



Department for  
Communities and  
Local Government

Mr Brendan McGarry  
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**Please ask for:** Gloria Bailey  
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**Your ref:**

**Our ref:** PCU/CPO/W2465/77176

**Date:** 5 October 2017

Dear Mr McGarry

**The Town and Country Planning Act 1990: Section 226(1)(a)**  
**The Local Government (Miscellaneous Provisions) Act 1976 section 13**  
**Acquisition of Land Act 1981**  
**The Leicester City Council (Leicester Waterside) Compulsory Purchase Order 2016**

- 1 The report of the Inspector, R J Jackson BA MPhil DMS MRTPI MCMI, who held a joint public local inquiry into the Leicester City Council (Leicester Waterside) Compulsory Purchase Order 2016 (“the Order”) and an application for a Stopping Up Order (“SUO”) on 6 June 2017 has been considered. A copy of the Inspector’s report is enclosed. This letter deals only with the consideration and decision of the compulsory purchase order. The Secretary of State for Transport will consider and deal with matters regarding the SUO under a separate letter. References in this letter to paragraphs in the Inspector’s report are indicated by the abbreviation IR, followed by the relevant paragraph number.
- 2 The Order, if confirmed, would authorise the compulsory purchase of Leicester Waterside for the purpose of the carrying out of development, redevelopment 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. Leicester City Council (“LCC”) has requested modifications to the Order schedule.

3. When the Inquiry opened there were five remaining objections to the Order and one to the SUO. One letter of support of the Order was received (IR 4 – 5).
4. The Secretary of State for Communities and Local Government indicated prior to the Inquiry that if the Order is confirmed that he was minded to grant a Section 19 Acquisition of Land Act 1981 Certificate in relation to Plot 51 (IR 3).
5. The Inspector's report summarises the submissions made at the Inquiry. His conclusions to the Order are at paragraphs 120 – 160 of the report. The Secretary of State has carefully considered the contents of the Inspector's report, which summarises the objections made by the parties at IR 91 – 117. The Inspector refers to the objection received on behalf of Hope Cement and the Breedon which indicated that its objection relates to Plots 52 and 53. However the company was not indicated in the Order as having any interest in Plot 52. Although, clarification was sought by the National Planning Casework Unit (now known as the Planning Casework Unit) from the objector's agent, no response was received (IR 10). The Secretary of State agrees with the Inspector that there would be no injustice to this objector if the Order was confirmed.
6. Prior to receiving the Inspector's report, Norman Hudson the owner of End of Life Centre withdrew his objection to the CPO and the SUO. This leaves four remaining objectors.
7. The Inspector has recommended (IR 168) that the Order should be confirmed with the modifications as requested by LCC being that the description of Plot 51 on page 42 of the schedule would be amended to read "Approximately 25 square metres of public green space south of Soar Lane footway". The Inspector also recommended that the Section 19 Acquisition of Land Act 1981 Certificate is issued (IR 157). The Secretary of State notes that the Inspector's conclusions are limited to the written evidence provided by the objectors (IR 120) and has taken this into consideration when reaching his decision. The Secretary of State agrees with the conclusions and agrees with the Inspectors' recommendations.
8. The Secretary of State for Communities and Local Government has carefully considered whether the purposes for which the compulsory purchase order was made sufficiently justify interfering with the human rights of the objectors/qualifying persons under section 12(2A) of the Acquisition of Land Act 1981 and he is satisfied that such interference is justified. In particular he has considered the provisions of Article 1 of the First Protocol to, the European Convention on Human Rights. In this respect the Secretary of State is satisfied that in confirming the compulsory purchase order a fair balance would be struck between the public interest and interests of the objectors/qualifying persons.
9. The Secretary of State has considered the Equality Act 2010. Section 149 of the Equality Act 2010 introduced a public sector equality duty, that public bodies must, in the exercise of their functions, have due regard to the need to (a) eliminate discrimination, harassment, victimisation; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Secretary of State agrees with the Inspector's conclusion that although those with the protected characteristics of age and gender were more likely to be affected, the efforts to relocate businesses and jobs would reduce the impact on these groups (IR 152). The Secretary of State also agrees that the delivery of homes and employment opportunities would be attractive and available to all ages and genders. He further agrees that the confirmation of the Order would have no direct or indirect effect on religion or belief and relocation would provide the same or similar services (IR 153 – 154).

10. The Secretary of State has given careful consideration to the Inspector's report and the submissions of the parties. He accepts the Inspector's conclusions and agrees with his conclusions. He accepts that a compelling case in the public interest for confirming the Order has been made. The Secretary of State has therefore decided to accept the Inspector's recommendation and to confirm with modification the Leicester City Council (Leicester Waterside) Compulsory Purchase Order 2016.
11. I enclose the confirmed order and the map to which it refers. Your attention is drawn to section 15 of the Acquisition of Land Act 1981 about publication and service of notices now that the order has been confirmed. Please inform us of the date on which notice of confirmation of the order is first published in the press.
12. Copies of this letter and the Inspector's report are being sent to the remaining objectors who appeared or were represented at the local inquiry.
13. This letter does not convey any other consent or approval in respect of the land to which the Order relates

Yours sincerely

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

*Dave Moseley*

**Dave Moseley**  
**Senior Planning Casework Manager**