

Statement of Case

Torbay Council

Town and Country Planning Act 1990

and

The Acquisition of Land Act 1981

and

Local Government (Miscellaneous Provisions) Act 1976

**The Torbay Council (Crossways Shopping Centre) Compulsory
Purchase Order 2020**

**Planning Inspectorate Ref:
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The logo for Burgess Salmon features the company name in a bold, sans-serif font. To the right of the text is a stylized graphic element consisting of two overlapping, curved shapes in shades of pink and purple, resembling a salmon tail or a stylized 'S'.

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1 INTRODUCTION

Purpose of this Statement

- 1.1 This is the Statement of Case of the Torbay Council (the “Council”) and is provided pursuant to the Compulsory Purchase (Inquiries Procedure) Rules 2007 in relation to The Torbay Council (Crossways Shopping Centre) Compulsory Purchase Order 2020 (the “Order”) (Document 1).
- 1.2 This Statement sets out the case which the Council will address at the public inquiry in support of the Order.
- 1.3 The Council reserves the right to supplement the issues to be addressed and produce further documents and evidence in response to any statements of case and evidence provided by other parties to the public inquiry.

The Acquiring Authority

- 1.4 The Council is the local planning authority for the administrative area of Torbay.
- 1.5 On 26 September 2019 the Council resolved to make and serve the Order.
- 1.6 The Order has been made to facilitate regeneration of Crossways Shopping Centre, Paignton as a mixed-use development with commercial units on the ground floor and residential units (proposed to be extra-care and sheltered accommodation) on the upper floors (the “Scheme”).
- 1.7 The Scheme lies within the administrative area of the Council and is being promoted by the Council as local planning authority.

Confirmation of the Order

- 1.8 Confirmation of the Order will enable the Council to acquire compulsorily land and rights necessary for the Scheme to enable the demolition of the existing Crossways Shopping Centre and construction of the proposed development.
- 1.9 To enable the Council to acquire the land and rights necessary for the construction and maintenance of the Scheme, the Order seeks to acquire all interests in the land described in paragraphs 2.6 – 2.11 below and shown on the Order Map (document 2) (the “Order Land”), including rights, easements, the benefit of covenants, etc., except where otherwise expressly stated in the Schedule to the Order.
- 1.10 A compulsory purchase order can only be made and confirmed if there is a compelling case in the public interest (paragraph 2 of the Department of Communities and Local Government’s “Guidance on Compulsory purchase process and The Crichel Down Rules” dated July 2019 (the “CPO Guidance”) (document 22) which justifies overriding private

rights on the Order Land. For the reasons summarised below, it is considered that a compelling case exists here.

- 1.11 The Order has been made and was submitted to the Secretary of State for Housing, Communities and Local Government for confirmation pursuant to the provisions of the Town and Country Planning Act 1990, the Acquisition of Land Act 1981 and the Local Government (Miscellaneous Provisions) Act 1976.
- 1.12 On confirmation of the Order, the Council intends to either serve Notice(s) to Treat or execute a General Vesting Declaration(s) in order to secure unencumbered title to the Order Land.
- 1.13 Any references to legislation within this statement are to those enactments as amended and in force on the date the Order was made.

2 THE ORDER

The Compulsory Purchase Order

2.1 The Order has been made by the Council pursuant to powers under section 226(1)(a) of the Town and Country Planning Act 1990 (the “1990 Act”), the Acquisition of Land Act 1981 (the “1981 Act”), and section 13 of the Local Government (Miscellaneous Provisions) Act 1976 (the “1976 Act”).

2.2 Section 226(1)(a) of the 1990 Act provides:

“226. – Compulsory acquisition of land for development and other planning purposes.

(1) A local authority to whom this section applies shall, on being authorised by the Secretary of State, have power to acquire compulsorily any land in their area-

(a) if the authority think that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land...”

2.3 Section 13 of the 1976 Act provides:

“13. - Compulsory acquisition by local authorities of rights over land.

(1) A local authority which may be authorised by a Minister of the Crown, by means of a compulsory purchase order, to purchase any land compulsorily for any purpose may be authorised by that Minister, by means of such an order, to purchase compulsorily for that purpose such new rights over the land as are specified in the order; and in this subsection “new rights” means rights which are not in existence when the order specifying them is made.

(2) The Compulsory Purchase Act 1965 shall have effect with the modifications necessary to make them apply to the compulsory purchase of rights by virtue of the preceding subsection as they apply to the compulsory purchase of land so that, in appropriate contexts, references in those Acts to land are read as referring, or as including references, to the rights or to land over which the rights are or are to be exercisable, according to the requirements of the particular context.

(3) Without prejudice to the generality of the preceding subsection, in relation to the purchase of rights in pursuance of subsection (1) of this section-

(b) Part I of the said Act of 1965 shall have effect with the modifications specified in Part II of Schedule 1 to this Act; and

(c) the enactments relating to compensation for the compulsory purchase of land shall apply with the necessary modifications as they apply to such compensation.

(4) Nothing in the preceding provisions of this section shall authorise the purchase of any rights by an authority for a purpose for which there is power by virtue of section 250 of the Highways Act 1980 (which relates to the compulsory acquisition of rights by highway authorities) to authorise the authority to acquire the rights.

(5) In this section “compulsory purchase order” has the same meaning as in the Acquisition of Land Act 1981, and Schedule 3 to that Act shall apply to the compulsory purchase of rights by virtue of subsection (1) above.”

- 2.4 The CPO Guidance provides guidance to acquiring authorities on the use of compulsory purchase powers and the Council has taken full account of this guidance in making the Order.
- 2.5 The Council is using its powers of compulsory purchase contained in section 226(1)(a) of the 1990 Act and section 13 of the 1976 Act because it is satisfied that the acquisition of the Order Land will facilitate the construction of the Scheme. Mindful that it should not use a more general compulsory purchase power when a more specific one is available, the Council considers that the powers in the 1990 Act and 1976 Act are the most appropriate.

The Order Land

- 2.6 The extent of the land comprised within the Order is shown edged in red on the Order Map (document 2) accompanying the Order (the “Order Land”). The Order Land has an area of 0.477 hectares (4771m²) and comprises 22 plots. The Order Map comprises one sheet.
- 2.7 The Order Land comprises the existing Crossways Shopping Centre and surrounding land.
- 2.8 The land coloured pink on the Order Map will be acquired permanently for the Scheme.
- 2.9 The Council is to create new rights over the land coloured blue on the Order Map. The rights to be created are necessary for the construction of the Scheme. As the Scheme will not preclude continued use of this land, it will not be permanently acquired.
- 2.10 The Council has carried out reasonable and diligent enquiries to identify those persons with an interest in, or the persons with the benefit of rights over, the Order Land. Despite those reasonable and diligent enquiries, some persons remain unknown in respect of a number of parcels so identified within the Schedule to the Order.
- 2.11 Confirmation of the Order will enable the Council to compulsorily acquire land required for the Scheme in order to carry out the proposed development. It will also enable the acquisition of rights for construction of the Scheme.

