

**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**

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**STATEMENT OF CASE**

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

**Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules 2007**

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**19 December 2023**

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## 1. INTRODUCTION

- 1.1 This Statement of Case ("**Statement**") has been prepared by the Cannock Chase District Council in its capacity as acquiring authority pursuant to Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules 2007.
- 1.2 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.
- 1.3 This Statement describes the land which is proposed to be compulsorily acquired pursuant to the Order ("**Order Land**"), explains why the Order was made, and responds to objections to the Order.
- 1.4 The 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.
- 1.5 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.
- 1.6 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.
- 1.7 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.
- 1.8 On 4 July 2023 the Council submitted the Order (in hard copy) to the Secretary of State for Levelling Up, Housing, and Communities ("**Secretary of State**") for confirmation pursuant to the Acquisition of Land Act 1981. Associated documentation in support of the making of the Order, including the General Certificate required by the Department of Levelling-Up, Housing and Communities' Guidance on Compulsory Purchase Process and the Crichel Down Rules (July 2019) ("**the CPO Guidance**"), was submitted electronically on 7 July 2023. If confirmed by the Secretary of State, the Order will enable the Council to acquire the Order Land compulsorily.
- 1.9 The Council has been advised by the Planning Casework Unit that the Secretary of State has received 8 objections to the Order. Accordingly, by way of a letter dated 7 November 2023 ("**the relevant date**") the Secretary of State has given notice of his intention to hold a public inquiry into the objections raised to the Order.
- 1.10 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 **CPO 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 set out below.

## 2. **BACKGROUND TO, AND NEED FOR, THE SCHEME**

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](http://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 former 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 re-provision 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 COUNCIL AS DEVELOPER

4.1 The Council is intending to deliver the Scheme and will control procurement of key contractors and delivery partners. This direct approach is necessary due to a clear lack of private sector developer interest and confidence in Cannock town centre as a place to invest. The Council has previously invited developer interest and has sought to explore opportunities to work with developer partners. In 2019, developer proposals were outlined for a leisure-led multiplex cinema and food court. Although this opportunity included substantial public sector gap-funding and an assurance that the Council would cover any void periods, the proposals were not taken forward in consequence of a reduction in developer confidence due to the market disruption caused by the Covid-19 pandemic and related 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, and despite the very clear need for regeneration of Cannock town centre, as outlined in section 2 of this Statement. It is in this context, and due to the pressing need for the regeneration of Cannock town centre, that the Council is stepping in to deliver the Scheme itself.

4.2 If there currently were such private sector interest, it is likely that 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 in the current economic circumstances.

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 and will bring the benefit of this experience to its delivery of the much-needed regeneration of Cannock town centre.

## 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 13<sup>th</sup> March 2023 and was accepted as being validly made on 13<sup>th</sup> March 2023. The planning application (reference number CH/23/0131) was reported to the Council's Planning Control Committee on 15 November 2023 who resolved to approve the application subject to conditions and the completion of a section 106 agreement. Reserved matters applications will be submitted to the Council in Q1 of 2024.
- 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 a mixed-use leisure and cultural hub, refurbishment of the 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 1,328sqm), 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 1,328 sqm of office floorspace and approximately 190 new jobs with provision for hybrid working and business coaching.

### **Northern Gateway**

- 5.11 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**

- 5.12 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.
- 5.13 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**

- 5.14 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**

- 5.15 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**

- 5.16 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**

- 5.17 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.

- 5.18 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**

- 5.19 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**

- 5.20 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.

- 5.21 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.
- 5.22 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.
- 5.23 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.
- 5.24 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, which forecasted demand until 2027.
- 5.25 Some on-street parking spaces will 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.
- 5.26 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.

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

### National Planning Policy

#### The National Planning Policy Framework (September 2023)

- 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 September 2023) 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, Cannock 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 **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 which examines likely changes in travel movements as a result of the proposed development. It concludes that the Scheme is likely to lead to a relatively small increase in the number of vehicle trips to and from the town centre. Increases in the capacity of the adjacent road junctions are unlikely to be necessary but the proposed Toucan crossing of the Ringway that will replace the existing subway will need to be designed to minimise any negative impacts on traffic flow and to ensure road safety. As such the Local Highway Authority raised no objection to the planning application, on the basis that planning permission, if granted, would be subject to appropriate conditions and subject to the Council entering into a section 106 agreement. As noted in paragraph 5.3 above, the Council’s Planning Control Committee resolved, on 15 November 2023, to grant planning permission for the Scheme on this basis.
- 6.33 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. The local planning authority considered that the site currently contains a mix of retail uses (alongside the disused Market Hall and parking areas) which directly detract from the vitality of the town centre and which have remained empty for a number of years. Promoting reuse or redevelopment is therefore a priority and is likely

to lead to the regeneration of the area, leading to wider enhanced vitality and viability as envisaged by the Policy CP11.

6.34 **Policies CP12 and CP13** relate to Biodiversity, Geodiversity and the Cannock Chase Special Area of Conservation (SAC). In accordance with paragraph 174 of the NPPF there is a requirement for decisions on planning applications to contribute to and enhance the natural and local environment. As the site is currently predominantly hardstanding this requirement can be achieved via an appropriate landscape plan which has been secured via condition. Impacts upon the SAC are considered to be adequately mitigated via a section 106 contribution, to be secured by the planning permission (as noted in the resolution to grant, dated 15 November 2023).

6.35 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. Whilst Historic England and the County Archaeologist raised some concerns with the proposals the local planning authority considered that conditions are capable of adequately addressing these concerns. Accordingly, the Planning Control Committee resolved to grant planning permission subject to conditions proposed to address concerns around access to the local church and nearby businesses, requiring detailed phasing plans for demolition and plans showing access routes to the public realm, together with details of screening during site redevelopment.

### **Emerging Local Plan – Cannock Chase Local Plan 2018-2039**

6.36 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.

6.37 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.

6.38 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.

6.39 The Cannock Chase District Local Plan Pre-Submission Consultation (Reg 19) sets out the following draft policies that are relevant to the Scheme:

6.40 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”.

6.41 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.”

6.42 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**

6.43 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.

6.44 The outline planning application with all matters reserved for outline planning permission for the Scheme was submitted by the Council on 13<sup>th</sup> March 2023 and was registered as a valid application on 13<sup>th</sup> March 2023.

6.45 Having examined the planning application, the local planning authority concluded that as the proposals aim to enhance accessibility, traffic movement, parking and servicing and the public realm, overall it is considered that the development broadly complies with the requirements of the Local Plan that seek to build upon Cannock Town Centre’s role as a subregional strategic centre. The uses proposed align with those within Policy CP11 and the site is a sustainable location which is Previously Developed Land, the re-use of which should be afforded substantial weight, as per NPPF paragraph 118(c). As such, in principle the redevelopment of this town centre site aligns with the NPPF ambition to promote economic growth through the regeneration of sustainably located town centre sites.

6.46 Accordingly, on 15 November 2023, the application was reported to the Council’s Planning Control Committee, who unanimously resolved to approve it, subject to conditions and the completion of a section 106 agreement. The resolution to grant planning permission and the Planning Officer’s report are included in the documents listed in paragraph 20.2.21 of this Statement as documents which the Council intends to rely on or put in evidence at the Inquiry.

## **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 15 below.

## 8. **FUNDING FOR THE SCHEME**

- 8.1 The Scheme has a total cost of £37.2 million. The funding for the Scheme comprises:
- a £20 million grant from the UK Government's Levelling Up Fund ("LUF funding"); and
  - a £17.2 million contribution from Cannock Chase District Council ("Council's capital contribution").
- 8.2 The LUF funding has been granted in response to the Council's application to the Department for Levelling Up, Housing and Communities ("**DLUHC**") in June 2021 for Levelling Up Funding. The LUF funding is subject to a specified spending deadline of 31 March 2025.
- 8.3 The Council's capital contribution will be provided from the Council's own funds. The decision to provide the Council's capital contribution was taken in February 2022, when:
- the Council's Cabinet agreed on 2 February 2022 to recommend to full Council that the capital programme should be amended to enable the Council's capital contribution to support the Levelling Up Fund scheme (referred to in this Statement as "the Scheme"); and
  - the requirement for the Council's capital contribution was then included in the recommendations regarding the Council's General Fund Revenue Budget and Capital Programme 2022 – 2025, which was considered and approved by full Council on 16 February 2022.
- 8.4 The cost plan of the Scheme is based on detailed work (to RIBA stage 3) 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. Cost overruns are provided for by means of a contingency allowance (within the total Scheme budget) which includes secured Council investment. The Council's capital contribution is not subject to a specified spending deadline.
- 8.5 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.

8.6 Consequently, the Council has in place the funding required to ensure delivery of 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 1,328 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.
- 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 15 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 15 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 were taking place prior to the making of the Order, and remain ongoing, 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 have continued notwithstanding the making of the Order.

10.3 In this context, the Council has made efforts to engage with landowners and to acquire the land and rights needed to deliver the Scheme through private treaty negotiations. Most notably this includes:

### (a) **Units 1 – 3 Cannock Shopping Centre**

The Council owns the freehold interest.

The long leasehold interest is owned by Sisu Cannock Limited as an investment. The Council has agreed terms to acquire the long leasehold interest and this is being documented legally; the Council anticipates this acquisition will be completed shortly, to allow for delivery of the first phase of the Northern Gateway public realm (including pedestrian crossing over the A34 Ringway) to commence.

With regard to the occupational interests, the Council has been engaging with the occupiers.

- Unit 1 is vacant and will not be re-let.
- Unit 2 is occupied by the Salvation Army. The Council and the occupier are in advanced negotiations, aimed at providing the occupier with certainty regarding the compensation payable and confirmation that the occupier's relocation costs will be covered by the Council. The Council understands that the occupier is considering a potential move into a nearby vacant unit.
- Unit 3 is occupied by the Bed & Mattress Factory Outlet and the occupier has successfully secured a lease on another town centre retail unit, which will facilitate their relocation (the date of which is expected to be confirmed imminently).

(b) **The Forum Shopping Centre**

The Council owns the freehold interest.

The long leasehold interest is owned by New Forum Holdings Limited as an investment. The Council is in advanced negotiations with the leasehold owner's agent and is considering an invitation to purchase the long leasehold interest. The Council remains willing to treat with the leasehold owner, but in the event that commercial terms, which align with the timescales for delivery of the Scheme, cannot be agreed, the Council will be obliged to deploy powers of compulsory purchase (in the event that the Order is confirmed).

With regard to the occupational interests, the Council has been engaging with the occupier, ShoeZone, and has reached agreement on commercial terms regarding the quantum of compensation, and facilitating the relocation of ShoeZone's business premises.

(c) **Church Street and Market Place**

The Council owns the freehold interest.

