

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 2019

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[DRAFT] STATEMENT OF REASONS

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## 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 2019 ("**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**").

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## **2 DESCRIPTION OF THE ORDER LAND**

- 2.1 The Order Land comprises approximately 4 hectares over 43 plots 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:
- 2.2.1 enter for the purposes of carrying out works connected with the construction of the development with or without vehicles and with such plant machinery, equipment and materials as may be necessary;
  - 2.2.2 over-sail land with loaded or unloaded cranes;
  - 2.2.3 encroach on land for the temporary purposes of erecting and installing scaffolding to facilitate development;
  - 2.2.4 carry out works to party walls insofar as this is necessary for the purposes of carrying out development;
  - 2.2.5 enter on to land and conduct site investigation works to support development including all technical due diligence (boreholes, drainage tracing, ecological etc.; and
  - 2.2.6 alter, remove, relocate or install signage associated with the carrying out of building and construction work connected with development.

### **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, by its partners, Compendium Living, a contracted minimum of up to 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 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 – 30<sup>th</sup> April 2020
- Phase 4 – 31<sup>st</sup> March 2023
- Phase 5 – 31<sup>st</sup> 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 being the figure for which the Council is contracted under the terms of the Housing Infrastructure Fund (HIF) grant supplied by Homes England, (see paragraph 11.9). However, 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 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.

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## 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 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 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 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 (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.” (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.” (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, and an improvement in the quality of the housing offer, and that the CUV is an appropriate and desirable location to deliver these.
- 5.15 Derby'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 the 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, with 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 currently 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. 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 below table:

<b>Name of affected business (nature of use)</b>	<b>Order map reference</b>	<b>Number of employees</b>	<b>Full time</b>	<b>Part Time</b>	<b>Prospects for relocation</b>
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

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

- 5.34 The Council has sought to provide its current assessment of the prospects of each business being successfully relocated, based on feedback from the businesses about their requirements and local market intelligence, and applying the following indicative criteria:
- 5.34.1 Very good – business is small in scale, requirements are generic without need for specialist premises, and/or would have a wide choice of possible locations;
  - 5.34.2 Good – as above, but space requirements larger;
  - 5.34.3 Medium – as above, but space requirements larger, 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 find a new location for. This is a relatively large site, with regular heavy goods vehicle movements, and potential impact on neighbouring occupiers that may make it challenging to secure planning consent on a new site.
- 5.37 It is acknowledged that the Scheme will fundamentally 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, democratic oversight 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 brought into reality.
- 5.38 Any businesses that are unable to be relocated will of course be eligible to receive compensation in accordance with the Compensation Code.
- 5.39 In addition to the businesses, there is lies telecommunication apparatus that will have to be relocated. A cabinet of equipment owned by CenturyLink Communications UK Limited located on Canal Street can be moved and will be given ample notice to do so.

#### ***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
<b>Total</b>	<b>3,870</b>	<b>3,392</b>	<b>5,282</b>	<b>163</b>	<b>12,707</b>

- 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 housing association, 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 being the appropriate site for the delivery of a contracted minimum of 512 new dwellings. The purpose of the Scheme and its benefits have been 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 activities 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 The Council has been unable to acquire all of the relevant interests 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 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 master plan 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 master plan scheme and their comments were taken on board 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 therefore informed the decision to grant planning permission on 8 February 2013.
- 6.3 With regards 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 - 2018 – 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 & 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 business plus information to support the Council's assessment of 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 attendees.

