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# **CPO Report to the Secretary of State for Communities and Local Government**

## **Stopping Up Order Report to the Secretary of State for Transport**

**by R J Jackson BA MPhil DMS MRTPI MCMi**

an Inspector appointed by the Secretaries of State for Communities and Local Government and Transport

Date: 15 August 2017

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**TOWN AND COUNTRY PLANNING ACT 1990**

**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

**ACQUISITION OF LAND ACT 1981**

**THE LEICESTER CITY COUNCIL (LEICESTER WATERSIDE) COMPULSORY PURCHASE ORDER 2016**

**AND**

**TOWN AND COUNTRY PLANNING ACT 1990**

**PROPOSED THE STOPPING UP OF HIGHWAYS (EAST MIDLANDS) (NO. ) ORDER 201**

Inquiry Held on 6 June 2017

Inspections were carried out on 5 and 7 June 2017.

Land at Northgate Street and Soar Lane, Leicester LE3 5AW and Pingle Street, New Pingle Street, New Henry Street & Swan Street, Leicester

File Refs: NPCU/CPO/W2465/77176 DPI/W2465/17/6

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**File Ref: NPCU/CPO/W2465/77176**

**Land at Northgate Street and Soar Lane, Leicester LE3 5AW**

- The Compulsory Purchase Order was made under section 226(1)(a) of the Town and Country Planning Act 1990 and the Acquisition of Land Act 1981 by Leicester City Council on 16 November 2016.
- The purposes of the Order are to facilitate the carrying out of a scheme of demolition of existing buildings; development comprising up to 500 residential dwellings (class C2/C3); up to 5,500 m<sup>2</sup> of business floorspace (use classes B1a, b, c); up to 1,000 m<sup>2</sup> of retail (use classes A1, A2, A3, A4, A5) and associated highway improvements, car parking, new and improved footways and green infrastructure.
- The main grounds of objection are that it has not been shown that there is a demand for the commercial floorspace, the scheme would not be viable without public funding, there is insufficient information to show that the development would be completed leading to an uncertainty of outcome, would lead to business disruption with associated costs, and no compelling case for the use of compulsory purchase powers has been shown.
- When the inquiry opened there were five remaining objections.
- The Secretary of State indicated prior to the Inquiry opening that if the CPO is confirmed that he was minded to grant a Section 19 Acquisition of Land Act 1981 Certificate in relation to Parcel 51.

**Summary of Recommendation:**

- **The CPO is confirmed subject to a modification.**
  - **The Certificate under Section 19 Acquisition of Land Act 1981 in relation to Parcel 51 is granted.**
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**File Ref: DPI/W2465/17/6**

**Pingle Street, New Pingle Street, New Henry Street & Swan Street, Leicester LE3 5AW**

- The proposed Stopping Up Order would be made under section 247 of the Town and Country Planning Act 1990 by the Secretary of State for Transport.
- The purposes of the Order are to enable development to be carried out in accordance with the outline planning permission.
- When the inquiry opened there was one remaining objection.

**Summary of Recommendation:**

- **The Stopping Up Order is made.**
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## **PROCEDURAL MATTERS AND STATUTORY FORMALITIES**

1. The Inquiry opened on 6 June 2017 and sat for one day. I carried out an unaccompanied site visit from public land on 5 June 2017 and made an accompanied site visit on 7 June 2017.
2. The acquiring authority, Leicester City Council (LCC) seeks confirmation of a Compulsory Purchase Order (CPO) made under Section 226(1)(a) of the Town and Country Planning Act 1990 (as amended) (the 1990 Act) and Section 13 of the Local Government (Miscellaneous Provisions) Act 1976. The CPO is designed to facilitate the carrying out of development, re-development and improvement by way of a housing-led mixed use scheme comprising housing, business floor space, public realm, open space and associated highway and other works thereby contributing to the promotion and/or improvement of the economic, social and environmental well-being of the area.
3. Prior to the Inquiry LCC made a request for a modification to be made to Page 42 of the Schedule of the CPO, if confirmed. The description of Parcel 51 would read "approximately 25 square metres of public open space south of Soar Lane Footway", rather than the approximately 36 square metres set out in the CPO which also included an area of footway. It was explained that this was so that the CPO would only relate to an area of Public Open Space and exclude the footway. The Secretary of State for Communities and Local Government (the SoSCLG) indicated prior to the Inquiry if the CPO is confirmed that he was minded to grant a Section 19 Acquisition of Land Act 1981 Certificate in relation to Parcel 51. I will return to this later.
4. At the opening of the Inquiry out of the eleven original objectors five remained. All are qualifying objectors with an interest in the land. These are contained in the case file. A single letter in support of the CPO was also received<sup>1</sup>.
5. The application for a Stopping Up Order (SUO) was made under Section 247 of the 1990 Act on 13 January 2017. There were originally four objections to the SUO which are contained in the case file. Three were withdrawn prior to the opening of the Inquiry, the other remaining.
6. There is a single protected asset, the Soar Lane Canal Bridge which is a Grade II listed building. The protected asset certificate accompanying the CPO indicates that there is no intention to demolish this bridge but it may be repaired subject to receiving any necessary statutory consents. There are three locally listed structures within the Order Land, the Soar Lane River Bridge, the bases to the former Swannington railway line bridge, and the Ship Inn<sup>2</sup>.
7. Given the close association of the CPO and SUO, the significant overlap of evidence and the Scheme's asserted dependency on both orders proceeding, the CPO and SUO have been considered together, except where indicated.

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<sup>1</sup> CD/G6

<sup>2</sup> LCC stated that the Evans Weir which is indicated to be locally listed in the Leicester Waterside Supplementary Planning Document (CD/C7, page 24) does not currently appear on its "local list" and suspects that it appears as a locally listed building in this document in error.

8. LCC confirmed at the Inquiry that all the statutory formalities had been complied with. The reasons for the CPO are set out in LCC's Statement of Reasons<sup>3</sup>.
9. No objectors in either case offered evidence to the Inquiry, although one did indicate his attendance but did not speak. As stated above there were five remaining objections to the CPO and one to the SUO; my attention shall therefore centre on these persisting objections.
10. In the letter of objection on behalf of Hope Cement and the Breedon it was indicated that its objection relates to map references 52 and 53. However, this company was not indicated on the CPO as having an interest in Parcel 52. The National Planning Casework Unit wrote to this objector's agent to seek clarification, but no response was received. The two pieces of land are adjacent to one another on Soar Island. The LCC believed that the reference in the objection to Parcel 52 was in error and the Inquiry proceeded on that basis. Parcel 52 falls outside the area which appears on site to be occupied by Hope Cement and the Breedon, and if it has any interests in this land they would be considered in respect of its objection on Parcel 53. I therefore believe that there would be no injustice to this objector in confirming the CPO on Parcel 52 if that were to be justified.
11. There is a Development Agreement<sup>4</sup> (the DA) for the land between LCC and Keepmoat Limited. However, it is indicated that the residential development would take place by Keepmoat Homes Limited, a subsidiary of Keepmoat Limited, as 'sub developer'. For the avoidance of doubt, as set out in Mr Mason's Statement<sup>5</sup>, the term "Keepmoat" can be used interchangeably, and for the purposes of the development can be treated as one.

## **THE ORDER LANDS AND SURROUNDINGS**

12. The Order Lands<sup>6</sup> are particularised in the CPO Schedule<sup>7</sup> and shown edged red and coloured pink and blue on the Order Map<sup>8</sup>. The areas coloured pink are where the land is to be acquired, while that in blue is where new rights are to be acquired. The rights are principally to allow the construction of the development through access, the oversailing of cranes and the like. The area of the two Soar Lane bridges<sup>9</sup> are proposed to be subject to both types of acquisition, with the roads, footways and bridge structures themselves acquired with rights of entry to allow for the purposes of carrying out works connected with the construction of the development in the airspace above, respectively, the River Soar or the Grand Union Canal, but below the relevant bridge.

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<sup>3</sup> CD/A4

<sup>4</sup> CD/D2

<sup>5</sup> LCC/5B

<sup>6</sup> Except for as provided by the context the terms "Order Land" and "Order Lands" refer to the CPO rather than the SUO.

<sup>7</sup> CD/A2

<sup>8</sup> CD/A3

<sup>9</sup> For clarity the Soar Lane River Bridge (Parcel 55) crosses the River Soar and is the western of the two, the Soar Lane Canal Bridge (Parcel 56) crosses the Grand Union Canal and is the eastern of the two.

13. The Order Land comprises approximately 7.33 ha of brownfield land forming part of the eastern edge of Leicester City Centre. It comprises two parts: the 'mainland' area and the central section of Soar Island. There are two green areas, which do not represent previously developed land as defined in the National Planning Policy Framework (the Framework), at either end of Soar Island, which are not subject to the CPO, with the southern area having a "Demostaph" upon it<sup>10</sup>. Parcel 51, which is subject to the proposed Section 19 Certificate, is a triangular area of land lying between Soar Lane and this southern open area to the south west of the Soar Lane Canal Bridge.
14. The mainland area is bounded by the Grand Union Canal to the north and west, Northgate Street (the A50) and Jarvis Street to the east, and All Saints Road to the south and the River Soar to the west. Soar Island sits to the west of the mainland area, between the River Soar and the Grand Union Canal, with weirs at both ends as the River Soar continues to the north and the Grand Union Canal to the east. There is a lock, North Lock, in the northeast corner of the Order Lands on the canal.
15. The site is intersected by a number of highways most of which are public highways. However, the western part of Soar Lane, including across the two bridges, is a private highway. The main northern section of the Order Land is bounded by Northgate Street, Soar Lane and the Grand Union Canal. This roughly rectangular piece of land has four public highways which it is proposed should be Stopped Up. These are Pingle Street and Swan Street, which together provide a route through the Order Land, and two cul-de-sacs, New Pingle Street and New Henry Street, both off Pingle Street.
16. The principal current use of the Order Land is for commercial purposes, predominantly industrial/light industrial uses, including a cement batching plant located on Soar Island. There are a small number of non-residential uses on short term leases, particularly a faith based group and a commercial education facility. There are no lawful residential uses on the site.
17. The buildings on the Order Land can only be described as of poor quality and poorly maintained, predominantly constructed in the post-war period, as well as some cleared sites, and there are high levels of dereliction and vacancy. Some buildings have been subject to fire damage. While some areas, particularly the area used for vehicle dismantling, are well used, the majority of the site gives an impression of under use.
18. The site lies in the wider Waterside area to the northwest of the main Leicester City Centre. Historically this wider Waterside area was an industrial location predominantly associated with the City's once thriving textile industry. Although only a short walk from the main centre, and the recently constructed Highcross Shopping Centre, the Waterside area is separated by the dual carriageway of Vaughan Way (the A594), and the viaducts of the former Grand Central Railway also provide a barrier both visually and to movement between the Order Lands and the City Centre. To the south of the Order Lands there is evidence of some areas of recent redevelopment, in particular the redevelopment of the former Friars Mill, a Grade II listed building, and student accommodation at Merlin Heights.