The long leasehold interest is owned by Cabot Investments Limited as an investment. The Council has been engaged in negotiations with the leasehold owner to agree terms for the termination of existing rights of vehicular access / egress to the rooftop area, which will prevent access to car parking within the demised area, in consequence of the Scheme (i.e. the demolition of the multi-storey car park ramp access which also provides access (passing over the rooftop of the Forum Shopping Centre) to the rooftops of premises on Church Street and Market Place). The Council is awaiting the leasehold owner's response to proposed commercial terms and remains ready and willing to reach agreement on those terms.

In terms of occupiers, with the exception of the user of the former nightclub premises (which the Council considers has been abandoned), it is not anticipated that the parking and servicing arrangements of the occupiers will be impacted by 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 (the former Evolution Bar on Church Street). 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.
- 11.7 South Staffordshire Water plc has submitted an objection to the Order, a summary of which is included in section 13 of this Statement, alongside the Council's response thereto.

### **Crown land**

- 11.8 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.
- 11.9 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.
- 11.10 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 willing to provide the Council with Crown authority consent and vacant possession, subject to the Council entering into a settlement agreement with DWP, a draft of which has been prepared by the DWP's legal representatives, and is currently with the DWP for review prior to being shared with the Council. As explained in section 13 (Council's response to Objections) below, the Council has submitted a commercial proposal to the DWP for consideration and currently continues to await the DWP's response to that proposal. It is the parties' shared intention that terms, once agreed, shall be documented in the above-mentioned settlement agreement, pursuant to which the DWP's objection to the Order would be withdrawn.

## 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 14 and 15 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. On 15 November 2023 the planning application was reported to the Council's Planning Control Committee who unanimously resolved to grant planning permission for the Scheme, subject to conditions and the completion of a section 106 agreement.

- (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. COUNCIL'S RESPONSE TO OBJECTIONS

13.1 A total of 8 objections were made to the Order. A summary of those objections, and the Council's response to each, is set out in the table below. Whilst some of the grounds of objection are raised by more than one objector, for clarity each ground raised by each objector is included in the table.

Objector (& interest in Order Land)	Summary of key issues raised in objection	Council's Response
<p><b>Cabot Investments Limited</b> ("Cabot")</p> <p><b>Table 1:</b> leasehold interest in plots 35, 36, 37, 38 and 38a (Evolution Bar, 1 &amp; 3-9 Church Street).</p> <p><b>Table 2:</b> presumed rights of access across plot 28 (part of Market Hall Street).</p>	<p><u>No compelling case in the public interest due to:</u></p> <p>(a) planning impediment – the Scheme does not yet have planning permission</p> <p>(b) concerns re viability - it is not certain the Scheme will attract occupiers and succeed in the current economic climate;</p> <p>(c) therefore there is no compelling case.</p>	<p>(a) On 15 November 2023, the Council's Planning Control Committee unanimously resolved to grant planning permission subject to (i) appropriate conditions (which are set out in the resolution to grant); and (ii) the completion of a section 106 agreement (which is currently being progressed by the Council). Reserved Matters Applications are currently being prepared for submission in Q1 of 2024. As such, it is not anticipated that matters associated with planning permission will be an impediment to the implementation of the Scheme, or to the implementation of the Order should it be confirmed by the Secretary of State in due course.</p> <p>(b) The principal future occupier of the Scheme is the Council's existing leisure provider, IHL, as set out in section 4 of this Statement. The Council is in commercial discussions with other potential future occupiers for the Scheme, with renewed interest following the publication of the resolution to grant outline planning consent. Funding and viability considerations are set out in sections 8 and 9 of this Statement.</p> <p>(c) The Council does not agree with Cabot's contention that there is no compelling case for the confirmation of the Order. The need for the Scheme (in support of which the Order is made) is explained in sections 2 and 4 of this Statement; the benefits that the Scheme would bring are set out in section 9 of this Statement and, for the reasons also set out in section 9, it is clear that there is a compelling case for the confirmation of the Order.</p>
	<p><u>No nightclub/entertainment use</u></p> <p>The property has the potential to be used as nightclub / entertainment venue with residential accommodation but the Scheme doesn't allow for</p>	<p>Section 5.2 of the Council's application for Levelling Up Funding (document referenced at paragraph 20.2.3 of this Statement) demonstrates how the Scheme is seeking to address existing and anticipated problems within Cannock town centre. The development mix incorporated within the Scheme has been informed by market demand assessments and soft market testing.</p> <p>The above-mentioned market assessment (document referenced at paragraph 20.2.10 of this Statement) did not suggest that incorporating a nightclub / residential flat would be compatible with the scheme vision to enhance existing cultural assets, develop new office space, improve</p>

Objector (& interest in Order Land)	Summary of key issues raised in objection	Council's Response
	this.	<p>public realm and pedestrian connectivity, and introduce later living residential premises into the town centre.</p> <p>The Council understands that the former nightclub premises (formerly known as Evolution Bar) on Church Street are currently vacant (and available to let) and have been subject to several management changes in recent years, reflecting the finding of the above-mentioned market assessment which indicates a shift away from late evening / night entertainment venues, and growing trend towards enhancing cultural assets, such as the existing Theatre, as well as the creation of family-friendly food and drink outlets. The Council is of the view that the use of the premises on Church Street as a nightclub has been all but entirely abandoned, and that, given the past history and current condition of the premises, the prospect of the premises being re-let for use as a nightclub is remote.</p> <p>However, in the event that the future use of the property is restricted by the Scheme as its owner implies, they will be entitled to make a claim for compensation for this loss in the usual way under the Compensation Code.</p>
	<p><u>Construction impacts</u></p> <p>Works will “provide a persistent nuisance to Cabot’s tenants” on the ground floor (including Boots).</p>	<p>In terms of existing occupiers, since the Order was made, the Council has become aware that Boots is no longer trading from its unit (1 Church Street / Order Plot 38) and the forthcoming closure of Barclays Bank (2 Market Place / outwith the Order Land) has been announced and is expected in February 2024. Notwithstanding current occupation / vacancies, the Council considers that the Scheme’s proposed new service laybys south of the Cabot units will enable trading to continue without detriment. Similarly the Council anticipates that pedestrian access will be retained around three sides of the Cabot units.</p> <p>The planning permission for the Scheme will be subject to conditions which require full details of any proposed closures to the public realm, public footpaths or highways, as well as associated screening type and position, to be submitted to and agreed in writing by the Local Planning Authority, in order to ensure that pedestrian and vehicular safety is maintained and impacts on the footfall to local business are minimised, during the construction and delivery of the Scheme (see condition #8 at Item 6.7 in the document referenced at paragraph 20.2.21 of this Statement). Similar conditions will be imposed in order to mitigate any potential adverse impacts from noise and construction activities (see conditions #9, #10 and #15) and a Construction Method Statement (to control and manage the impacts of demolition and construction works - see condition #16) will also be required for approval by the Local Planning Authority prior to the commencement of the development of the Scheme.</p>

Objector (& interest in Order Land)	Summary of key issues raised in objection	Council's Response
	<p><u>Concerns re loss of access</u></p> <p>Insufficient information has been provided about how Cabot's interests "will not be compromised by the loss of access to the goods lift, the tenant's air condition units, secondary fire escapes, sprinkler system and fire safety equipment, and access to the residential accommodation".</p>	<p>The Council considers that the Scheme's proposed new service laybys south of the Cabot units will enable trading to continue without detriment. Similarly the Council anticipates that pedestrian access will be retained around three sides of the Cabot units. Walktime and travel distance studies indicate that the alternative pedestrian routes proposed during the construction phase will not materially impact on footfall to Cabot Investment Properties' units. This finding is supported by analysis of existing footfall (in the document referenced at para 20.2.22 of this Statement) provided by Sisu Cannock, the operator of Cannock Shopping Centre, which demonstrates that the majority of footfall emanates from Market Hall Street rather than via the existing subway, the redevelopment of which forms the 'Northern Gateway' part of the Scheme.</p> <p>For the avoidance of doubt, throughout the regeneration works pedestrian access to premises on Church Street would be maintained from the south and west (via Wolverhampton Road) and from the east (via Church Street). Pedestrian access from Beecroft Road Car Park via Market Hall Street (from the north) would be removed whilst the Northern Gateway works were being delivered. Pedestrian access via Church Street (from the north) will be maintained during the works.</p>
	<p><u>Failure to negotiate</u></p> <p>Some engagement with the Council but "no realistic or viable offers to acquire the interests in the Property have been proposed" by the Council, and despite having "offered to find a mutually agreeable value with the Council".</p>	<p>The Council does not agree with this statement. The Council has engaged with Cabot and provided Heads of Terms for consideration on 18 May 2023 – see Appendix 2 to this Statement, and the following narrative, for a summary of negotiations.</p> <p>The Council first contacted Cabot, in its capacity as leasehold owner of the property affected by the Scheme, on 7 February 2023; the Council explained the background to the Scheme and the need to regenerate Cannock town centre. Since that time, in addition to statutory notifications associated with the planning application for the Scheme and with the Order, further regular communications were held over the course of 2023 to the present time.</p> <p>In February 2023, Cabot was sent written notification that, in order to facilitate the construction of the Scheme the Council would need to suspend or extinguish rights of access over The Forum, pursuant to Cabot's leasehold interest, which the Council hoped could be secured by negotiation, but should that not prove possible, powers of compulsory acquisition would be relied upon.</p> <p>Following a meeting in May 2023, the Council has submitted heads of terms to Cabot, following a number of emails and meetings with Cabot's appointed agent to discuss the heads of terms and reach agreement on the terms of the Council's proposed suspension of Cabot's</p>

Objector (& interest in Order Land)	Summary of key issues raised in objection	Council's Response
		<p>rights of access over the multi-storey car park ramp, by agreement. Despite chasing, the Council awaits a response from Cabot's agent. The Council remains ready and willing to reach agreement.</p> <p>The Council will continue to work with Cabot with the aim of reaching an agreed position before the Inquiry into the Order.</p>
	<p><u>Commercial impacts</u></p> <p>The "scheme will have a knock-on impact on Cabot's future income / letting potential by virtue of the "unit [becoming] shrouded by a development site".</p>	<p>There is no evidence put forward by Cabot to support this claim. The delivery of the Levelling Up Scheme will enhance the town centre; the core purpose of the Scheme is to regenerate a failing part of the town centre.</p> <p>The Scheme will re-purpose a central area totalling 1.36ha, including 3,980sqm of vacant retail floorspace. Note that this was the figure in June 2021, when the Council's application for Levelling Up Funding was submitted to the Department for Levelling Up, Housing and Communities (DLUHC); since that time, additional units within Cabot's leasehold interest have been vacated such that the area of vacant retail floorspace has now increased. The most prominent retailer that has recently vacated premises it previously occupied as a sub-tenant of Cabot is Boots the Chemist.</p> <p>The Scheme and its constituent parts would bring a new economic purpose to the town centre by delivering highly visible transformational change. If delivered, this will act as the catalyst for the longer-term revival of the town centre and will in turn improve investor confidence.</p> <p>It is the Council's opinion that the realisation of the economic benefits which the Scheme has the potential to deliver (see section 9 of this Statement) would have the effect of enhancing the longer-term future letting potential of Cabot's property.</p> <p>In the event that the ongoing use of the property is restricted by the Scheme as Cabot implies, they will be entitled to make a claim for compensation for this loss in the usual way under the Compensation Code.</p>
	<p><u>Should instead acquire entire leasehold interest</u></p> <p>Cabot invite the Council to acquire its entire leasehold interest (including the land included in the CPO) as "it is</p>	<p>The Council does not require the entire leasehold interest to enable it to proceed with the Levelling Up Fund Scheme and has included in the Order only the extent of Cabot's leasehold interest which is required to enable the delivery of the Scheme.</p> <p>The Council considers, for the reasons noted above in relation to 'commercial impacts', that the impact of the Scheme on the business operations of Cabot's existing tenants will be beneficial in the long term.</p>

