside of the organisation. Do not reply, click links or open attachments unless you recognise the sender and know the content is safe.

Dear John

Thank you for this. I note your withdrawal and will inform the Inspector.

Regards
Steve

From: Shelton, John E. <jshelton@westernpower.co.uk>
Sent: 10 December 2020 07:45
To: Waterfield, Stephen <stephen.waterfield@planninginspectorate.gov.uk>; Matthew Wilson <Matthew.Wilson@derby.gov.uk>
Cc: Rachel Lister <rachel.lister@thomaslister.com>
Subject: RE: Castleward CPO (WP27831)

Good morning Steve, here's the letter. I trust that this is acceptable?
Regards, John Shelton
Estates Midlands
Western Power Distribution

From: Waterfield, Stephen <stephen.waterfield@planninginspectorate.gov.uk>
Sent: 07 December 2020 11:18
To: Shelton, John E. <jshelton@westernpower.co.uk>; Matthew Wilson <Matthew.Wilson@derby.gov.uk>
Subject: RE: Castleward CPO (WP27831)

Dear John

Thank you for this I will let the Inspector know and will await the official letter.

Regards
Steve

From: Shelton, John E. <jshelton@westernpower.co.uk>
Sent: 07 December 2020 11:15
To: Waterfield, Stephen <stephen.waterfield@planninginspectorate.gov.uk>; Matthew Wilson <Matthew.Wilson@derby.gov.uk>
Subject: RE: Castleward CPO (WP27831)

Good morning Steve,
Yes, Western Power Distribution are withdrawing our objection. Unfortunately I'm not able to produce the letter until Thursday
Regards, John Shelton
Estates Midlands

From: Waterfield, Stephen <stephen.waterfield@planninginspectorate.gov.uk>
Sent: 07 December 2020 11:11
To: Matthew Wilson <Matthew.Wilson@derby.gov.uk>
Cc: Shelton, John E. <jshelton@westernpower.co.uk>
Subject: RE: Castleward CPO (WP27831)

Matthew, Thank you for this email.

John, are you able to confirm your withdrawal?

Regards
Steve

Stephen Waterfield

Environment, Transport and Compulsory Purchase
The Planning Inspectorate
3A Eagle Wing, Temple Quay House, 2 The Square, Bristol, BS1 6PN

<http://www.planningportal.gov.uk/planninginspectorate>
Twitter: [@PINSGov](https://twitter.com/PINSGov)
Email: stephen.waterfield@planninginspectorate.gov.uk
Telephone: 0303 444 5584

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From: Matthew Wilson <Matthew.Wilson@derby.gov.uk>
Sent: 07 December 2020 10:48
To: Waterfield, Stephen <stephen.waterfield@planninginspectorate.gov.uk>
Cc: Shelton, John E. <jshelton@westernpower.co.uk>
Subject: FW: Castleward CPO (WP27831)

Morning Steve

Please can you liaise with John Shelton to ensure their notification is received by the correct team please. I'm just concerned the correspondence will land somewhere not visible to you.

Kind Regards

Matt

Matthew Wilson | Regeneration Manager | Regeneration and Major Projects | Communities and Place Directorate | The Council House, Corporation Street, Derby, DE1 2FS | Tel: 01332 641589 | Mobile: 07812 301650: Minicom: 01332 640666 | www.derby.gov.uk

From: Rachel Lister <rachel.lister@thomaslister.com>
Sent: 04 December 2020 15:48
To: John Gilman <John.Gilman@derby.gov.uk>; Joanna Rees <Joanna.Rees@derby.gov.uk>; John Green <John.Green@derby.gov.uk>; Nick Mann <nick.mann@thomaslister.com>; Matthew Wilson <Matthew.Wilson@derby.gov.uk>
Subject: Fwd: Castleward CPO (WP27831)

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From: "Shelton, John E." <jshelton@westernpower.co.uk>
Date: 4 December 2020 at 15:43:01 GMT
To: Rachel Lister <rachel.lister@thomaslister.com>
Cc: John Gilman <John.Gilman@derby.gov.uk>, John.Green@derby.gov.uk
Subject: RE: Castleward CPO (WP27831)

Dear Rachel,

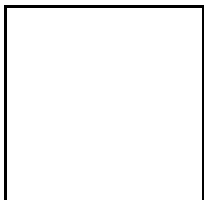
I am told by our solicitors that the Agreement is now completed. I will be writing to the Ministry for Housing next week to withdraw our objections.

