

CANNOCK CHASE DISTRICT COUNCIL

**THE CANNOCK CHASE DISTRICT COUNCIL (CANNOCK TOWN CENTRE REGENERATION)
COMPULSORY PURCHASE ORDER 2023**

**SECTION 226(1)(a) OF THE TOWN AND COUNTRY PLANNING ACT 1990
AND
THE ACQUISITION OF LAND ACT 1981**

STATEMENT OF REASONS

**of the
Cannock Chase District Council
for making the Compulsory Purchase Order**

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1. INTRODUCTION

- 1.1 On 7 June 2023 the Cannock Chase District Council ("**the Council**") made the Cannock Chase District Council (Cannock Town Centre Regeneration) Compulsory Purchase Order 2023 ("**the Order**"). The Order has been made under section 226(1)(a) of the Town and Country Planning Act 1990 ("**1990 Act**"), the Council being of the view that the proposed acquisition will facilitate the carrying out of development, redevelopment, or improvement on or in relation to land and will contribute to the achievement of the promotion or improvement of the economic, social, and environmental well-being of the Council's area.
- 1.2 The land proposed to be compulsorily acquired pursuant to the Order ("**Order Land**") is comprised of predominantly retail property and existing public highway in Cannock town centre. Further details of the Order Land are contained in section 3 below.
- 1.3 The Council is promoting the Order to enable the implementation of a comprehensive mixed-use redevelopment of the Order Land (the "**Scheme**"). The Scheme comprises a range of town centre uses including a new cultural hub, managed workspaces, new public realm, office accommodation, sustainable transport provision and new service access arrangements for existing tenants. The Council has been awarded £20 million of funding by the Government from the Levelling Up Fund to deliver the Scheme. The Scheme will contribute to the economic, social and environmental well-being of the Council's area by facilitating the regeneration of Cannock town centre. The delivery of the Scheme is a key priority within the Council's Corporate Plan 2022-2026 and a major contributor to the Council's corporate priority to promote economic prosperity, as set out in the Council's Economic Prosperity Strategy 2022 - 2032. Further details of the Scheme are set out in section 5 below.
- 1.4 The schedule to the Order ("**Schedule**") lists owners, lessees, tenants and occupiers of the Order Land. In addition, it also lists other parties with a qualifying interest in the Order Land as defined by section 12(2) of the Acquisition of Land Act 1981 including those with the benefit of rights within the Order Land. Where appropriate, the Council will consider the grant of equivalent or alternative rights to the current beneficiaries of rights if reasonably required for the continued enjoyment of the property benefitting from the right, where practicable to do so having regard to the underlying scheme of development supported by the Order.
- 1.5 The map to the Order ("**Order Map**") identifies the land proposed to be acquired (coloured pink). Further information on the Order Map is contained in section 3 below.
- 1.6 The Order is being submitted to the Secretary of State for Levelling Up, Housing, and Communities for confirmation pursuant to the Acquisition of Land Act 1981. If confirmed by the Secretary of State, the Order will enable the Council to acquire the Order Land compulsorily.
- 1.7 The Council recognises that a compulsory purchase order can only be made if there is a compelling case in the public interest (paragraphs 2 and 12 of the Government Guidance on Compulsory Purchase dated July 2019) (the "**Guidance**") which justifies the overriding of private rights in the land sought to be acquired. The Council considers that a clear and compelling case in the public interest exists for making the Order, as described in the following paragraphs of this Statement of Reasons set out below.
- 1.8 This Statement of Reasons is a non-statutory statement provided in compliance with paragraph 25 of the CPO Guidance.

2. BACKGROUND

- 2.1 In October 2021, the Council was successful in securing a grant funding award from the UK Government's Levelling Up Fund to lead the regeneration of the north-eastern part of Cannock town centre. The Order Land and specifically its retail market, has declined significantly over the past decades because of clear and consistent market failure in key sectors, including retail and commercial leisure.

- 2.2 The Order Land comprises land located in Cannock town centre, centred around the disused multi-storey car park and former indoor market in Market Hall Street as well as the Forum Shopping Centre and the Prince of Wales Theatre in Church Street, Cannock.
- 2.3 The evidence of the need for the Scheme and the Order required to facilitate it is referenced in the Council's original Levelling Up Fund application to the Department for Levelling Up, Housing and Communities ("DLUHC") in June 2021. The issues are summarised below but are set out in more detail in the sub-paragraphs which follow:
- (a) Long-term, persistent vacancy of redundant retail units leading to deterioration in maintenance and appearance of town centre building fabric discouraging private investment and visitors.
 - (b) Units are in an inappropriate format to meet current community needs (including office space and the need to remove constraints on the existing Prince of Wales Theatre) and there is a need for existing floorspace to be reconfigured and re-purposed and new floorspace to be created.
 - (c) The Ringway (A34) and the pedestrian subway beneath it are a barrier to connectivity for pedestrians and cyclists even though they form a gateway into the town centre.
- (a) Long-term persistent vacancy and deterioration of town centre units**
- 2.4 In the 1970s the town centre changed considerably with the construction of the bus station and the ring road (Ringway, A34). Further change occurred in the 1980s with the construction of the Cannock Shopping Centre and The Forum, which enclosed historic town centre streets (principally Market Hall Street).
- 2.5 Since the construction of these shopping centres in the 1980s, the physical fabric of the buildings within Cannock town centre has become dated in its appearance and has lacked investment and maintenance within the last 10 years. The situation has been exacerbated by the high vacancy rates and lack of investment through landlords and tenants over time. This is acknowledged as being largely a consequence of the economic climate and trading conditions that have prevailed. The area does also have a significant number of redundant and closed facilities e.g. the multi-storey car park and linked ground floor retail units and the former Indoor Market Hall and is not highly valued in terms of its current architecture by the local community.
- 2.6 Evidence to support vacant rate statistics for Cannock town centre can be located within the January 2021 Cannock Chase Retail & Town Centre Uses Study (prepared by Tetra Tech) ("**Retail and Town Centre Study 2021**"). The study is robust and is a key component of the evidence base for the Council's emerging Local Plan. The data on existing floorspace uses within the town centre and numbers of vacant units is sourced from Experian data and surveys and is recent, with the study having been published in January 2021. This has identified that there were 47 vacant retail units across Cannock town centre, accounting for 20% of all units. This is significantly higher than the national average of 12%. The vacant units occupy 8,149 square metres of floorspace, 14% of the total floorspace of the town centre, which is again above the national average of 10%.
- 2.7 A significant amount of vacant retail space (3,980 sqm) is concentrated within the Order Land (which comprises part of Cannock Shopping Centre, the Prince of Wales Theatre, the former Cannock Indoor Market Hall, the Forum Shopping Centre and the now closed multi-storey car park and associated ground floor retail units). These buildings are also rundown, and their vacancy and appearance affect the overall vitality and attractiveness of the town centre.
- 2.8 Since the Levelling Up Fund award was made in October 2021, vacancy rates have deteriorated further and given the current economic challenges faced by communities across the country it is difficult to see how the situation would improve in Cannock without the intervention of the Scheme. As of January 2023, Cannock town centre has a vacancy rate of 26.6% which is significantly higher than vacancy rates in the district's other principal towns (Rugeley town centre has a vacancy rate of 5.6% and Hednesford town centre 2.2%). This information is provided by the Council's Planning Policy Officer through regular monitoring and site inspections.

- 2.9 Parts of the town centre (due to being unoccupied and underutilised) have consequently been vandalised, making parts of the town unpleasant to town centre customers, visitors, residents and generating a feeling of being unsafe. Data from UK Crime Stats (www.ukcrimestats.com) indicated that there were 2,995 crimes committed within 1 mile of Cannock town centre between November 2021 and October 2022, 625 of which related to anti-social behaviour. This is an increase from the corresponding figure for November 2020 and October 2021, which saw 2,477 crimes recorded, 490 of which related to anti-social behaviour. While the causes of crime and anti-social behaviour are complex, it is clear that the current condition of the town centre does not act to alleviate these issues.
- 2.10 The Retail and Town Centre Study 2021 includes data from an independent household survey of 1,100 local households carried out by a specialist market researcher (NEMS) during October / November 2020. Although the survey was carried out during the Covid-19 pandemic, and restrictions were in place during November 2020, the household survey was designed to identify consumers' habits and preferences and also to understand what would encourage them to visit Cannock town centre more often. 42% of the respondents indicated 'nothing' when asked what they most liked about Cannock town centre and just 5% indicated that they thought it was a 'nice place'. 25% of respondents indicated that a better range of shops or attractions would encourage them to visit the town centre more; 4% said they would like to see more parking spaces available; and 4% said they would like to see fewer empty shops. The Council undertook a Town Centre Perception Survey in May / June 2022, with 1,219 responses received from local residents. 85% of the respondents indicated that they visit Cannock town centre, but just 36% of respondents indicated that they visited the town centre with friends and family, for activities other than shopping. A significant number of respondents (701) indicated that they felt unsafe in the town centre at night-time.
- 2.11 Market failure is evident across several different levels in Cannock town centre. The scale and quantum of vacant retail space is far in excess of any present or future demand within the Order Land with around 3,980 sqm of vacant retail floorspace. Viable alternative uses for existing floor space cannot be found and many buildings are beyond their operational life. The scale and visual appearance of vacant and unattractive retail units is blighting the town centre and further eroding the quality of the experience provided and confidence to invest. The Order Land will remain locked into vacancy for the long term without strategic public sector intervention.
- 2.12 Furthermore, the costs of restructuring away from retail to regenerate this area make private sector intervention to lead and deliver this change unviable.
- (b) Units are in an inappropriate format to meet current community needs and there is a need for floorspace to be reconfigured and re-purposed and new floorspace to be created**
- 2.13 The existing Prince of Wales Theatre is highly regarded locally and hosts a series of popular performances and events throughout the annual calendar. It attracts good audience numbers for a theatre of its scale. There is now an opportunity through the Scheme to introduce additional community uses as part of an expanded attraction, thereby further expanding the number of visits to the town centre and increasing the appeal of a visit to a wider range of residents and visitors.
- 2.14 In addition, the food and drink offer associated with the theatre is currently inadequate and there is a considerable opportunity to develop this aspect, creating a viable destination for evening family leisure. The theatre currently has no dedicated on-site café or restaurant, the toilet facilities are out-dated, and the building is not easily accessible for disabled or less ambulant users of the building.
- 2.15 Furthermore, back of house facilities for production staff and actors are poor and not of a modern standard. This constrains the ability of the theatre to increase and maximise the user experience for the customer and constrains revenue generation opportunities.
- 2.16 The Retail and Town Centre Study 2021 identified that there is a lack of quality office space within the town centre, suitable for small and medium sized businesses. Furthermore, a market assessment of Managed Workspace was undertaken in July 2022 by a local property agent Andrew Dixon & Company on behalf of the Council. This assessment identified that there is local demand from local businesses and individuals requiring small flexible business workspace accommodation to facilitate new business start-ups.

c) Ringway is a barrier to connectivity and poor presentation of the town centre to the wider area in this location, damaging the character and appeal of the town centre

2.17 The northern boundary of Cannock town centre is formed by the Ringway which is where the A34 passes through the town centre area. It disconnects the town centre from one of the main car parks at Beecroft Road with visitors parking and then accessing the town centre by foot via a narrow subway passing underneath the road.