Objector (& interest in Order Land)	Summary of key issues raised in objection	Council's Response
	unreasonable for Cabot and its undertenants to operate at a property that is not included in the Scheme".	
	<p><u>Loss of car parking</u></p> <p>Existing provision (both within Cabot's leasehold interest and in the adjacent multi-story carpark) will be lost to the Scheme.</p>	<p>Cabot holds a long leasehold interest over the demised property; this includes rights of access/egress to the rooftop area above The Forum, via the ramp to the multi-storey car park. The demised property does not include a right to park in the multi-storey car park, nor does it include specific rights to park vehicles on the rooftop area. The multi-storey car park and associated access ramp will need to be demolished to enable the Scheme to come forward.</p> <p>Accordingly, the existing service ramp and rooftop access road will be removed as a consequence of the Scheme. In the event of any consequential loss of rooftop car parking provision, customers of Cabot's sub-tenants would, alternatively, be able to use public car parking provision in the nearby Beecroft Road Pay &amp; Display car park.</p> <p>In the event that the ongoing use of Cabot's property is restricted by the Scheme as Cabot implies, they will be entitled to make a claim for compensation for this loss in the usual way under the Compensation Code.</p>
	<p><u>Human rights</u></p> <p>Unjustified interference with Cabot's human rights.</p>	<p>The Council continues to consider that there is a compelling case in the public interest that meets the requirements of the European Convention on Human Rights and complies with the Human Rights Act 1998.</p> <p>The Council has carefully considered the balance to be struck between individual rights and the wider public interest (as explained in section 14 of this Statement), and continues to consider that any interference with Convention Rights is justified in order to secure the benefits which the Scheme will bring.</p> <p>The CPO process provides an opportunity for persons affected by the Council's proposals to object to the Order and the public inquiry process presents an opportunity for a fair hearing. Where loss is suffered by private individuals, appropriate compensation will be available to those entitled to claim it under the relevant statutory provisions.</p>

Objector (& interest in Order Land)	Summary of key issues raised in objection	Council's Response
<p><b>Department for Work and Pensions</b> ("DWP")</p> <p><b>Table 1:</b> sub-lessee and occupier of plot 31 (JobCentre Plus, Unit 4, the Forum)</p>	<p>DWP is willing to provide Crown authority consent and vacant possession, subject to the Council entering into a settlement agreement with DWP.</p>	<p>The Council has been in formal correspondence with the DWP since February 2023, and with the DWP's legal representatives since the making of the Order in June 2023, with the aim of progressing formal negotiations in relation to the Scheme and its impact on premises (located within The Forum Shopping Centre) which, until April 2023, were occupied and used by the DWP as a JobCentre Plus.</p> <p>Prior to formal correspondence having been issued, the Council had been given to understand that the DWP was supportive of the Scheme and willing to move to premises elsewhere in order to help to enable the Scheme to come forward. Indeed, the Council observed that from Monday 17 April 2023 the JobCentre premises were closed and vacated by the DWP, with signage affixed on site to re-direct job seekers to the (alternative) JobCentre Plus premises on Beecroft Road, Cannock WS11 1JR.</p> <p>In formal correspondence dating from June 2023, the Council has received assurances that the DWP is willing to provide Crown authority consent to the inclusion in the CPO of Plot 31 (the former JobCentre Plus premises in The Forum) subject to the Council entering into a settlement agreement. Whilst settlement options have been proposed by both parties (DWP and the Council), the parties have yet to reach agreement on a mutually acceptable commercial settlement option.</p> <p>However, the Council understands that the DWP is currently considering a draft form of settlement agreement (the purpose of which will be to document the commercial settlement), prepared by the DWP's legal representatives, and that this draft will shortly be shared with the Council for consideration. It is anticipated that the withdrawal of the DWP's objection to the Order would follow the completion of the settlement agreement by the parties.</p>
<p><b>T J Morris Ltd t/a Home Bargains</b></p> <p><b>Table 1:</b> freeholder and occupier of plots 20 (Home Bargains) and 22 (Unit 2, Market Hall Street), and freeholder of plots 21 (Unit 2 Market</p>	<p><u>Conflict between outline planning application and CPO</u></p> <p>(a) Design and access statement states that a "replacement retail unit for Peacocks and Home Bargains will be required</p>	<p>(a) (b) and (c) The outline planning application for the Scheme was submitted to the Local Planning Authority in March 2023, ahead of the Order being made in June 2023. In the intervening period, the Council considered the position that TJ Morris Ltd t/a Home Bargains ("Home Bargains") (in respect of retail premises known as / occupied by Home Bargains and Peacocks) had taken in response to the Council's positive efforts to negotiate and secure a relocation solution, and took the decision to pause the element of the Scheme that related to the Home Bargains unit. Rather than create unnecessary delay to the consideration of the outline planning application, the Council elected to proceed with the outline planning application in its original form. This approach retains</p>

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<p>Hall Street) and 23 (Peacocks) however all such interests <u>have been excluded</u> from the Order.</p> <p><b>Table 2:</b> rights of access and easement over plot 18, presumed rights of access and easement over plot 19, personal covenants over plot 20, and presumed rights of access over plot 28.</p>	<p>in advance of any closure of existing store and demolition”.</p> <p>(b) The parameter plan shows a proposal for extra care / retirement development on the site currently occupied by Home Bargains and Peacocks.</p> <p>(c) The landscape and visual statement refers to extra care / retirement accommodation and replacement retail unit up to 1,858m2.</p> <p>(d) No explanation for excluding the property occupied by Home Bargains and Peacocks from the CPO.</p>	<p>the potential for the full Scheme to be delivered, whilst the Council continues to attempt to reach a positive outcome with Home Bargains.</p> <p>(d) Prior to making the Order the Council had sought to acquire the premises owned and occupied by TJ Morris Ltd t/a Home Bargains (“Home Bargains”) (i.e. retail premises known as / occupied by Home Bargains and Peacocks) and, as noted in the documentation supporting the planning application for the Scheme, the Council’s original intention was to seek to relocate Home Bargains and Peacocks and to acquire and then demolish the existing retail units to make way for the retirement living complex, as part of the Scheme to regenerate the town centre.</p> <p>Unfortunately, however, the Council’s sustained efforts to reach a commercial settlement with Home Bargains and to identify relocation premises that were acceptable to Home Bargains (a summary of which is provided at Appendix 2 to this Statement) proved unsuccessful. Whilst early work on the draft Order documentation did include Home Bargains’ premises, in order to seek to protect the viability of the Scheme, the Council excluded Home Bargains from the Order and is currently preparing to take forward only the elements of the Scheme which do not require the removal or relocation of Home Bargains and/or Peacocks.</p> <p>The retirement living complex is therefore not expected to be brought forward in parallel with the redevelopment proposals which the Order would facilitate, but should the premises currently occupied by Home Bargains / Peacocks become vacant in the future, the Council would endeavour to bring forward this element of the proposed development as part of a later phase implementing this further element of the planning application.</p>
	<p><u>Construction impacts</u></p> <p>(a) “Changes to the town centre resulting from the scheme will render their business...unprofitable and unviable”.</p> <p>(b) Will be impossible to operate their business properly whilst “major demolition and</p>	<p>(a) There is no evidence put forward by Home Bargains to support the claim that changes to the town centre resulting from the Scheme will render their business unprofitable and unviable. The delivery of the Levelling Up Scheme will enhance the town centre; the core purpose of the Scheme is to regenerate a failing part of the town centre.</p> <p>The Scheme will re-purpose a central area totalling 1.36ha, including 3,980sqm of vacant retail floorspace. Note that this was the figure in June 2021, when the Council’s application for Levelling Up Funding was submitted to the Department for Levelling Up, Housing and Communities (DLUHC); since that time, additional units have been vacated such that the area of vacant retail floorspace has now increased. Most notably, the Form Shopping Centre has just two tenants remaining in occupation currently, and prominent</p>

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	<p>reconstruction works take place in very close proximity to them".</p> <p>(c) Serious concerns re safety, access and disturbance (noise/dust).</p>	<p>retailers, such as Boots the Chemist have vacated their premises (formerly at 1 Church Street); in addition, Barclays Bank will be closing its Cannock Branch (currently located at 2 Church Street) in February 2024.</p> <p>The Scheme and its constituent parts would bring a new economic purpose to the town centre by delivering highly visible transformational change. If delivered, this will act as the catalyst for the longer-term revival of the town centre and will in turn improve investor confidence.</p> <p>(b) The Council anticipates that pedestrian access to Home Bargains and Peacocks existing premises would be retained notwithstanding the delivery of the Scheme. Walktime and travel distance studies indicate that the alternative pedestrian routes proposed during the construction phase will not materially impact on footfall to Home Bargains' and Peacocks' trading premises. This finding is supported by analysis of existing footfall (in the document referenced at para 20.2.22 of this Statement) provided by Sisu Cannock, the operator of Cannock Shopping Centre, which demonstrates that the majority of footfall emanates from Market Hall Street rather than via the existing subway, the redevelopment of which forms the 'Northern Gateway' part of the Scheme.</p> <p>(c) Documents provided to the Local Planning Authority in support of the outline planning application for the Scheme proposed a number of measures to mitigate the potential effects of dust emissions arising from demolition and construction works. The proposed mitigation measures are as follows:</p> <ul style="list-style-type: none"> <li>i. Communications with stakeholders and engagement prior to commencement of works; displaying the name and contact details of the person accountable for air quality and dust issues on the site;</li> <li>ii. Implementing dust management protocols, recording complaints, liaising with other construction sites in the vicinity, implementing inspection processes, planning site layouts so that dust generating uses are located away from receptors as far as possible, taking account of weather, enclosing high dust-generating activity, and avoiding site run off;</li> <li>iii. During demolition using water suppression, soft-stripping buildings ahead of demolition, avoiding explosive blasting; and</li> <li>iv. Minimising track-out of material, avoiding dry sweeping, implementing wheel</li> </ul>