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<sup>10</sup> This is a sculpture that also acts as a public viewing platform.

## THE PROPOSED DEVELOPMENT

19. Outline planning permission was granted on 10 December 2015 for the demolition of existing buildings; development comprising up to 500 residential dwellings (class C2/C3); up to 5,500 m<sup>2</sup> of business floorspace (use classes B1a, b, c); up to 1,000 m<sup>2</sup> of retail (use classes A1, A2, A3, A4, A5) and associated highway improvements, car parking, new and improved footways and green infrastructure at Northgate Street, Soar Lane, Leicester Waterside under reference 20151587<sup>11</sup>. It should be noted under the terms of condition 1 that the first application for approval of reserved matters is required to be submitted no later than five years from the date of this permission. This will be referred to as "the 2015 permission". This outline planning permission allows for the demolition of the locally listed Ship Inn. Apart from the retention of the two Soar Lane bridges the only building to remain on the Order Lands is 9 Soar Lane which is currently occupied by the Leicestershire and Rutland Wildlife Trust.
20. On 10 October 2016 an application under Section 73 of the 1990 Act was made to vary this permission through the deletion of condition 32 which related to highway capacity improvements at the Soar Lane/Northgate Street/Sanvey Gate/Highcross Street junction<sup>12</sup>. Permission was granted on 5 December 2016 under reference 20162006<sup>13</sup> (the 2016 permission). The conditions on this were the same as for the 2015 permission except that the first application for approval of reserved matters needs to be made within four years of the permission (condition 1), and conditions 33 to 51 on the 2015 permission can be seen as conditions 32 to 50 respectively on the 2016 permission.
21. LCC indicated at the Inquiry that it was the intention to implement the 2016 permission, although it appreciated that both permissions were still capable of implementation.
22. Both permissions are in outline with only access considered in detail at that stage. It should be noted that the 'red line' of the planning permissions application sites are different from those of the Order Lands. The permissions include the whole of Soar Island, and the whole of Northgate Street, Soar Lane, Jarvis Street, All Saints Road and Bath Lane where opposite the existing built up areas of the permission site, while the Order Lands exclude Northgate Street, the northern and southern parts of Soar Island, and only include up to the centre line of the eastern section of Soar Lane and up to the centre lines of Jarvis Street, All Saints Road and Bath Lane. The Order Lands additionally include the whole of the Grand Union Canal from north to south outside the existing built up areas, apart from that on either side of the Soar Lane Canal Bridge, and sections of the River Soar to the west of Soar Island.
23. LCC entered into a DA<sup>14</sup> with Keepmoat Limited on 31 March 2017 to construct a development. This agreement is conditional on the CPO being confirmed as well as a number of other matters such as the reserved matters being approved. This agreement is for various infrastructure works, being the demolition of

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<sup>11</sup> CD/B11

<sup>12</sup> CD/B12/1

<sup>13</sup> CD/B12/6

<sup>14</sup> CD/D2

existing buildings, land remediation, site works and flood mitigation, etc., and the construction of a minimum of 300 dwellings, 5,500 m<sup>2</sup> of commercial (Class B1) units, areas of public realm improvements, including recreation, and play areas, footways and cycleways. These details are set out in full in Mr Mason's Statement<sup>15</sup>.

24. An illustrative layout or Masterplan is attached to the DA. This shows the commercial development would be located along the west side of Northgate Street, there would be an 'extra-care' home in the northern part of the site fronting the Grand Union Canal, and the remainder of the site would be for residential development. The DA indicates that there would be a retail unit on the southern part of Soar Island, in the form of a 'kiosk', but this is not shown on this plan.
25. The SUO would result in the extinguishment of the whole lengths of the four highways, Pingle Street, Swan Street, New Pingle Street and New Henry Street.

### **THE CASE FOR LEICESTER CITY COUNCIL**

26. LCC's case is set out in its Statement of Reasons, Statement of Case, opening<sup>16</sup> and closing submissions and the statements of Mr Smith, Mr Tulley, Mr Beale, Mr Mason, Mr Stott and Mr Standley. In addition, a "Rebuttal Proof" was submitted by Mr McGarry to the subsequently withdrawn objection by Pinemill Limited. Mr McGarry was not called to give evidence, but LCC confirmed this document remained as a written statement to the Inquiry.

*CPO - Whether the purpose for which the land is to be acquired fits in with the adopted planning framework for the area and the planning position*

27. The adopted planning framework for the area comprises the saved policies of the City of Leicester Local Plan<sup>17</sup> (the LLP) which was adopted in 2006 together with the policies of the Leicester City Core Strategy incorporating revised policies (the LCCS) adopted in June 2014<sup>18</sup>. Policies CS4 and CS10 of the LCCS were the subject of a partial review of the LCCS and post-date the Framework and are consistent with the Framework and are up-to-date. The remaining policies of the LCCS pre-date the Framework, and therefore need to be assessed for their consistency with the Framework in accordance with paragraph 215 of the Framework.
28. The main relevant policies are Policy PS07 (Waterside) of the LLP, and Policies CS1 (Location of development), CS4 (Strategic Regeneration Area), CS6 (Housing Strategy), CS7 (Affordable Housing) and CS10 (Employment Opportunities) of the LCCS.
29. The policies of the LCCS, and specifically Policy CS4, are further supported by the policies contained in the Waterside Supplementary Planning Document<sup>19</sup> (the WSPD) adopted in August 2015.

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<sup>15</sup> LCC/5B paragraph 5.4

<sup>16</sup> Given verbally

<sup>17</sup> CD/C4

<sup>18</sup> CD/C5

<sup>19</sup> CD/C6

30. With the exception of the policies for the supply of housing (Policies CS6 and CS7) the thrust of the remaining policies are consistent with the objectives of the Framework. Policy CS1 of the LCCS is in accordance with paragraph 14 of the Framework as regards planning making, bullets 1 and 3 of paragraph 17 and paragraph 21, which require policies to address barriers to investment, including a poor environment and lack of infrastructure services or housing; to set a clear economic vision and strategy for the area, and to identify strategic sites to meet anticipated needs over the plan period. Equally Policy PS07 of the LLP makes positive provision for comprehensive development of the Waterside area, encouraging sustainable development within it. This policy is therefore consistent with paragraph 17 of the Framework, specifically bullets 1, 2, 3, 8 and 9.
31. The policies in the development plan for the supply of housing were derived from the now revoked Regional Strategy and thus are out-of-date for the purposes of paragraphs 49 and 14 of the Framework. Policies CS6 and CS7 of the LCCS are not seeking to restrict the supply of housing; quite the opposite. They are aimed at ensuring the delivery of much needed housing including, specifically, upon the Order Land. These policies are therefore of continuing – if not even greater – significance, and compliance with them should be taken into account in determining whether the Scheme fits with the adopted planning framework.
32. These development plan policies should be treated as carrying full weight when considering compliance with the adopted planning framework for the area.
33. The adopted planning framework and the national policy context have remained unchanged since the grant of both the 2015 permission and the 2016 permission. As such, the fact that the Scheme was granted planning permission (and was not advertised as a departure) is *prima facie* evidence that the Scheme complies with the adopted planning framework.
34. The policies in both the LLP and LCCS require that the development coming forward upon the Waterside results in a "*high-quality residential-led neighbourhood and city leisure attraction ... which enhances the riverside, the canal and its ecology, [and] improves connectivity to adjoining areas ...*". The Scheme, with its proposals for housing, improved canal access, safe and attractive walking and cycling routes through the site, and obligations to produce a Site Wide Green Infrastructure Strategy and Ecology Management Plan, achieves all of these objectives.
35. The housing offer is also policy compliant, being in one of the strategic locations identified within Policy CS1 of LCCS, and with Keepmoat proposing a mix of housing types to meet the needs of existing and future households in the City, in accordance with both Policies CS4 and CS6. The affordable offer, at 15% of the total dwelling provision on-site and in the form of Extra Care apartments, satisfies the requirements of Policies CS7 and CS6, the latter of which specifically refers to the possibility of meeting the needs of an elderly population through the provision of Extra Care Accommodation.
36. Although the Scheme will result in the loss of some existing employment land, the Order Land is not subject to any policies protecting that existing use. The relocation of existing businesses in the Strategic Regeneration Area (the SRA) in order to facilitate regeneration is in fact expressly contemplated in Policy CS10.

Crucially, the Scheme delivers on the policy's up-to-date requirement for the provision of new Grade A office accommodation in the City Centre.