2.18 As such, the Ringway is a 'concrete collar' acting as a barrier for pedestrians and cyclists. It creates a car dominated space which has an adverse impact on the wider town centre environment. Pedestrians are currently expected to access the town centre from the Beecroft Road car park via a dimly lit and narrow subway under the Ringway, which is a disappointing and unwelcoming gateway to the town centre.

3. DESCRIPTION OF THE ORDER LAND

The Order Land

3.1 The Order Land consists of different parcels of land occupying a variety of town centre uses, primarily consisting of the shopping centre, retail units, public highway and multi-storey car park. The Order Land is in a variety of ownerships and subject to a number of leases, although much of the Order Land is in the freehold ownership of the Council.

3.2 Full details of the ownership of each interest in the land and the new rights comprised in the Order are contained in the Schedule but in summary the land included in the Order is as follows:-

- (a) the land proposed to be acquired is shown coloured pink on the Order Map which accompanies the Order. The Council seeks authorisation to acquire compulsorily all the interests in the land unless expressly stated in the Schedule to the Order.
- (b) the Order Map comprises a single sheet at a scale of 1:500.
- (c) individual plot boundaries and numbers on the Order Map correspond with the plot numbering in the Schedule. The plot descriptions in the Schedule include area measurements in square metres; all area measurements are approximate.

Land referencing and diligent enquiry

3.3 The Schedule lists other parties who may have a qualifying interest in the Order Land, where known after reasonable enquiry, carried out by land referencing specialists appointed by the Council. The Schedule has been compiled based on information gathered through an inspection of HM Land Registry documents and other sources of publicly available information (a process known as desk-top referencing), subsequently corroborated and supplemented by site inspections and enquiries, and through the analysis of responses to formal requisitions for information ("RFIs") issued under section 16 of the Local Government (Miscellaneous Provisions) Act 1976. Notwithstanding this diligent enquiry, the Order Land still includes some currently unknown interests (sometimes referred to as 'known unknowns'), for example where land is unregistered and/or unoccupied, and it has not been possible to ascertain ownership from RFIs; or when the title information held at HM Land Registry is incomplete, or the tracing of successors in title is unachievable due to effluxion of time. If information about 'known unknowns' emerges in consequence of the process of publishing notice of the making of the Order, the Council will update its land ownership records accordingly and will endeavour to engage in negotiations with such persons for the acquisition of their land.

Description and location of the Order Land

3.4 The Order Land is located in the centre of the town of Cannock in the district of Cannock Chase in the county of Staffordshire. The Order Land is bounded by the Ringway to the North, Market Place to the south and Church Street to the east. The site is located approximately 2.5km northwest of Birmingham centre and 15km south-east of Stafford. The town is served by nearby road links including the M6, A34 and A5 routes and a railway station on the Chase Line.

3.5 Broadly, the Order Land consists of the existing buildings and structures between the existing Cannock Shopping centre and Church Street together with parts of the surrounding highway network.

3.6 Taking each in turn:

- (a) **Disused multi storey car park, commercial premises and ramp and service ramp** – There are 2 separate multi storey car parks adjacent to each other, the first comprises of a 4 storey parking facility above a redundant indoor market hall. The second is a separate 2 storey multi storey car park above the retail units trading as Home Bargains and Peacocks in Market Hall Street. Vehicle access is provided to the site via ramps to the multi-storey car park from the westbound carriageway of A34 Ringway. These ramps are currently closed to vehicular traffic but are still used by some pedestrians walking along Ringway. There is also a ramp that connects to Church Street which provides access for first-floor deliveries to various properties. The ground floor and basement level of the multi-storey car park building contain retail units that are leased to T.J. Morris Limited (trading as Home Bargains), and part sub-let to PSL2021 Realisations Limited (trading as Peacocks). Their interests are excluded from the Order Land; these businesses would remain in-situ and would not be directly affected by the Order.
- (b) **Service yard and commercial premises** - Three retail units with frontages onto Market Hall Street immediately located next to the pedestrian subway. These units have direct access to the Cannock Shopping Centre rear service yard which is at street level off the A34 Ringway.
- (c) **The Forum** is an indoor shopping mall containing 10 commercial units of various sizes, 8 of which are currently vacant at ground floor, with first floor ancillary accommodation. Total floor space over the two levels is circa 30,000 sq. ft.
- (d) **Market Hall** – The indoor market sits beneath the 4 storey multi storey car park and covers the entire ground floor with some first-floor ancillary accommodation, covering an area of approximately 10,300 sq. ft. The market closed in 2021 after experiencing years of declining numbers of traders expressing interest in taking stalls. The indoor market is flanked on two sides by several small self-contained retail units, none of which are currently occupied.
- (e) **The Prince of Wales Theatre and market hall** – The theatre is located on Church Street with primary access at street level, via a standalone entrance tower containing a foyer, box office, public lift and stairs leading to the first two levels. The multi storey car park lies adjacent to the west of the Theatre. Directly below the theatre sits a covered market hall, currently there is only one trader operating from this site. The existing Theatre is approximately 11,948 square feet across 3 floors. Seating capacity is 427.
- (f) **Disused and vacant nightclub** - the nightclub and its associated service accommodation which, aside from its ground floor entrance, is located on the second floor of commercial premises above premises occupied by a pharmacy, bank and retail unit. The Scheme would unavoidably see the removal of the nightclub's fire escape and as a result of the Scheme it would no longer be able to operate. The nightclub is currently unoccupied and closed for business.

3.7 In terms of highways:

- (a) The Ringway acts as a concrete collar constraining and controlling access in and around the town centre. Pedestrian access to the site from the town centre direction is via the pedestrianised streets and the existing shopping centres (Cannock Shopping Centre and the Forum Shopping Centre). The main access for pedestrians from the north of the town is via an underpass beneath the Ringway. This provides a link between the Beecroft Road car park and the surrounding area and the town centre via a substantial set of steps and ramps down to the subway level.
- (b) Market Hall Street is the main footfall route into the town centre and beyond by users accessing via Beecroft Road. This is a block paved pedestrianised environment that leads

into the centre of the town where twice weekly outdoor markets are located in and around Market Place.

- (c) Market Place is a pedestrianised area of public highway used for community activities and pop-up events. This pedestrianised highway area is bounded by Wolverhampton Road, Church Street and High Green. There are existing disabled parking bays located along Church Street. Within the highway comprised in Market Place the following are excluded from the Order Land: the clock tower structure, the war memorial and garden, the outdoor bowling green and the two bandstands.
- (d) Church Street is a one-way road (except at its northern end) that provides public access to the Prince of Wales Theatre and the rear of the Forum. Church Street includes on-street car parking alongside a loading bay. The Prince of Wales Theatre has its main entrance off Church Street and overlooks the parish church of St Luke and St Thomas'.

3.8 The highways are included within the Order Land to facilitate the construction of a new Northern Gateway (as part of the Scheme – see Section 5 below) and to enable the laying out of new public realm, to facilitate the reprovision of service access, to bring into common ownership the underlying land interests which are currently in fragmented ownership and to safeguard against unknown interests in unregistered land frustrating the delivery of the Scheme.

3.9 The Order Land comprises a site area of approximately 29,453.43 square metres.

4. **THE DEVELOPER**

4.1 The Council is seeking to directly deliver the Scheme and will control procurement of key contractors and delivery partners rather than adopt the traditional route of procuring an external developer / development partner. This approach is proposed due to a lack of developer interest and confidence in Cannock town centre as a place to invest. The Council has previously explored opportunities to work with developer partners. In 2019, developer proposals were outlined for a leisure-led multiplex cinema and food court. This required substantial public sector gap-funding and for the Council to cover void periods. The proposals were not taken forward due to a reduction in developer confidence due to the disruption caused by the Covid-19 pandemic and adverse economic conditions. There is currently no longer the market appetite for such a large-scale re-development, even with gap-funding and void period support.

4.2 If there currently were such private sector interest, there would have been an expectation that the public sector funds would carry the financial risk of the Scheme while the private sector delivers the Scheme and extracts developer profit. This would not be an appropriate procurement route for the Scheme.

4.3 The Council will act as the lead developer for some of the re-development including the Leisure and Cultural Hub, Northern Gateway, public realm improvements and new servicing arrangements (see Section 5 below).

4.4 The Council has a track record of delivering major capital programmes and schemes and working in partnerships between the private and public sector. The Council also has experience of successfully delivering housing investment schemes which have delivered social/affordable housing for local residents. Recent examples include the delivery of the Hawks Green development in Cannock, with the Council building 44 affordable housing units. This new development followed a strategic review of the Council's depot facility and decision to rationalise space required for a Depot, freeing up land for new Council housing. That investment forms part of the Council's £12.9 million Housing Investment Fund, which has been created by the Council to identify sites capable of facilitating the delivery of new Council / social housing.

4.5 The Council also manages its own housing stock of circa 5,400 properties with a maintenance programme delivering £19.9 million of improvements over the last 5 years.

4.6 Working with the Council's leisure partner, Inspiring Healthy Lifestyles (IHL) the Council has delivered within the last 5 years a major programme of investment to upgrade and improve its leisure

centres (near Cannock and Rugeley town centres). IHL is a charitable trust that has been operating the Council's leisure services since 2003. The services IHL deliver on behalf of the Council include managing Chase and Rugeley Leisure Centres, the Museum of Cannock Chase, the Prince of Wales Theatre, Cannock Park Golf Course, plus a range of community outreach services across the district. The Council therefore has a good track record of delivering complex schemes.

5. DESCRIPTION OF THE SCHEME

5.1 The Scheme comprises a comprehensive mixed-use redevelopment to replace the disused multi-storey car park and its associated access ramp, the former Indoor Market Hall and all of the Forum Shopping Centre in order to create a new leisure and business destination in Cannock town centre. The Scheme involves the demolition of many of the existing buildings, including the multi-storey car park that occupies a large area above the retail units, and the replacement of those existing buildings with new buildings that would provide a range of different uses. The Scheme also includes the refurbishment of some buildings, notably the Prince of Wales Theatre.

5.2 The Scheme will re-purpose a central area totalling 1.36ha including 3,980 sqm of vacant retail floorspace (as of June 2021 - the date the Levelling Up Fund bid was submitted by the Council to the Department for Levelling Up, Housing and Communities (DLUHC)). The Scheme and its constituent parts will bring a new economic purpose to the town centre by delivering highly visible transformational change. This will act as the catalyst for the longer-term revival of the town centre.

5.3 An outline planning application with all matters reserved for a mixed use leisure and cultural hub was submitted to Cannock Chase District Council (as local planning authority) on 13th March 2023 and was accepted as being validly made on 13th March 2023. The planning application (reference number CH/23/0131) is expected to be determined during July 2023.

5.4 The Scheme includes the following elements:

Cultural Hub and Leisure Provision

5.5 The development of a new cultural hub in the heart of Cannock town centre will support the regeneration of Cannock town centre including mixed use leisure and cultural hub, refurbishment of Prince of Wales Theatre, up to 750sqm of new cafe/bar/restaurant premises within the theatre, new cafe building (up to 325sqm), managed workspace (up to 1,300sqm), new office accommodation (up to 3,170sqm), bicycle hub and associated public realm improvements.

5.6 This element of the Scheme will result in increased visitor numbers and crucially an increased spend per visitor at the Prince of Wales Theatre and cultural hub. It will enhance a currently limited evening economy in the town centre, increase footfall, have a positive impact on crime reduction, by creating a safer environment, and will deliver new jobs within the town centre.