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		<p>wash facilities, and installing hard surfaced haul routes where required.</p> <p>The Planning Control Committee resolved to grant planning permission for the Scheme subject to the following conditions to mitigate the potential impacts of noise and dust: condition #15 restricts construction and demolition activities within the site, including deliveries and ground works, to specific daytime working hours (and precludes construction activity on Sundays and public holidays) (see Items 6.9 and 6.10 in the document referenced at paragraph 20.2.21 of this Statement). Similar conditions will be imposed in order to mitigate any potential adverse impacts from noise and construction activities (see conditions #9 and #10) and a Construction Method Statement (to control and manage the impacts of demolition and construction works - see condition #16) will also be required for approval by the Local Planning Authority prior to the commencement of the development of the Scheme.</p> <p>The planning permission for the Scheme will also be subject to conditions which require the submission to, and approval by, the Local Planning Authority of a Construction Management Plan to ensure that construction impacts are mitigated – see condition #16. Similarly, conditions #7 and #8 (respectively) secure a detailed Demolition and Development Phasing Plan, and full details of any proposed closures of the public realm, public footpaths and highways, plus the type and location of associated construction screening, the objective being to maintain pedestrian and vehicular access and safety and to minimise the impacts on footfall to local businesses. The full set of proposed planning conditions is set out in the document referenced at paragraph 20.2.21 of this Statement.</p> <p>In the event that the ongoing use of the property is restricted by the Scheme as Home Bargains implies, however, they will be entitled to make a claim for compensation for this loss in the usual way under the Compensation Code.</p>
	<p><u>Changes to nature of the town centre</u></p> <p>(a) Move towards evening economy (cultural hub and leisure elements) will reduce footfall for retail units post-scheme completion.</p>	<p>(a) The purpose of a regeneration scheme supported by the Levelling Up Fund is to create an environment in which the local economy improves rather than degrades. The confirmation of the Order, and the implementation of the Scheme (i.e. the elements of the planning application) that it supports would not preclude Home Bargains' and Peacocks' units from remaining within the heart of the town centre, where they would benefit from improved public realm and a new café opposite their frontages.</p> <p>In this context, the Council does not consider that the proposed changes to the town centre will reduce footfall for retail units post-delivery of the Scheme; on the contrary – the</p>

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	<p>(b) Don't consider inclusion in the CPO scheme of new offices and managed workspace to be prudent given post-pandemic changes in office market and working habits. Nearby towns and cities such as Birmingham, Wolverhampton and Stafford are expected to have a "greater draw for office employers and new businesses".</p> <p>(c) No evidence to support the Council's claim that 190 jobs will be created.</p>	<p>Scheme is intended, and expected, to increase footfall to the town centre, and this will bring positive benefits for existing retailers, including Home Bargains.</p> <p>(b) The business case for the Scheme is set out in the Council's application for Levelling Up Funding (see the document referenced at para 20.2.3 of this Statement). The Council's application for Levelling Up Funding acknowledges that the retail sector has changed significantly over the last ten years and particularly since the pandemic. The way in which people choose to shop has changed and it is recognised nationally, through Government programmes such as the Levelling Up Fund and the Future High Streets Fund, that the offer within town centres needs to be broader and more resilient to changing consumer habits to create a sustainable environment within which existing successful retailers can continue to trade. The Council's intention, in diversifying the town centre offer beyond retail, is to provide more reasons for people to visit Cannock town centre throughout the day and into the evening; for example, the managed workspace will bring more workers into the town centre during the daytime. The Council is not expecting to compete with larger cities and conurbations in terms of the quantum of office development, the Scheme will seek to accommodate demand from small businesses / start-up companies.</p> <p>(c) An award from the Levelling Up Fund is contingent on the Council evidencing a Benefit to Cost Ratio of 2:1. To demonstrate this, the Council commissioned an economist to evaluate the benefits of the Scheme and quantify the predicted outcomes. This evaluation identified that the delivery of the Scheme could support the creation of 551 jobs. These jobs may not necessarily be created exclusively within the Scheme itself, but created as a result of the Scheme, for example via supply chains.</p>
	<p><u>Should not have excluded Home Bargains</u></p> <p>(a) Excluding Home Bargains and Peacocks from the CPO prejudices their business and compromises the intended town centre regeneration by creating further potential for long-term vacancies in retail</p>	<p>(a) Whilst early work on the draft Order documentation did include Home Bargains' premises, in order to seek to protect the viability of the Scheme, the Council excluded Home Bargains from the Order and is currently preparing to take forward only the elements of the Scheme which do not require the removal or relocation of Home Bargains and/or Peacocks. The retirement living complex is therefore not expected to be brought forward in parallel with the redevelopment proposals which the Order would facilitate, but should the premises currently occupied by Home Bargains / Peacocks become vacant in the future, the Council would endeavour to bring forward this element of the proposed development as part of a later phase implementing this further element of the planning application.</p> <p>As noted above, the purpose of a regeneration scheme supported by the Levelling Up</p>

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	<p>premises.</p> <p>(b) Major contributor to the vitality of Cannock town centre will be lost if Home Bargains and Peacocks vacate their current premises.</p>	<p>Fund is to create an environment in which the local economy improves rather than degrades. The confirmation of the Order, and the implementation of the Scheme (i.e. the elements of the planning application) that it supports, is neither intended nor expected to prejudice the objector's business, or prevent it from continuing to trade successfully from premises within the regenerated town centre. As also explained above, the Scheme is intended to address an existing issue, not create a new issue, of long-term vacancies in retail premises within Cannock town centre.</p> <p>(b) The Council recognises the contribution that Home Bargains and Peacocks make to the vitality of the town centre currently. However, this does not address the issues associated with the multitude of empty retail units in the town centre, which is continuing to increase incrementally. It is these issues that the Council is seeking to address, in promoting the Scheme.</p> <p>If the Order is confirmed and the Scheme is subsequently delivered, then should Home Bargains and Peacocks elect to remain in Cannock town centre, they would benefit from renewed and increased vitality and consumer interest in the town centre, and from improved public realm, including a new café opposite their frontages.</p> <p>In this context, the Council does not consider that the proposed changes to the town centre will reduce footfall for retail units post-delivery of the Scheme; on the contrary – the Scheme is intended, and expected, to increase footfall to the town centre, and this will bring positive benefits for existing retailers, including Home Bargains and Peacocks. As is noted below (see the Council's response to the ground of objection focusing on 'construction impacts') appropriate arrangements will be made, during the implementation of the Scheme, to ensure that existing retailers, including Home Bargains and Peacocks, will be able to continue to trade during the construction phase.</p>
	<p><u>CPO case not strong enough</u></p> <p>Scheme "is disjointed and inconsistent and will lead to further decline of the town centre".</p>	<p>The Council does not agree that the Scheme is "disjointed and inconsistent". The Scheme has been carefully and deliberately devised to address a number of existing issues in the fabric, feel and operation of the town centre. As explained above, the Council's successful application for Levelling Up Funding acknowledged that the existing town centre offer required diversification beyond reliance on retail, given changes to consumer purchasing trends. It is for this reason, and to address this issue, that the Scheme includes a variety of elements, facilitating different types of visitor experience and use of the town centre and broadening the town centre offer in order to bring about its regeneration and prevent the further decline that</p>

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		<p>would only be accelerated by a continued over-reliance on retail provision.</p> <p>The Council considers that there is a genuine and urgent need for the Scheme to be brought forward. The need case for the Scheme, and the Order which is intended to support it, is set out in section 4 of this Statement. As explained in section 14 of this Statement, the Council has carefully considered the impacts that the Scheme would have on the properties that would be affected by it, and on the owners and occupiers of those properties. The Council has weighed the negative impacts of those private losses against the public benefits that the Scheme, if implemented, would deliver, and is of the view that those public benefits would outweigh the private losses. In this context, the Council considers that there is a strong and compelling case in the public interest for the Order to be confirmed.</p>
<p><b>Mewspark Properties Limited</b> ("Mewspark")</p> <p><b>Table 1:</b> a presumed subsoil interest in plot 46 (half width of the highway, Market Place) (unregistered land being footway land outside Barclays Bank).</p>	<p><u>No compelling case</u></p> <p>(a) It is not certain the Scheme will attract occupiers and succeed in the current economic climate.</p> <p>(b) The Scheme does not yet have planning permission.</p>	<p>(a) The Scheme is not reliant on a traditional development partner arrangement, as the Council will be directly developing and delivering the Scheme. The principal future occupier of the Scheme is the Council's existing leisure provider, IHL, as set out in section 4 of this Statement. The Council is in commercial discussions with other potential future occupiers for the Scheme, with renewed interest following the publication of the resolution to grant outline planning consent. Funding and viability considerations are set out in sections 8 and 9 of this Statement.</p> <p>(b) On 15 November 2023, the Council's Planning Control Committee unanimously resolved to grant planning permission subject to (i) appropriate conditions (which are set out in the resolution to grant); and (ii) the completion of a section 106 agreement (which is currently being progressed by the Council). Reserved Matters Applications are currently being prepared for submission in Q1 of 2024. As such, it is not anticipated that matters associated with planning permission will be an impediment to the implementation of the Scheme, or to the implementation of the Order should it be confirmed by the Secretary of State in due course.</p>
	<p><u>Construction impacts</u></p> <p>The operation of the business relies on unimpeded customer access and the works would cause significant disruption to</p>	<p>The Council anticipates that pedestrian access to premises owned by Mewspark Properties Limited would be retained notwithstanding the delivery of the Scheme. Walktime and travel distance studies indicate that the alternative pedestrian routes proposed during the construction phase will not materially impact on footfall to Mewspark Properties' premises. This finding is supported by analysis of existing footfall (in the document referenced at para 20.2.22 of this Statement) provided by Sisu Cannock, the operator of Cannock Shopping</p>

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	access/footfall.	<p>Centre, which demonstrates that the majority of footfall in the area earmarked for the Scheme emanates from Market Hall Street rather than via the existing subway, the redevelopment of which forms the 'Northern Gateway' part of the Scheme.</p> <p>For the avoidance of doubt, throughout the regeneration works pedestrian access to premises at 2 Market Place will be maintained from the south and west (via Wolverhampton Road) and from the east (via Church Street). Safe, step-free access and egress to the premises will be maintained at all times; this includes all designated emergency escape routes. The works which are proposed to be carried out adjacent to the premises are purely to de-classify the existing parking bay and re-classify it as loading bay only - no parking. The works would be carried out by Staffordshire County Council Highways' appointed contract personnel.</p> <p>Pedestrian access from Beecroft Road Car Park via Market Hall Street (from the north) would be removed whilst the Northern Gateway works were being delivered. Pedestrian access via Church Street (from the north) would be maintained during the works.</p> <p>Any changes to pedestrian access routes would be advertised 1 week prior to the changes being brought into effect; and public notification of the changes would be via the Council's various communication routes i.e.: social media, poster campaigns. A nominated single point of contact allocated to the premises would be notified directly by the Council's Project Liaison Officer.</p> <p>New Look may also wish to note that the planning permission for the Scheme will be subject to conditions which require the submission to, and approval by, the Local Planning Authority of a Construction Management Plan to ensure that construction impacts are mitigated – see condition #16; similarly, conditions #7 and #8 (respectively) secure a detailed Demolition and Development Phasing Plan, and full details of any proposed closures of the public realm, public footpaths and highways, plus the type and location of associated construction screening, the objective being to maintain pedestrian and vehicular access and safety and to minimise the impacts on footfall to local businesses. The full set of proposed planning conditions is set out in the document referenced at paragraph 20.2.21 of this Statement.</p> <p>In the event that the ongoing use of the property is restricted by the Scheme as Mewspark implies, however, they will be entitled to make a claim for compensation for this loss in the usual way under the Compensation Code.</p>