37. Although the delivery of small office accommodation on the Order Land is not secured by condition or other legal agreement, it is presently envisaged that that is what will be provided, and LCC would have control over this, given that its approval as both landowner and local planning authority is required for any reserved matters applications brought forward. This would then satisfy LCC's desire to promote small offices between 100 m<sup>2</sup> and 1,000 m<sup>2</sup> at Waterside, also in Policy CS10.
38. Keepmoat will also comply with the requirement of Policy CS13, to safeguard and improve green space and recreation facilities of strategic importance, being those along the River and Canal Corridors.
39. The WSPD provides further details guiding development proposals. The WSPD calls for a "first phase to be delivered comprehensively"<sup>20</sup>. Figure 6.1, Phasing Plan, identifies the first phase as the same as the Order Land. At page 46 of the 2015 Officer's Report<sup>21</sup>, the Officer confirms that the Scheme "is in accordance with all relevant policies, both local and national".

*The benefits of the scheme*

40. The Scheme will deliver substantial economic benefits through the provision of quantitative and qualitative improvements to LCC's commercial offer. The quantitative improvements will result from the provision of 5,500 m<sup>2</sup> of new Grade A office space, meeting a current serious deficiency in supply in the City. As a consequence of the provision of that new floorspace, and making conservative allowances for displacement effects, the Scheme will generate a net addition of 155 FTE jobs. These jobs will in turn generate £9 million Gross Value Added (GVA) to the City's economy annually. These are very substantial economic benefits indeed.
41. The qualitative benefits will arise as a result of the City being in a position to attract new, more resilient and higher quality businesses, as well as meeting the needs of existing businesses, particularly providing accommodation into which they can grow, assisting with the retention of such businesses. This will support LCC in its ambitions to restructure the City's economy away from declining sectors towards more highly skilled and thus better paid sectors, thus helping to ensure the long-term success of the City and to address its existing underperformance in terms of wages and representation in growing sectors.
42. Economic development will further be supported by the provision of housing described above. LCC's own Leicester Economic Action Plans 2012<sup>22</sup> and 2016<sup>23</sup> (the LEAPs) have specifically identified the need to provide the right types of housing in the right locations as a priority because of its impact on the ability of employers to attract and retain talented staff.

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<sup>20</sup> CD/C6 paragraph 6.2

<sup>21</sup> CD/B10

<sup>22</sup> CD/C8

<sup>23</sup> CD/C9

43. The principal social benefits associated with the delivery of the Scheme comprise the provision of both a quantitative and qualitative improvement in the City's housing stock. Under the terms of the DA, and consistent with Keepmoat's current Masterplan, the Scheme will result in the delivery of in excess of 300 new homes, including 15% affordable provision provided in the form of 'Extra-care' apartments for the elderly. This represents a 100% net gain in housing provision.
44. LCC has underperformed against the housing requirement of 1,280 homes per annum derived from the LCCS. Based on the LCCS requirement and the undersupply to date, LCC can only demonstrate a 4.4 year Housing Land Supply.
45. In response to the Framework LCC has published a Housing Economic Development Needs Assessment<sup>24</sup> (the HEDNA) setting out, amongst other matters, an Objectively Assessed Need (OAN) for housing around 1,692 dwellings per annum for the 2011-2031 period in the Housing Market Area. Although this figure has yet to be tested, applying this requirement, LCC's Five Year Housing Land Supply falls to around 3.4 years. It is therefore clear that LCC needs to make progress delivering its strategic allocations, including the Order Land, in order to provide the homes that its residents need.
46. The 15% affordable provision is on site and meeting a particular need; indeed it will deliver more than half of the annual requirement of specialist accommodation for older people (94 dwellings per annum for the 2011 - 2036 period)<sup>25</sup>. Substantial weight should be attached to this benefit commensurate with the contribution being made to meeting that specialist need.
47. The Scheme will deliver a range of housing typologies, but with a particular emphasis on well-sized houses, which are preferred by the population cohort that LCC is seeking to attract and retain for economic reasons – younger age groups comprising highly qualified and skilled individuals, who will go on to form and raise families in the area.
48. Keepmoat is diverging from its standard product to provide housing types that will be unique to the Waterside development and attractive to that target group. Such development will meet a need that is currently unmet by the market, which principally serves the student sector and the buy-to-let market/single professionals, rather than families and those looking for larger homes, with the convenience and amenities of a City Centre location. Such a proposal is also consistent with the national policy requirement to widen the choice of high quality homes.
49. Other important social benefits include the well-being benefits associated with the public realm improvements, particularly the provision of areas for outdoor recreation, and safe and attractive cycle/pedestrian routes.
50. In terms of the built environment, the delivery of the Scheme will secure the remediation of contaminated land and the reduction of localised flood risk associated with the current condition and level of the land. This latter factor

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<sup>24</sup> CD/C12

<sup>25</sup> CD/C12 Table 64

has particular significance in terms of ensuring the area's resilience to the effects of climate change.

51. The above ground works will transform the appearance of this western gateway to the City, improving the image of the City and encouraging people to live, work, visit and invest. The improvement to the quality of the City Centre offer, particularly the creation of a new and desirable waterside environment, will also contribute to this.
52. The setting of the two listed buildings on or close to the Order Land – Soar Island Canal Bridge and Friar's Mill – will also be improved, helping to better reveal the significance of those heritage assets, and more than compensating for the loss of the locally listed asset, the Ship Inn.
53. The natural environment would be improved, enhancing both the quality of those environments for their own sake, and improving the ability of residents and workers in the City to enjoy them. Particular improvements to the River Soar and Grand Union Canal corridors include the proposed enhancement to biodiversity, and creation of canal side public spaces. Equally the provision of new and improved public open space will increase opportunities for recreation and relaxation, and contribute to the improved appearance and better health of the City.
54. In addition to the direct benefits identified above, the redevelopment of the site would act as a catalyst to the regeneration of the wider Waterside area, and there are synergies with other public sector projects either underway or proposed. LCC's investment in the area has directly or indirectly led to current private sector investment around the Order land of around £280 million.
55. Whilst the Scheme is promoted as a standalone proposal, and justifies the Order on that basis, it is considered not to be inappropriate to take into account the agglomerated benefits likely to arise from the Scheme encouraging the delivery of further sustainable development, as a further factor justifying confirmation of the Order. Non-confirmation of the Order would have the potential to prejudice the continuation of such private sector investment.

*Acquisition, viability and deliverability of the scheme*

56. In Keepmoat LCC has a partner with a wealth of experience in delivering large scale residential-led regeneration projects, including the commercial elements of the same. Further confidence in this regard can be obtained from the fact that Keepmoat was able to attain a position via a competitive OJEU process on the Homes and Communities Agency's DPP2 Panel, securing representation across each of the four regional 'lots'.
57. In any event, since the execution of the DA and subject to satisfaction of the Conditions, Keepmoat is contractually committed to delivering the Scheme, and to delivering it by March 2023 (subject to any limited extension consented by LCC pursuant to the terms of the DA).
58. The Conditions in the DA are:
  - (i) LCC delivering the Order Land with vacant possession, which is dependent only on the confirmation of the Order;

- (ii) Keepmoat obtaining title insurance;
  - (iii) Receipt by Keepmoat of the necessary reserved matters approvals, likely by reason of their proposal's compliance with the adopted planning framework; and
  - (iv) Satisfactory Ground Conditions, which the evidence of Mr Mason indicated they had no reason to believe would not be met, having regard to the technical due diligence carried out to date.
59. There were a number of objections to the CPO on the basis that delivery was not secured; the executed DA overcomes these objections.
60. Its delivery has been fully costed, at around £52 million (with the peak overdraft required at any one time being around £5 million), which Keepmoat's Annual Report and Statement to March 2016<sup>26</sup> confirms that the group has sufficient funding lines to meet.
61. The costs of getting to the point where Keepmoat are in a position to carry out the Scheme comprise the cost of land assembly (including the CPO), carrying out the necessary Infrastructure Works of remediation of the land and the like<sup>27</sup> and associated fees and contingency. These are shown in the Report to Full Council requesting they be underwritten to be £20 million, £12 million and £3 million respectively, a total of £35 million<sup>28</sup>. LCC confirmed that those costs remained sound today, with land acquisitions coming in on budget and LCC's contribution to infrastructure works being capped at £12 million in the DA.
62. As also set out in that Report, LCC has funding lines for the above, being £20 million from the Local Growth Fund (LGF), £10 million from land receipts received by LCC, and £5 million funding from LCC's own capital programme. LCC further resolved to underwrite any shortfalls arising if land receipts were not received or were lower than anticipated, and to underwrite any LGF funds that had not at that time been confirmed (the ability to draw down from the £20 million allocated being confirmed on a rolling basis).
63. Since the completion of the DA, the land receipt receivable by LCC has been confirmed to be £11.1 million. The £5 million of capital funding was already secured, and the drawdown of only £4.16 million of the LGF funds has yet to be confirmed. As such, LCC's secured funding amounts to £31.94 million, and the £21 million of underwriting secured from Full Council<sup>29</sup> will therefore be more than sufficient to cover the remainder of the £35 million costs associated with LCC's obligations.
64. There is likely to be buried archaeology to investigate, buildings that must be demolished, and contamination that must be remediated. To those considerations must be added the presence on the Order Land of land within Flood Zones 2 and 3 as set out on the Environment Agency maps, and the consequent need for flood alleviation works. Taken together, it is these factors

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<sup>26</sup> LCC/5C pages 18, 26 and 27.

<sup>27</sup> CD/D2 as defined in clause 1.1

<sup>28</sup> CD/F4 paragraph 3.5.3

<sup>29</sup> CD/F4 and CD/F5

that give rise to the substantial abnormal development costs of just under £12 million that LCC has agreed to fund.