5.7 The opportunity to provide a high quality new building, replacing the existing poorly designed and obsolete shopping centre building, creating an opportunity to maximise the view towards St Luke's Church - this will generate an improved visitor perception of the town centre.

5.8 The cultural hub will act as an anchor destination and help improve the vitality and vibrancy of the town centre and especially the evening economy. This will have the additional benefit of improving the feeling of a safe, secure and well-managed town centre.

Managed workspace

5.9 The new managed workspace facility co-located within the leisure and cultural hub will provide new flexible business units for new and small/medium sized businesses, generating new jobs and opportunities for the local economy. The facility will result in increased footfall resulting in increased town centre activity and spend.

5.10 The managed workspace element of the scheme will provide up to 1,300 sqm of office floorspace and approximately 190 new jobs with provision for hybrid working and business coaching.

Northern Gateway

The Northern Gateway is to be created by removing the existing subway under the Ringway and connecting the town centre to the bus station and Beecroft Road car park via new high quality public realm at grade. It will also involve the creation of new commercial space of circa 200 sqm of floorspace. The Scheme will also include the creation of a new bicycle hub for the storage, hire and repair of bicycles within a dedicated new facility, aiming to encourage active sustainable travel.

New Service Access Arrangements

- 5.11 The Scheme will remove the existing vehicular access ramp off Church Street and the roof-top servicing route which runs across the top of the existing Forum Shopping Centre, which will be demolished.
- 5.12 The Scheme will create alternative service access arrangements at street-level for those businesses that currently benefit from rights to service their properties via the existing service ramp and roof-top servicing road. The new service access arrangements are required to facilitate the development of the proposed leisure and cultural hub and public realm works.

New office development adjacent to the leisure and cultural hub

- 5.13 The Scheme will deliver up to 3,170 sqm of new office space (Use Class B1) which will address local demand and generate new economic activity and employment opportunities within the town centre. The creation of new office space adjacent to the leisure and cultural hub will provide additional sources of demand for the increased café / bar / restaurant offering within the redeveloped and enhanced theatre facility.

Enabling works

- 5.14 The demolition of existing vacant and underutilised buildings i.e., multi-storey car park and the Forum Shopping Centre, will have a positive impact on visitor perception of the town centre and enable the delivery of the regeneration proposals envisaged in the Scheme for Cannock town centre. The following uses, buildings and structures will also be removed as part of the Scheme:
- Former Cannock Indoor Market Hall, a large retail space on the ground floor;
 - Retail units with frontage on to the pedestrianised Market Hall Street;
 - Retail units on the west side of Market Hall Street, currently occupied by the Cannock Shopping Centre;
 - Market Hall multi-storey car park, two separate but linked structures above the retail units and Market Hall with vehicular access ramps onto Ringway and Church Street; and
 - The glass and steel canopy that covers Market Hall Street.

Design Considerations

- 5.15 The Scheme will fulfil the need to deliver regeneration for Cannock town centre, removing vacant and redundant buildings, and replacing them with high quality and well-designed buildings and public realm, that will significantly improve the townscape. The Scheme seeks to strengthen the town centre offering by increasing the quality and diversity of uses available in this area and delivering a viable, mixed-use scheme that encompasses leisure, culture, office space, food and drink, new public space and improved connectivity both within the site and to the wider town centre. The Scheme will be designed to improve access to the town centre and improve sustainable travel connections. Furthermore, the design will have a positive impact on crime reduction, creating a safe and secure environment. The Scheme will be designed to create a sense of place and community pride through high quality urban design that complements existing local design vernacular but also delivers a new image and vibrant identity for the town centre.

Environment

- 5.16 The Scheme will contribute towards the Council's ambitions for the district to become carbon neutral, by ensuring that the proposed new buildings achieve high levels of building performance standards. The Scheme will be designed to maximise opportunities for:
- On-site production and use of low and zero carbon energy and heat;
 - Contributing to the creation of urban forests and woodlands by providing street trees as an integral part of the Scheme, supporting biodiversity net gain;
 - Use of materials with a low environmental impact;
 - Minimising the use of non-renewable natural resources;
 - Maximising the re-use and recycling of materials in construction and de-construction of existing redundant and out-of-date buildings; and
 - Providing opportunities for local walking and cycling.
- 5.17 The Scheme is in a central part of Cannock town centre, and has the potential for comprehensive levels of connectivity, being in close proximity to an existing bus station and bus routes, Cannock Railway Station, and being well served by existing walking and cycling routes. The Scheme will add to this offer through the provision of a new bicycle hub and will maximise opportunities to deliver sustainable transport links to the adjacent bus and railway stations.

Safety and Security

- 5.18 Safety and security are paramount issues that will be addressed as part of the redevelopment. The introduction of family-friendly leisure uses such as the refurbished Theatre and central café / restaurant will encourage visitors to extend their stay and local residents to come into the town centre in the evenings. The combination of uses will create an environment which is well used throughout the day, in the evenings and at weekends. This will improve perceptions of safety, increase footfall and reduce the risk of crime and anti-social behaviour associated with the poor condition of the existing town centre.

Transport

- 5.19 The Order Land occupies a strategic location in the north-west of the town centre and as such it has good transport links provided by the existing pedestrian and cycle routes and town centre public realm, the adjacent bus station along with the railway station, road network and car parks.
- 5.20 It is on the town centre side of the A34 Ringway, which is the bypass for traffic travelling round or through Cannock. This road carries high volumes of traffic for both local journeys in Cannock and strategic journeys travelling north-south through Staffordshire between Stafford and the A5 / M6 Toll at Cannock Gateway.
- 5.21 The Scheme will improve transport connectivity within the town centre environment and will improve some facilities within the wider town centre for all visitors, not just those travelling to and from the buildings proposed by the Scheme.
- 5.22 The Scheme specifically aims to deliver the following:
- Improvements to the public realm, including a new public square at the northern end of the development, to be known as the Northern Gateway;
 - Existing retail units and service ramps will be replaced with a new public square, with ramps and steps down from street level at Ringway to the existing floor level and a new café building. This will improve accessibility and connectivity and also attract footfall to the town centre;

- A new at grade pedestrian crossing of Ringway will be constructed as part of the Scheme with the existing subway decommissioned and filled in. This will enable pedestrians to access the town centre via the new crossing and access ramps/steps and remove the need to use the existing subway;
- The Scheme includes some improvements to the infrastructure for cycling by installing a Toucan crossing of Ringway and the cycle connections either side. The proposal includes a bicycle hub as part of the Northern Gateway scheme, located on the north side of Ringway. The aim of this proposal is to encourage the use of cycling as a mode of travel to the town centre.

5.23 In terms of car parking, the Order Land is well served by existing public pay and display car parks. The demolition of the multi-storey car park will have little impact on current traffic conditions and car parking capacity as it has been closed since August 2018. The Council has identified that there is adequate capacity during the typical working day to cope with the changes in demand caused by the Scheme. There is even more spare capacity during weekends and in the evenings. This is evidenced in a 'Town Centre Car Parking Study' produced by Tetra Tech on behalf of the Council in July 2022.

5.24 Some on-street parking spaces may need to be removed on Church Street to facilitate the public realm improvements and new street level servicing arrangements on Wolverhampton Road/Market Place. The number of spaces affected will depend on the detailed design of the public realm scheme, but it is envisaged that this will have minimal impact on town centre car parking capacity.

5.25 The Council has, in relation to each plot of land shown on the Order Map, set out the reasons why that land is required, in Appendix 1 to this Statement of Reasons.

6. STATUS OF ORDER LAND AND HOW THE SCHEME FITS WITH PLANNING POLICY

National Planning Policy

The National Planning Policy Framework (2021)

6.1 Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) require that planning applications are to be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 The National Planning Policy Framework ("NPPF") (published July 2021) reconfirms the statutory requirement set out in Section 38(6) relating to the determination of planning applications and also confirms that the NPPF must be taken into account as a material planning consideration in planning decisions (paragraphs 2 and 218).

6.3 Although not part of the statutory Development Plan, the NPPF sets out Government policy and should be considered in the determination of planning applications.

6.4 The presumption in favour of sustainable development is at the heart of the NPPF. Paragraph 8 sets out the economic, social and environmental objectives of sustainable development, which are interdependent and need to be pursued in mutually supportive ways, so that opportunities can be taken to secure net gains across the objectives.

6.5 The NPPF states at paragraph 9 that: "...decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area."

6.6 Paragraph 11 sets out that local planning authorities should approve development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless any adverse benefits of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.

- 6.7 The Government has also published Planning Practice Guidance (“PPG”) notes to support the NPPF, providing high level guidance on specific planning issues and processes. PPG notes are referenced where applicable in this Statement.
- 6.8 Chapter 7 of the NPPF 'Ensuring the vitality of town centres', at paragraphs 86 to 91, sets out Government policy in relation to land use planning for town centres. Town centres are experiencing rapid changes in the usage of areas providing retail and leisure facilities. The NPPF recognises the need for diversification to introduce a suitable mix of uses to enhance the vitality and viability of town centres. The Scheme will meet aspirations to grow the town centre by diversifying its offering and introducing complimentary uses as part of a positive strategy for the future of the town centre. Through the delivery of the Scheme, the town centre would continue to remain at the heart of the local community and would also facilitate the longer-term adaptation and continued evolution of a new vibrant town centre.

Local Planning Policy

The Development Plan

- 6.9 Section 38(3) of the Planning and Compulsory Purchase Act 2004 (as amended) defines the Development Plan as:
- “the Development Plan documents (taken as a whole) which have been adopted or approved in relation to that area; and
- the neighbourhood development plans which have been made in relation to that area.”
- 6.10 In this instance, the current adopted Development Plan for the Site comprises the Cannock Chase Local Plan (Part 1) 2014, adopted June 2014. There is also an emerging local plan to be considered.