Objector (& interest in Order Land)	Summary of key issues raised in objection	Council's Response
	<p><u>Impacts on trading</u></p> <p>The use of the rights will impact on the occupier's ability to operate its business, including safe access to the Property and operation of emergency accesses.</p>	<p>Since the Order was made, the Council has become aware of the forthcoming closure of Barclays Bank (2 Market Place) which has been announced and is expected in February 2024.</p> <p>The Council anticipates that pedestrian access to Mewspark Properties' premises would be retained notwithstanding the delivery of the Scheme. Walktime and travel distance studies indicate that the alternative pedestrian routes proposed during the construction phase will not materially impact on footfall to Mewspark Properties' premises. This finding is supported by analysis of existing footfall (in the document referenced at para 20.2.22 of this Statement) provided by Sisu Cannock, the operator of Cannock Shopping Centre, which demonstrates that the majority of footfall in the area earmarked for the Scheme emanates from Market Hall Street rather than via the existing subway, the redevelopment of which forms the 'Northern Gateway' part of the Scheme.</p> <p>As noted above, during the regeneration works pedestrian access to premises at 2 Market Place will be maintained from the south and west (via Wolverhampton Road) and from the east (via Church Street). Safe, step-free access and egress to the premises will be maintained at all times; this includes all designated emergency escape routes.</p> <p>As such, the Council does not consider that the Order, if implemented, would have an adverse impact on the objector's ability to operate its business from the premises at 2 Market Place; safe access to and egress from the premises (including via emergency accesses) would be maintained during the delivery of the Scheme.</p>
	<p><u>Commercial impacts</u> – "scheme will negatively impact the opportunity to secure a new letting at the Property at the expiry of the lease which will result in a loss of potential rental income".</p>	<p>As explained above, the Council anticipates that pedestrian access to Mewspark Properties' premises at 2 Market Place would be retained during the delivery of the Scheme. Walktime and travel distance studies indicate that the alternative pedestrian routes proposed during the construction phase will not materially impact on footfall to Mewspark's premises.</p> <p>As also explained above, the purpose of the Scheme is to regenerate the town centre, attracting new business and increased visitor interest. The positive benefits which the Scheme, if implemented, would bring to Cannock, are set out in section 9 of this Statement. The Council is of the view that the Scheme has the potential to increase the letting prospects of the premises, and is therefore unlikely to lead to a loss of potential rental income. In the event, however, that the ongoing use of the property is restricted by the Scheme as Mewspark implies, they will be entitled to make a claim for compensation for this loss in the usual way under the Compensation Code.</p>

Objector (& interest in Order Land)	Summary of key issues raised in objection	Council's Response
	<p><u>Failure to negotiate</u></p> <p>Some engagement with the Council but “no realistic or viable offers to acquire the interests in the Property have been proposed” by the Council.</p>	<p>Mewspark Properties' only interest in land included in the Order is a presumed interest in the half width of the subsoil beneath plot 46, which comprises unregistered highway land. Mewspark Properties were notified of the making of the Order on the basis of this rebuttable presumption as to ownership (known as the <i>ad medium filum</i> presumption).</p> <p>Were Mewspark Properties to seek to claim compensation in respect of this subsoil interest (should the Council acquire it pursuant to the Order), Mewspark Properties would need to provide evidence of their interest (e.g. registered title or title deeds) in that subsoil interest to support a successful claim. Given the location of the subsoil beneath the highway surface, it would have a nominal value only.</p> <p>As set out in Appendix 2 to this Statement, the Council's appointed agent contacted Mewspark Properties' agent on 3 August 2023 to explain that Mewspark Properties' inclusion in the Order related only to the above-mentioned presumed subsoil interest.</p> <p>The Council has provided an undertaking to Mewspark Properties' agent and has met with them to discuss the limited impact of the Scheme on Mewspark Properties' property interests. The Council is at an advanced stage of producing construction information that will be shared with Mewspark Properties' agent shortly. The Council hopes that the information being provided will alleviate Mewspark Properties' concerns about the Scheme and the Order.</p> <p>As noted above, the Council is of the view that the market value of this subsoil interest is nominal; however, in the unlikely event that the ongoing use of the property is restricted by the Scheme as Mewspark Properties imply, they will be entitled to make a claim for compensation for this loss in the usual way under the Compensation Code.</p>
	<p><u>Should instead acquire the freehold interest</u></p> <p>The Council has “not been forthcoming with negotiations and no acceptable offer has been made”.</p>	<p>The Council does not require the freehold interest in the highway subsoil to enable the delivery of the Scheme.</p> <p>The Council has included this area of land in the Order in the light of its intention to undertake temporary works to the surface finishes and to install loading bays in the highway. In the unlikely event that the ongoing use of the property is restricted by the Scheme as its owner implies, they will be entitled to make a claim for compensation for this loss in the usual way under the Compensation Code.</p> <p>As noted above, the Council has engaged with Mewspark Properties' agent and is at an advanced stage of producing construction information that will be shared with Mewspark</p>

Objector (& interest in Order Land)	Summary of key issues raised in objection	Council's Response
	<p><u>Human rights</u> Unjustified interference with Mewspark's human rights.</p>	<p>Properties' agent shortly.</p> <p>The Council continues to consider that there is a compelling case in the public interest that meets the requirements of the European Convention on Human Rights and complies with the Human Rights Act 1998.</p> <p>The Council has carefully considered the balance to be struck between individual rights and the wider public interest, and continues to consider that any interference with Convention Rights is justified in order to secure the benefits which the Scheme will bring.</p> <p>The CPO process provides an opportunity for persons affected by the Council's proposals to object to the Order and the public inquiry process presents an opportunity for a fair hearing. Where loss is suffered by private individuals, appropriate compensation will be available to those entitled to claim it under the relevant statutory provisions.</p>
<p><b>New Look Retailers</b> ("New Look")</p> <p><b>Table 2:</b> easements over plots 15, 16, 17, 18 and 19.</p> <p>Note – New Look have a leasehold interest (currently holding over; 1954 Act protected) in ground floor and first floor of units 26 and 27 of shopping centre on Market Hall Street <u>which is outside of the Order land.</u></p>	<p><u>Acquisition/appropriation would prevent operation</u></p> <p>(a) Easements* are necessary for the operation of the store and if not replaced will result in the store not being able to operate.</p> <p><i>*easements include rights of way (including with vehicles), right to use the refuse facilities, free and uninterrupted use of service media and an emergency escape route.</i></p> <p>The store's only customer entrance is</p>	<p>(a) The Council notes that the premises occupied by New Look in Cannock town centre are not included in the Order. However, New Look enjoys the benefit of rights of access (easements) over land which is included in the Order.</p> <p>The Council considers that that New Look deliveries via the rear service yard would be unaffected by the Scheme, such that trading can continue without detriment. Similarly the Council anticipates that pedestrian access around the New Look unit is unaffected. Walktime and travel distance studies indicate that the alternative pedestrian routes proposed during the construction phase will not materially impact on footfall to New Look. This finding is supported by analysis of existing footfall (in the document referenced at para 20.2.22 of this Statement) provided by Sisu Cannock, the operator of Cannock Shopping Centre, which demonstrates that the majority of footfall in the area earmarked for the Scheme emanates from Market Hall Street rather than via the existing subway, the redevelopment of which forms the 'Northern Gateway' part of the Scheme.</p> <p>For the avoidance of doubt, safe pedestrian access to Unit 26 and Unit 27 would be maintained throughout the regeneration works via Market Hall Street, from the south via Market Place, and also via Cannock Shopping Centre Arcade from the west via the bus station. Pedestrian access from Beecroft Road Car Park via Market Hall Street (from the north) would be removed whilst the Northern Gateway works were being delivered.</p>

Objector (& interest in Order Land)	Summary of key issues raised in objection	Council's Response
	<p>located on Market Hall Street which will be "compromised", affecting "access to the store and therefore footfall".</p> <p>(b) It is vital the Council provides information re providing replacement easements to avoid extinguishment and how the Scheme will impact on its ability to trade, including safe access to the store and operation of emergency access.</p> <p>Until New Look is assured there will be no negative impacts, such objection remains.</p>	<p>As pedestrian access to the front of the units and delivery access to their rear would be maintained throughout the construction programme, the units' emergency escape points will also be unaffected. Muster points and associated communications will be agreed as part of the Construction Management Plan, the submission and Local Planning Authority approval of which is secured by condition #16 in connection with the grant of planning permission for the Scheme.</p> <p>New Look may also wish to note that the planning permission for the Scheme will be subject to conditions which require the submission to, and approval by, the Local Planning Authority of a Construction Management Plan to ensure that construction impacts are mitigated – see condition #16; similarly, conditions #7 and #8 (respectively) secure a detailed Demolition and Development Phasing Plan, and full details of any proposed closures of the public realm, public footpaths and highways, plus the type and location of associated construction screening, the objective being to maintain pedestrian and vehicular access and safety and to minimise the impacts on footfall to local businesses. The full set of proposed planning conditions is set out in the document referenced at paragraph 20.2.21 of this Statement.</p> <p>(b) The Council has no intention to deprive New Look of the benefit of the easements it currently enjoys in respect of Units 26 and 27. In the event that land in Market Hall Street is acquired by the Council pursuant to the Order, then either the acquisition will exclude the existing easements currently enjoyed by New Look (if their retention is compatible with the Scheme), or (in the event their retention is incompatible with the Scheme, such that new / replacement easements are required), the Council will acquire the relevant land and then grant new easements for the benefit of the premises occupied by New Look. Accordingly, the Council confirms that there is no scenario in which New Look would be precluded from accessing, or continuing to trade from, the premises which it currently occupies in Cannock town centre, should the Order be implemented and the Scheme subsequently delivered. On that basis, the Council respectfully invites New Look to withdraw its objection to the Order.</p>
	<p><u>Failure to negotiate</u></p> <p>(a) The Council has had no direct contact with New Look. Cannot therefore say that CPO is a last</p>	<p>(a) The Council is at an advanced stage of producing construction information that will be shared with New Look shortly. The Council hopes that the information being provided will alleviate New Look's concerns about the Scheme and the Order. The Council will continue to liaise with New Look to ensure that its business operations in Cannock are not impeded by the Scheme. In the unlikely event that the ongoing use of the property is</p>