3 THE SCHEME

- 3.1 The Order Land is currently occupied by a 1960's shopping precinct. The precinct has had little investment over the past 10 years and the number of voids has continued to grow. It incorporates an existing multi-storey car park which remains in use. The centre is now poor quality and has a negative impact on Paignton and, specifically, the town centre.
- 3.2 The Order is necessary to facilitate regeneration of the site which has not been progressed by the landowner and private sector. The proposed regeneration would be for a mixed use with commercial units on the ground floors and residential uses (proposed to be extra-care and sheltered accommodation) on the upper floors.
- 3.3 The Scheme involves the demolition of the entire site, including the multi-storey car park (the electricity substation is the only structure to be retained).
- 3.4 The proposed redevelopment includes (i) a five storey sheltered housing scheme block of 13 flats, with commercial (area of 179m²) and associated ancillary space facing Torquay Road, and (ii) a seven storey extra care scheme of 76 flats in the centre of the site with communal and associated ancillary space, with café (area of 105m²) and commercial unit (348m²) on the ground floor, facing Hyde Road. The pedestrian entrance will be on Torquay Road, while the main vehicular entrance will be from Hyde Road, with a segregated route for pedestrians.
- 3.5 The sheltered housing will be restricted to occupation by over 55s, and the extra care housing will be used by occupants of any age with additional care and support needs (whether due to mental health or physical disabilities). The Council expects a high proportion of residents (in both extra care and sheltered) to have some kind of mobility issues. All flats will be accessible by wheelchair.
- 3.6 Up to three commercial units are proposed¹ which, together with the café, will retain active frontages to both Hyde Road and Torquay Road, providing continuity to the existing secondary shopping frontages. The planning permission for the Scheme was granted subject to a condition that the commercial units shall only be used for purposes falling within Use Class E of the Town and Country Planning (Use Classes) Order 1987. This flexibility will enable a wide range of uses within this part of the Scheme, and ensures the Scheme is compatible with surrounding uses and shops. The café and commercial units will help to promote the regeneration and economic viability of Paignton town centre.
- 3.7 Following a significant amount of formal consultation, community and business engagement, the Paignton Town Centre Masterplan (the "Masterplan") (document 12)

¹ The commercial units have been designed so that they can be split into larger/smaller units depending on interest and the size of unit required.

was adopted in June 2015. In October 2015, the Council established a Masterplan Programme Board (made up of Council Members and business representatives), a Masterplan Delivery Team, and appointed Montagu Evans to provide advice to the Council on masterplan delivery. Sites were prioritised on the basis of regeneration impact, land value and speed of delivery – and Crossways was identified as one of the top priority town centre regeneration sites. The Council's economic strategy recognises the importance of Torbay's town centre to the sense of place for residents, businesses and visitors. The intended outcome of the Scheme is to regenerate the built environment, and rejuvenate the economic health of the area by providing high quality retail units which can attract occupiers back into the locality and improve the retail offering. The proposed extra-care and sheltered accommodation on the upper floors will go towards meeting an identified need for this type of accommodation in a sustainable and accessible town centre location. The Scheme also aims to improve connectivity and provide a rejuvenated tourist destination with enhanced appeal for residents and visitors.

3.8 Section 6 of the Design and Access Statement (document XX) submitted with the planning application for the Scheme sets out the design evolution of the Scheme, confirming that within the Scheme:

- (a) *“Core locations are central and enable straight forward access to amenities and easily legible when navigating the building.” (Page 12)*
- (b) *“The mass is orientated to create opportunities for views and face inward. Higher levels will gain views toward the beautiful Paignton coastline.” (Page 12)*
- (c) *“The focus of the design is to define public and private zones using the built mass. North of site public, south private. It also takes advantage of the site topography and levels to gain privacy and provide overlooking of public space. It is key that the entrance to the building be secure and not overly permeable to the public realm. This is achieved by becoming more private as you approach and enter the building. The semi-private space is a courtyard with an active edge with views and access to both more private and public spaces.” (Page 13)*
- (d) *“The orientation of the key masses onsite optimizes quality daylight opportunities for all dwellings. The heights also reflect the fall across the site creating a stepped mass down to Hyde Road and to meet the heights of shops to Torquay Road.” (Page 13)*

3.9 On 14 December 2020, the Council's Planning Committee resolved to grant planning permission for the Scheme, and the decision notice was issued on 5 February 2021 (document 9). The redevelopment of the site will be carried out by TorVista Homes Limited, a company wholly owned by the Council. No judicial challenge against grant of

planning permission has been made. Six weeks have now passed since grant of the planning permission, and the planning permission is now immune from challenge.

4 IMPLEMENTATION OF THE SCHEME

Scheme Costs

- 4.1 The Scheme is estimated to cost £22.5 million. This covers land acquisition, compensation, and construction of the Scheme.

Funding

- 4.2 The Scheme will be funded from a variety of grant sources and borrowing. The Council has been awarded funding from the Future High Streets Fund by the Secretary of State for Communities, Housing and Local Government of which £2.7 million is allocated to the Scheme. In addition to this, the Council has committed £2 million from an Adult Social Care grant, £1.72 million from an affordable housing grant and an additional £100,000 towards the feasibility of the Scheme. The Council also anticipates that the Scheme will benefit from a grant from Homes England (approximately £6.2 million) – although it is not possible to formally secure such a grant until the Council has acquired the Order Land.
- 4.3 On 26 September 2019, the Council approved the expenditure of monies to acquire the Order Land and rights required by the Scheme. The Council also approved borrowing of up to £11 million for the Scheme, and authorised a loan for a capital purpose to TorVista Homes Limited to develop the Scheme. The borrowing will ultimately be repaid from future rental income in the form of loan repayments over an appropriate asset life from TorVista Homes Limited.
- 4.4 The Council is satisfied that sufficient resources are available for the Scheme.
- 4.5 Funding will be made available by the Council to meet any liabilities arising immediately upon the making of the Order if a blight notice were served by any party affected by the Order. It is intended that any payments made by the Council will be recouped from monies received through the variety of grant funding in so far as possible.