Regards, John Shelton
Estates Midlands
Western Power Distribution

notify postmaster@westernpower.co.uk

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DPC:76616c646f72

Ministry of Housing Communities & Local Government
National Planning Casework Unit
5 St Philip's Place
Colmore Row
Birmingham
B3 2PW

*Pegasus Business Park
Herald Way
Castle Donington
Derbyshire
DE74 2TU*

Your Ref; PCU/CPOH/C1055/3249056
Our Ref; WP27831/JES

10 December 2020

RE; THE DERBY CITY COUNCIL (CASTLEWARD) COMPULSORY PURCHASE ORDER 2020

Dear Sirs,

On behalf of Western Power Distribution I objected to the above Order by letter on the 16th of March, 2020. We now have an Agreement with the Derby City Council in relation to this so I would wish to formally WITHDRAW our objection.

I trust that this is in order, but should you wish to discuss this matter please do not hesitate to contact me on my office number 01332 827408 or email me jshelton@westernpower.co.uk

Yours faithfully



John Shelton
Estates Section

Ravinder Bhomra

From: Waterfield, Stephen <stephen.waterfield@planninginspectorate.gov.uk>
Sent: 11 December 2020 10:19
To: Matthew Wilson
Subject: RE: CenturyLink, Unit 6, 1 Canal Street Derby

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Hi Matthew

I have just picked up your message. Yes we are happy with this email to confirm their withdrawal.

Regards
Steve

From: Waterfield, Stephen
Sent: 11 December 2020 10:09
To: Walker, Stephen @ London HH <stephen.walker@cbre.com>
Cc: Matthew Wilson <Matthew.Wilson@derby.gov.uk>; Lisa Busby <Lisa.Busby@parissmith.co.uk>; Richmond, Rose <rose.richmond@lumen.com>
Subject: RE: CenturyLink, Unit 6, 1 Canal Street Derby

Thanks and noted. I will let the Inspector know.

Regards
Steve

From: Walker, Stephen @ London HH <stephen.walker@cbre.com>
Sent: 10 December 2020 13:29
To: Waterfield, Stephen <stephen.waterfield@planninginspectorate.gov.uk>
Cc: Matthew Wilson <Matthew.Wilson@derby.gov.uk>; Lisa Busby <Lisa.Busby@parissmith.co.uk>; Richmond, Rose <rose.richmond@lumen.com>
Subject: CenturyLink, Unit 6, 1 Canal Street Derby

The Planning Inspectorate
3A Eagle Wing,
Temple Quay House,
2 The Square,
Bristol
BS1 6PN

Dear Sirs,

The Derby City Council (Castleward) Compulsory Purchase Order 2020

Further to your letter of 4 May 2020, a copy of which is attached to this email, I am writing in connection with the remaining objection to this CPO lodged by our clients, Centurylink, in a letter to the Secretary of State for Communities and Local Government dated 16 March 2020.

I am instructed to formally withdraw this objection, agreement with Derby City Council having been reached that will allow the concerns previously raised to be addressed in the event the Order is confirmed.

Yours Sincerely,

Stephen Walker

Stephen Walker | Executive Director
CBRE | UK, Head of Compulsory Purchase
St Martin's Court | 10 Paternoster Row | London | EC4M 7HP
T +44 (0) 20 7182 2193 | Ext 22193
M +44 (0) 7985 876 655
stephen.walker@cbre.com | www.cbre.co.uk

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Ravinder Bhomra

From: Waterfield, Stephen <stephen.waterfield@planninginspectorate.gov.uk>
Sent: 06 January 2021 11:27
To: Laura Greenman
Cc: Paul Broad; Matthew Wilson
Subject: RE: Castleward CPO Derby Ref HCRL:MA:JOH0561-0002

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Dear Ms Greenman

Thank you for your email, I acknowledge your withdrawal and will let the Inspector know.