65. LCC asserts it is fair to record that, if the Scheme was not in receipt of public sector gap funding, the gross revenue generated by the Scheme would not be sufficient to pay for its delivery, at the same time as offering a competitive return for a developer, and generating a receipt for the land. In those circumstances, the Order Land would be highly unlikely ever to come forward for development. It is for that very reason (amongst others, notably the fragmented nature of land ownership in the area) that LCC has had to intervene.
66. However, with public sector gap funding, the Scheme can viably be delivered: the abnormal and the land assembly costs are covered by LCC's own funding and, once the serviced site has been created, the gross development value is sufficient for the Scheme to 'wash its own face', as is clear from the Development Appraisal at Appendix 8 of the DA.
67. There is nothing inappropriate about public sector gap funding in circumstances such as these, where LCC will secure substantial benefits in return for that money, including the bringing back into full beneficial use of land that is currently potentially underperforming and which would otherwise simply continue its current decline.
68. LCC has engaged with those who would be affected by the CPO since 2015 with a view to assisting them in obtaining alternative accommodation. The full details are set out in Mr Stott's statement<sup>30</sup>. It has obtained planning permission for the car dismantlers to be relocated to Bridge Road, but Mr Hudson has yet to decide whether to take this up.
69. No remaining objector to the inquiry contends that there is an alternative means by which the benefits that the Scheme is intended to secure could be so secured. The policy basis for it, as well as the Scheme itself, has been subject to consultation, which again did not seek to suggest that the Scheme was an inappropriate response to the problems experienced in the Waterside area and on the Order Land particularly. In short, there is no alternative to the comprehensive proposals being advanced, and the availability of one cannot therefore be a matter weighing against confirmation of the Order. Indeed, the absence of any alternative, and the reality of the area's continued decline without this much-needed intervention, weighs strongly in favour of granting LCC the powers that it needs in order to be able to put the Scheme into effect.

### *Equalities*

70. LCC has undertaken an Equalities Impact Assessment (EqIA) in line with the Public Sector Equality Duty under Section 149 of the Equality Act 2010<sup>31</sup>. An initial EqIA was undertaken prior to June 2016, the output of which enabled LCC to discharge its duty when exercising its powers to make the Order. In order to

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<sup>30</sup> LCC/4B

<sup>31</sup> CD/E5

ensure that it remained accurate for the purposes of the SoSs' decision making, a review and update was completed in May 2017<sup>32</sup>.

71. The outcome of the initial and revised EqIAs were not materially different, with both finding that the Scheme would not result in disadvantage to persons by reason of any protected characteristics. Although those with the protected characteristics of age (working age) and gender (male business owners and employees) were more likely to be adversely affected, this reflected the fact that they were the cohorts predominantly currently engaged in economic activity on the Order Land.
72. Moreover, as a result of LCC's attempts to relocate those businesses and jobs, it is considered that any negative impact on men, and those of working age, could be substantially reduced, if not avoided. This would also apply to the other non-business activities currently on the Order Lands.
73. The Scheme will also have positive effects on others with the protected characteristic of gender, by creating new jobs on the Order Land that are more likely to be attractive and available to all genders, which is true of office development as compared to industry. Other benefits of delivering the Scheme include promoting equality of opportunity by delivering development on the Order Land that provides a broader range of social and economic benefits, including market and affordable housing, more FTE jobs, and improving opportunities to foster links between different groups by creating a more mixed community and combining opportunities for work and play, in contrast with the more insular development currently occupying the Order Lands. No party objected to the Order on the grounds that it, or the Scheme, would give rise to inequality of any kind.

#### *Human Rights*

74. LCC has taken into account the human rights of those affected by its actions. LCC acknowledges that Convention Rights are engaged by the making and proposed confirmation of the Order. Most pertinently in the present case, for all those whose property interests would be divested, everyone has the right to peaceful enjoyment of their property under Article 1 Protocol 1 of the European Convention on Human Rights (protected in domestic law by the Human Rights Act 1998).
75. Article 1 Protocol 1 is not however an unqualified right. It is well settled that interference may be justified in accordance with the law, providing that interference is proportionate to the public interest being achieved. Such proportionality will have been established if, as is submitted above, the SoS accept that the benefits that would flow from implementation of the Scheme are compelling.
76. Although the Order Lands have no lawful residential uses, LCC is aware of two instances of unlawful sub-letting on the site, one of which is now understood to have been resolved. To the extent that any such residents remain on the Order Land, it is acknowledged that their Article 8 rights (right to home, family and private life) would be engaged. Again Article 8 rights are not unqualified, and

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<sup>32</sup> CD/D3

proportionate interferences are permissible. LCC relies on the compelling case arising as a result of the many and substantial benefits to the City as a whole that will be secured by the development as materially outweighing any interference.

77. The making and confirmation of the Order is further consistent with Article 6 rights (fair trial rights) by virtue of the carrying out of this inquiry procedure, and the subsequent availability of legal challenge to any decision taken.

*Other matters*

78. The application for confirmation of the CPO is accompanied by an application for a Section 19 certificate. As the Section 19 notice confirms<sup>33</sup>, the total area of land potentially comprising public open space ('POS') within the Order Land amounts to 25 m<sup>2</sup>. As this is less than 250 square yards (209 m<sup>2</sup>), the SoSCLG is empowered to issue the Section 19 certificate regardless of the provision of any exchange land. It is on this basis that the certificate has been sought.
79. Notwithstanding the above, it should be noted that replacement public open space is being provided, at a considerably greater level of provision than as existing, having regard to the requirement (secured by Condition 20 of the 2015 and 2016 permissions) for the provision of a 0.25 ha park.

*Stopping Up Order – whether it is necessary in order to enable development to be carried out in accordance with a planning permission granted under Part III of 1990 Act*

80. Although no application for approval of reserved matters has been submitted or approved, the SUO is in practice a necessary pre-condition to facilitate the development permitted under the 2015 and 2016 permissions. This is because, before that development can be carried out, it is necessary – as part of the Infrastructure Works being carried out by Keepmoat on LCC's behalf – to dig up, decontaminate and then raise the land currently occupied by roads proposed to be stopped up. These works are therefore engineering operations necessary as part of the flood alleviation works secured by the two planning permissions. The proposed levels plan<sup>34</sup> shows the land on parts of the existing highways being raised by up to 1 m.
81. In addition a number of the roads or parts thereof (specifically, New Henry Street and New Pingle Street) are thereafter unlikely to be retained in their existing positions as is shown on the Masterplan.
82. LCC has considered but rejected the use of a temporary stopping up order under Section 14 of the Road Traffic Regulation Act 1984 because of their inability to be used for a period in excess of 18 months, whereas it is proposed to erect a hoarding around the whole of the Scheme land for the duration of the construction programme (around 5 years), to assist Keepmoat with the Scheme's efficient and safe delivery. Highways Act 1980 powers are unsuitable given the inability of LCC to demonstrate that all roads within the SUO are unnecessary, given that some (Pingle Street and Swan Street) are to be re-provided within the Scheme, albeit potentially subject to some modifications.

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<sup>33</sup> CD/A7

<sup>34</sup> Drawing No 22055.02.010.05 revision A which can be found appended to the DA, CD/D2

83. The level of traffic using the roads included within the SUO is low and predominately generated by trips to and from the businesses presently located there. As such, LCC does not consider that the SUO will have a material impact on the wider highway network. No impact on either highway safety or public amenity has been identified.

*Response to Objections*

84. All the objections from statutory undertakers have been withdrawn. The remaining six<sup>35</sup> objections all come from persons whose business premises would be acquired if the Order is confirmed. LCC's responses to the remaining objections are given by each objection below.

*Overall conclusion*

85. The decision to make this CPO was not taken lightly. It is the culmination of many years of work by LCC and its partners. The benefits of the Scheme proceeding are clear and substantial, with its delivery making a meaningful contribution to the achievement not only to LCC's housing and office land supply, but of LCC's long standing desire to maximise the potential of the Waterside.
86. The burden on those who will lose their interests in the Order Land is recognised, however, LCC is taking all reasonable steps to help them move on successfully and with the minimum impact. In the circumstances the balance must lie in achieving the greatest good for the greatest number. That outcome is one that can only be achieved with the confirmation of the CPO.
87. The SUO and Section 19 Certificate are demonstrably necessary to enable LCC to give effect to the Scheme for which the CPO is sought.

**SUBMISSIONS SUPPORTING LEICESTER CITY COUNCIL**

88. A single letter in support of the CPO was received from The Charles Street Buildings Group (the CSBG)<sup>36</sup>. It states the company has had significant landholdings in the area for many years and these lie between the majority of the Waterside area and the City Centre. As a result of LCC's investment and the WSPD they have spent several years masterplanning a large scale development comprising offices, hotel and leisure facilities. The landholding is shown as Parcels 3 and 7 of Appendix 1 to Mr Beale's statement<sup>37</sup>.
89. The proposal for Phase 1 (Parcel 7) is for development of 2 hotels and 30,000 sq.ft. (approximately 2,788 m<sup>2</sup>) of office buildings on the former Stibbe factory site on Vaughan Way. The proposals for Phase 2 (Parcel 3) are less well advanced, but it is likely to be for offices at the site of the former Leicester Central railway station.
90. The CSBG believes it is only through the impetus that LCC is creating in the Waterside, both through the Leicester and Leicestershire Economic Partnership (LLEP) and through the use of LCC's own resources, that wide scale

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<sup>35</sup> Five to the CPO and one to the SUO

<sup>36</sup> CD/G6

<sup>37</sup> LCC/2B

development of the Waterside area will be a success. It notes that LCC's commitment to the area is a significant factor in bringing in private sector investment and has encouraged the CSBG to bring forward its own proposals. The CSBG notes the strong record of public realm improvements and connectivity. The Order Scheme will hopefully see this important area of the city reconnected with the City Centre.

## **THE OBJECTIONS**

91. Only written evidence has been provided by the following parties as no objectors offered evidence at the Inquiry. None of the objections were updated from when originally made.