Cannock Chase Local Plan (Part 1) 2014

- 6.11 The Cannock Chase Local Plan (Part 1) 2014 (“**the Local Plan**”) is the statutory development plan for Cannock Chase District Council and forms the principal basis for which development is promoted and controlled.
- 6.12 The Local Plan confirms Cannock town centre as a “strategic sub-regional centre” and the principal location for shopping and retail within the district.
- 6.13 The Local Plan sets out district-wide objectives which prioritise the regeneration of the town centre through a focus on comparison goods growth and the provision of office space and other sectors, through retail-led employment growth and complementary services e.g. night time economy. The Local Plan provides the following eight strategic objectives:
- Objective 1 – Promote pride in attractive, safe, local communities
 - Objective 2 – Create healthy living opportunities across the district
 - Objective 3 – Provide for housing choice
 - Objective 4 – Encourage a vibrant local economy and workforce
 - Objective 5 – Encourage sustainable transport infrastructure
 - Objective 6 – Create attractive town centres
 - Objective 7 – Provide well managed and appreciated environments
 - Objective 8 – Support a greater future

- 6.14 In order to achieve Objective 6 (create attractive town centres), the Local Plan seeks to ensure the retail hierarchy, and support the growth of shops, offices, business, leisure, arts, cultural facilities and tourism in the town centres, improving access to employment in order to achieve town centres with good viability and vitality.
- 6.15 Policies within the Local Plan of relevance to the Scheme include the following.
- 6.16 Policy CP1 (Strategy) confirms that retail development will be mainly focused within Cannock town centre. When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. The Council will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with the policies in the Local Plan will be approved without delay unless material considerations indicate otherwise.
- 6.17 Policy CP2 (Developer Contributions for Infrastructure) states that “All housing, employment and commercial development will be required to contribute towards providing affordable housing and/or the infrastructure necessary for delivery of the Local Plan informed by viability assessment.” Contributions will be secured primarily via the Community Infrastructure Levy and Section 106 planning obligations.
- 6.18 Policy CP3 (Chase Shaping – Design) seeks “High standards of design of buildings and spaces which contribute to meeting the Vision for the District inspired by the nationally recognised environment of Cannock Chase and reflecting local identity will be expected in all development. Opportunities for the enhancement of town and local centres and other public open space will be maximised including designing out crime and antisocial behaviour. Mixed uses will be promoted within well-used attractive places designed to appeal to people of all ages regardless of their level of personal mobility, seeking to instil a sense of pride and safety in all those who use them. Opportunities to contribute to energy efficiency and renewable and low carbon energy generation will be encouraged as an element of good design. Well-designed new development which addresses relevant issues will be considered favourably without delay unless material considerations indicate otherwise.”
- 6.19 Policy CP3 requires new developments to:
- Consider design imaginatively in its context, complementing and enhancing the character and appearance of the local area and reinforcing local distinctiveness (see also Policies CP14 and CP15);
 - Be well-related within the development and to existing buildings and their surroundings in terms of layout, density, access, scale, appearance, landscaping and materials based upon an understanding of the context of the site and appropriate professional expertise; Successfully integrate with existing trees, hedges and landscape features of amenity value and employ measures to enhance biodiversity and green the built environment with new planting designed to enhance local distinctiveness (see also Policy CP12);
 - Conserve and enhance the local historic environment including reuse of buildings and sympathetic repair, using the historic environment as a stimulus to high quality design and enhancing local character and distinctiveness (see also Policy CP15);
 - Incorporate measures to design out crime and anti-social behaviour based upon Police guidance (currently ‘Secured by Design’ initiatives and Parkmark standards);
 - Protect the amenity enjoyed by existing properties including supporting mixed uses whilst avoiding incompatible ones and have regard to existing uses with potential to generate pollution which could have an unacceptably detrimental effect on proposed development (see also Policy CP16);

- Promote appropriate design and uses in town centres with ‘active’ street frontages and high quality public space to ensure centres are well used and cared for with convenient attractive town centre parking;
- Promote ease of access and mobility within the development and from its surroundings, contributing to a network of attractive, well-connected spaces in sustainable locations with the safety of pedestrians, cyclists and other road users in mind (see also Policy CP10);
- Optimise promotion of ‘active design’ increasing opportunities for physical activity and community interaction (see also Policy CP5); and
- Optimise opportunities to minimise resource use, mitigate climate change impact and maximise energy efficiency to ensure delivery of sustainable design and construction (see also Policies CP1, CP10 and CP16).

- 6.20 Policy CP5 (Social Inclusion and Healthy Living) confirms that “the Council will work with public, private and third sector partners to ensure that appropriate levels of infrastructure are provided to support social inclusion and healthy living in the District. Subject to viability, development proposals will be required to have regard to the wider determinants of health and make a positive contribution to provision of infrastructure, design and layout which supports social inclusion and healthy living for sustainable communities.” The key elements of infrastructure include, inter alia, health facilities; education facilities; parks and open space; playing pitches; cycling/pedestrian routes and pathways; indoor sport facilities; cultural and community facilities; leisure and activity opportunities; other buildings for uses such as places of worship and public houses; and local shopping facilities.
- 6.21 Policy CP9 (A Balanced Economy) states that “Priority will be given to employment uses which add value to and strengthen the local economy to achieve the priority aims of economic resilience and restructuring”.
- 6.22 Policy CP10 (Sustainable Transport) advises that “Cannock Chase Council will work with bus and rail operators, Staffordshire County Council, the West Midlands Integrated Transport Authority (Centro), Local Enterprise Partnerships (LEPs), local transport bodies and developers to help develop and promote sustainable transport modes that provide realistic alternatives to the car, and which help contribute to achieving national climate change targets and reduce air pollution. Developments will be expected to promote sustainable transport and where appropriate, developer contributions will be sought to support sustainable transport solutions elaborated in a Supplementary Planning Document and a Community Infrastructure Levy (CIL) charging schedule. Transport Assessments, Transport Statements or Travel Plans, will be prepared in accordance with DfT and LTA guidance for all developments that are likely to generate significant amounts of movement, to determine the measures required on the surrounding highway network to ensure necessary access by all transport modes...”
- 6.23 Policy CP11 (Centres Hierarchy) provides detailed guidance relating to Cannock, Rugeley, Hednesford, Hawks Green and local centres. In terms of Cannock, the policy seeks to “retain and strengthen Cannock’s role as a strategic sub-regional centre within the West Midlands”. The Council “will encourage economic development and regeneration within an expanded Town Centre boundary identified on the Policies Map. Main town centre uses including retail, offices, commercial, leisure and cultural facilities should take a sequential approach that gives priority to the regeneration of the town centre within this boundary, followed by edge of centre locations. More specifically the Council will seek to deliver 35,000sqm (gross) comparison retail floor space in the plan period which may include ancillary leisure uses”. “The importance of retaining and enhancing the town centre markets is recognised. Working with developers, the Council will enable development of up to 30,000sqm of additional office floorspace within the district’s town centres and their edges (with Cannock being the principal likely location)”.
- 6.24 Policy CP15 (Historic Environment) - In terms of Cannock Town Centre, the policy confirms that “The built heritage interest of Cannock town centre will provide the basis for future enhancement and development as a focus for investment (in accordance with policy CP9)”.

- 6.25 Policy CP16 (Climate Change and Sustainable Resource Use) advises that “The Council, working with partners, will tackle climate change and ensure sustainable resource use via the promotion and positive consideration of initiatives and development proposals that:
- a. improve or perform well in relation to accessibility of services and sustainable transport networks (Policy CP10);
 - b. contribute to improved energy efficiency, renewable and low carbon energy generation and higher levels of overall sustainable construction having regard to local opportunities. The Council will continue to facilitate strategic improvements to the existing housing stock and support initiatives that utilise the natural biomass resource potential of the District appropriately (as well as other appropriate technologies). Community-led projects related to reducing carbon emissions will be facilitated wherever possible;
 - c. assist adaptation to climate change, both for people and the natural environment accounting for local likely effects (Policies CP3, CP12, CP14);
 - d. reduce or mitigate all forms of pollution, based upon air quality modelling where necessary, and having regard to strategic local issues including air quality (Policies CP10 and CP13) and water quality, particularly along the Burntwood Brook, Saredon Brook and River Trent to meet Water Framework Directive targets. The Humber River Basin Management Plan (as the local delivery tool for achieving Water Framework Directive targets) will be supported via the permitting of developments that will not pose an obstacle to meeting WFD objectives and do not have a negative impact on water quality, either directly through pollution of surface or ground water or indirectly through overloading of Wastewater Treatment Works;
 - e. contribute to national and local waste reduction and recycling targets according to the waste hierarchy. The Council will work with partners to reduce the need for and impact of landfill operations within the District to achieve the County’s ‘zero waste-to-landfill’ target by 2020. The site specific protection of waste facilities will be guided by the Staffordshire and Stoke-on-Trent Joint Waste Local Plan;
 - f. use land and building assets sustainably, including the preference for Brownfield land (provided it is not of high environmental value) whilst taking into account the need for avoidance of mineral resource sterilisation and having regard to all sources of land contamination and stability issues arising from the mining legacy. The identification of Minerals Safeguarding Areas and the need for site-specific safeguarding of minerals sites will be guided by the Staffordshire Minerals Local Plan.
 - g. appropriately account for both current and future potential levels of flood risk. Via the strategic approach (Policy CP1) developments are guided away from areas of flood risk. However where there are no alternative options available, and development is required within the highest risk zone 3b, flood risk shall be managed through upstream alleviation in order to bring development in line with national planning policy. Land for key infrastructure requirements, namely for the formal flood alleviation scheme for the Rising Brook at Rugeley, will be safeguarded via the strategic approach. The District Council will, however, be prepared to allow lower levels of surface water flood risk in the higher risk areas of Rugeley and Cannock is also identified and will be promoted via partnership working with the Lead Local Flood Authority.”

How the scheme conforms with national and local planning policy

- 6.26 As noted above, Section 38(6) of the Planning and Compulsory Act (2004) requires that planning applications be determined in accordance with the Statutory Development Plan unless material considerations indicate otherwise.
- 6.27 The Site falls within the administrative boundary of the Cannock Chase District Council, where the statutory development plan comprises the Cannock Chase Local Plan Part 1 (2014).

- 6.28 The Council's interactive adopted Policies Map identifies the Site as being located within the primary retail area within the dedicated town centre boundary. The north-eastern area of the Site and the surface level car parking area to the northern side of the Ringway are identified as 6–15-year Strategic Housing Land and Employment Land. The site is bounded to the east, south and west by a Conservation Area. Areas of Green Space Network are located to the eastern edge of the site within the grounds of St Luke's Church, which is identified as an ancient monument.
- 6.29 The National Planning Policy Framework (NPPF) (2021) is a material consideration in determining individual planning applications.
- 6.30 The Scheme will allow for the development that will ultimately regenerate and transform Cannock town centre, which will adhere to the aspirations of the Local Plan strategic objectives through the creation of an attractive, economically vibrant town centre, which will see improved civic, leisure and commercial retail offering, whilst instilling pride in an attractive, safe and healthy environment for residents. The Scheme will enhance sustainable transport linkages and pedestrian routes.
- 6.31 The location of the development is within the confines of the existing town centre boundary and is therefore considered sustainable in accordance with Local Plan **Policy CP1** and the Scheme makes provision for the formation of an attractive town centre which will adhere to the aspirations of **Policy CP3** providing a high standard of design which will recognise local identity, enhancing the setting of the historic environment and considerably enhancing the town centre environment. The Scheme will also include the provision of infrastructure that will be socially inclusive and will encourage healthier living for all members of the community, in line with **Policy CP5**.
- 6.32 Furthermore, the Scheme will adhere to the aspirations of **Policy CP11** through the strengthening of Cannock town centre's role as a strategic sub-regional centre, providing significant floorspace towards the 35,000 square metres of comparison retail floor space required and the 30,000 square metres of office development within the district's town centres.
- 6.33 **Policy CP10** requires developments to promote sustainable transport and for the production of supporting information in the form of Transport Assessments to accompany planning applications. The planning application for the Scheme includes a Transport Assessment. Policies **CP14 and CP15** require protection of the district's Landscape and Historic character, the planning application for the Scheme is supported by both a Heritage and Visual Impact assessments, which confirm no impact will occur.
- 6.34 In conclusion, the proposal complies with the policies of, and will contribute to the aspirations of, the Cannock Chase Local Plan through the longer-term vision for the comprehensive re-development of Cannock town centre. Consequently, it is considered that the principle of the Scheme is supported by and is compliant with both local and national land use planning policy.