## 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 engage with affected businesses and local agents, developer and investors to exploring relocation options. Through these networks and using other means of searching the commercial market in Derby for alternative premises, the Council has normally been able to identify suitable opportunities
- 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 extending the offer of assistance with relocations. A total of 130 separate interests across the entire CUV were identified and questionnaires under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 were issued. These interests included businesses as well as charitable organisations and sub-soil owners where public highways were not adopted. This resulted in a number of replies, promoting conversations with the Council about its regeneration plans including land of required for new housing as well as delivery of a new primary school. The Council employed a specialist land referencing company, Ardent Management Ltd, to undertake this work.
- 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 businesses 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
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

<b>Name of affected business (nature of use)</b>	<b>Order map reference</b>	<b>Status of negotiations and Contacts made</b>
Bustler Market <i>(monthly pop-up street food market and event space)</i>	40	Initial contact made  Communication with landlord Homes England, September 2019 Information Event 9 October 2019
Cosy Direct <i>(supply/distribution of educational resources)</i>	6, 39	Initial contact made  Ongoing communication with their landlord, Compendium Living, the Castleward development partner.
DCC Autos <i>(vehicle service/repairs)</i>	32, 35	Initial contact made  Information Event 9 October 2019
Derby Auto Electrical Services <i>(vehicle parts supply, MOTs, vehicle service/repairs)</i>	24, 31, 35	Initial contact made  Meeting 5 September 2018 Information Event 9 October 2019
Derby Timber Supplies <i>(manufacture of timber products)</i>	34	Agreement in principle reached  Conversations included meeting 13 April 2019 Information Event 9 October 2019
Derbyshire County Transport – Depot <i>(vehicle depot for public sector organisations)</i>	11	Initial contact made  Meeting on site 10 June 2019 Information Event 9 October 2019
Embody Tattoo <i>(tattoo studio)</i>	14	Initial contact made  Information Event 9 October 2019
FK Solutions <i>(supply of food products)</i>	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
Hawkins & Shepherd <i>(vehicle service/repairs)</i>	8	Initial contact made  Meetings held 12 April 2019, 24 September 2019 Information Event 9 October 2019
Juice Marketing Ltd, trading as Dream Doors <i>(storage units/showroom)</i>	14	Initial contact made  Conversation 3 October 2019
KJ Motors <i>(vehicle service/repairs)</i>	35, 36	Initial contact made  Information Event 9 October 2019
Life Cycle UK <i>(charity workshop - bicycle maintenance)</i>	14	Initial contact made  Information Event 9 October 2019
M&B Motors <i>(vehicle service/repairs)</i>	18, 19	Initial contact made  Meeting with landlord 13 August 2019 Meeting 3 October 2019 Information Event 9 October 2019

<b>Name of affected business (nature of use)</b>	<b>Order map reference</b>	<b>Status of negotiations and Contacts made</b>
Mr Mustards <i>(sandwich shop)</i>	20	Initial contact made Information Event 9 October 2019
National Car Park / Alcora <i>(car park)</i>	22	Initial contact made Response provided 1 October 2019
Speedy Glass Ltd <i>(storage)</i>	14	Initial contact made Response provided 8 April 2019
Tarmac Trading Ltd <i>(manufacture and distribution of ready-mixed concrete)</i>	15, 29	Initial contact made Discussion February / March 2017 Meeting 20 June 2019 Meeting 3 October 2019
The Kitchen and Bedroom Warehouse Ltd <i>(supply of kitchen/bedroom appliances)</i>	35, 38	Initial contact made 23 May 2019 discussion held
Willow Coffee <i>(coffee &amp; tea wholesalers)</i>	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 a Reserved Matters 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.
- 8.3 Condition 2 of the 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.
- 8.4 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.
- 8.5 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.
- 8.6 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.
- 8.7 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.
- 8.8 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.