Regards

Steve Waterfield

Stephen Waterfield

Environment, Transport and Compulsory Purchase
The Planning Inspectorate
3A Eagle Wing, Temple Quay House, 2 The Square, Bristol, BS1 6PN

<http://www.planningportal.gov.uk/planninginspectorate>

Twitter: [@PINSGov](https://twitter.com/PINSGov)

Email: stephen.waterfield@planninginspectorate.gov.uk

Telephone: 0303 444 5584

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From: Laura Greenman <lgreenman@hcrlaw.com>
Sent: 04 January 2021 17:52
To: Waterfield, Stephen <stephen.waterfield@planninginspectorate.gov.uk>
Cc: Paul Broad <PBroad@hcrlaw.com>
Subject: Castleward CPO Derby Ref HCRL:MA:JOH0561-0002

Good afternoon Stephen,

Happy New Year to you.

I am pleased to advise that the negotiations between John Street (Derby) Limited and Liversage Street (Derby) Limited have now culminated in an Agreement which was exchanged prior to the Christmas break.

We are therefore in a position to withdraw the objections lodged by the respective companies to the above CPO.

I would be grateful if you could kindly confirm receipt and withdrawal accordingly. Should you require anything further in this regard, please do let me know.

I look forward to hearing from you.

Kind regards,

Laura

Laura Greenman
Senior Associate, Planning & Highways
Real Estate Team

For and on behalf of Harrison Clark Rickerbys Limited



inc shawcross

T: 01989 561 403 | **M:** 07715 060 377 | **E:** lgreenman@hcrlaw.com

Harrison Clark Rickerbys inc Shawcross, Overross House, Ross Park, Ross-On-Wye, Herefordshire, HR9 7US, United Kingdom

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From: Waterfield, Stephen [<mailto:stephen.waterfield@planninginspectorate.gov.uk>]
Sent: 06 November 2020 07:56
To: Laura Greenman <lgreenman@hcrlaw.com>
Cc: Elizabeth Shield <EShield@hcrlaw.com>
Subject: RE: Castleward CPO Derby - Link to Pre Inquiry Virtual Meeting

Thank you Laura, I will let the Inspector know.

Regards
Steve

From: Laura Greenman <lgreenman@hcrlaw.com>
Sent: 04 November 2020 12:07
To: Waterfield, Stephen <stephen.waterfield@planninginspectorate.gov.uk>
Cc: Elizabeth Shield <EShield@hcrlaw.com>
Subject: RE: Castleward CPO Derby - Link to Pre Inquiry Virtual Meeting

Good afternoon Stephen,

Thank you for your email.

It will be myself and Elizabeth Shield in attendance on behalf of John Street (Derby) Limited.

Kind regards,

Laura

Laura Greenman
Senior Associate, Planning & Highways
Real Estate Team

For and on behalf of Harrison Clark Rickerbys Limited



inc shawcross

T: 01989 561 403 | **M:** 07715 060 377 | **E:** lgreenman@hcrlaw.com

Harrison Clark Rickerbys inc Shawcross, Overross House, Ross Park, Ross-On-Wye, Herefordshire, HR9 7US, United Kingdom

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From: Waterfield, Stephen [<mailto:stephen.waterfield@planninginspectorate.gov.uk>]

Sent: 02 November 2020 10:21

To: Waterfield, Stephen <stephen.waterfield@planninginspectorate.gov.uk>

Subject: Castleward CPO Derby - Link to Pre Inquiry Virtual Meeting

Dear Sir/ Madam (sent to all remaining objectors and the acquiring authority)

Further to my recent email please find below the link to the Virtual Pre Inquiry Meeting for the above mentioned CPO case.

The event will start at 10:00 but the lobby will be open at 09:45 and I will be managing the lobby.

Please can all parties let me know who they expect to be in attendance so that I can let the Inspector know.

I will be distributing an agenda this week at some point.

Please also note the attached guidance sheets.

If you have any questions please come back to me.