### *The case for Hope Ready Mixed Concrete and the Breedon*

92. The case against the CPO is set out in Gerald Eve LLP's letter of 5 December 2016<sup>38</sup>. The objection indicates that it relates to Parcels 52 and 53 although it would appear that this company has no interest in Parcel 52 (see above).
93. The objections are that it does not wish to be deprived of its leasehold interest in and occupation of the property. It operates a profitable business from the property and its acquisition would cause significant disruption, inconvenience and costs. At the time of writing it had not been able to secure an alternative site and LCC had not demonstrated a sufficiently compelling case in the public interest to justify interference with rights under the European Convention on Human Rights. No offer had been made to purchase the relevant interest and thus it cannot be said that it would not be possible to acquire those rights by agreement.

### *Response by LCC*

94. LCC considers the only substantive objections relate to what is seen by the objector as (a) the absence of a compelling case in the public interest to acquire their site, and (b) the failure of LCC to seek to acquire their leasehold interest.
95. On the former point, while the interest lies on Soar Island the compelling benefits can only be achieved through a comprehensive redevelopment of the whole of the Order Lands. The leasehold interest does not expire until 30 September 2027, over a decade away without a landlord's break clause. This would prevent the redevelopment of Soar Island for at least that period. In addition it is a business tenancy benefitting from the protection of the Landlord and Tenant Act 1954, and as such it would be necessary for LCC as landlord to go through the necessary legal process in order to bring that tenancy to an end. Should the process be contested, it can reasonably be expected that it might take a further 1-2 years for the lease to be determined.
96. The presence of a cement batching plant on Soar Island for this period would prevent LCC from achieving its regeneration objectives for the Order Land in full, with it being impossible for the Island to fulfil any role as a destination for recreation and enjoyment of the waterside and natural setting whilst that plant remained operational. During this period it would be doubtful whether some or any of the proposed housing could be viably delivered in those circumstances,

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<sup>38</sup> OBJ/8/1

owing to the unneighbourly conditions generated by the plant. Moreover, the role of Soar Island as a gateway to the waterside would be seriously compromised if the HGV movements associated with the cement batching use impacted upon LCC's ability to create a safe and attractive pedestrian/cycle link to the City Centre.

97. In addition, if the land were not to be acquired one of the Conditions of the DA would not be completed requiring vacant possession of all the land. This would mean that Keepmoat could determine the DA. Keepmoat has confirmed that it would not implement the Scheme without LCC providing vacant possession of all the Order Land, including Soar Island, because the sales values assumed by it take into account the future aspect and views that will be afforded by it being able to deliver its proposals in full. It is self-evident that the same values might not be achievable if a concrete batching plant (with attendant noise, dust and HGV traffic) were to continue to be present on Soar Island for at least the medium term.
98. On the latter point LCC's view is that the lease has no capital value; hence why no 'offer' has been made<sup>39</sup>. LCC has however sought to engage with the objector to secure the surrender of its interest, both supporting it in its attempts to relocate its plant, and having confirmed that it will pay the objector's reasonable costs of doing so.

*The case for Norman Hudson T/A End of Life Centre*

99. The case against the CPO is set out in the letter from Mason Owen dated 9 December 2016<sup>40</sup>, and relates to Parcel 10. The objections are that the Waterside area accommodates a number of thriving businesses from various sectors which would be lost. It has not been demonstrated that the LCC has assessed the likely demand for the proposed commercial space. The scheme would not be viable without public funding which raises fundamental questions about the appropriateness of the scheme in the first place. This last point being reinforced by a failure by the LCC to market the scheme as a development opportunity.
100. While there was a commitment to complete the infrastructure works and approximately one-third of the development there was nothing to require the development as a whole to be completed. The use of CPO powers should not be used in such a situation.
101. The case against the SUO is set out in a letter from the company dated 12 February 2017<sup>41</sup>. The objection notes that access to the site is very important to the company and that the stopping up would result in delays in getting to/from their site, loss of earnings as customers are unable to find the site, and HGVs would have greater problems accessing and egressing the objector's site, which will affect other traffic.

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<sup>39</sup> See Mr Stott's statement LCC/4B at paragraph 5.54

<sup>40</sup> OBJ/6/1

<sup>41</sup> CD/B48

### *Response by LCC*

102. In respect of the objection to the CPO, the demand (and need) for office floorspace in the City has been considered from both a policy perspective in the evidence of Mr Tulley<sup>42</sup> and from a more pragmatic, market-focussed perspective in the evidence of Mr Beale<sup>43</sup>.
103. The policy position is that there is a need for high quality office floorspace, reflected in the requirements of Policy CS4 of the LCCS to deliver 50,000 m<sup>2</sup> of new Grade A provision, to better meet the needs of existing and potential occupiers, including those who have or are soon to reach lease events on their existing properties. In addition, and importantly, this would assist LCC with restructuring the City's economy towards more skilled, better paid jobs. This policy position is underpinned by a comprehensive and up-to-date evidence base including the 2017 Employment Land Study<sup>44</sup> and the HEDNA<sup>45</sup>, and also reflects the City's strategic priorities in the LEAPs of 2012 and 2016<sup>46</sup> and the Leicester and Leicestershire Economic Partnership's Strategic Economic Plan 2014<sup>47</sup> (the SEP).
104. From a market perspective, LCC is aware that there is considerable pent up demand for office floorspace, where that accommodation is appropriate. Such accommodation is however currently in very short supply, with much of the City Centre accommodation being unsuitable and outdated. Just 3% of the City Centre's stock is Grade A.
105. Occupiers' enthusiasm for such property has been confirmed for LCC as a result of its successful redevelopment of Friars Mill, which itself led to its subsequent, ongoing speculative development of a further two new build office developments intended to provide units for sale rather than lease (around 1,000 m<sup>2</sup>).
106. This view is not one held by LCC alone, with the same view being expressed by Andrew & Ashwell, commercial property agents in the Leicester area with more than 20 years' experience. This letter, dated 5 May 2017<sup>48</sup>, also confirms the difficulties that the market faces in bringing forward such development alone, notwithstanding existing demand, because of the higher land values associated with alternative uses.
107. In respect of the other objections these have been dealt with in LCC's substantive case. In summary, it is perfectly proper for public funding to be used to gap fund development that is beneficial but not sufficiently financially attractive for the market to bring it forward alone, and that the DA requires Keepmoat to deliver all phases of the Scheme by March 2023, giving a high degree of certainty about its outcome.
108. In respect of the SUO LCC makes it clear that the SUO is only sought if the CPO is confirmed. If the CPO is confirmed, the End of Life Centre will have to be

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<sup>42</sup> LCC/3B at Section 7, paragraph 7.35 onwards

<sup>43</sup> LCC/2B at Section 8

<sup>44</sup> CD/C13

<sup>45</sup> CD/C12

<sup>46</sup> CD/C8 & CD/9

<sup>47</sup> CD/C11

<sup>48</sup> CD/G4

relocated from the Order Land in any event. The closure of the roads within it will not therefore have any impact upon that business. As such, the objection is considered to be misconceived.

*The case for Digital Print Leicester*

109. The case against the CPO is set out in the letter from Mason Owen dated 9 December 2016<sup>49</sup> and relates to Parcel 21. The objection considers the efforts to assist in relocation for displaced businesses to be inadequate, particularly by seeking properties to meet the particular needs of different occupiers, with no suitable premises having been identified for this company. The Waterside area accommodates a number of thriving businesses from various sectors which would be lost. It has not been demonstrated that the LCC has assessed the likely demand for the proposed commercial space. The scheme would not be viable without public funding which raises fundamental questions about the appropriateness of the scheme in the first place. This last point is reinforced by a failure by the LCC to market the scheme as a development opportunity.
110. While there was a commitment to complete the infrastructure works and approximately one-third of the development there was nothing to require the development as a whole to be completed. The use of CPO powers should not be used in such a situation.

*Response by LCC*

111. The evidence of Mr Stott<sup>50</sup> sets out the efforts that LCC has undertaken to both acquire the land by agreement and to deliver alternative premises, including the use of LCC owned land. The other matters are dealt with in the response to the objection to the CPO by Norman Hudson T/A End of Life Centre.

*The case for Narrinder Sandu & Djinn Genie (London) Ltd*

112. The case against the CPO is set out in the letter dated 9 December 2016 from Mason Owen<sup>51</sup> and relates to Parcel 35. The objection notes that the business operates from two premises, one in New Henry Street and subject to the CPO, and the other a short distance away in Bath Lane, and not subject to the CPO. The two premises are functionally essential to each other. There has been no substantive effort to assist the business in overcoming the difficulties that would arise from the acquisition.
113. The objection considers the efforts to assist in relocation for displaced businesses to be inadequate, particularly by seeking properties to meet the particular needs of different occupiers, and no suitable premises has been identified for this company. The Waterside area accommodates a number of thriving businesses from various sectors which would be lost. It has not been demonstrated that the LCC has assessed the likely demand for the proposed commercial space. The scheme would not be viable without public funding which raises fundamental questions about the appropriateness of the scheme in the first place. This last point is reinforced by a failure by the LCC to market the scheme as a development opportunity.

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<sup>49</sup> OBJ/4/1

<sup>50</sup> LCC/4B Sections 4 & 5

<sup>51</sup> OBJ/5/1

114. While there was a commitment to complete the infrastructure works and approximately one-third of the development, there was nothing to require the development as a whole to be completed. The use of CPO powers should not be used in such a situation.

*Response by LCC*

115. This is the same as to the objection by Digital Print Leicester.

*The case for Messrs Vaja & Patel Forward Micro Systems Ltd*

116. The case against the CPO is set out in the letter dated 9 December 2016 from Mason Owen<sup>52</sup> and relates to Parcel 23. The objections are that the Waterside area accommodates a number of thriving businesses from various sectors which would be lost. It has not been demonstrated that the LCC has assessed the likely demand for the proposed commercial space. The scheme would not be viable without public funding which raises fundamental questions about the appropriateness of the scheme in the first place. This last point is reinforced by a failure by the LCC to market the scheme as a development opportunity.