Objector (& interest in Order Land)	Summary of key issues raised in objection	Council's Response
	<p>resort.</p> <p>(b) It also conflicts with obligations to negotiate as reinforced in the Maidenhead and Vicarage Fields CPOs.</p>	<p>restricted by the Scheme as New Look implies, they will be entitled to make a claim for compensation for this loss in the usual way under the Compensation Code.</p> <p>(b) The Council understands the importance of seeking to acquire land by agreement whilst promoting a CPO as a contingency measure to safeguard scheme-deliverability, and notes that the obligation to negotiate is sustained in that context. Insufficiency of negotiations with objectors was a key contributory factor in the decisions to refuse to confirm the Maidenhead CPO and the Vicarage Field CPO; however, there were also other factors at play in those decisions.</p> <p>In the present case, the premises occupied by New Look are located outside the Order Land and are not proposed to be acquired. New Look has rights of access over land within the Order limits, but the Council has no intention of depriving New Look of its ability to enjoy those rights, either temporarily or permanently. As explained above, in the event that New Look's existing easements are incompatible with the Scheme, the Council will grant new rights in substitution.</p> <p>The Council does not anticipate causing any loss to New Look, but does appreciate New Look's eagerness to understand how the Scheme is proposed to be brought forward and how any impacts that may arise from it will be mitigated. The Council will therefore endeavour to engage with New Look and to share information about the Scheme proposals as that information becomes available. As noted above, the Council is currently preparing materials which will help to explain how pedestrian and vehicular movements within the town centre will be managed during the demolition and construction phases of the Scheme's delivery.</p>
	<p><u>Planning impediment</u></p> <p>No certainty about what will be delivered and no detailed design for the public realm, even though New Look's interests will be affected by this. Lack of planning permission is an impediment.</p>	<p>On 15 November 2023, the Council's Planning Control Committee unanimously resolved to grant planning permission subject to (i) appropriate conditions (which are set out in the resolution to grant); and (ii) the completion of a section 106 agreement (which is currently being progressed by the Council). The nature of the outline planning application is such that detail of the public realm improvements in the vicinity of the units occupied by New Look will be confirmed as part of the Reserved Matters planning application process. The Council welcomes engagement with New Look Retailers Limited as part of that process.</p> <p>Reserved Matters Applications are currently being prepared for submission in Q1 of 2024. As such, it is not anticipated that matters associated with planning permission will be an impediment to the implementation of the Scheme, or to the implementation of the Order should</p>

Objector (& interest in Order Land)	Summary of key issues raised in objection	Council's Response
		it be confirmed by the Secretary of State in due course.
	<p><u>No clear idea on what land will be used for / assessment of impact on human rights is flawed</u></p> <p>It is premature to promote the CPO without a clear idea of what will be delivered on the site; accordingly cannot currently assess whether the interference with human rights is justified.</p>	<p>Notwithstanding that the planning application for the Scheme is in outline only, the parameters (including the potential uses) have all been defined and therefore the Council has a sufficiently clear idea of what the Order Land will be used for.</p> <p>The Council has therefore been able to adequately assess and weigh the public benefits of the Scheme against the impacts on human rights according to such parameters.</p> <p>Having a Scheme that (in planning terms) is in outline only, and that requires a CPO to facilitate land assembly to enable it to come forward, is an established, acceptable and common approach. The Council does not consider the making of the Order to be premature in this context. It is established good practice to promote a CPO in parallel with seeking to acquire land by agreement, especially where project delivery programmes are subject to funding-related deadlines, as is the case for schemes awarded Levelling Up Funding by the Government. Accordingly, there is no question of prematurity here.</p>
	<p><u>Ultra vires</u></p> <p>The Council's decision-making is legally flawed; no legal basis for the report to Cabinet of 15 September 2022 being exempt, which also means those affected have no ability to understand the basis for the Council's decision to make the CPO nor what land was approved to be included.</p>	<p>The Council does not agree with this view. In accordance with the provisions of Schedule 12A of the Local Government Act 1972 (as amended), the report to Cabinet in September 2022, was considered 'not for publication' under the following categories of exemption:</p> <ol style="list-style-type: none"> <li>1. Exempt Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the Council).</li> <li>2. Exempt Paragraph 6 – Information which reveals that the Council proposes: <ol style="list-style-type: none"> <li>(a) 'to give under any enactment a notice under or by virtue of which requirements are imposed on a person', being in this case 'requisitions for information' (RFIs) as part of the formal land referencing process to inform the preparation of a CPO; and, in due course, being notices of the making of a CPO;</li> <li>(b) 'to make an order or direction under any enactment', being in this case a compulsory purchase order under section 226(1)(a) of the Town and Country Planning Act 1990.</li> </ol> </li> </ol>
	<p><u>Procedural issues</u></p> <p>The notice of making of the CPO was not signed or dated.</p>	<p>On 7 July 2023 the Council's solicitors wrote to the Planning Casework Unit at DLUHC to explain that as a result of an unintended administrative error, the notices of the making of the Order were published without being dated and signed. The letter of 7 July 2023 noted that this omission constituted a departure from the prescribed Forms 7 and 8 set out in the Compulsory Purchase of Land (Prescribed Forms) (Ministers) Regulations 2004 and</p>

Objector (& interest in Order Land)	Summary of key issues raised in objection	Council's Response
		<p>explained that whilst the omission of the date and signature from the notices of the making of the Order was regrettable, following careful consideration of the issue, the Council did not consider that the omission would result in the recipients or observers of the notices suffering any material prejudice, given that:</p> <ol style="list-style-type: none"> <li>1. The notices in prescribed Form 7 (newspaper and site notices) and the notices in prescribed Form 8 (for service on qualifying persons) all clearly stated: <ol style="list-style-type: none"> <li>a. The date on which the Order was made (7 June 2023);</li> <li>b. That the Order was made by the Cannock Chase District Council; and</li> <li>c. The date on which the period for submitting objections would close (7 July 2023).</li> </ol> </li> <li>2. In addition, the notices in prescribed Form 8 were accompanied by— <ol style="list-style-type: none"> <li>a. a covering letter which was dated 14 June 2023 and signed by Pinsent Masons LLP on behalf of Cannock Chase District Council; and</li> <li>b. an electronic copy (provided on a USB stick) of the Order as made, i.e. signed, sealed and dated by the Council.</li> </ol> </li> <li>3. The notices in Form 7, which were published in the press, appeared in local newspapers published on 15 and 22 June.</li> </ol> <p>In consideration of the above, the Council sought confirmation from the Planning Casework Unit that re-service and re-publication of the notices would not be necessary, nor would it be a proportionate use of scarce local authority resources.</p> <p>In the absence of any response to the letter of 7 July 2023, and given the service by the Planning Inspectorate of the relevant date letter on 7 November 2023, the Council trusts that re-service and re-publication of the notices of the making of the Order was not considered necessary by either the Planning Casework Unit, the Planning Inspectorate, or the Secretary of State.</p>
	<p><u>Crown impediment</u> No Crown authority from DWP.</p>	<p>Please refer to the entry above which responds to the objection submitted by the DWP.</p>

Objector (& interest in Order Land)	Summary of key issues raised in objection	Council's Response
	<p><u>New Look is willing to negotiate</u></p> <p>New Look would be willing to enter into negotiations with the Council.</p>	<p>This position is noted by the Council and the Council remains able and willing to engage in constructive dialogue with New Look, in order to seek to alleviate the concerns articulated in New Look's objection to the Order.</p> <p>In August 2023 the Council was in communication with the agents acting on behalf of New Look, and by way of follow-up to that engagement, the Council is currently in the process of preparing the information materials referred to above.</p> <p>The Council welcomes the opportunity to work with New Look and their agents to resolve New Look's concerns regarding the proposed works.</p>
<p><b>Stonegate Pub Company Limited</b> ("SPCL" / "Stonegate")</p> <p><b>Table 1:</b> presumed subsoil interest in plot 60 (being footway land The Merchant pub) (unregistered land).</p> <p>Note – SPCL is the freehold owner of pub 'The Merchant', 9-11 Market Place <u>which is outside of the CPO.</u></p>	<p>Generally supportive of town centre redevelopment and social &amp; economic benefits of scheme, but concerned/object as below.</p> <p><u>Construction impacts</u></p> <p>(a) Lack of clarity re extent of works and how they will be delivered.</p> <p>(b) SPCL will maintain objection until they are provided with details of such works and appropriate assurances re measures to mitigate impacts of works on their business (e.g. 'business open as usual' signage and assurance of unfettered access during works).</p>	<p>(a) In terms of clarifying the works proposed pursuant to the Scheme, a planning application for the Scheme was submitted in March 2023. The planning application documentation is publicly available and will be included in the Council's documentation in support of its case for the Order (see paragraph 20.2 of this Statement). On 15 November 2023, the Council's Planning Control Committee unanimously resolved to grant planning permission subject to (i) appropriate conditions (which are set out in the resolution to grant); and (ii) the completion of a section 106 agreement (which is currently being progressed by the Council). Reserved Matters Applications are currently being prepared for submission in Q1 of 2024, and will provide further, more detailed, information about the nature of the Scheme. In terms of how the Scheme will be delivered, the Council is currently at an advanced stage of producing construction information that will be shared with Stonegate shortly.</p> <p>(b) These construction information materials will include information aimed at providing Stonegate with assurances that the works necessary to deliver the Scheme would be brought forward in a way that mitigates any impacts on Stonegate's business and enables them to continue to trade as they do currently. For example, the Council anticipates that, throughout the regeneration works, pedestrian access to The Merchant pub at 9-11 Market Place would be maintained from the south and west (via Wolverhampton Road) and from the east (via Church Street). Pedestrian access from Beecroft Road Car Park via Market Hall Street (from the north) would be removed whilst the Northern Gateway works were being delivered. Pedestrian access via Church Street (from the north) would be maintained during the works.</p> <p>Any changes to pedestrian access routes would be advertised 1 week prior to the changes</p>