Kind Regards

Steve Waterfield

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

[+44 20 3321 5208,601793975#](tel:+442033215208601793975) United Kingdom, London

Phone Conference ID: 601 793 975#

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Stephen Waterfield

Environment, Transport and Compulsory Purchase
The Planning Inspectorate
3A Eagle Wing, Temple Quay House, 2 The Square, Bristol, BS1 6PN

<http://www.planningportal.gov.uk/planninginspectorate>

Twitter: [@PINSgov](#)

Email: stephen.waterfield@planninginspectorate.gov.uk

Telephone: 0303 444 5584

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From: Waterfield, Stephen

Sent: 22 October 2020 10:06

To: Waterfield, Stephen <stephen.waterfield@planninginspectorate.gov.uk>

Cc: Matthew Wilson <Matthew.Wilson@derby.gov.uk>

Subject: Castleward CPO Derby - Notice of Inquiry Date to Objectors

Dear Sir/Madam (all remaining objectors)

The Derby City Council (Castleward) Compulsory Purchase Order 2020

Notice of Inquiry Date

Notice is given that the Secretary of State for Housing, Communities and Local Government has instructed one of his Inspectors to hold a public local inquiry into the above order on 26 January 2020 starting at 10:00. The Inspector appointed is Mr Phillip Ware.

Due to the current coronavirus situation the Inquiry will be held virtually and a Microsoft Teams link to the meeting will be sent in due course. It is not possible to say how long the inquiry will last and therefore those who wish to speak should not assume that they can be heard at a particular time, as this is for the Inspector to decide, and should make arrangements to attend on the opening day. However due to the extra time that a virtual event may take the event is scheduled to last an estimated 5 days.

Objectors to the order and/or their appointed representatives may attend to state their case to the Inspector. Other interested persons may attend and, at the Inspector's discretion, state their views on the order.

If you give, or call another person to give evidence at the inquiry by reading from a written statement you are required in accordance with Rules 15(1), (2) and (3) of the Compulsory Purchase (Inquiries Procedure) Rules 2007 (modified by the Compulsory Purchase (Inquiries Procedure) (Miscellaneous Amendments and Electronic Communications) Rules 2018) to send a copy of that statement with a summary (where required) to the Inspector care of myself (stephen.waterfield@planninginspectorate.gov.uk) and to the acquiring authority by 4 January 2020.

Please can all parties let me know who they expect to be in attendance.

Notice of Pre Inquiry / Case Management Conference date

Due to the coronavirus situation and the need for a virtual main event there is also a need to hold a short pre inquiry meeting / case management conference prior to the main event. Notice is therefore given that the Inspector plans to hold this meeting on the 9 November 2020 at 10:00. A Microsoft Teams link to the meeting will be sent in due course.

As with the main event please can all parties let me know who they expect to be in attendance.

Yours sincerely

Stephen Waterfield

Operations Officer

Stephen Waterfield

Environment, Transport and Compulsory Purchase
The Planning Inspectorate
3A Eagle Wing, Temple Quay House, 2 The Square, Bristol, BS1 6PN

<http://www.planningportal.gov.uk/planninginspectorate>
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DPC:76616c646f72



Ravinder Bhomra

From: Waterfield, Stephen <stephen.waterfield@planninginspectorate.gov.uk>
Sent: 06 January 2021 11:36
To: Matthew Wilson
Cc: Rachael.Bead@communities.gov.uk; Nathan Holden; Ravinder Bhomra
Subject: RE: The Derby City Council (Castleward) Compulsory Purchase Order 2020. [CJ-WORKSITE.FID504957]

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Hi Matt

Thanks you for this and noted.

Regards
Steve

Stephen Waterfield

Environment, Transport and Compulsory Purchase
The Planning Inspectorate
3A Eagle Wing, Temple Quay House, 2 The Square, Bristol, BS1 6PN

<http://www.planningportal.gov.uk/planninginspectorate>

Twitter: [@PINSgov](https://twitter.com/PINSgov)

Email: stephen.waterfield@planninginspectorate.gov.uk

Telephone: 0303 444 5584

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From: Matthew Wilson <Matthew.Wilson@derby.gov.uk>
Sent: 05 January 2021 17:54
To: Waterfield, Stephen <stephen.waterfield@planninginspectorate.gov.uk>
Cc: Rachael.Bead@communities.gov.uk; Nathan Holden <Nathan.Holden@freeths.co.uk>; Ravinder Bhomra <Ravinder.Bhomra@freeths.co.uk>
Subject: FW: The Derby City Council (Castleward) Compulsory Purchase Order 2020. [CJ-WORKSITE.FID504957]

Hi Steve

For information, please see below regarding another objection withdrawal, this time from Hawkins & Shepherd.