Emerging Local Plan – Cannock Chase Local Plan 2018-2039

- 6.35 The Cannock Chase Local Plan (Part 1) 2014 was adopted more than five years ago and is therefore the subject of a review. The Council completed a Regulation 18 Consultation (Preferred Option) consultation in April 2021. A Regulation 19 Consultation (Pre-submission) has been delayed and a revised programme will be published as soon as possible.
- 6.36 The National Planning Policy Framework sets out the Government's planning policies for England and how they should be applied. The current adopted Local Plan policies in respect of town centres should be applied alongside the NPPF. The emerging Local Plan has limited weight at this time, but more weight can be assigned once the Local Plan has been submitted to examination. The emerging Local Plan has encompassed the NPPF and evidence commissioned to inform the Local Plan. Chapter 7 of the NPPF - Ensuring the vitality of town centres, is reflected in the policies and proposals within the emerging Local Plan.
- 6.37 The emerging Local Plan prioritises the established hierarchy of centres and development proposals that are appropriate to the role, scale and historic character of the settlement and; it also seeks to encourage the creation of an attractive and safe environment through good design to ensure the growth and resilience of our town centres. The emerging Local Plan encourages supporting uses

that will enhance the viability and vitality of the town centre, including residential, educational, community and office uses, together with an appropriate mix/variety of retail and leisure uses, speciality retailing, markets and improvements to cultural and tourist attractions.

- 6.38 The Cannock Chase District Local Plan Pre-Submission Consultation (Reg 19) sets out the following draft policies that are relevant to the Scheme:
- 6.39 Policy SO6.1 Hierarchy of Town and Local Centres – “Cannock Town Centre is designated, and shown on the Proposals Map, as the principal Town Centre, with the role to provide the focus for District Town Centre Services and be the District focus for a night time economy”.
- 6.40 Policy SO6.4 – Town Centre Design – “Development within the Strategic Town Centre, Town and Local Centres will be of high quality and consider:
- The Local Historic Environment including Conservation Areas and the proximity to Listed Buildings to ensure that local heritage is conserved and enhanced whilst enabling new, vibrant and attractive uses;
 - Navigable features for those with visual, mobility and other needs;
 - Create attractive gateways between centres and nearby public transport interchanges to encourage greater use of sustainable transport;
 - Security measures required by businesses whilst ensuring they provide an attractive and interesting visual appearance and do not make an area appear unappealing and unsafe at night-time;
 - The wide mix of uses within a town centre, enabling them to co-exist and form a busy, vibrant area whilst not being of detriment to extant or future occupiers.”
- 6.41 Policy SO6.5 - Cannock Town Centre Redevelopment Areas - “The following sites in Cannock Town Centre are suitable for redevelopment for the purposes outlined:
- Site Allocation M1 - Multi-storey car park, Market Hall and retail units, Church Street (0.78ha) – retail, leisure use, food and beverage uses, upper floors could also provide residential apartments, hotel or office space.”

In conclusion, the Scheme complies with the policies of, and will contribute to the aspirations of, the Cannock Chase emerging Local Plan, through the longer-term vision for the comprehensive re-development of Cannock town centre.

Conclusion

- 6.42 In conclusion, the Scheme is compliant with both local and national policy, representing a sustainable form of development in a sustainable location, having regard to the provisions of the National Planning Policy Framework and the Development Plan. The Scheme would bring forward re-development which would result in economic, social and environmental benefits, and which would comply with the policies in the NPPF. Consequently, it is considered that the principle of the Scheme is supported throughout both local and national planning policy.
- 6.43 An outline planning application with all matters reserved for outline planning permission for the Scheme was submitted by the Council on 13th March 2023 and was registered as a valid application on 13th March 2023. The likely determination period is during July 2023. The Council is not aware of any matters which would be likely to preclude the granting of planning permission for the Scheme.

7. THE ENABLING POWERS FOR THE ORDER

- 7.1 The Council has made the Order pursuant to its powers under section 226(1)(a) of the Town and Country Planning Act 1990 ("**the 1990 Act**").
- 7.2 Section 226(1)(a) of the 1990 Act enables the compulsory acquisition of land where an acquiring authority thinks the acquisition will facilitate the carrying out of development, redevelopment, or improvement on or in relation to the Order Land and where the acquiring authority thinks the development, redevelopment or improvement is likely to contribute to the achievement of the promotion or improvement of the economic and/or, social, and/or environmental well-being of the authority's area. The CPO Guidance provides guidance to acquiring authorities on the use of compulsory purchase powers and the Council has taken full account of this in making this Order.
- 7.3 The Council is exercising its powers under section 226(1)(a) because it has not been possible to acquire by agreement all interests that are required for the Scheme and it is not certain that it will be able to acquire the remaining land by agreement within the requisite timescales associated with the grant of Levelling Up Funding pursuant to which the Scheme is being brought forward. The Council's purpose in seeking to acquire the land through its powers of compulsory purchase under section 226(1)(a) of the 1990 Act is set out in detail in section 9 below.
- 7.4 The CPO Guidance provides guidance to acquiring authorities on the use of compulsory purchase powers and sets out the overarching consideration in paragraph 12 of the CPO Guidance that there must be a compelling case in the public interest for making a compulsory purchase order. The Council has taken full account of this overarching consideration in making this Order. The CPO Guidance states that compulsory purchase is intended as a last resort to secure the assembly of land needed to implement projects. It makes clear that acquiring authorities will be expected to demonstrate that they have taken reasonable steps to acquire the land included in an Order by agreement. However, the CPO Guidance also notes that if an acquiring authority waits for negotiations to break down before starting the compulsory purchase process valuable time will be lost. Dependent on when the land is required, the CPO Guidance acknowledges that it may often be sensible for local authorities to plan a compulsory purchase timetable and initiate formal procedures, in parallel with conducting negotiations (paragraph 2 of the CPO Guidance).
- 7.5 In seeking authority to exercise its powers of compulsory purchase, subject to confirmation of the Order by the Secretary of State, the Council is satisfied that it may lawfully do so under the powers set out above and that there is a compelling case in the public interest for such exercise and that the public interest is sufficiently important to justify the interference with private rights.

Other relevant statutory provisions

- 7.6 The Acquisition of Land Act 1981 sets out the process for compulsory acquisition and applies to the Order.
- 7.7 Section 203 of the Housing and Planning Act 2016 ("**the 2016 Act**") authorises building works to be carried out and land put to a use even if the works or use would infringe a "relevant right or interest" as defined for the purposes of that provision to include, for example, easements and restrictive covenants, provided that the conditions for the application of that section are met. In the present case those conditions are that:
- (a) there is planning consent for the work and/or use;
 - (b) the land has either been acquired by the Council (whether by agreement or compulsorily), or the Council has appropriated the land for planning purposes;
 - (c) the Council could acquire the land compulsorily for the works/use (whether or not it in fact did so); and
 - (d) the work/use relates to the purposes for which the land was acquired or appropriated.
- 7.8 The Council is the freeholder of a significant quantity of the Order Land. However, there are a number of third-party rights and interests which burden the Order Land and would restrict development of the Scheme. Therefore, the Council is intending to appropriate for planning purposes all of those

interests in the Order Land which are already held by the Council and which are required for the Scheme. The Council's existing interests in the Order Land are therefore excluded from the Order but are intended to be appropriated for planning purposes to override such third-party rights and interests and allow the Scheme to proceed. Section 246(1) of the TCPA 1990 states that any reference to the acquisition of land for planning purposes is a reference to the acquisition of land under section 226 or section 227 of the TCPA 1990, or land which has been appropriated for purposes for which land could be acquired under those sections. The appropriation of Council owned land within the Site and the Order will effect an acquisition of land pursuant to s226 of the TCPA and is therefore an acquisition for planning purposes.

- 7.9 In so far as the Order Land is already held by the Council for planning purposes, the effect of the appropriation will be to re-affirm the appropriation in light of the current redevelopment proposal.
- 7.10 In the event that the Order is confirmed, and the Scheme proceeds pursuant to planning permission, section 203 of the 2016 Act will apply to the proposed building works and use of the Order Land. Any private landowner who benefits from a relevant right or interest over the Order Land, such as an easement or restrictive covenant, which is interfered with or breached, will be entitled to claim statutory compensation pursuant to section 204 of the 2016 Act when the redevelopment is carried out.
- 7.11 The duties on local planning authorities in relation to conservation areas and listed building consents created by section 66 and section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are addressed in Section 11 below.
- 7.12 The public sector equality duty created by section 149 of the Equality Act 2010 is addressed in Section 14 below.

8. **FUNDING**

- 8.1 The Scheme has a total cost of £37.2 million. The funding for the Scheme is largely comprised of public funding, with a £20 million grant from the UK Government's Levelling Up Fund and a £17.2 million contribution from Cannock Chase District Council. The Council's Cabinet agreed on 2 February 2022 to recommend to full Council that the capital programme should be amended to accommodate the Levelling Up Fund scheme (referred to in this Statement of Reasons as "the Scheme"). This funding requirement was included in the recommendations regarding the Council's General Fund Revenue Budget and Capital Programme 2022 – 2025, which was considered and approved by Council on 16 February 2022.
- 8.2 The cost plan of the Scheme is based on detailed work produced by the Council's consultants, Tetra Tech, and this is based on delivery of the Scheme without the need to procure a development partner. The cost of the Scheme incorporates design fees, construction costs, demolition works, contingencies to cover inflationary pressures and other unforeseen costs and the cost of acquiring the land and paying compensation costs pursuant to the Order, if confirmed and implemented. The Scheme is included in the Council's approved Capital Programme.
- 8.3 While the wider scheme for which the Council seeks planning permission includes an extra-care element, if this were to be brought forward at a later date it would be subject to its own funding arrangements. The Scheme facilitated by the Order does not require any funding contribution or cross subsidy arising from the extra care element and is not in any way contingent on the delivery of the extra care element.
- 8.4 Consequently, the Council has in place the funding required to ensure the delivery the Scheme and to address any blight claims that may come forward in advance of the confirmation of the Order, should it be confirmed.

9. THE COUNCIL'S PURPOSE AND JUSTIFICATION IN MAKING THE ORDER

Authority to make the Order

- 9.1 On 15 September 2022, the Council's Cabinet resolved to make the Order to facilitate the assembly of the land needed to deliver the Scheme. On 7 June 2023 the Order was made by the Council in accordance with such authorisation.

Purpose and Justification for making the Order

- 9.2 The purpose of the Council in making the Order is to secure the acquisition of all relevant interests in the Order Land to facilitate the vital redevelopment of the town centre through the delivery of the Scheme described in paragraph 3. The Council firmly believes that the Order and the Scheme will facilitate the improvement of the economic, social and environmental well-being of its area and that the benefits which such improvement would bring constitute a compelling case in the public interest for making the Order.

- 9.3 These economic, social and environmental benefits include the following:-

Economic benefits

- 9.4 The Scheme is sustainably located within a town centre setting, within easy and close proximity to all amenity facilities.

- 9.5 The Scheme will allow for the re-purposing of vacant retail floorspace and proposes various redevelopment elements all within Cannock town centre to enhance accessibility, traffic movement, parking and servicing and public realm, including:

- (a) New café, bar and restaurant;
- (b) Incubator / small business workspace (up to 1,300 sqm of new floorspace). New office space (up to 3,650 sqm of new floorspace);
- (c) Creation of up to approximately 551 new jobs (gross); and
- (d) Potential to boost the generation of economic output in the local economy in gross terms by up to approximately £21.45 million per annum and in net terms by up to approximately £8.06 million per annum once the Scheme is built and fully operational.