Delivery Programme

- 4.6 Planning permission has been obtained and therefore construction is expected to commence as soon as reasonably practicable following the obtaining of all necessary interests in land.
- 4.7 The Council is currently negotiating a Contract for Sale with TorVista Homes Limited in relation to Crossways Shopping Centre, for the transfer of the Order Land to TorVista Homes Limited once it has been acquired by the Council (either through voluntary agreement or compulsory acquisition). The Contract for Sale will include an obligation on TorVista Homes Limited to carry out the Scheme in accordance with the planning permission.

4.8 TorVista Homes Limited is a wholly-owned subsidiary of Torbay Economic Development Company Limited, itself a company wholly-owned by the Council. Torbay Economic Development Company Limited owns a number of companies, with the group collectively known as TDA. TDA has a strong track record of delivering developments, including:

- (a) Providing strategic and cost consultancy advice to the Royal Devon and Exeter NHS Foundation Trust for three projects at Wonford Hospital, comprising an emergency department reconfiguration, a care home development providing up to 48 extra care apartments, and a residential village serving students, visitors and key workers;
- (b) Design and construction of a new single platform railway station at Newcourt, Exeter;
- (c) Project managing provision of a £2.5 million extension to Cockington Academy;
- (d) Commercial development of eight high quality, new build, light industrial units at Torbay Business Park, Paignton;
- (e) The £29 million rebuild of Torquay Academy and demolition of the old building; and
- (f) Acting as structural and civil engineering consultants on a variety of developments, including the new Orthopaedic Theatre at Torbay Hospital, the new East Stand and facilities for Torquay United Football Club, and the new Paignton Library and Community Hub.

4.9 The Council is satisfied that, if the Order is confirmed, it will be able to secure implementation of the Scheme. Torvista Homes is a not-for profit organisation, and the Council is committed to delivering much-needed regeneration of Paignton town centre and extra-care and sheltered housing provision, and as such this development does not need to generate surplus or profit.

5 NEED FOR THE SCHEME AND JUSTIFICATION FOR CPO

Justification for Compulsory Purchase

5.1 The majority of the area shaded pink on the Order Map is owned by Gaelic Investments who acquired the land in 2009. No proposals for regeneration of Crossways have been put forward by Gaelic since they purchased the site. Only two applications have been made to the Council's Planning team since Gaelic purchased the Centre, the first a planning application submitted by GVA Grimley in 2009 for redevelopment, and the second a pre-application inquiry in 2017 by McCarthy and Stone in relation to proposals to demolish and replace the Centre with older persons extra care accommodation, retirement sheltered housing, and retail development. However, neither of these proposals were progressed. On 1 February 2018 the Council approved a motion to prepare a register of sites which are stalled in respect of their redevelopment, and instructed officers to include Crossways in this register (document 18).

Decline of Crossways Shopping Centre

5.2 Reviews on Trip Advisor from 2015 demonstrate that the Centre has been in decline for several years (document 16). The Council have received a number of complaints regarding Crossways Shopping Centre. Since 2018, complaints have been received in relation to:

- (a) Fly tipping in September 2018 – with rubbish on the roof having been thrown from the Crossways car park;
- (b) Issues with drug use and drug litter. It is believed that homeless people are using the stairwells, which have now been boarded up. These issues were raised in October 2018 and are ongoing.
- (c) Concerns were raised with the Council, Gaelic's managing agent and the police between November 2018 and May 2019 in relation to the car park being in a state of disrepair. Remedial works were undertaken, but the car park remains in use.
- (d) Excrement by the entrance to a stairwell in October 2019.
- (e) Reports of rough sleepers in the Centre, and use of a shop doorway as a toilet in December 2019.
- (f) Excrement in a stairwell in January 2020.
- (g) Concerns over the fire escape route from the car park were raised in May 2020.

5.3 At a Council meeting on 19 April 2018, a motion was approved in which the Council noted *"that the Crossways arcade and car park continues to be a blot on Paignton town centre"*

and was identified as the number one issue by residents taking part in a recent survey conducted by Paignton Liberal Democrats... Council now instructs the Town Centre Regeneration Board to undertake, as a high priority, investigation of the acquisition by the Council of the Crossways site and to determine the best use of the site considering both financial and strategic aspects.” (Document 19)

Need for extra-care and sheltered housing

- 5.4 The Council's 'Planning for Housing in Later Life' (produced in partnership with Housing LIN), states that research carried out by Housing LIN has identified that the housing offer for later life in Torbay is currently skewed towards traditional social housing sheltered schemes and private sector leasehold schemes, and there is a lack of age-suitable housing that is not designated for older people specifically and innovative housing with care options that is adapted/adaptable for later life.
- 5.5 Torbay has an ageing population, with a higher percentage of men and women aged 65 and over compared to the rest of England. In 2017 the percentage of population aged over 65 in Torbay was 26.17%, compared to 18.09% in England. This is projected to rise to 33.38% in 2035 in Torbay, compared to 23.28% in England. Torbay is expected to see a continued increase in the need for a range of adult social care provision and support to remain at home.
- 5.6 The Care Act 2014 places a number of duties on local authorities, including to promote the well-being of individuals (section 1), preventing or delaying needs for care and support (section 2), promoting the integration of care and support with health services (section 3), and promoting diversity and quality in provision of services (section 5).
- 5.7 The Council's focus is to reduce the systemic use of residential care to meet social care needs by pushing back the threshold at which older people may need to enter a care home. The Council intend to increase the use of housing-based models of care and support, which requires the creation of effective supported living options for all age groups that enable people to live well at home for longer.
- 5.8 Extra-care housing combines individual self-contained accommodation with care and support to maximise the independence of older people and other vulnerable people – including younger people with long term conditions requiring high levels of care and/or support. In Torbay there are currently two extra-care housing schemes, with a total of 107 flats. Applications for extra-care housing are considered by a panel. However, vacancies arise rarely and most cases presented to the panel require urgent rehousing and cannot wait for vacancies to arise. The Scheme would expand opportunities for those in need to access this form of housing.

- 5.9 Within Paignton specifically it is estimated that an additional 286 units/beds categorised as 'housing for older people' will be required above the 819 units/beds available in 2019, and an additional 67 units/beds categorised as 'housing with care' will be required above the 61 units/beds available in 2019. There is therefore a strong local need for new extra-care accommodation of the type being included within the Scheme.