- 8.9 In order for the Scheme on the Order Land to progress, one or more reserved matters applications will need to gain approval and, as discussed above, the first of these is in pre-application discussions and approaching submission. The outline consent sets the overall design approach and a number of parameters, and all reserved matters applications will be consistent with this. It is therefore anticipated that there will be no difficulty in securing the reserved matters consents necessary to progress with the Scheme.
- 8.10 The Council may apply for a highway stopping up order to facilitate the delivery of the Scheme. The Council will, as necessary, make an application to the Secretary of State pursuant to section 247 or section 248 of the Town and Country Planning Act 1990 to make changes to John Street and New Street, which it is envisaged in the Castleward Masterplan will become shared surfaces for pedestrians, bicycles and vehicles. However, this is not a condition of outline consent, and residential development on the Order Land could proceed even without this stopping up order, thus delivering the quantitative increase in dwellings required to justify use of the Council's powers under the Housing Act.
- 8.11 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 rail station lies the Railway Conservation Area, designated in 1979. Planning applications for development within the Castleward regeneration area including the Scheme proposed are assessed with this adjacent conservation area in mind.

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## 10 SPECIAL CATEGORIES OF LAND

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

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## **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 the 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 obtaining Compulsory Purchase Orders.

11.14 In light of the Council's commitment to fund the Scheme through the funding received from Homes England, through 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 is 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 the making of 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 advocated 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 need 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 who wish to negotiate or discuss matters of compensation should contact:

**John Gilman, Principal Regeneration Manager, Communities and Place Directorate,  
The Council House, Corporation Street, Derby DE1 2FS**

Email: [john.gilman@derby.gov.uk](mailto:john.gilman@derby.gov.uk)

Tel: 01332 641836 Mobile: 07812 300362 Minicom: 01332 640666

- 16.2 A copy of this Statement of Reasons, the Order and the accompanying maps and background documents are available for inspection at all reasonable times at the locations identified below:

[Council House, Corporation Street, Derby. DE1 2FS. ] [8.30am-5pm, Monday to Fridays];

It is also available to view at [www.castleward.co.uk](http://www.castleward.co.uk)

## 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	<b>Compulsory Purchase Order and Supporting Policy</b>	
	Derby City Council (Castleward) Compulsory Purchase Order 2019 and Map	October 2019
	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	<b>Planning Policy and other relevant policy</b>	
	<b>National Planning Policy Framework</b> <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf</a>	February 2019
	<b>Housing Delivery Test Management Rule Book</b> <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/728523/HDT_Measurement_Rule_Book.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/728523/HDT_Measurement_Rule_Book.pdf</a>	July 2018
	<b>Local Plan – adopted Derby City Local Plan Part 1 (DCLP1) and Saved Policies of the City of Derby Local Plan Review (CDLPR)</b> <a href="https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy_ADOPTED_DEC%202016_V3_WEB.pdf">https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy_ADOPTED_DEC%202016_V3_WEB.pdf</a>	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 <a href="https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/reports/localdevelopmentframework/EB047-CCEastern_Fringes_Area_Action_Plan.pdf">https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/reports/localdevelopmentframework/EB047-CCEastern_Fringes_Area_Action_Plan.pdf</a>	July 2008	

	Document	Date
3	<b>Other Derby City Council Background Documents</b>	
	Castleward listing within Strategic Housing Land Availability Assessment ("SHLAA") (update) <a href="http://docs.derby.gov.uk/padocumentserver/SHELAA.aspx?DocID=DER0089">http://docs.derby.gov.uk/padocumentserver/SHELAA.aspx?DocID=DER0089</a>	April 2018
	Private Sector Housing Stock Condition Survey Yet to be published	Forthcoming
4	<b>Planning Permission</b>	
	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 <a href="https://eplanning.derby.gov.uk/online-applications/applicationDetails.do?keyVal=ZZZZQQFSXE974&amp;activeTab=summary">https://eplanning.derby.gov.uk/online-applications/applicationDetails.do?keyVal=ZZZZQQFSXE974&amp;activeTab=summary</a>	February 2013
	Castleward Master Plan <a href="https://www.castleward.co.uk/about-castleward/development-masterplan">https://www.castleward.co.uk/about-castleward/development-masterplan</a>	
	Pre-application Statement of Community Involvement <a href="https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=9095570">https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=9095570</a>	March 2012
5	<b>Legislation (relevant extracts)</b>	
	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.