- 9.6 The construction phase of the Scheme also has the potential to support construction phase employment both directly and indirectly (i.e. through supply chain activity and construction workforce local expenditure).

Promotion or improvement of social well-being:

- 9.7 The Scheme will improve social well-being by improving the leisure and culture facilities within the area by:

- (a) Enabling a refurbished Prince of Wales Theatre and new cultural/leisure space (floorspace of up to 3,450 sqm);
- (b) Improving the townscape by replacing outdated and redundant buildings with well-designed and contemporary buildings;
- (c) Giving the town centre a new identity and character through a design-led approach to planning;
- (d) Improving the public realm and creating new green spaces within the town centre environment;

- (e) Improving pedestrian, cycle and vehicular access links to improve permeability; and
- (f) Addressing existing concerns regarding safety and security.

Environmental benefits:

- 9.8 The main, specific environmental benefits include increasing green infrastructure within an area that currently is void of any notable trees or landscape features and one that is more environmentally sustainable in terms of design and maintenance.
- 9.9 Provision is made for existing facilities to be re-designed and improved with sustainable features. These improvements will, where possible, address energy efficiency issues, reduce carbon emissions and work towards net zero targets e.g. through the installation of photovoltaic panels on roofs, LED lighting, modern air conditioning and heating systems and sources.

Compelling case in the public interest

- 9.10 The Council considers that there is a compelling case in the public interest for the Order and that the Order, if confirmed, would strike an appropriate balance between public and private interests, with the public benefits which the Scheme would deliver being sufficient to outweigh any private losses suffered by persons with an interest in the land required for delivery of the Scheme. Having had regard to the provisions of the 1990 Act and the CPO Guidance, the Council considers that acquisition of the Order Land will facilitate the carrying out of development, redevelopment and improvement and will make a positive contribution to the promotion or achievement of the economic, social and environmental well-being of its area for the reasons explained in this Statement of Reasons.
- 9.11 The CPO Guidance at paragraph 106 sets out four factors which the Secretary of State can be expected to consider in assessing whether to confirm an order under made section 226(1)(a) of the 1990 Act. The four factors are set out below, together with an explanation of how the Council considers the requirements of those factors are met by the Order and the Scheme to which it relates:-

(i) *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 National Planning Policy Framework.*

- 9.12 The proposals comprised in the Scheme will deliver key elements of the Council's town centre regeneration strategies and are supported in a variety of policy documents, namely, the adopted Local Plan (Part 1) 2014, the emerging Local Plan 2018 – 2039, the Cannock Town Centre Development Prospectus and the Council's Economic Prosperity Strategy 2022 - 2032. The way in which the Scheme complies with Local Plan policies, and with the policies in the NPPF, is set out in more detail in Section 6 (above). The Council is therefore satisfied that the Scheme is in accordance with the adopted Local Plan, and also with the emerging (draft) Local Plan and the NPPF.

(ii) *The extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental well-being of the area.*

- 9.13 As set out in paragraph 2 of this Statement the town centre has been in significant decline for a number of years, and it is widely accepted that substantial investment is needed in order to improve the economic, social and environmental well-being of the area. The benefits from the Scheme which will impact on the economic, social and environmental well-being of the area include the following:-
 - (a) Making a substantial contribution to reversing the decline of Cannock town centre through an increased and substantially improved leisure, culture and workspace offer that will drive footfall, and act as a catalyst to further investment and economic growth and improve its viability and vitality.
 - (b) A significant contribution to economic regeneration as the Scheme represents £37.2m of investment and will create approximately 160 person years of construction employment

over the anticipated 3-to-5-year construction period and a potential head count up to 551 additional gross new permanent jobs including full and part-time positions.

- (c) New and improved community facilities in the town centre, for example public realm and provision of workspace for small and start-up businesses.
 - (d) An expected major commercial boost with the opportunity to rebrand the town centre. In terms of physical regeneration, a rundown area of the town will be redeveloped to a high standard of urban design that will mend the urban fabric.
 - (e) Improvement to the town centre environment through a major contribution to its public realm with improved streets and public spaces, particularly the introduction of Northern Gateway improvements which facilitates improved connectivity between the Beecroft Road car park, the Scheme and the wider town centre.
 - (f) The removal of redundant and obsolete buildings including the multi-storey car park, and replacement with a high-quality development in accordance with planning policy objectives for the area.
- (iii) *Whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means.***

9.14 The Order Land is required to facilitate the delivery of a comprehensive mixed-use scheme which will transform and rejuvenate a redundant and run-down area of Cannock town centre that has suffered from decline over many years. There are no other sites within Cannock town centre that are of sufficient size and scale to accommodate the Scheme. The Scheme cannot progress without the Order Land and the acquisition of the land will create significant economic, social and environment benefits for Cannock town centre.

9.15 Insofar as the need to resort to compulsory purchase is concerned, single ownership and control of the Order Land is necessary to enable the Scheme to proceed. Given the number of third-party interests identified in the Schedule to the Order, it is unlikely that the Council will be able to acquire all the necessary interests by agreement within the timescales associated with the Levelling Up Funding granted to enable the Scheme to come forward. The Council is therefore satisfied that the making of a compulsory purchase order (and potentially the subsequent exercise of powers of compulsory acquisition, if the Order is confirmed) is necessary, proportionate and justifiable in the public interest.

(iv) *The potential financial viability of the scheme for which the land is being acquired.*

9.16 The anticipated total cost of the scheme is £37.2m, with £20m from the Government's Levelling Up Fund and £17.2m from the Council's own funds. For further detail please refer to Section 8 above. The Scheme is not financially viable without the Order Land.

9.17 In making its assessment of the justification for the Order, the Council has taken into account the rights of third parties protected by the European Convention on Human Rights which may be affected by the Order (as referred to in section 14 below). In addition, the Council has had full regard to its public sector equality duty under section 149 of the Equality Act 2010 (referred to in section 14 below).

10. EFFORTS TO ACQUIRE LAND BY AGREEMENT

10.1 Paragraph 2 of the CPO Guidance provides advice on negotiations. In particular, it states:-

"Acquiring authorities should use compulsory purchase powers where it is expedient to do so. However, a compulsory purchase order should only be made where there is a compelling case in the public interest.

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

acquiring authorities decide to/arrange to acquire land by agreement, they will pay compensation as if it had been compulsorily purchased, unless the land was already on offer on the open market.

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."

- 10.2 Whilst negotiations have taken place prior to the making of the Order, to date it has not been possible to reach agreement with all those affected by the Scheme. It is therefore appropriate, as the CPO Guidance advises, to progress the Order as well as advancing negotiations as far as possible. Negotiations were begun in October 2021 by the Council and will continue notwithstanding the making of the Order.
- 10.3 The Council has made efforts to acquire a number of the commercial units through negotiations. Most notably this includes:
- (a) Past and current owners of Cannock Shopping Centre. Although the Council owns the freehold, the shopping centre is occupied on a long leasehold basis. The Council has sought to acquire from the previous and current leaseholders three retail units (1-3) closest to the subway required to deliver the Northern Gateway public realm scheme and create the pedestrian crossing over the A34 Ringway. Terms have been agreed in principle for the acquisition of units 1-3 Cannock Shopping Centre and the Council is confident that the agreement will be finalised shortly, allowing for the first phase of works to commence.
 - (b) Owners of the Forum Shopping Centre. Although the Council owns the freehold, the shopping centre is occupied on a long leasehold basis. The Council has been unable to agree terms to acquire the shopping centre with the current owner in timescales that align with the proposed delivery of the Scheme.
 - (c) Commercial businesses which currently rely on the use of the multi-storey car park service ramp access and car park rooftop arrangement adjacent to the redundant multi-storey car park (proposed to be demolished as part of the Scheme). The Scheme proposes alternative servicing arrangements with commercial tenants that currently benefit from these legal rights or enjoy assumed access rights. The Council has carried out a review to establish the current practical use of the existing servicing arrangements (including any waste collection / car parking arrangements / rights passed on via landlords to tenants in their respective leases). However, it has not been possible to secure agreement to any proposed changes to servicing arrangements with the existing long leaseholder and those businesses / tenants with access rights within timescales that align with the proposed delivery of the Scheme.
- 10.4 To date it has not been possible to reach appropriate agreement in all cases and it is recognised that the Scheme can only progress with the support of a compulsory purchase order.
- 10.5 The acquisition programme includes proposals to relocate occupiers where a practicable solution can be found. The efforts to find appropriate relocation solutions will continue throughout the acquisition programme.
- 10.6 It is not thought that any residential occupiers will need to relocate because, with one exception, the Order land does not contain any residential dwellings. That exception relates to a service flat

associated with a night club. However, currently both the night club and its associated service flat are unoccupied.

- 10.7 The Council considers that the use of its compulsory acquisition powers will be necessary to acquire any outstanding interests in the Order Land, in the likely event that it is not possible to achieve this by agreement within an acceptable timescale. The Scheme cannot proceed unless these third-party interests in the Order Land are acquired. The Council is satisfied that the acquisition of these interests will facilitate the delivery of the Scheme which will lead to the redevelopment of the town centre and will contribute to economic, social and environmental improvements in the Council's area.

11. **SPECIAL CONSIDERATIONS AFFECTING THE ORDER LAND**

Listed buildings and conservation areas

- 11.1 There are no listed buildings or scheduled ancient monuments within the Order Land.
- 11.2 Part of the Order Land is within the Cannock Town Centre Conservation Area, which comprises chiefly the Market Place and Wolverhampton Road and parts of Church Street. However, the Order Land does not contain any buildings within the Cannock Town Centre Conservation Area and, as such, the Scheme does not require the demolition of any buildings within that Conservation Area. The works proposed by the Scheme within the Conservation Area relate to the provision of servicing bays within highway land and the re-siting of existing disabled parking bays and are wholly consistent with its existing town centre use.

Special categories of land

- 11.3 There is no land within the Order Land which is owned by the National Trust or which forms part of a common, open space, or fuel or field garden allotment.
- 11.4 The Order Land does include highway land that is owned, or presumed to be owned, by the local highway authority Staffordshire County Council. Highway land is included in the Order lands to facilitate the provision of the Northern Gateway, to provide service access to premises lost as a result of the proposed demolition of the existing multi-storey car park and its access ramp, and to re-site existing disabled parking bays. Such works within the highway can only be carried out under the regulation of the local highway authority in accordance with the provisions of the Highways Act 1980.
- 11.5 The Order Land includes land in relation to which the Council's diligent inquiries have identified either interests in land, or the presence of apparatus, belonging to the following statutory undertakers, that may be affected by the Order:
- (a) South Staffordshire Water PLC
 - (b) Western Power Distribution (West Midlands) PLC
 - (c) Severn Trent Water Limited
 - (d) Vodafone Limited
- 11.6 The Council anticipates that in each case the undertakings carried out by the above undertakers can be accommodated within the Scheme without causing a serious detriment to the carrying out of those undertakings.

Crown land

- 11.7 The Order Land includes Crown land (as defined in section 293 of the 1990 Act), being an interest belonging to a government department. This interest is in Plot 31 where a unit (Unit 4) within the Forum Shopping Centre is sub-let to the Department for Work and Pensions ("the DWP") in respect of a Jobcentre Plus.