Policy Support

- 5.10 The need for regeneration of Crossways Shopping Centre was recognised in the Adopted Torbay Local Plan 2012-30, "A Landscape for Success" ("the Local Plan"), which was adopted in 2015. Policy SDP2 'Paignton Town Centre and Seafront' states that "*Paignton Town Centre will be regenerated in order to bring about improvements to its economy, built and natural environment.*" At paragraph 5.3.2.5, the supporting text to Policy SDP2 states:

"There are several significant sites in Paignton Town Centre that need to be brought forward for development through a combination of the Paignton Neighbourhood Plan and masterplanning. The Crossways Shopping Centre is a 1960s parade that is in need of refurbishment. The SHLAA suggests an indicative figure of 150 apartments of this site. Commercial uses should be provided on the ground floor, with a target net increase in commercial floorspace."

The Paignton Neighbourhood Plan 2012-30 (the "Neighbourhood Plan"), adopted in 2019, also recognises the need for regeneration of the Crossways site. It states, in relation to the Crossways (including abutting Hyde Road) and Torquay Road area:

"As a point of arrival by road, the area provides for a thriving scene of business frontages. The main exception being a high level of vacant space at Crossways shopping centre which our community has indicated could provide scope for change..."

Ideally, the centre will continue to provide space for growth of new retail opportunities that will add vitality and attraction to the experience of tourists and residents. If this ceases to be possible, alternative opportunities would be supported that enable the centre to adapt or be redeveloped to breathe new life into the area." (Paragraphs 6.76 – 6.77)

- 5.11 Neighbourhood Plan Policy PNP13 'Housing opportunities within the Town Centre and Harbour area' also states that additional housing provision will be supported at Crossways to increase the provision of homes within the town centre and harbour area.
- 5.12 The Paignton Town Centre Masterplan (the "Masterplan") was adopted in June 2015. The Masterplan, 6 years ago, identified issues with the Crossways Shopping Centre. "*Also of note is the high rate of vacant properties distributed around the town centre – especially along Winner Street and throughout the Crossways shopping centre.*" (Page 5).

- 5.13 As noted in section 3 above, in October 2015, the Council established a Masterplan Programme Board (made up of Council Members and business representatives), a Masterplan Delivery Team, and appointed Montagu Evans to provide advice to the Council on masterplan delivery. Sites were prioritised on the basis of regeneration impact, land value and speed of delivery – and Crossways was identified as one of the top priority town centre regeneration sites.
- 5.14 On 27 October 2016, the Council approved a motion that the Council's Assistant Director for Corporate and Business Services be requested to consider acquisition/compulsory purchase of appropriate sites in support of the objectives of the town centre masterplan programme (document 17).
- 5.15 Conscious of the need to secure regeneration of Crossways, the Council sought to make prospective developers aware of the site, and put them in contact with Gaelic Investments. Discussions between Gaelic and a third party to purchase the site commenced in 2016, and fell through in 2017. As noted above, McCarthy and Stone, a UK-wide, for-profit, retirement community developer expressed interest in 2017, but the Council understands that they were unable to reach agreement with Gaelic.
- 5.16 Discussions with Gaelic Investments for the Council to purchase Crossways to enable redevelopment commenced in 2016 and were pursued up to early 2019. During those discussions, Gaelic confirmed that it would consider offers for the site, that it was not being actively marketed, and that it did not wish to make a substantial investment in Crossways. In early 2019, Gaelic then indicated an intention to itself redevelop the site, and negotiations were placed on hold at that stage. Despite the period of time which has since passed, there is no indication of any redevelopment proposals being actively pursued by Gaelic Investments and the site, therefore, remains undeveloped and in need of regeneration. In particular, no application for planning permission has been made, and no formal or informal pre-application advice has been sought from the Council's Planning Service by Gaelic Investments. By email dated 19 September 2019, Gaelic's agents confirmed to TDA that *"I have spoken to Roger Hancox² and can confirm that Gaelic Investments have no current development proposals or intentions for Crossways."* (Document 15)
- 5.17 As set out above, redevelopment of Crossways Shopping Centre is necessary due to public safety concerns with the Centre as it currently is, to facilitate regeneration of Paignton Town Centre, and to provide much-needed extra care and sheltered housing accommodation. The need for redevelopment of Crossways has been recognised by the Council in the Local Plan and Masterplan, and by the local community in the Neighbourhood Plan.

² Mr Hancox is the sole person with significant control for Gaelic Investments listed at Companies House

5.18 To ensure the site is appropriately redeveloped as required, the Council is, therefore, now proposing to take the lead in the redevelopment of the site through its compulsory purchase powers. In parallel with this, the Council has restarted negotiations with Gaelic Investments, and others with land interests in the Order Land, with the intention of acquiring all interests by private agreement where practicable. This approach is fully supported by the CPO Guidance, which provides:

“Compulsory purchase is intended as a last resort to secure the assembly of all the land needed for the implementation of projects. However, if an acquiring authority waits for negotiations to break down before starting the compulsory purchase process, valuable time will be lost. Therefore, depending on when the land is required, it may often be sensible, given the amount of time required to complete the compulsory purchase process, for the acquiring authority to:

- *plan a compulsory purchase timetable as a contingency measure; and*
- *initiate formal procedures*

This will also help to make the seriousness of the authority’s intentions clear from the outset, which in turn might encourage those whose land is affected to enter more readily into meaningful negotiations.” (Paragraph 2)

5.19 Planning permission for the Scheme was granted on 5 February 2021 (document 9). The Scheme complies with national and local strategies and policies at a number of levels, which are considered in section 6 below.

5.20 Although the Council has entered into negotiations with Gaelic Investments to acquire the relevant plots of the Order Land, those negotiations have not yet been successfully concluded. Powers of compulsory acquisition are needed to secure the land in the event those negotiations are not successful in order to ensure that the land can be released for regeneration.

5.21 The Council has considered the best way to bring the Order Land forward for regeneration and has determined that, given the history of this site and that landowner proposals for regeneration have not demonstrated any meaningful progress, compulsory powers are needed to acquire this site to facilitate regeneration. This approach aligns with the CPO Guidance as the Council has a clear idea of how it intends to use the land and has outlined how the necessary resources are likely to be available within a reasonable time-scale (Paragraph 13). The acquisition is considered to be necessary and needed in order to allow redevelopment of the Order Land to proceed. It is considered that there is a compelling case in the public interest to utilise the Council’s powers of compulsory acquisition to bring forward the site’s redevelopment, without which there is no certainty that the site will be regenerated.