Kind regards

Matt

Matthew Wilson | Regeneration Manager | Regeneration and Major Projects | Communities and Place Directorate | The Council House, Corporation Street, Derby, DE1 2FS | Tel: 01332 641589 | Mobile: 07812 301650 | Minicom: 01332 640666 | www.derby.gov.uk

From: Rachel Lister <rachel.lister@thomaslister.com>

Sent: 05 January 2021 17:10

To: Joanna Rees <Joanna.Rees@derby.gov.uk>; John Green <John.Green@derby.gov.uk>; John Gilman <John.Gilman@derby.gov.uk>; Matthew Wilson <Matthew.Wilson@derby.gov.uk>; Nick Mann <nick.mann@thomaslister.com>; nathan.holden@freeths.co.uk

Subject: Fwd: The Derby City Council (Castleward) Compulsory Purchase Order 2020. [CJ-WORKSITE.FID504957]

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All

Please see below and attached.

Regards

Rachel Lister

Tel: 01527 871640

Mobile: 07811 408788

Sent from my iPhone

Begin forwarded message:

From: "Ley, Katryna" <Katryna.Ley@carterjonas.co.uk>

Date: 5 January 2021 at 17:06:04 GMT

To: Rachael Beard <Rachael.Beard@communities.gov.uk>

Cc: Rachel Lister <rachel.lister@thomaslister.com>, "Wakeham, Selina" <Selina.Wakeham@carterjonas.co.uk>

Subject: RE: The Derby City Council (Castleward) Compulsory Purchase Order 2020. [CJ-WORKSITE.FID504957]

Dear Rachael,

I hope you are well.

Further to an accepted blight notice I have had confirmation from Frederick & Jane Hawkins and Hawkins and Shepherd Ltd that they are withdrawing their objection to The Derby City Council (Castleward) Compulsory Purchase Order 2020.

Please can you confirm receipt of this email.

Kind Regards

Katryna

Katryna Ley MRICS

Associate

T: 0121 306 0401 x4981 | M: 07826893322 | carterjonas.co.uk

2 Snow Hill, Birmingham, B4 6GA

 Please consider the environment. Do you really need to print this email?

From: Ley, Katryna

Sent: 07 April 2020 11:44

To: Rachael Beard <Rachael.Beard@communities.gov.uk>

Subject: RE: The Derby City Council (Castleward) Compulsory Purchase Order 2020.

Dear Rachael,

Please find attached objection letter on behalf of Frederick & Jane Hawkins and Hawkins and Shepherd Ltd.

Please can you confirm receipt of this objection.

Kind Regards,

Katryna

From: Rachael Beard <Rachael.Beard@communities.gov.uk>

Sent: 07 April 2020 08:47

To: Ley, Katryna <Katryna.Ley@carterjonas.co.uk>

Subject: [Ext Msg] RE: The Derby City Council (Castleward) Compulsory Purchase Order 2020.

Hi Katryna

Apologies for the delay in getting back to you. Yes an electronic version is great - thank you.

Regards Rachael

From: Ley, Katryna <Katryna.Ley@carterjonas.co.uk>

Sent: 03 April 2020 16:24

To: Rachael Beard <Rachael.Beard@communities.gov.uk>

Subject: The Derby City Council (Castleward) Compulsory Purchase Order 2020.

Dear Rachael,

I have been provided your contact details by Rachel Lister of Thomas Lister and understand that you are the officer dealing with handling objection letters for The Derby City Council (Castleward) Compulsory Purchase Order 2020.

I will shortly be submitting and objection to the above scheme on behalf of my client, please can you confirm that receipt of an electronic copy to your email address is sufficient?

Once travel restrictions are lifted I will be able to provide a hard copy if required.

Kind Regards

Katryna

Katryna Ley MRICS

Associate

T: 0121 306 0401 x4981 | M: 07826893322 | carterjonas.co.uk