11.8 The unit is no longer occupied by the Jobcentre Plus; it is now vacant, and the Council understands that since 17 April 2023 the Jobcentre Plus has been operating from premises on Beecroft Road in Cannock.

11.9 The Council is seeking confirmation that the DWP, being the appropriate authority for the purposes of section 293 and Part XIII of the 1990 Act consents to the acquisition of non-Crown interests (if any) in Unit 4 of the Forum Shopping Centre, as well as to the acquisition by the Council, by agreement, of its leasehold interest in Unit 4. The DWP has confirmed that it is keen to work with the Council on this matter.

12. IMPLEMENTATION OF THE SCHEME

12.1 Paragraph 15 of the CPO Guidance advises:-

"15. The acquiring authority will also need to be able to show that the scheme is unlikely to be blocked by any physical or legal impediments to implementation. These include:-

- the programming of any infrastructure accommodation works or remedial work which may be required; and*
- any need for planning permission or other consent or licence.*

Where planning permission will be required for the scheme, and permission has yet to be granted, the acquiring authority should demonstrate to the confirming minister that there are no obvious reasons why it might be withheld. Irrespective of the legislative powers under which the actual acquisition is being proposed, if planning permission is required for the scheme, then, under section 38(6) of the Planning and Compulsory Purchase Act 2004, the planning application will be determined in accordance with the development plan for the area, unless material considerations indicate otherwise. Such material considerations might include, for example, a local authority's supplementary planning documents and national planning policy, including the National Planning Policy Framework."

12.2 As explained in Section 6 above, the Scheme is compliant with local and national land use planning policy and a planning application for the Scheme has been submitted, with a decision expected during July 2023. The Council is not aware of any reason why planning permission may not be granted in due course.

12.3 The Scheme will be implemented by the Council who is seeking to deliver the Scheme directly and the Council will control the procurement of key contractors and delivery partners rather than appointing an external developer / development partner, which, as explained in Section 4 of this Statement, has not proved possible in respect of the proposed town centre regeneration.

12.4 As explained in Section 8 above, funding is in place to assure the delivery of the Scheme and the acquisition of the land required to support that delivery.

12.5 As explained in Section 9 above, the Council has a clear idea of how it intends to use the Order Land (if acquired) and is of the firm view that there is a compelling case in the public interest for the acquisition of the Order Land. As explained in Sections 13 and 14 below, the Council has had due regard to its duties under the Human Rights Act 1998 and the Equality Act 2010. In this context, the Council considers that the use of compulsory acquisition powers, if required, would be legitimate, proportionate and justified.

12.6 As explained in section 10 above, the Council is seeking to acquire land by agreement wherever possible; however it is anticipated that the use of compulsory purchase powers will be a necessary tool of last resort in the event that, in respect of some interests in land, acquisition by agreement is not possible within the timescales associated with the grant of Levelling Up Funding.

12.7 Other than confirmation of the Order, the Council is satisfied that there are no foreseeable impediments to implementation.

- 12.8 The related orders and consents necessary for implementing the Scheme are as follows:-
- (a) Planning Permission –. An outline planning application with all matters reserved for outline planning permission for the Scheme was submitted by the Council on 13th March 2023 and was registered as a valid application on 13th March 2023. The determination of this application is expected during July 2023.
 - (b) No listed buildings are within the proposed outline planning application area, no proposed changes are within a Conservation area and no ancient monument will be affected by the Scheme.
 - (c) Changes to pedestrian flows and access as a result of the Scheme are anticipated. Filling in of the existing subway entrance is part of the Scheme proposals. Traffic regulation orders to make changes are anticipated and have been discussed with Staffordshire County Council in its capacity as the local highway authority. While the proper processes for making traffic regulation orders will need to be carried out in due course, there is no reason to consider at this stage that such processes will present an impediment to the delivery of the Scheme. In addition, it is anticipated that works in the highway, chiefly to reconfigure the Northern Gateway, will require the conclusion of an agreement with the local highway authority under the Highways Act 1980, the principles of which have been discussed with the local highway authority. There is no reason to consider that the conclusion and implementation of such an agreement will present an impediment to the delivery of the Scheme.

13. HUMAN RIGHTS CONSIDERATIONS

- 13.1 Section 6 of the Human Rights Act 1998 prohibits a public authority from acting in a way which is incompatible with the rights and fundamental freedoms set out in specified provisions of the European Convention on Human Rights ("**Convention Rights**").
- 13.2 Convention Rights likely to be engaged in the process of considering, making, confirming and implementing a compulsory purchase order include those under Article 6 (right to a fair and public hearing to determine a person's civil rights), Article 1 of the First Protocol (right to peaceful enjoyment of possessions) and Article 8 (right to respect for private and family life including a person's home). In addition, in effect, Article 14 prohibits discrimination, on any grounds, in the way public authorities secure enjoyment of the rights protected by the European Convention on Human Rights.
- 13.3 In relation to the rights protected under Article 1 of the First Protocol (right to peaceful enjoyment of possessions) the European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole". Both public and private interests are to be taken into account in the exercise of the Council's powers and duties. Any interference with a Convention Right must be necessary and proportionate. Compulsory purchase and overriding private rights must be justified by sufficiently compelling reasons in the public interest and must be a proportionate means of achieving the objectives of the Order. Similarly, any interference with rights under Article 8 (right to home life) must be "necessary in a democratic society" and proportionate. The requirements under the Convention are accurately summarised in paragraphs 12 and 13 of the CPO Guidance:-

"12. *A compulsory purchase order should only be made where there is a compelling case in the public interest.*

An acquiring authority should be sure that the purposes for which it is making a compulsory purchase order sufficiently justify interfering with the human rights of those with an interest in the land affected. Particular consideration should be given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention.

13. *The Minister confirming the order has to be able to take a balanced view between the intentions of the acquiring authority and the concerns of those with an interest in land it is proposing to acquire compulsorily and the wider public interest. The more comprehensive*

the justification which the acquiring authority can present, the stronger its case is likely to be.

However, the confirming Minister will consider each case on its own merits and this guidance is not intended to imply that the confirming Minister will require any particular degree of justification for any specific order. It is not essential to show that land is required immediately to secure the purpose for which it is to be acquired, but a confirming Minister will need to understand, and the acquiring authority must be able to demonstrate, that there are sufficiently compelling reasons for the powers to be sought at this time.

If an acquiring authority does not have a clear idea of how it intends to use the land which it is proposing to acquire and cannot show that all of the necessary resources are likely to be available to achieve that end within a reasonable timescale, it will be difficult to show conclusively that the compulsory acquisition of the land included in the order is justified in the public interest, at any rate at the time of its making."

- 13.4 In relation to Article 8 (right to respect for private and family life) it should be noted that with one possible exception, there are no dwellings within the Order land. That exception relates to a service flat associated with the operation of a night club which is currently not operational, and accordingly, the service flat is unoccupied.
- 13.5 If a compelling case in the public interest can be demonstrated, as the Council considers here, then this will meet the requirements of the Convention. In making this Order, the Council has carefully considered the balance to be struck between individual rights and the wider public interest. A compelling case in the public interest exists for the making and confirmation of the Order. Interference with Convention Rights, to the extent that there is any, is considered to be justified in order to secure the benefits which the Scheme will bring, including the economic, social and environmental well-being improvements referred to above. Where loss is suffered by private individuals, appropriate compensation will be available to those entitled to claim it under the relevant statutory provisions.
- 13.6 In relation to the requirements of Article 6 (right to a fair and public hearing), these are satisfied by the statutory procedures which include rights to object to the making of the Order and to be heard at any public inquiry, and by the right to statutory challenge under the Acquisition of Land Act 1981.
14. **EQUALITY ACT 2010**
- 14.1 In discharging all its functions, the Council has a statutory duty under section 149 of the Equality Act 2010 to have due regard to the need to:-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - (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.
- 14.2 Section 149 gives greater detail on what each of the above matters involves, which the Council has taken into account. The "relevant protected characteristics" are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.
- 14.3 An Equality Impact Assessment ("**EqlA**") has been undertaken to assess the impact on protected groups of the making of the Order and implementation of the Scheme, in line with the Equality Act 2010. The EqlA includes consideration of the impact upon protected groups whose lives may be affected by the acquisition of land and rights, by the construction of the Scheme and/or by the completed Scheme.
- 14.4 It concludes that when completed, the Scheme will positively benefit persons with the age and disability protected characteristics through the provision of modern inclusive building design and

through the provision of extra care (by way of the wider scheme for which the Council seeks planning permission, but which is not directly supported by the making of the Order). The potential for temporary negative effects during construction was identified but these would be mitigated through standard good construction practice.

15. OTHER RELEVANT INFORMATION

15.1 Those parties affected by the Order who wish to discuss matters with a representative of the Council should contact:-

Economic Development Service at Cannock Chase District Council

Tel: 01543 464267

Email: econdev@cannockchasedc.gov.uk

15.2 Owners and tenants of properties affected by the Order who wish to negotiate a sale or discuss matters of compensation with the Developer should contact the Developer's Lead Contact:-

Debbie Harris at Cannock Chase District Council

Tel: 01543 464267

Email: debbieharris@cannockchasedc.gov.uk

15.3 The Royal Institution of Chartered Surveyors (RICS) operates a Compulsory Purchase helpline which provides initial free advice. Those parties wishing to make use of that service should contact the RICS on 024 7686 8555 or via its website: www.rics.org.

16. INSPECTION OF THE ORDER

Copies of the Order and Order Map can be inspected during office hours at the Council's offices at the Cannock Chase District Council Civic Centre, Beecroft Road, Cannock, WS11 1BG. Inspection may be made between 10am and 4pm Monday to Friday.

The Order and Order Map are also available for inspection on the Council's website www.cannockchasedc.gov.uk at <https://www.cannockchasedc.gov.uk/business/economic-development/levelling-fund-cannock-town-centre>

17. INQUIRY PROCEDURE RULES

This statement of reasons is not intended to be a statement of case in accordance with the Compulsory Purchase (Inquiries Procedure) Rules 2007.

18. DOCUMENTS TO BE REFERRED TO OR PUT IN EVIDENCE IN THE EVENT OF AN INQUIRY

18.1 The following documents are referenced in this Statement and are to be relied upon in evidence in the event of a public inquiry into the Order.

18.2 List of Documents:-

18.2.1 National Planning Policy Framework;

18.2.2 The Government Guidance on Compulsory Purchase Process dated July 2019, published by the Department for Levelling Up, Housing and Communities;

18.2.3 Cannock Chase District Council Levelling Up Fund application to the Department for Levelling Up, Housing and Communities – June 2021;

- 18.2.4 Confirmation of Levelling Up Fund Award from Department for Levelling Up, Housing and Communities – October 2021;
- 18.2.5 Cannock Chase Retail and Town Centre Uses Study 2021, prepared by Tetra Tech (formerly YWG, until 11 January 2021) January 2021;
- 18.2.6 UK Crime Statistics 2020 – 2022;
- 18.2.7 Evidence from site inspection carried out by the Council's Planning Policy Officer January 2023;
- 18.2.8 Town Centre Perception Survey in May / June 2022 prepared by Cannock Chase District Council;
- 18.2.9 Managed Workspace Study for Cannock Town Centre's proposed redevelopment, prepared by Andrew Dixon & Co, July 2022
- 18.2.10 Market Demand Assessment prepared by Lambert Smith Hampton, 2021
- 18.2.11 Town Centre Car Parking Study, prepared by Tetra Tech, July 2022;
- 18.2.12 Cannock Chase Local Plan (Part 1) 2014;
- 18.2.13 Emerging Local Plan – Cannock Chase Local Plan 2018-2039;
- 18.2.14 Cannock Town Centre Development Prospectus
- 18.2.15 Cannock Chase Economic Prosperity Strategy 2022 - 2032;
- 18.2.16 Cannock Chase District Council's meeting minutes - Cabinet – 2 February 2022;
- 18.2.17 Cannock Chase District Council's meeting minutes – Cabinet - 15 September 2022;
- 18.2.18 Cannock Chase District Council's General Fund Revenue Budget and Capital Programme 2022 – 2025 - voted by Council on 16 February 2022
- 18.2.19 Scheme Specific Equality and Diversity Impact Assessment, 16 February 2023;
- 18.2.20 Planning application documents for Planning Application Reference number CH/23/0131.