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		<p>being brought into effect; and public notification of the changes would be via the Council's various communication routes i.e.: social media, poster campaigns (including 'business as usual' signage for town centre premises in the vicinity of the Scheme). A nominated single point of contact allocated to the Stonegate premises / The Merchant pub would be notified directly by the Council's Project Liaison Officer.</p> <p>The planning permission for the Scheme will be subject to conditions which require the submission to, and approval by, the Local Planning Authority of a Construction Management Plan to ensure that construction impacts are mitigated – see condition #16; similarly, conditions #7 and #8 (respectively) secure a detailed Demolition and Development Phasing Plan, and full details of any proposed closures of the public realm, public footpaths and highways, plus the type and location of associated construction screening, the objective being to maintain pedestrian and vehicular access and safety and to minimise the impacts on footfall to local businesses. The full set of proposed planning conditions is set out in the document referenced at paragraph 20.2.21 of this Statement.</p> <p>The Council notes that The Merchant pub itself is not included in the Order and the land in plot 60 (comprising footway land) is unregistered, such that the interest, if any, which Stonegate may have in the subsoil beneath the highway / footway, is a presumed interest only.</p>
	<p><u>Failure to negotiate / not last resort</u></p> <p>SPCL are willing to negotiate to agree mitigation measures but have not been approached.</p> <p>Until the parties have meaningful negotiations, the use of powers is not a last resort.</p> <p>SPCL would be happy to discuss its objection and will withdraw its objection if such</p>	<p>Stonegate's only interest in land included in the Order is a presumed interest in the half width of the subsoil beneath plot 60, which comprises unregistered highway land. Stonegate were notified of the making of the Order on the basis of this rebuttable presumption as to ownership (known as the <i>ad medium filum</i> presumption). The Council is promoting the Order in parallel with seeking to acquire the land needed for the Scheme by agreement; the Order provides a contingency measure to ensure the deliverability of the Scheme in the event that acquisition by agreement is not possible within the timescales associated with the Government's grant of Levelling Up Funding. As such, the use of compulsory acquisition powers would be a last resort.</p> <p>Were Stonegate to seek to claim compensation in respect of this subsoil interest (should the Council acquire it pursuant to the Order), Stonegate would need to provide evidence of their interest (e.g. registered title or title deeds) in that subsoil interest to support a successful claim. Given the location of the subsoil beneath the highway surface, it would have a nominal value only.</p>

Objector (& interest in Order Land)	Summary of key issues raised in objection	Council's Response
	concerns are addressed.	<p>The Council has communicated the nature of the proposed works associated with the Scheme to Stonegate, via their agent. This information was provided via a series of emails dated between August and October 2023. The Council is now at an advanced stage of producing construction information that will be shared with Stonegate shortly. The Council hopes that the information being provided will alleviate Stonegate's concerns and enable it to withdraw its objection.</p> <p>In terms of negotiations, the Council is of the view that the market value of this subsoil interest is nominal. The Council has included the subsoil interest in the Order to enable it to undertake temporary works to the surface finishes and to install loading bays in the highway. The Council will continue to liaise with Stonegate to ensure that its business operations in Cannock are not impeded by the Scheme. In the unlikely event that the ongoing use of the property is restricted by the Scheme as Stonegate implies, they will be entitled to make a claim for compensation for this loss in the usual way under the Compensation Code.</p>
<p><b>JD Sports Fashion plc</b> ("JD Sports")</p> <p><b>Table 2:</b> easements over plots 15, 16, 17, 18 and 19 (Cannock Shopping Centre); and presumed rights of access over plot 28 (part of Market Hall Street).</p> <p>Note – JD Sports have a leasehold interest (Lease dated 14.12.22) in Unit 1 of shopping centre on Market Hall Street <u>which is outside of the CPO.</u></p>	<p><u>A lack of information re construction impacts on access</u></p> <p>The Council has failed to explain whether access (to the Property) and visibility and pedestrian routes/linkages (such as to the Bus Station) will be maintained during construction.</p>	<p>The Council notes that the premises occupied by JD Sports in Cannock town centre are not included in the Order. However, JD Sports enjoys the benefit of rights of access (easements) over land which is included in the Order. That said, the Council is not proposing to deprive JD Sports of its legal right to access the premises from which it trades in Cannock town centre. Where existing rights can feasibly be retained post-delivery of the Scheme, those rights will be retained; and, where they are incompatible with the Scheme, they will be replaced with equivalent rights which are also capable of accommodating the Scheme.</p> <p>The Council is currently at an advanced stage of preparing construction information to explain how access to, and visibility of, JD Sports' premises, together with pedestrian routes and linkages are proposed to be maintained during the construction of the Scheme. The Council anticipates that JD Sports' deliveries via the rear service yard would be unaffected by the Scheme such that trading would be able to continue without detriment. Similarly, pedestrian access around the frontage of JD Sports' premises would be unaffected.</p> <p>Walktime and travel distance studies indicate that the alternative pedestrian routes proposed during the Scheme's construction phase would not have any material impact on footfall to JD Sports. This finding is supported by analysis of existing footfall (in the document referenced at para 20.2.22 of this Statement) provided by Sisu Cannock, the operator of Cannock Shopping Centre, which demonstrates that the majority of footfall in the area earmarked for the Scheme emanates from Market Hall Street rather than via the existing subway, the</p>

Objector (& interest in Order Land)	Summary of key issues raised in objection	Council's Response
		<p>redevelopment of which forms the 'Northern Gateway' part of the Scheme.</p> <p>For the avoidance of doubt, throughout the regeneration works, pedestrian access to JD Sports' premises (Unit 15C) would be maintained via Market Hall Street from the south via Market Place, and also via Cannock Shopping Centre Arcade from the west via the bus station. Pedestrian access from Beecroft Road Car Park via Market Hall Street (from the north) would be removed whilst the Northern Gateway works were being carried out.</p> <p>The planning permission for the Scheme will be subject to conditions which require the submission to, and approval by, the Local Planning Authority of a Construction Management Plan to ensure that construction impacts are mitigated – see condition #16; similarly, conditions #7 and #8 (respectively) secure a detailed Demolition and Development Phasing Plan, and full details of any proposed closures of the public realm, public footpaths and highways, plus the type and location of associated construction screening, the objective being to maintain pedestrian and vehicular access and safety and to minimise the impacts on footfall to local businesses. The full set of proposed planning conditions is set out in the document referenced at paragraph 20.2.21 of this Statement.</p>
	<p><u>Construction impacts (commercial impacts)</u></p> <p>(a) The acquisition of plot 29 may lead to a loss of the twice-weekly outdoor market, on which the town centre depends as a means of attracting shoppers to the area – implications for trade.</p> <p>(b) Any obstruction of access will have "a significant adverse impact on the viability of the JD Sports business" and "could potentially</p>	<p>(a) There is no evidence to support JD Sports' suggestion that the twice-weekly outdoor market may be lost to the Scheme.</p> <p>(b) As noted above, the Council is preparing construction information which demonstrates how access to JD Sports' premises would be maintained during the construction of the Scheme. In the light of this, the Council does not consider that the Scheme will result in impacts that are so significantly adverse as to affect the viability of JD Sports' business, or that the Scheme will give rise to impacts which could result in viability issues which cause the closure of the store and the loss of the jobs that the store currently supports.</p> <p>As noted above, the Council is at an advanced stage of producing construction information that will be shared with JD Sports shortly. The Council hopes that the information being provided will alleviate JD Sports' concerns about the Scheme and the Order, and will enable JD Sports to withdraw its objection to the Order.</p> <p>The Council will continue to liaise with JD Sports to ensure that its business operations in Cannock are not impeded by the Scheme. In the unlikely event that the ongoing use of JD Sports' premises is restricted by the Scheme as JD Sports implies, they will be entitled to make a claim for compensation for this loss in the usual way under the Compensation</p>

Objector (& interest in Order Land)	Summary of key issues raised in objection	Council's Response
	result in the store's closure and an associated loss of jobs".	Code.
	<p><u>Planning impediment</u></p> <p>(a) No planning permission for the Scheme and therefore "a significant risk...whether the Scheme will realistically come forward".</p> <p>(b) Lack of planning permission risks causing delay and uncertainty "creating a long-lasting blighting impact in the area" at "significant detriment to both local traders and the wider community" and "hindering organic economic growth".</p>	<p>(a) It is the Council's intention that the Scheme will be brought forward. Accordingly, on 15 November 2023, the Council's Planning Control Committee unanimously resolved to grant planning permission subject to (i) appropriate conditions (which are set out in the resolution to grant); and (ii) the completion of a section 106 agreement (which is currently being progressed by the Council). Reserved Matters Applications are currently being prepared for submission in Q1 of 2024. Notwithstanding that the planning application for the Scheme is in outline only, the parameters (including the potential uses) have all been defined and therefore the Council has a sufficiently clear idea of what the Order Land will be used for. Having a CPO Scheme that (in planning terms) is in outline only, is an acceptable and common approach.</p> <p>(b) The Council does not consider that there are any planning impediments that would prevent the delivery of the Scheme. The purpose of a regeneration scheme supported by the Levelling Up Fund is to create an environment in which the local economy improves rather than degrades. The confirmation of the Order, and the implementation of the Scheme (i.e. the elements of the planning application) that it supports would help to alleviate the issues (outlined in section 4 of this Statement) which currently cause detriment to local traders and the wider community. Indeed, the Council considers that the Scheme, if delivered, would not hinder economic growth; rather, it would support and catalyse economic growth.</p>
	<p><u>Lack of experience/lack of developer</u></p> <p>"Significant doubts as to the Council's ability to deliver a major, complex development scheme in a timely manner, within budget and in a way that minimises impact and inconvenience to neighbouring properties,</p>	<p>JD Sports does not provide any evidence to support its contention that the Council does not have the ability to deliver the Scheme.</p> <p>The Council is experienced in delivering major capital projects and has engaged a professional team to manage the Scheme from concept through to practical completion. Further detail relating to delivery capability is set out in the Council's successful application to DLUHC for the award of Levelling Up Funding (please refer to the document referenced at paragraph 20.2.3 of this Statement).</p>

Objector (& interest in Order Land)	Summary of key issues raised in objection	Council's Response
	businesses, and residents”.	
	<p><u>Lack of funding</u></p> <p>“The Council does not provide an open commitment to meeting any shortfall in funding should the current contingency allowance be exhausted”. “JD Sports lacks comfort that the Council will have the financial means to meet any funding shortfall”.</p>	<p>The Council does not consider that this concern has any foundation. The Council has the necessary funding in place to deliver the Scheme – please refer to section 8 of this Statement for more information about Scheme funding.</p>
	<p><u>Viability</u></p> <p>(a) No detailed information provided in relation to viability, pre-let arrangements or demand for commercial space. No guarantee that any business will invest in the Scheme.</p> <p>(b) “JD Sports consider the Council has ill-founded optimism”. “There is a real risk...the Scheme will ultimately result in an empty shell development.” Therefore no compelling case in the public interest.</p>	<p>(a) The Scheme is not reliant on a traditional development partner arrangement, as the Council will be directly developing and delivering the Scheme. The principal future occupier of the Scheme is the Council’s existing leisure provider, IHL, as set out in section 4 of this Statement. The Council is in commercial discussions with other potential future occupiers for the Scheme, with renewed interest following the publication of the resolution to grant outline planning consent. Funding and viability considerations are set out in Sections 8 and 9 of this Statement.</p> <p>(b) The Council is seeking to address the issues which currently beleaguer the town centre. As consumer habits have changed over the last decade, and since the pandemic in particular, vacancy rates within the town centre’s existing retail offer have been increasing steadily. The Council considers that there is already a risk that the existing town centre offer could result in “an empty shell”. The Council is intervening, by bringing forward the Scheme, in order to manage that risk.</p> <p>The Council does not agree with JD Sport’s contention that there is no compelling case in the public interest for the confirmation of the Order. The need for the Scheme (in support of which the Order is made) is explained in sections 2 and 4 of this Statement; the benefits that the Scheme would bring are set out in section 9 of this Statement and, for the reasons also set out in section 9, it is clear that there is a compelling case for the confirmation of the Order.</p>