- 5.22 Without the Order, it is unlikely that this site would be regenerated and the opportunity to provide extra-care and sheltered accommodation in the town centre at this location would not be taken up. Given the difficulties in releasing the Order Land for redevelopment, and the lack of progress from Gaelic Investments, taking no action in respect of this land is unlikely to achieve the Council's regeneration aims. The Order is being progressed in order to avoid loss of further time.
- 5.23 In order to ensure that the Scheme is delivered, it is considered that compulsory acquisition is necessary, and it is therefore submitted that the Order should be confirmed.

Alternatives

- 5.24 The purpose of the Scheme is to secure the regeneration of the Crossways Shopping Centre, which has not been progressed by the landowner and the private sector. The location of the Scheme is therefore fixed. The Order Land is the minimum required by the Scheme.

6 THE PLANNING POSITION

6.1 Planning permission for the Scheme was granted on 5 February 2021, with planning application reference P/20/0731.

Local Planning Policy

6.2 The Local Plan was adopted in December 2015, and covers the spatial strategy and strategic delivery objectives for, inter alia, Paignton Town Centre. It states that after careful assessment of spatial options for growth, the three town centres, including Paignton, are shown to be the most sustainable locations. The Order Land is identified as a potential site for housing and for employment uses, and is shown on the Paignton town centre map of the Policies Maps of the Local Plan, with reference “PNPH11 PNPE1”.

6.3 Policy SD1 provides a broad spatial overview for development within and around Paignton. It specifically aims to facilitate delivery of a rejuvenated town centre (as well as the harbour and waterfront).

6.4 As noted at paragraph 5.10 above, the need for regeneration of Crossways Shopping Centre is recognised in Policy SDP2 ‘Paignton Town Centre and Seafront’, which states that “*Paignton Town Centre will be regenerated in order to bring about improvements to its economy, built and natural environment.*” Policy SD2 also looks at improvement to connectivity and providing a rejuvenated tourist destination with enhanced appeal for residents and visitors. Policy TC1 (Town Centres) support these aims.

6.5 Policy SS4 (the economy and employment) supports the regeneration of Torbay and improvement in its economic performance. Policy SS5 deals with employment space and recognises that, in order to meet the needs of existing, growing and new businesses, sufficient high quality space will be provided to meet existing and arising requirements of employers. The provision of new and improvement of existing employment space will be supported in areas including Town Centres. This will include space and facilities for employment uses and health, leisure, retail, tourism and education.

6.6 The Neighbourhood Plan also recognises the need for regeneration of the Crossways site. Policy PNP8 Crossways supports development proposals in the Crossways, Hyde Road and Torquay Road area that meets three criteria, namely proposals which:-

- (a) *“Retain the secondary retail frontages along Hyde Road and Torquay Road;*
- (b) *Enable reoccupation of the existing Crossways shopping centre for retail use, or redevelopment for retail or mixed use at ground floor level with residential accommodation above; and*

- (c) *Retain a pedestrian link between Torquay Road and Hyde Road in a manner that contributes towards the improvement of the pedestrian network and green infrastructure links.*”
- 6.7 Neighbourhood Plan Policy PNP2 ‘Town Centre’ also states that development within Paignton Town Centre will be expected “*to support the recreation of the Garden Town by improving and linking green spaces, greening the streets and buildings that connect them and permeability to the seafront and historic Old Town.*” Further, “*Proposals which embrace this theme will be positively supported where they... (c) focus retail use within the Town Centre an promote retail growth...(e) increase residential accommodation within the area...*”
- 6.8 Neighbourhood Plan Policy PNP13 ‘Housing opportunities within the Town Centre and Harbour area’ also states that additional housing provision will be supported at Crossways to increase the provision of homes within the town centre and harbour area.
- 6.9 The Masterplan sets out a clear vision for Paignton Town Centre as a vibrant, clean, green, well designed, prosperous and multi-functional location. The strategy for the future of Paignton is to focus on a number of important features including offering tourism, leisure and retail attractions that enable Paignton to compete as a 21st century resort of distinction, is a successful economic engine for the town and wider area, is safe and welcoming to residents, visitors and people who work in Paignton, is easy to move around and understand and includes a balanced and vibrant residential community.
- 6.10 As set out in paragraph 5.12 above, the Masterplan recognised, 6 years ago, particular issues with the high number of vacant units at Crossways Shopping Centre.
- 6.11 The Masterplan notes on page 13: “*There is general support for a more sympathetic redevelopment of Crossways and the Victoria Centre... These sites would be able to provide a range of uses that include retail, residential, employment and car parking.*”
- 6.12 The proposed illustrative masterplan on page 15 of the Masterplan notes the aspiration to develop Crossways as an attractive retail, residential and employment space.
- 6.13 Section 06 of the Masterplan deals with Crossways and Torquay Road. The Masterplan states that it is widely accepted among the local community that the existing Crossways development detracts from the overall character of the town. Its development potential has the ability to regenerate the whole area and improve its appeal for the local business community.
- 6.14 The Masterplan recognises that if:
- “...landowner constraints are perceived to hinder a redevelopment opportunity, and the tangible economic or community benefits which would be generated by that development,*

the Council will consider the use of Compulsory Purchase powers to remove such barriers and enable to key delivery of key sites as may be required.”

National Planning Policy

- 6.15 Paragraph 85 of the National Planning Policy Framework (“NPPF”) recognises the need to ensure the continued vitality of town centres, specifically that town centres are at the heart of their communities and that policies should support their viability and vitality. A range of suitable sites should be provided for a variety of uses. The importance of good design in delivering sustainable development (paragraph 124) is recognised as is the need to promote healthy communities (paragraph 8). Paragraph 92 of the NPPF notes the need to plan positively for the provision and use of shared spaces and community facilities which can enhance the sustainability of communities. This requires Local Plans to plan proactively for economic growth (paragraph 81), to provide sufficient land and support to meet existing and future needs of businesses and other employers (paragraph 8).
- 6.16 The Scheme will provide 100% affordable housing for older people and people with specialist housing needs. NPPF recognises the importance of this type of housing at paragraph 59:

“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.”