Dated 12 June 2023

Cannock Chase District Council

Appendix 1

Details of individual plots included in the Order and explanation of the purposes for which each plot is needed for the Scheme

Plot Numbers (as shown on CPO Map)	Proposed use of land and/or reason for inclusion in the CPO
1, 2, 3,	For working space to facilitate the construction of the Scheme and the Northern Gateway crossing and closure of the existing underpass
4, 5, 6, 7, 8, 9, 10, 11, 12	For works for the construction of a new at grade pedestrian crossing (the Northern Gateway) and closure of existing underpass and associated landscaping works and boundary treatment
13	For landscaping works, boundary treatment and working space
14	For working space to facilitate demolition works to the multi-storey car park
15, 16	For works for the construction of new commercial premises, and continued pedestrian steps and ramps for the Northern Gateway
17	For works for the demolition of retail units and to facilitate the Northern Gateway access proposals and pedestrian access
18, 19	For works for the construction of public realm improvement
20, 21	For demolition works to the multi-storey car park
22, 23	For works for the construction of the new commercial premises, and working space
24	For works for the construction of the new commercial premises and leisure and cultural hub proposals
25	For demolition works for the multi-storey car park and for construction of the new commercial premises and leisure and cultural hub proposals and public realm proposals
26	For works for the construction of new leisure and cultural hub proposals
27	For working space to facilitate the demolition of the multi-storey car park and the construction of the leisure and cultural hub proposals
28	For working space to facilitate the construction of public realm and commercial premises frontage proposals

Plot Numbers (as shown on CPO Map)	Proposed use of land and/or reason for inclusion in the CPO
29, 30, 31, 32, 33	For works to facilitate the construction of public realm and commercial premises, frontages and theatre leisure and cultural hub proposals, including working space
34	For working space to facilitate new highway arrangements (including the relocation of existing disabled car parking bays in Church Street to Market Place)
35, 36, 37, 38, 38a	The Scheme's implementation is likely to render inoperable the premises' current use (second floor and ground floor access of 1, 3 – 9 Church Street, Cannock)
39	For working space to facilitate the new highway arrangements on Church Street
40	For works to facilitate the relocation of disabled access parking bays currently located on Church Street to Market Place
41, 42, 43, 44, 45	For working space to facilitate the construction of the new street level service arrangements and vehicle access highway proposals in Market Place
46	For construction of servicing arrangements
47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59	For working space and works to facilitate the construction of the new street level servicing arrangements bay and highway proposals in Market Place
60, 61, 62, 63, 64, 65	For working space and works to facilitate the relocation of disabled access parking bays in Market Place

Appendix 2

Summary of negotiations

Interest or Reputed Interest Key:

a. Freeholder
b. Freeholder Occupier
c. Mines and Minerals Freeholder
d. Sub Soil Freeholder
e. Leaseholder
f. Leaseholder Occupier
g. Occupier
h. Tenant Occupier
i. Tenant

Qualifying Person	Plot Number	Interest or Reputed Interest	Status of Negotiations
Bed & Mattress Factory Outlet	h. 16, 17	h. Tenant Occupier	Direct contact with the tenant occupier was made by the Council on 06 March 2023. An in-person meeting was held on 07 March 2023. The tenant is amenable to remaining in situ (with a revised unit footprint) and is supportive of the Scheme proceeding. Latest contact was made on 23 May 2023 to provide an update to the tenant following the Council's meeting with the tenant's landlord (Sisu Cannock Limited).
Bescot Promotions Limited	h. 19, 28, 29, 41, 42, 43, 44, 45, 46, 47, 48, 49, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60	h. Tenant Occupier	The qualifying person is the street market operator which manages the market on behalf of the Council under the terms of a licence. The Council intends to meet all of its contractual obligations to enable the street market operator to continue operating throughout the construction of the Scheme and after the Scheme is built. A liaison meeting was held on 24 March 2023 where an update on the progress of the Scheme was given by the Council. A mechanism is in place for attendance at pre-scheduled meetings between the parties.

Qualifying Person	Plot Number	Interest or Reputed Interest	Status of Negotiations
Cabot Investments Limited	e. 35, 36, 37, 38, 38a	e. Leaseholder	Initial meeting was held on 07 February 2023; a MS Teams meeting was held on 4 May 2023. Letter and Heads of Terms were issued on 18 May 2023.
Cannock Chase District Council	a. 1, 8, 11, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33, 35, 36, 37, 38, 38a d. 2, 3, 5, 6, 7, 9, 10, 14, 27, 34, 41, 42, 43, 61 e. 24	a. Freeholder d. Sub Soil Freeholder e. Leaseholder	The qualifying person is the Council, being both the acquiring authority promoting the CPO and the primary delivery partner for the Scheme. No negotiations are required as the Council is the person with the interest or reputed interest.
Cecil's Confectionary	h. 17	h. Tenant Occupier	The Council contacted the tenant on 10 March 2023 to inform them about the Scheme and to start negotiations to reach agreement to acquire their interest. The tenant confirmed that they had ceased trading and had no intention of occupying the unit going forward.
Easy Living Retail Cannock Limited	h. 24	h. Tenant Occupier	The Council has successfully negotiated with the tenant to agree proposals for the tenant to relocate to a property within the immediate vicinity. A superior leasehold interest in the property is currently owned by a third party (Sisu Cannock Limited). Heads of Terms have been agreed between Sisu Cannock Ltd and Easy Living Retail Cannock Ltd. A surrender of the lease on the existing unit took place on 15 May 2023 and the Council is now in possession of the unit.
Evolution Bar Limited	i. 35, 36, 37, 38, 38a	i. Tenant	Evolution Bar Limited is no longer operating from or occupying the premises. The Council is currently negotiating with the leaseholder, Cabot Investments Ltd, about acquiring its headlease interest in the property.
Gregory Jackson Nellist	h.26, 29	h. Tenant Occupier	Initial contact was made by the Council on 25 October 2022. The Council has put forward potential relocation

Qualifying Person	Plot Number	Interest or Reputed Interest	Status of Negotiations
			opportunities, which the tenant considered. The tenant identified a potential property but was unable to secure it due to restrictions. The Council is currently awaiting a further update from the Tenant.
Inspiring Healthy Lifestyles	e. 26	e. Leaseholder	Initial contact was made by the Council on 30 October 2021. The leaseholder currently provides leisure services in the Prince of Wales Theatre under contract. The Council has engaged fully with the leaseholder throughout the process of promoting the Scheme. The leaseholder will be relocated in the new, re-developed Prince of Wales Theatre and the intention is to vary their contract to enable them to occupy the enhanced facilities that the Scheme will provide.
Instant Managed Offices Limited	e. 31	e. Leaseholder	The Council's primary contact in respect of Unit 4, The Forum, has been with its occupier, the Department for Work and Pensions (in respect of a Jobcentre Plus), in respect of which the qualifying person is the landlord via a sub-lease. The Council is also negotiating with the head-leaseholder, New Forum Holdings Limited.
New Forum Holdings Limited	e.30, 31, 32, 33	e. Leaseholder	The Council has entered into dialogue with the qualifying person to acquire interests and to keep them apprised of progress with the Scheme. Dialogue is ongoing to reach agreement. The Council is still working towards an agreement and has had extensive negotiations. Negotiations have been taking place from the date of the LUF grant award (October 2021). Contact has been maintained throughout that period, to the present day, via emails, letter, verbal conversations and MS Teams calls. All communication channels remain open. A letter of support for the Council's original LUF bid application was provided by this qualifying person.

Qualifying Person	Plot Number	Interest or Reputed Interest	Status of Negotiations
Salvation Army Trading Company Limited	e. 16 f. 17	e. Leaseholder f. Leaseholder Occupier	The Council contacted the qualifying person on 21 February 2023 to inform them about the Scheme, the proposed CPO and to start negotiations about acquiring the qualifying person's interest by agreement. The Council is currently awaiting confirmation of the qualifying person's position on relocation options.
Shoe Zone Retail Limited	f. 30	f. Leaseholder Occupier	On 24 February 2023 the Council made initial contact with the qualifying person for the acquisition by the Council of the qualifying person's interest. Heads of Terms were discussed between the parties on 24 April 2023. Terms for the Council's acquisition of the qualifying person's interest and their vacating the property are currently being negotiated.
Sisu Cannock Limited	e. 11, 16, 17, 18, 19 f. 15	e. Leaseholder f. Leaseholder Occupier	The Council entered into dialogue with the qualifying person on 22 September 2022 to discuss acquiring their interests in the land required for the Scheme, and to update them on the progress of the Scheme. Sisu Cannock Ltd have recently leased Cannock Shopping Centre and were aware of the Council's plans prior to completion of their acquisition. Heads of Terms were exchanged on 04 May 2023, and the parties are now moving towards exchange of contracts.
South Staffordshire Water PLC	g. 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 19, 20, 24, 25, 27, 28, 34, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65	g. Occupier	Negotiations are being progressed on the Council's behalf, through its multi-disciplinary team, and it is anticipated that a mutually agreed solution addressing SSW infrastructure and apparatus within the vicinity of the Scheme will be achieved between the parties.

Qualifying Person	Plot Number	Interest or Reputed Interest	Status of Negotiations
Staffordshire County Council	b. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 14, 19, 27, 28, 34, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65	b. Freeholder Occupier	The Council is in constant dialogue with this qualifying person given their role as the local highway authority. Design, planning and delivery arrangements for all Scheme proposals continue to be progressed in a joint manner. The qualifying person is a supporter of the Scheme and there is an ongoing positive, constructive relationship between the parties.
The Secretary of State for Work and Pensions	f. 31	f. Leaseholder Occupier	The Council has been in dialogue with the qualifying person since the LUF bid stage on 18 June 2021. A letter requesting 'appropriate authority' consent to include the Crown land plot (plot 31) in the CPO was issued to the qualifying person (Department for Work and Pensions) by email on 17 February 2023 and a formal response is awaited. The Council is also awaiting written confirmation that the qualifying person has vacated the property (which has appeared unoccupied since April 2023, with customers being redirected to the Jobcentre Plus on Beecroft Road, Cannock).
Vodafone Limited	g. 24	g. Occupier	As of 22 May 2023 the qualifying person is close to agreeing lease terms for a replacement site for its apparatus (currently located within plot 24). Subject to completion thereof, the current site will be decommissioned.