117. While there was a commitment to complete the infrastructure works and approximately one-third of the development, there was nothing to require the development as a whole to be completed. The use of CPO powers should not be used in such a situation.

*Response by LCC*

118. This is the same as to the objection by Digital Print Leicester.

**UNOPPOSED LANDS**

119. In its statements LCC indicates that at the time of the Inquiry it had not secured the following interests from the following parties, but no objections to the CPO had been received.

<u>Parcel No</u>	<u>Address</u>	<u>Party</u>	<u>Type of Interest</u>
3	Land at All Saints Road	Mr Barry Eden & Mrs Joan Eden	Freehold
7	Car Park at All Saints Road	Mr Addul Whab Caratella and Mr Yakub Normanhomed Caratella	Leasehold
28	Property to rear of New Pingle Street	Frisco Limited	Freehold

<sup>52</sup> OBJ/7/1

## **INSPECTOR'S CONCLUSIONS**

*The numbers in square brackets refer back to earlier paragraph numbers of relevance to my conclusions.*

### **Introduction**

120. LCC has submitted extensive evidence and provided witnesses to support its case. The objectors, on the other hand, produced no evidence to supplement the original letters of objection and no witnesses to the Inquiry, particularly to counter any evidence put in by LCC of events that had occurred between the objections being made in December 2016/February 2017 and the Inquiry in June 2017. This limits the weight I am able to attach to the evidence of the objectors in reaching my conclusions.

### **Compulsory purchase order**

121. The CPO seeks to acquire ownership of land and certain other rights shown on the Order Map for the purposes of securing development, redevelopment or improvement by comprehensive development of the Order Lands. It is made under Section 226(1)(a) of the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004). The power granted is intended to assist a local authority to fulfil its duties (under Section 2 of Local Government Act 2000) of promoting the economic, social and environmental well-being of its area. [12, 13, 14, 15]

122. Section 1 of Tier 2 of the 'Guidance on Compulsory purchase process and The Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion'<sup>53</sup> (the Guidance) states that any decision about whether to confirm such a CPO will be made on its merits, but the Secretary of State can be expected to consider various factors including:

- whether the purpose for which the land is being acquired fits in with the adopted Local Plan for the area or, where no such up to date Local Plan exists, with the draft Local Plan and the Framework;
- the extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area;
- whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means.

123. In addition, in light of the objections it is necessary to consider the viability and deliverability of the Scheme.

124. In light of the evidence, both written and verbal, my recommendation is based on a consideration against these headings.

### *Development Plan and the Framework*

125. The site lies within the Waterside area of Leicester. This area has been identified for redevelopment for a number of years in development plan

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<sup>53</sup> CD/C2

- documents. In particular Policy PS07 of the 2006 LLP indicates that planning permission will be granted for development, predominantly residential, in the Waterside area shown on the proposals map. This includes the whole of the Order lands. More recently adopted policies, in particular Policies CS1, CS4 and CS10 of the LCCS, all indicate that development will be focused on the Strategic Regeneration Area which includes the Order Lands. Again this will be through a residentially-led mixed use neighbourhood and city leisure attraction. As such the proposal fits within the overall development plan strategy. [27, 28, 30, 31, 32]
126. The proposal also fits within the overall vision of the WSPD to provide a thriving urban neighbourhood both to live in and space to provide for local businesses, reconnecting Leicester to its waterfront in a safe environment. [29]
127. These identified policies are generally consistent with the core planning principles set out in paragraph 14 of the Framework, in that it is plan led, and would proactively drive and support sustainable economic development to deliver homes, business, infrastructure and thriving local places. [31, 32, 33]
128. The development of the site also fits within the overall strategy of a number of other non-development plan documents which were brought to my attention. In particular these include the LEAP 2016 and the SEP. [42, 103]
129. It is noticeable that there were no objections to the principle of the development on the Order Land, either in the objections to the CPO or at applications stage, rather objections related only to the effects on the individual interests or to aspects relating to the need for the commercial parts of the development. [33, 69]
130. It is appropriate to record that there is a difference in the description of development permitted in the 2015 and 2016 permissions when compared to that contemplated in the DA. The main difference is that the permissions allow for "up to 500 residential dwellings" while the DA requires a minimum of 300 dwellings, although the Masterplan shows 338 dwellings, as well as for the commercial, public realm and infrastructure works. The DA allows for the precise number to be agreed outside the DA between LCC and Keepmoat. The proposed floor area of the business development is the same in the DA and the two permissions, as are the infrastructure works. [19, 20, 23]
131. It is a matter of fact and degree as to whether an application for reserved matters for the development of 338 dwellings (which I will refer to as 'the DA scheme') would comply with the 2015 or 2016 permissions, but in any event, even if it did not, the DA scheme could be delivered through a subsequent full application for planning permission where the same policy background would apply. The Guidance makes clear (paragraph 75) that it may not always be feasible or sensible to wait until the full details of the scheme have been worked up, and planning permission obtained, before proceeding with the Order. What matters is whether the acquiring authority is able to put forward a compelling case for acquisition in advance of resolving all the uncertainties. [33]
132. Insofar as the housing policies in the development plan are concerned these are out-of-date being based on the numbers set out in the revoked Regional Strategy. The HEDNA seeks to identify the OAN as required in paragraph 47 of the Framework. However, the housing policies in the development plan, in

particular Policies CS6 and CS7 of the LCCS do not seek to constrain housing on the Order Land, rather facilitate. As such there is no conflict. [31, 44]

133. It was explained that the lower number of dwellings was a function of the desire to have a higher proportion of larger family dwellings within the scheme to help to 're-balance' the local housing market. This is in line with the evidence set out in the 2017 HEDNA which indicates that there is a particular deficiency, both in the Housing Market area generally and the local vicinity more specifically, of these larger dwellings. In this context the proposals for the site have evolved to more closely fit the latest emerging evidence. [44]
134. Therefore, for the reasons given, it seems to me that there is strong policy support for the CPO to be confirmed.

*Economic, social and environmental wellbeing*

135. The proposal would result in both negative and positive economic effects on the area. The existing area provides employment but is generally under-occupied and there is nothing in front of me to show that these uses could not be located in other locations with the same economic effects although there might be some disruption. Set against this, the uncontested evidence was that the new commercial floorspace would generate a new addition of 155 FTE jobs which in turn would generate £9 million GVA to the local economy annually. In addition the economic benefits of the new residents would also be significant in the local economy. [40, 42, 86, 93]
136. The proposal would result in a qualitative enhancement to the office offer in the area. This would assist in restructuring the economy away from declining sectors, towards more highly skilled and thus better paid sectors, thereby enhancing those new and growing sectors. [41]
137. There were a number of objections to the effect that there was no need for the commercial floorspace. However, the provision would be in line with development plan policies for the area which specifically is seeking new Grade A provision. The HEDNA also shows a need for this type of floorspace and it is also evidenced by the letter from Andrew & Ashwell. I am therefore satisfied on the evidence in front of me that there is a need for this accommodation. Overall the economic benefits significantly outweigh the harms and these benefits, to my mind, should be given significant weight. [27, 28, 36, 37]
138. As regards social effects the proposal would involve the provision of a significant number of new dwellings, including a policy compliant proportion of affordable houses of a type, 'extra-care', where there is a particular need. The wider need for housing can be demonstrated as the LCC area is one where a five year supply of housing land cannot be demonstrated. Against this would be the loss of the activities provided by a faith based group and an education facility. In my view the benefits outweigh the harm and should be given significant weight. There would also be the social benefits of the enhancement to the public realm which I will next consider. [35, 44, 49]
139. Environmentally the site appears run down and does not provide a high quality waterfront environment. Consequently while Soar Lane provides a link between the areas to the northwest of the City Centre and the City Centre, it is not an area where the public is encouraged to dwell. In fact, the concrete batching

plant on Soar Island acts as a disincentive to those travelling through to stop due to its inherent noise and associated HGV traffic movements. Improving the area will enhance the links between the City Centre and the areas of the city to the northwest. [16, 17, 90]

140. By altering the ground levels the proposals would make the land resilient to the effects of climate change, and the proposals would provide waterside pedestrian ways thereby significantly enhancing the setting of the canal and river. [39, 51, 53, 96]
141. The setting of the listed Soar Lane Canal Bridge would be enhanced through the loss of the concrete batching plant and the redevelopment of the area, and the wider setting of the listed Friar's Mill (the closer setting would not be affected by the proposal) would also be enhanced by the loss of the existing post-war industrial buildings and the replacement by a new appropriately designed development. [52]
142. While the locally listed Ship Inn would be demolished it is authorised by the planning permissions. I would concur with the Planning Officer in the report to Committee on the 2015 permission<sup>54</sup> where it was stated: "As a non-designated heritage asset (i.e. locally listed only) ... the Framework ... allows for the Local Planning Authority to make a balanced judgement about weighing the harm against the public benefit of the proposed scheme. In this context I consider 500 homes, 5,500 sqm of business space and associated environmental improvements to regenerate Leicester Waterside a significant benefit and while physically possible, the retention of The Ship Inn would greatly impact the overall design quality and coherence of the wider development." I have the same conclusion with the lower number of dwellings set out in the DA scheme. [19, 52]
143. In summary, the evidence suggests that the Scheme would significantly contribute to the promotion and improvement of the economic, social and environmental well-being of the area, and assist in acting as a catalyst for further development in the Waterside area more generally. [54, 55, 90]