7 THE CASE FOR ACQUISITION OF INDIVIDUAL INTERESTS AND RIGHTS

- 7.1 As explained within this Statement, the Council has given careful consideration as to why it is necessary to acquire land and create rights over the Order Land.
- 7.2 The purpose for which each parcel of the Order Land is required is described within the table at Schedule 1 Appendix 2 to this Statement. These purposes are:
- (a) To enable the Scheme;
 - (b) To oversail cranes in the airspace above the land; and
 - (c) To enter and undertake works to the public adopted highway and subsoil.
- 7.3 The Council has undertaken detailed investigations to identify so far as possible those with a relevant or compensatable interest. This has included Land Registry, utility and highways searches by the Council's land referencing agents, the issue of statutory requisitions for information using powers under Section 5 of the Acquisition of Land Act 1981, and site visits by the Council's land referencing agents. The Council is satisfied that it has taken all reasonable steps to identify relevant or compensatable interests. However, it remains the case that there are unidentified third party interests in the Order Land. CPO powers are required to ensure that both known and unknown interests would not prevent delivery of the Scheme.
- 7.4 The Council has commenced discussions with landowners and others with a relevant or compensatable interest with a view to acquiring the necessary land or rights required for the Scheme by way of agreement. Although the Council is promoting the Order, it remains committed to this approach. However, to ensure the Scheme is delivered, it is necessary for the Council to progress CPO powers.
- 7.5 Furthermore, without acquiring all the interests and rights set out in the Order, the Council cannot guarantee being able to comply with all the conditions imposed on the planning permission, including ecological mitigation conditions.

8 HUMAN RIGHTS CONSIDERATIONS

- 8.1 The European Convention on Human Rights (the "Convention") is incorporated into domestic law by the Human Rights Act 1998 (the "1998 Act"). The 1998 Act makes it unlawful for a public body to act in contravention of the Convention.
- 8.2 The Convention includes provision in the form of Articles, the aim of which is to protect the rights of the individual. Section 6 of the 1998 Act prohibits public authorities from acting in a way which is incompatible with the Convention.
- 8.3 Various Convention rights may be engaged in the process of making and considering a compulsory purchase order, notably Article 1 which protects the right of everyone to the peaceful enjoyment of possessions - no-one can be deprived of possessions except in the public interest and subject to relevant national and international laws. Article 6 protects the right to a fair hearing. In cases to determine civil rights it protects the right to a public hearing before an independent and impartial tribunal within reasonable time. Further, in relation to Article 8 (right to respect for private and family life and home) rights may only be restricted if the infringement is legitimate and fair and proportionate in the public interest. Article 14 provides that the enjoyment of the rights and freedoms in the Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, associated with national minority, property, birth or other status.
- 8.4 In the case of each of these Articles (and indeed other provisions in the Convention) the Council has to be conscious of the need to strike a balance between the rights of the individual and the interests of the public. In this regard the following are relevant:
- (a) The benefit of regeneration of the town centre to improve amenity for the community;
 - (b) The benefit of assisting the local economy by providing high quality retail spaces to attract investment and employment opportunities;
 - (c) The benefit of addressing an identified need for extra-care residential accommodation in an accessible and sustainable location; and
 - (d) The principle of development is acceptable and is supported by adopted and emerging planning policy.
- 8.5 Appropriate consultation took place during the planning application process with an opportunity given for interested parties to make representations. The opportunity to make representations has also been provided in the context of the compulsory purchase process, which allowed objections to be made which will be considered by the Secretary of State if not resolved. Furthermore, those directly affected by the Order (i.e. the

landowner(s) of the land required for the Scheme) will be entitled to statutory compensation proportionate to the loss which they incur as a result of the acquisition.

- 8.6 The rights of a landowner under the 1998 Act must be taken into account when considering whether to make a compulsory purchase order. There is land/property which would be affected by the Order. Given the justification for the Scheme, it is considered that there is a compelling case in the public interest for the making of the Order which, if confirmed, would strike an appropriate balance between public and private interests enabling the development of the Scheme.
- 8.7 The rights of owners of interests in the Order Land under the 1998 Act have been taken into account by the Council when considering whether to make the Order and in considering the extent of the interests to be included in the Order, and the purposes for which those interests are to be acquired (as detailed in Appendix 2).
- 8.8 The Officer's Report to the Council's Planning Committee meeting of 14 December 2020 in relation to the planning application also confirmed that, in reaching his recommendation for approval of the application, the Officer had assessed the development against the 1998 Act, and in particular Article 1 and Article 8 of the Convention, and had due regard to the applicant's reasonable development rights and expectations and the wider community interests.

9 EQUALITY

- 9.1 Under the Equality Act 2010 (the “2010 Act”) the public sector equality duty requires public bodies to, in the exercise of their functions, have due regard to (a) the need to eliminate discrimination, harassment, victimisation, (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and (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.
- 9.2 In making the Order the Council has had regard to the requirements of this public sector equality duty, and has been mindful of the need to properly discharge its obligations under the 2010 Act, with particular regard to the location and accessibility of the deposit of documents relate to the Scheme.
- 10 An assessment under the 2010 Act was carried out in connection with the Scheme and proposed Order when the Council resolved to make the Order (document 4 – pages 16 – 18). The Officer’s Report to the Council’s Planning Committee meeting of 14 December 2020 in relation to the planning application also confirmed that, in reaching his recommendation for approval of the application, the Officer had given due regard to the provisions of the 2010 Act, particularly the public sector equality duty (document 8 – page 30).

11 SPECIAL CONSIDERATIONS

- 11.1 There are no ancient monuments or listed buildings in the Order Land.
- 11.2 There are no buildings in a conservation area that would be demolished.
- 11.3 The Scheme does not require any land owned by the National Trust.
- 11.4 The Scheme does not require any special category land.

12 STATUTORY UNDERTAKERS

- 12.1 Where statutory undertakers' apparatus is affected by the Scheme, arrangements will be made to protect or divert the apparatus. Details on statutory undertakers' apparatus has been obtained via utility searches and statutory requisitions of information.

13 RELATED APPLICATIONS

Planning Permission

- 13.1 As noted at paragraph 3.9 above, planning permission for the Scheme was granted on 5 February 2021. The Council is not aware of any impediment likely to prevent compliance with any conditions attached to the planning permission.

Traffic Regulation Orders

- 13.2 Traffic Regulation Order(s) will be made as appropriate and when necessary in respect of the Scheme. It is likely that a TRO will be required to amend the on-street parking on Torquay Road and Hyde Road. Changes to the existing TROs may be temporary during the demolition and construction of the new building to allow traffic lanes to be adjusted to provide a safer working space. Should it be decided to pursue adoption of the on-site access road, a TRO will be required to control parking to prevent drop off zones being blocked.
- 13.3 The Council is not aware of any reason why a TRO would not be successfully obtained.

14 COMPENSATION

- 14.1 The Council will endeavour to discuss compensation issues and to purchase land and necessary rights by agreement, if possible, rather than compulsorily.
- 14.2 Provision is made by statute with regard to compensation for the compulsory purchase of land and rights and the depreciation in the value of affected properties. More information is given in the series of booklets published by the MHCLG listed below:
- (a) Compulsory purchase and compensation booklet 1: procedure
 - (b) Compulsory purchase and compensation booklet 2: compensation to business owners and occupiers
 - (c) Compulsory purchase and compensation booklet 3: compensation to agricultural owners and occupiers
 - (d) Compulsory purchase and compensation booklet 4: compensation to residential owners and occupiers
 - (e) Compulsory purchase and compensation booklet 5: reducing the adverse effects of public development
- 14.3 Copies of these booklets can be obtained from MHCLG or can be viewed online at <https://www.gov.uk/government/collections/compulsory-purchase-system-guidance>

15 OBJECTIONS

- 15.1 The table at Appendix 3 to this Statement of Case contains details of and the grounds for objections (both statutory and non-statutory) made in relation to the Order, and the Council's summary position in respect of these objections. The Council will amplify these responses, as appropriate, in the evidence given at the inquiry.
- 15.2 The Council has actively engaged with all persons objecting to the Order since the date on which the Order was made, in order to address the issues being raised by those persons.
- 15.3 The Council does not consider that the issues raised in the objections materially affect or undermine the compelling case in the public interest for confirmation of the Order.

16 LANDOWNER DISCUSSIONS

- 16.1 The Council has continued to seek to engage with landowners affected by the Order in order to acquire the interests in land and rights needed for the Scheme on a voluntary basis since the date on which the Order was made.

17 ADDITIONAL INFORMATION

Service of Statement of Case

- 17.1 This Statement of Case has been served on the objectors to the Order referred to in the table at Appendix 3 to this Statement of Case.
- 17.2 Those objectors have also been served with an electronic copy of the supporting documentation to this Statement of Case and a notice providing the details below for the inspection of hard copies of those documents.

Supporting Documents

- 17.3 A copy of the Statement of Case and supporting documentation listed at Appendix 1 can be inspected at all reasonable hours at Paignton Library Reception, Great Western Road, Paignton, Devon, TQ4 5AG and online at <https://www.torbay.gov.uk/public-notice>.
- 17.4 Owners and tenants of properties affected by the Orders who require information about the CPO process can contact Susanne Jackson of the Council at Susanne.jackson@tda.uk.net.

The Torbay Council

24 March 2021

Appendix 1

Document List

Number	Description
Order documents	
1	The Torbay Council (Crossways Shopping Centre) Compulsory Purchase Order 2020
2	Order Map accompanying The Torbay Council (Crossways Shopping Centre) Compulsory Purchase Order 2020
3	Statement of Reasons
4	The Torbay Council decision to make the Order (Report and Minutes of meeting of 26 September 2019)
Planning application documents	
5	Redline planning application plan
6	Design and Access Statement
7	Site layout drawing
8	Officer's Report to Planning Committee meeting of 14 December 2020
9	Planning decision notice
Planning Policy and Guidance	
10	Adopted Torbay Local Plan 2012-30
11	Paignton Neighbourhood Plan
12	Paignton Refresh Masterplan:
Objections	

13	Letter from Womble Bond Dickinson (UK) LLP dated 16 October 2020
14	Letter from Cushman & Wakefield dated 14 October 2020
Miscellaneous	
15	Email from Bettesworths to TDA dated 19 September 2019
16	Trip Advisor reviews (2015)
17	Minutes of Council meeting of 27 October 2016
18	Minutes of Council meeting of 1 February 2018
19	Minutes of Council meeting of 19 April 2018
20	'A Blueprint for Market Transformation in Torbay, Adult Social Care Commissioning 2020 to 2030', Torbay Council
21	'Planning for Housing in Later Life', Torbay Council and Housing LIN
22	'Guidance on Compulsory purchase process and The Crichel Down Rules', Department of Communities and Local Government, July 2019

Appendix 2

Purpose for which Order Land is required

Plot Number	Interest being acquired	Reason why required
1	New rights over 361 square metres, or thereabouts, of airspace above shops and flats (60 and 62 Torquay Road and 2-6 Hyde Road), Paignton	To oversail cranes in the airspace above the land
2	New rights over 265 square metres, or thereabouts, of airspace above houses, shop, flats and yard (6B and 8 Hyde Road), Paignton	To oversail cranes in the airspace above the land
3	New rights over 4 square metres, or thereabouts, of airspace above land to the rear of shops (8 Hyde Road), Paignton	To oversail cranes in the airspace above the land
4	New rights over 34 square metres, or thereabouts, of airspace above ground floor shops (8 Hyde Road), Paignton	To oversail cranes in the airspace above the land
5	New rights over 312 square metres, or thereabouts, of airspace above shops (10 Hyde Road) and flats (1-3 Meridian House, Hyde Road and 10A Hyde Road), Paignton	To oversail cranes in the airspace above the land
6	New rights over 71 square metres, or thereabouts, of airspace above shop (12-14 Hyde Road), Paignton	To oversail cranes in the airspace above the land

7	New rights over 38 square metres, or thereabouts, of airspace above private access to the rear of shop (12-14 Hyde Road), Paignton	To oversail cranes in the airspace above the land
8	New rights over 581 square metres, or thereabouts, of airspace above private access and public house (The Isaac Merritt, 54-58 Torquay Road), Paignton	To oversail cranes in the airspace above the land
9	329 square metres, or thereabouts, of Crossways Shopping Centre car park access situated to the south of Meridian House, Paignton	To enable the redevelopment of the Crossways Shopping Centre and the delivery of the Scheme
10	17 square metres, or thereabouts, of electricity substation situated to the east of public house (The Isaac Merritt, 54-58 Torquay Road), Paignton	To enable the redevelopment of the Crossways Shopping Centre and the delivery of the Scheme
11	New rights over 169 square metres, or thereabouts, of airspace above restaurant (52 Torquay Road) and flat (52a Torquay Road), Paignton	To oversail cranes in the airspace above the land
12	18 square metres, or thereabouts, of garage and workshop (rear of 52 Torquay Road) beneath Crossways Shopping Centre car park, Paignton	To enable the redevelopment of the Crossways Shopping Centre and the delivery of the Scheme