*Whether the purpose could be achieved by any other means*

144. The redevelopment of the Waterside area more generally and the Order Lands in particular has clearly been the subject of development plan policy for over a decade. While this period has involved the 2008/09 recession and subsequent recovery, I have been provided with no evidence to show that the site, or any particular parts, for example the area to the south of Soar Lane, has been the subject of any redevelopment proposals. The current condition of the land is harmful to the setting of the River Soar and the Grand Union Canal. Until LCC started the active buying up of land within the area the land was in a plethora of ownerships and occupations. It is clear that the site is likely to be contaminated through the existing and previous uses and that, in its current condition, is at risk of flooding with parts of the site being within Flood Zones 2 and 3. To resolve all these issues on the mainland site would need a comprehensive approach. [17, 38, 39, 64, 95, 96, 97]

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<sup>54</sup> CD/B10

145. In respect of Soar Island, with the withdrawal of the objection to the CPO by the freeholder, LCC, in the event that the CPO was confirmed, would obtain the freehold of Parcel 53. However the lease by Hope Ready Mixed Concrete and the Breedon would continue to subsist until at least 2027. The continued location of a concrete batching plant in this site would harmfully affect the redevelopment of the mainland site through noise and disturbance and this would affect the quantum of development that could be achieved, the overall environmental enhancements, and overall return on the development meaning that it would not be economically viable. In addition, the non-development of Parcel 53 would mean that the environmental and social benefits of the scheme to those visiting, including passing through, Soar Island would not be realised at least in the medium term. Not including Parcel 53 site would not, therefore bring the improvements to the economic, social and environmental well-being of the area. [38, 39, 95, 96, 97]
146. In respect of the other interests, LCC has obtained planning permission, granted on 26 April 2017, for a relocated site for Mr Hudson at Bridge Road. While at the time of the Inquiry Mr Hudson had not committed to the site it does show that LCC has made reasonable efforts to assist in relocation and to pay disturbance costs. [68, 98]
147. As regards Digital Print Leicester, Messrs Vaja & Patel Forward Micro Systems Ltd and Narrinder Sandu & Djinn Genie (London) Ltd LCC has had a number of meetings and sought to identify alternative premises. In respect of the last objector LCC takes a different view as to the need for the proximity of the two premises, and in the absence of any detailed evidence, while I can understand the business wishing to relocate to a single premises, that it has operated successfully from two sites for a period does indicate that this could continue. [68, 109]
148. While continuing negotiations may result in acquisition by agreement, non-objectors whose interests are not acquired by LCC have interests that would continue. These would delay the delivery of the scheme and prevent the infrastructure works, including the remediation of the site and flood prevention works. This would put the whole project at considerable risk. [61, 63, 95, 97]
149. LCC has set out in its evidence the efforts that it has undertaken to seek to assist objectors with relocation. While the individual objectors may consider that their individual requirements have not been sufficiently met, the evidence in front of me shows that LCC has made reasonable efforts to acquire the affected land by consent but this has been unsuccessful and the use of CPO powers are appropriate. [111]

#### *Viability and Deliverability*

150. It is clear from the evidence that without public subsidy the scheme would not be viable, principally from the need for remediation and infrastructure costs, meaning that the Order Lands would remain in a harmful condition. The consideration of a CPO does not go behind the funding decisions of public bodies which are accountable in other ways, and it is reasonable to assume that the funding from such sources would be achieved. [61, 62, 63]
151. Both LCC and Keepmoat have demonstrated that there is funding and resources in place to achieve the scheme and to deliver it. The timetable for delivery of

the whole scheme as set out in the DA would ensure that the development would be completed; in that regard matters have moved on since the objections were originally made. As such the scheme would be deliverable. [59, 61, 62, 63]

### *Equalities*

152. The Equalities Act 2010 requires that due regard is had to the Public Sector Equality Duty. In this regard there is nothing within the scheme which would of itself result in any disadvantage to persons by reason of any protected characteristics. Although those with the protected characteristics of age (working age) and gender (male business owners and employees) were more likely to be adversely affected, this reflects the fact that they are the cohorts predominantly engaged in economic activity on the Order Land. The efforts to relocate those businesses and jobs would mean that any negative impact on men, and those of working age, could be substantially reduced, if not avoided. [71, 72]
153. In any event, the delivery of new homes and employment opportunities would be attractive and available to all genders which would advance equality of opportunity between persons of different sexes. [73]
154. The faith based organisation on site is not a religious activity of itself; rather it provides community support based on religious principles. The confirmation of the CPO would therefore not have a direct or indirect effect on religion or belief, and relocation would allow this use to continue elsewhere to provide the same or similar services. [72]

### *Human Rights*

155. It is clear that confirmation of the CPO would have an effect on the human rights of those affected by the CPO. Particularly Article 1 Protocol 1 of the European Convention of Human Rights through the Human Rights Act 1988 entitles the peaceful enjoyment of possessions including land. However, these rights are not unqualified in that the State can deprive a person in the public interest subject to conditions of law and the concept of proportionality. In this case I am of the view that the interference with these rights would be a proportional response to ensure the substantial public benefits I have identified. [74, 75]
156. LCC indicates that there has been unlawful sub-letting so that there may be residents on site. I did not see any evidence of such a use at the site visit, but did not inspect the interior of any premises. In the event that any part of the land is used residentially, such a use would be unlawful, but Article 8 rights relating to the right to home, family and private life would be affected. Again this right is qualified and I am satisfied that any interference would be proportional in light of the substantial benefits of the scheme. [76]

### *Section 19 Certificate*

157. The CPO was accompanied by an application for a Certificate under Section 19 of the Acquisition of Land Act 1981 in relation to Parcel 51. The area of land in question has an area of 25 m<sup>2</sup>, below the threshold set out in the Act. As an outline application the overall layout has not been fixed, but the Masterplan shows the area in question as parking. Given the small area involved, and the

overall environmental enhancements of the wider scheme delivered in a comprehensive manner, it is considered that the Certificate should be issued. [78, 79]

#### *Conclusion on CPO*

158. For the reasons set out above, the evidence strongly suggests that the Scheme would be in accordance with the planning framework, would have positive effects on economic, social and environmental well-being, would be financially viable and likely to proceed, and would have benefits that could not be achieved by other means.
159. It is clear that the CPO would cause disturbance and would interfere with interests in the land affected by the CPO. Whilst there would be an interference with human rights, this would, in my opinion be proportionate. The proposal would not have an adverse equality impact.
160. In my opinion the pressing need to promote and improve the economic, social and environmental well-being of the area through its comprehensive regeneration justifies this interference. The CPO is therefore a necessary course of action to deal with the situation, and strikes an appropriate balance between the public interest of achieving long-term regeneration and the private interests in the affected land. There is clear evidence that the public benefit would significantly outweigh the private loss and, consequently, there is a compelling case in the public interest for confirming the CPO.

#### **Stopping Up Order**

161. Although I have indicated above that the DA scheme may not be consistent with the 2015 and 2016 permissions those permissions exist and could be implemented. However, both these permissions are in outline with only 'access' having been considered. Under Section 247 of the 1990 Act, the relevant provision, the test being whether "it is necessary to do so in order to enable development to be carried out ... in accordance with planning permission granted under Part III" of the Act.
162. As an outline application the layout is not fixed. However, condition 12 of both permissions requires the submission and approval of a drainage strategy that requires, *inter alia*, that the development will accord with the principles in the Flood Risk Assessment (the FRA). The FRA shows that the level of the centre of the site in the location of the highways proposed to be stopped up would be raised by up to 1 m. [80]
163. LCC considered an alternative mechanism under Section 14 of the Road Traffic Regulation Act, but at 18 months maximum duration this would be insufficient to allow the development to be completed given the 5 year build programme. [82]
164. While Swan Street and Pingle Street provide a route through the Order Lands, this is no more commodious than travelling around the other perimeters of the rectangle using Soar Lane and Northgate Street. This alternative route would be no less desirable or efficient than the current situation. [15]

165. The objection from Norman Hudson T/A End of Life Centre relates to providing access to Parcel 10. In the event that the CPO is confirmed there will be no need to gain access to this land. [108]

166. To undertake this land-raising (and the associated remediation of the land below) would require the removal of the four highways and it is therefore necessary that the SUO is made to allow implementation of the planning permission.

167. However, should the CPO not be confirmed then it would not be appropriate to make the SUO as it would not be necessary.

## **RECOMMENDATIONS**

### **Compulsory Purchase Order**

168. For the reasons given, it is recommended that the Secretary of State for Communities and Local Government:

- confirm The Leicester City Council (Leicester Waterside) Compulsory Purchase Order 2016 with the modification that the description of Parcel 51 should read "approximately 25 square metres of public open space south of Soar Lane Footway"; and
- that a Section 19 Acquisition of Land Act 1981 Certificate in relation to Parcel 51 is issued.

### **Stopping Up Order**

169. For the reasons given, it is recommended that the Secretary of State for Transport makes the Stopping up of Highways (East Midland) (No ) Order 201 .

170. However, in the event that the Secretary of State for Communities and Local Government decides not to confirm the CPO then it is recommended to the Secretary of State for Transport that the SUO is not made.

*RJ Jackson*

INSPECTOR

## **APPEARANCES**

### FOR THE ACQUIRING AUTHORITY:

Miss Rebecca Clutten	of Counsel, instructed by City Barrister and Head of Standards, Leicester City Council
She called	
Mr Andrew Smith BSc (Hons) DipTP MRTPI	Director of Planning, Development and Transportation, Leicester City Council
Mr Graeme Tulley BA (Hons) MSc (Econ) DipTP MRTPI	Planning and Development Director, GL Hearn
Mr David Beale BA (Hons) PGDipTP PGDipSurv MRTPI	Senior Project Manager, Leicester City Council
Mr Andrew Mason BSc (Hons) FCA	Regional Planning Manager, Keepmoat Homes
Mr Jonathan Stott PGDipEM MRICS	Managing Director and Head of CPO, Gately Hamer Limited
Mr Paul Standley	Technician – Transport Strategy, Leicester City Council

In addition, a "Rebuttal Proof" was submitted by Mr Brendan McGarry BSc (Hons) MRICS, Senior Project Manager, Leicester City Council, to the subsequently withdrawn objection by Pinemill Limited. Mr McGarry was not called to give evidence, but this document remained as a written statement to the Inquiry.

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**DOCUMENT LIST**

<b>CD No.</b>	<b>Document</b>
<b>Category A – The Order</b>	
CD/A1	The Order
CD/A2	Order Schedule
CD/A3	The Order Map
CD/A4	Statement of Reasons
CD/A5	Statement of Case
CD/A6	Statutory Notices
CD/A7	S19 Notice
<b>Category B – Planning Documents</b>	
<b>Outline Planning Application</b>	
CD/B1	Planning Application Ref 2015/1587
CD/B2	Site and Phasing Plan
CD/B3	Master Plan
CD/B4	Planning Statement
CD/B5	Environmental Statement (Non-technical Summary)
CD/B6	Transport Statement
CD/B7	Design & Access Statement
CD/B8	Not used
CD/B9	Flood Risk Assessment
CD/B10	Officer's Report to Committee
CD/B11	Planning Decision Notice dated 10/12/2015
<b>S73 Application – Removal of highways condition</b>	
CD/B12/1	S73 Application 2016/2006
CD/B12/3	S73 Site Boundary Plan
CD/B12/4	S73 Regulatory Plans
CD/B12/5	Officer's Report
CD/B12/6	S73 Decision Notice Dated 5/12/2016
<b>Stopping-up Order</b>	
CD/B42	Application Form to Department for Transport for the Stopping Up Order
CD/B43	Email from Department for Transport incorporating copy of Stopping up Order and Plan and Notice
CD/B44	Delegated Authority to make order
CD/B45	Email from LCC to Department for Transport supporting Order
CD/B46	Objection from Roger Hannah & Co on behalf of Dilipkumar Thobhani and Vinaben Thobhani
CD/B47	Objection from National Grid
CD/B48	Objection from N. Hudson T/A End of Life Centre
CD/B49	SUO Statement of Case
CD/B50	Objection from Virgin Media and withdrawal

<b>Category C – National, Regional and Local Policy &amp; Guidance</b>	
<b>National Policy and Guidance</b>	
CD/C1	National Planning Policy Framework
CD/C2	Guidance on Compulsory Purchase Process and The Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion
<b>Local Policy and Guidance</b>	
CD/C4	Local Plan 2006
CD/C5	Leicester City Core Strategy incorporating revised policies
CD/C6	2015 Waterside SPD
CD/C7	SPD Area Plan
CD/C8	Leicester Economic Action Plan 2012
CD/C9	Leicester Economic Action Plan 2016-2020
CD/C10	Strategic Housing Land Availability Assessment 2014
CD/C11	LLEP Strategy Economic Plan 2014
CD/C12	Housing Economic Development Needs Assessment (HEDNA) 2017
CD/C13	Employment Land Study (ELS) 2017
CD/C14	Strategic Housing Land Availability Assessment 5 year Update 2016
CD/C15	Leicester Waterside Social and Economic Study by Regeneris 2017
CD/C16	Not used
CD/C17	Leicester Office Market review 2012
CD/C18	Centre for Cities "Urban Demographics" Report 2015
CD/C19	Leicester Waterside housing market (September 2014)
CD/C20	Leicester Waterside Housing Market Assessment – GL Hearn (2015)
CD/C21	Leicester City Council Affordable Housing SPD 2011
CD/C22	HCA Additionality Guide Fourth Edition 2014

<b>Category D – Supporting Documents</b>	
CD/D1	Summary of Development Agreement (redacted)
CD/D2	Development Agreement (redacted)
CD/D3	Equalities Impact Assessment
CD/D4	Leicester Regeneration Company Masterplan
CD/D5	Letter from LCC Housing Department
CD/D6	Keepmoat Masterplan

<b>Category E – Legislation</b>	
CD/E1	Town and Country Planning Act 1990 (Extracts) S226(1)(a) and 247
CD/E2	Acquisition of Land Act (Extracts)
CD/E3	Section 6 D1 Rights Act 1998
CD/E4	Local Government (Miscellaneous Provision) Act 1976 S13
CD/E5	Section 149 Equality Act 2010
CD/E6	Compulsory Purchase (Inquiry Procedure) Rules 2007

<b>Category F – Council Authorising Documents</b>	
CD/F1	LCC Constitution (extracts)
CD/F2	Report to City Mayor authorising CPO 18 April 2016
CD/F3	CPO Resolution – Certified Copy of City Mayor's decision 18 April 2016
CD/F4	Report to Council to underwrite costs of CPO 14 July 2016

CD/F5	Certified minute of Council decision to underwrite CPO costs 14 July 2016
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<b>Category G – Correspondence</b>	
CD/G1	Sample letter from Council to owners enclosing sealed Order, Statement of Reasons Notice and other documents
CD/G2	Sample Letter from Council to objectors enclosing Statement of Case
CD/G3	Letters from Council to objectors acknowledging objections.
CD/G4	Letter from Andrew and Ashwell relating to office demand in Leicester
CD/G5	Letter from Network Rail confirming no objection to the CPO
CD/G6	Letter from Charles Street Buildings in support of CPO and development
CD/G9	List of addressees served by post
CD/G10	List of addressees served by hand

## INQUIRY DOCUMENTS

<b>General Inquiry Documents</b>	
INQ/1	Correspondence/Documents from Planning Inspectorate
INQ/2	Letter from Council to DCLG enclosing sealed Order, Notice and Statement of Reasons
INQ/3	Letter from Council to DCLG enclosing Statement of Case
INQ/4	Letter from DCLG to Council giving notice of "Relevant Date"
INQ/5	Letter and email from DCLG to Council giving details of inquiry date
INQ/6	Plan showing LCC ownership
INQ/7	Definitions
INQ/8	Press Notice of Notice of Inquiry
INQ/9	Inspector's Pre-Inquiry Note

## EVIDENCE ON BEHALF OF LEICESTER CITY COUNCIL

	<b>Witness Name</b>
LCC/1	Andrew Smith, Director of Planning, Development and Transportation, Leicester City Council
LCC/1A	Summary of Evidence
LCC/1B	Statement of Evidence
LCC/1C	Appendices
LCC/2	David Beale – Senior Project Manager – Leicester City Council Development Team
LCC/2A	Summary of Evidence
LCC/2B	Statement of Evidence
LCC/3	Graeme Tully – Planning and Development Director, G. L. Hearn
LCC/3A	Summary of Evidence
LCC/3B	Statement of Evidence
LCC/4	Jonathon Stott – Head of Compulsory Purchase, Gateley Hamer Limited
LCC/4A	Summary of Evidence

LCC/4B	Statement of Evidence
LCC/4C	Appendices
LCC/5	Andrew Mason, Managing Director, Keepmoat Homes East Midlands Region
LCC/5A	Summary of Evidence
LCC/5B	Statement of Evidence
LCC/5C	Appendices
LCC/6	Paul Standley – Technician, Transport Strategy
LCC/6A	Statement of Evidence
LCC/6B	Appendices as referred to in CD/B42 to CD/B50.
LCC/7	Brendan McGarry – Senior Project Manager, Leicester City Council
LCC/7A	Statement of Evidence
LCC/7B	Appendices
LCC/Closing	Closing statement on behalf of LCC

## OBJECTORS

<b>Statutory Undertakers</b>	
OBJ/1/1	Objection by National Grid
OBJ/1/2	LCC Response to objection
OBJ/1/3	Withdrawal of objection
OBJ/2/1	Objection by WPDN
OBJ/2/2	LCC Response to objection
OBJ/2/3	Withdrawal of objection

<b>Landowner/Occupier Objectors</b>	
OBJ/3/1	Objection by Roger Hannah and Partners on behalf of Dillipkumar Thobhani and Vinaben Thobhani - 32 – 36 Swan Street
OBJ/3/2	LCC response to objection
OBJ/3/3	Withdrawal of objection
OBJ/4/1	Objection by Mason Owen on behalf of Digital Print (Leicester) Ltd - 34 Northgate Street
OBJ/4/2	LCC response to objection
OBJ/5/1	Objection by Mason Owen on behalf of Narrinder Sandu & Djinn Genie (London) Limited - 10 New Henry Street
OBJ/5/2	LCC response to objection
OBJ/6/1	Objection by Mason Owen on behalf of Norman Hudson T/A End of Life Centre - 1A and 2A Jarvis Street, Industrial Estate
OBJ/6/2	LCC response to objection
OBJ/7/1	Objection by Mason Owen on behalf of Forward Micro Systems Limited - 40 Northgate Street
OBJ/7/2	LCC response to objection
OBJ/8/1	Objection by Gerald Eve LLP on behalf of Hope Cement and the Breedon - Land and access track Soar Island
OBJ/8/2	LCC response to objection

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OBJ/9/1	Objection by Stevenson Solicitors on behalf of Pinemill Limited - Land and access track Soar Island
OBJ/9/2	LCC response to objection
OBJ/9/3	Statement of Evidence of Geraint Evans
OBJ/9/3.1	Appendix GE1 to OBJ/9/3
OBJ/9/3.2	Appendix GE2 to OBJ/9/3
OBJ/9/3.3	Appendix GE3 to OBJ/9/3
OBJ/9/3.4	Appendix GE4 to OBJ/9/3
OBJ/9/3.5	Appendix GE5 to OBJ/9/3
OBJ/9/3.6	Appendix GE6 to OBJ/9/3
OBJ/9/4	Statement of Evidence of Mr Wilkinson
OBJ/9/5	Withdrawal of Objection