13	169 square metres, or thereabouts, of public adopted highway (Hyde Road) situated to the south of 27 Hyde Road, Paignton	To enable the redevelopment of the Crossways Shopping Centre and the delivery of the Scheme
14	New rights over 485 square metres, or thereabouts, of airspace above public adopted highway (Hyde Road) situated to the south of 27 Hyde Road, Paignton	To enter and undertake works to the public adopted highway and subsoil
15	New rights over 288 square metres, or thereabouts, of airspace above public adopted highway (Torquay Road), situated to the west of Units 10 and 13, Crossways Shopping Centre, Paignton	To enter and undertake works to the public adopted highway and subsoil
16	839 square metres, or thereabouts, of shops (Units 8-17, Crossways Shopping Centre) and accessway, Paignton	To enable the redevelopment of the Crossways Shopping Centre and the delivery of the Scheme
17	1,739 square metres, or thereabouts, of shops (Units 4-7 and 18-25, Crossways Shopping Centre) and car park, Paignton	To enable the redevelopment of the Crossways Shopping Centre and the delivery of the Scheme
18	10 square metres, or thereabouts, of stair well situated to the north west of Unit 26, Crossways Shopping Centre, Paignton	To enable the redevelopment of the Crossways Shopping Centre and the delivery of the Scheme
19	1,428 square metres, or thereabouts, of shops and restaurant (Units 1-3, Units 26-28 and Unit 30 Crossways Shopping Centre	To enable the redevelopment of the Crossways Shopping Centre and the delivery of the Scheme

	and 16, 18 and 20 Hyde Road), Paignton	
20	96 square metres, or thereabouts, of restaurant (Unit 29, Crossways Shopping Centre, Hyde Road), Paignton	To enable the redevelopment of the Crossways Shopping Centre and the delivery of the Scheme
21	New rights over 1,421 square metres, or thereabouts, of airspace above Post Office (34 Torquay Road and 18 Dendy Road), Paignton	To oversail cranes in the airspace above the land
22	New rights over 1,553 square metres, or thereabouts, of airspace above Paignton Telephone Exchange and Social Club (Dendy Road), Paignton	To oversail cranes in the airspace above the land

Appendix 3

Objections

1 GAELIC INVESTMENTS LIMITED PARTNERSHIP

Gaelic is a statutory objector to the Scheme. Gaelic is the freehold owner of plots 9, 10, 12, 13, 14, 15, 16, 17, 18, 19 and 20. Of those plots, all are subject to permanent acquisition apart from plots 14 and 15, over which rights are to be acquired to enter and undertake works to the public highway and subsoil. Gaelic's objections are set out in the letter sent on their behalf by Womble Bond Dickinson (UK) LLP dated 16 October 2020 (document 13).

Summary of objection	Council Response
There have, to date, been no negotiations of any genuine substance to acquire the property. Any previous discussions were ended by the Council, and not Gaelic.	Discussions were paused in early 2019 due to Gaelic Investment's stated intention to progress redevelopment itself. As no redevelopment has come forward, the Council have recommenced discussions, which are ongoing. The Council have underwritten Gaelic Investment's costs in instructing a valuation of its property, in order to facilitate negotiations.
There has been no indication that the Council has recommenced or intends to recommence negotiations.	As above. The valuation process is currently ongoing, as are negotiations.
Gaelic believes it could deliver vacant possession of the site without the use of compulsory purchase powers and therefore the CPO is unnecessary.	As above. Negotiations are ongoing, which could result in voluntary acquisition with vacant possession. Progressing compulsory acquisition while negotiating voluntary acquisition accords with the CPO Guidance. The Council refers to section 5 above in relation to justification for using compulsory purchase powers.
There is no compelling case in the public interest for the proposed acquisition because the Council's scheme is not the best use of the land – Gaelic believes it	The Council disputes this, and refers to section 5 above in relation to the need for the Scheme. The Council has secured a policy-compliant planning permission for the Scheme.

could bring forward a more appropriate and viable scheme.	Gaelic investments has not set out in any level of detail its proposed scheme for development of Crossways Shopping Centre, and has taken no step to progress such a scheme. In September 2019, Gaelic expressly stated that it had no intention to bring forward a scheme.
There is no compelling case in the public interest because there is not a viable scheme (i.e. lack of commercial interest) or sufficient funding for the scheme. Further information is also required on the proposed timescale for completion of the development.	As set out in section 4 above, the Council is satisfied that the Scheme is viable, and that there is sufficient funding.
Any rights required can be dealt with through private negotiation.	As above. Negotiations are ongoing, which could result in voluntary acquisition with vacant possession. Progressing compulsory acquisition while negotiating voluntary acquisition accords with the CPO Guidance. The Council refers to section 5 above in relation to justification for using compulsory purchase powers.
Gaelic's attempts to understand the offer made by the Council have not been supported.	Negotiations are ongoing, and the Council would be happy to address any queries regarding the terms of the offer.
The CPO has been made before planning permission has been granted.	Planning permission was granted on 5 February 2021.

2 ROYAL MAIL

Royal Mail is a statutory objector to the Scheme. Royal Mail is the freehold owner of plot 21, over which new rights to oversail cranes are being acquired. Royal Mail's objections are set out in the letter sent on their behalf by Cushman & Wakefield dated 14 October 2020 (document 14).

Summary of objection	Council Response
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<p>Royal Mail states that it needs further information from the Council setting out how the development may impact on its day to day operations. It has also requested comfort on the following matters in order to withdraw its objection to the CPO and/or enter into a voluntary agreement:</p>	<p>An agreement is being progressed between the Council and Royal Mail in order to address Royal Mail's concerns, and enable withdrawal of their objection.</p>
<p>1 Approval of a Construction Management Plan that identifies and properly controls/mitigates any potential effects on the operation of the DO, including specific measures identified in the points below:</p> <p>1.1 Unfettered vehicle access to the DO site throughout the enabling, construction and operational phases of development, including Royal Mail's prior approval of any relevant highway works/restrictions in the vicinity of the DO;</p> <p>1.2 No loading or unloading of any construction plant/materials or routing of construction traffic via Dendy Road;</p> <p>1.3 Measures to ensure the safety and wellbeing of Royal Mail staff during the enabling and construction phases of the development, to be agreed with Royal Mail and the relevant Union and Safety representatives;</p> <p>1.4 Measures to ensure that the security of the DO is not compromised,</p>	<p>As above.</p>

<p>including temporary works required to maintain a defensible boundary;</p> <p>1.5 Measures to ensure that the DO is not materially affected by debris, dust, noise or other potential disturbances; and</p> <p>1.6 A commitment to regular liaison between the construction site manager and the DO manager in order to discuss any matters of grievance or neighbourly issues arising.</p>	
<p>2 Full details of the extent of airspace (or other) rights required over the DO and Post Office site</p>	<p>As above.</p>
<p>3 Full details of the works to be undertaken which may impact the operations from the DO</p>	<p>As above.</p>
<p>4 Confirmation of the duration required for the oversail licence</p>	<p>As above.</p>
<p>5 Crane oversailing of the DO site will only take place during times agreed with the DO manager</p>	<p>As above.</p>