Objector (& interest in Order Land)	Summary of key issues raised in objection	Council's Response
	<p><u>Human rights</u></p> <p>(a) Any public inquiry would not be "fair" because the Secretary of State's decision to confirm the Order should be informed by "an open and detailed consideration of the position on viability and likelihood of delivery of the Scheme".</p> <p>(b) "Parties need to be able to test the reasonableness of the Council's "confidence" in the Scheme - especially as it cannot attract a developer partner. In these circumstances, there is currently a fundamental breach of Article 6".</p>	<p>(a) As explained in section 14 of this Statement of Case, the public inquiry will, in compliance with Article 6, provide a fair opportunity for affected persons to examine the viability and deliverability of the Scheme, and to test the reasonableness of the Council's 'confidence' in that Scheme. Following the close of the Inquiry, the Inspector responsible for conducting the Inquiry will report to the Secretary of State, in his capacity as decision-maker, on the examination and cross-examination carried out during the Inquiry, and that report will ensure that the Secretary of State's decision is informed by an open and detailed consideration of the Council's case for the Scheme and for the making and confirmation of the Order.</p> <p>(b) In terms of human rights and Article 6 of the European Convention on Human Rights (right to a fair and public hearing), the CPO process provides an opportunity for persons affected by the Council's proposals to object to the Order and the public inquiry process administered by the Planning Inspectorate presents an opportunity for a fair hearing at which the Council's case for the Scheme and for the Order supporting it to be probed and tested. Accordingly, and as set out in section 14 of this Statement of Case, there is no breach of Article 6.</p>
<p><b>South Staffordshire Water PLC</b> ("SSW")</p> <p><b>Table 1:</b> occupier in respect of apparatus within several plots.</p> <p><b>Table 2:</b> rights and restrictive covenants over</p>	<p><u>Concerns re potential impacts on operational assets</u> - the Council has given SSW no detail in relation to the potential impact on its operational assets.</p> <p>Objection will remain unless</p>	<p>The Council notes SSW's position, as set out in its objection.</p> <p>The Council understands the importance of ensuring that the ability of SSW to carry out its statutory undertaking will suffer no material detriment in consequence of the Scheme, and is confident that SSW's apparatus, where located within the Order Land, can be accommodated within the Scheme.</p> <p>The Council will seek to engage with SSW quickly and meaningfully, to identify the extent of the interface between SSW's apparatus and the Council's Scheme, with a view to entering into an Asset Protection Agreement as appropriate to address any issues potentially arising</p>

<b>Objector (&amp; interest in Order Land)</b>	<b>Summary of key issues raised in objection</b>	<b>Council's Response</b>
several plots.	<p>and until such time as an approved programme and methodology of works is agreed.</p> <p>"The Council should now engage quickly and meaningfully with our client so as to ensure that our client's statutory apparatus is adequately protected".</p>	<p>in relation to that interface.</p> <p>Incidentally, given the separation of functions between SSW (responsible for water supply) and Severn Trent Water (responsible for sewerage and drainage), the Council notes that the planning permission for the Scheme will be granted subject to conditions, which include conditions pertaining to the proper management of surface water and drainage (see conditions #17 and #19), including the requirement to enter into an agreement with Severn Trent Water under section 106 of the Water Industry Act 1991. The proposed planning conditions are set out in the document referenced at paragraph 20.2.21 of this Statement.</p>

13.2 In conclusion, for the reasons given in the Council's responses above, the Council does not consider that any of the objections made to the Order justify refusing confirmation of the Order as made. The Council therefore considers there to be no reason why the Order should not be confirmed.

## 14. HUMAN RIGHTS CONSIDERATIONS

14.1 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**").

14.2 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.

14.3 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."*

14.4 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.

14.5 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.

14.6 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.

## 15. **EQUALITY ACT 2010**

15.1 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.

15.2 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.

15.3 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.

15.4 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.

## 16. **OTHER RELEVANT INFORMATION**

16.1 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](mailto:econdev@cannockchasedc.gov.uk)

16.2 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:-

Michelle Smith at Cannock Chase District Council

Tel: 01543 464267

Email: [michellesmith@cannockchasedc.gov.uk](mailto:michellesmith@cannockchasedc.gov.uk)

16.3 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](http://www.rics.org).

## 17. **INSPECTION OF THE ORDER AND INQUIRY DOCUMENTS**

17.1 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.

17.2 Copies of the documents listed at paragraph 20.2 below (Documents to be referred to or put in evidence at Inquiry) are also available at the Council's offices in Cannock and may be inspected between 10am and 4pm Monday to Friday. Alternatively, these documents may be provided electronically on request; to make a request, please use the contact details in section 16.1 above and please state which documents you require.

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

## 18. **INQUIRIES PROCEDURE RULES**

18.1 This Statement is intended to be a statement of case in accordance with the Compulsory Purchase (Inquiries Procedure) Rules 2007.

## 19. **CONCLUSION**

19.1 In the light of the matters set out in the Council's Statement of Reasons and this Statement of Case, together with the totality of the evidence and the submissions to be presented at the public inquiry, the Council considers that there is a compelling case in the public interest in support of the Order. The Council will invite the Secretary of State to confirm the Order so that the Scheme can be delivered and so that the benefits it would bring to Cannock can be realised.

## 20. **DOCUMENTS TO BE REFERRED TO OR PUT IN EVIDENCE IN THE EVENT OF AN INQUIRY**

20.1 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.

20.2 List of Documents:-

20.2.1 National Planning Policy Framework;

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

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

20.2.4 Confirmation of Levelling Up Fund Award from Department for Levelling Up, Housing and Communities – October 2021;

20.2.5 Cannock Chase Retail and Town Centre Uses Study 2021, prepared by Tetra Tech (formerly YWG, until 11 January 2021) January 2021;

20.2.6 UK Crime Statistics 2020 – 2022;

20.2.7 Evidence from site inspection carried out by the Council's Planning Policy Officer January 2023;

- 20.2.8 Town Centre Perception Survey in May / June 2022 prepared by Cannock Chase District Council;
- 20.2.9 Managed Workspace Study for Cannock Town Centre's proposed redevelopment, prepared by Andrew Dixon & Co, July 2022
- 20.2.10 Market Demand Assessment prepared by Lambert Smith Hampton, 2021
- 20.2.11 Town Centre Car Parking Study, prepared by Tetra Tech, July 2022;
- 20.2.12 Cannock Chase Local Plan (Part 1) 2014;
- 20.2.13 Emerging Local Plan – Cannock Chase Local Plan 2018-2039;
- 20.2.14 Cannock Town Centre Development Prospectus
- 20.2.15 Cannock Chase Economic Prosperity Strategy 2022 - 2032;
- 20.2.16 Cannock Chase District Council's meeting minutes - Cabinet – 2 February 2022;
- 20.2.17 Cannock Chase District Council's meeting minutes – Cabinet - 15 September 2022;
- 20.2.18 Cannock Chase District Council's General Fund Revenue Budget and Capital Programme 2022 – 2025 - voted by Council on 16 February 2022
- 20.2.19 Scheme Specific Equality and Diversity Impact Assessment, 16 February 2023;
- 20.2.20 Planning application documents for Planning Application Reference number CH/23/0131.
- 20.2.21 Planning Officer's report to Planning Control Committee 15 November 2023
- 20.2.22 Cannock Shopping Centre Footfall Data – 2019 to 2022
- 20.2.23 The Council's Statement of Case (this document)

**Dated 19 December 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

<b>Plot Numbers (as shown on CPO Map)</b>	<b>Proposed use of land and/or reason for inclusion in the CPO</b>
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.
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. The Council awaits a response to the proposed Heads of Terms.

Qualifying Person	Plot Number	Interest or Reputed Interest	Status of Negotiations
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 the cessation of rights of emergency access and egress.
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 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

Qualifying Person	Plot Number	Interest or Reputed Interest	Status of Negotiations
			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 has provided the DWP's solicitors with an undertaking for their professional costs incurred in drafting and negotiating a settlement agreement between the Council and the DWP. The Council has presented proposed Heads of Terms to the DWP and currently awaits a response thereto.
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 and is considering a financial settlement in return for the acquisition of the long leasehold interest. Negotiations have been taking place from the date of the LUF grant award (October 2021). A letter of support for the Council's original LUF bid application was provided by this qualifying person.
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 considering a financial settlement that will confirm the quantum of compensation payable for the relocation of the qualifying person to alternative premises within Cannock.
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. The Council is currently considering a financial settlement that will confirm the quantum of compensation payable for the relocation of the qualifying person to alternative premises within Cannock.

Qualifying Person	Plot Number	Interest or Reputed Interest	Status of Negotiations
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.
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 still awaited.  The Council is also still awaiting written confirmation that the qualifying person has vacated the property (which has appeared unoccupied since April 2023,

Qualifying Person	Plot Number	Interest or Reputed Interest	Status of Negotiations
			<p>with customers being redirected to the Jobcentre Plus on Beecroft Road, Cannock).</p> <p>As noted above, the Council has provided the qualifying person's solicitors (Dentons, for the DWP) with an undertaking for their professional costs incurred in drafting and negotiating a settlement agreement between the Council and the DWP. The Council has presented proposed Heads of Terms to the DWP and currently awaits a response thereto.</p>
<p>T J Morris Ltd t/a Home Bargains ("Home Bargains")</p>	<p>n/a (no interest in the Order Land / premises excluded from the Order Land)</p>	<p>n/a (no interest in the Order Land)</p>	<p>Prior to making the Order, the Council had sought to acquire property owned and occupied by Home Bargains in Cannock town centre (i.e. retail premises known as / occupied by Home Bargains and Peacocks) and, as noted in the documentation supporting the planning application for the Scheme, the Council's original intention was to seek to relocate Home Bargains and Peacocks and to acquire, and then demolish, the existing retail units to make way for the retirement living complex, as part of the Scheme to regenerate the town centre.</p> <p>Unfortunately, however, and notwithstanding the Council's sustained efforts to reach a commercial settlement with Home Bargains and to identify relocation premises that were acceptable to Home Bargains, the Council has, to date, been unable to reach a suitable settlement with Home Bargains, despite having been in dialogue with Home Bargains since June 2021, when the Council's application for Levelling Up Funding was submitted to the Department for Levelling Up, Housing and Communities.</p> <p>The Council has maintained contact with Home Bargains throughout the intervening period, to the present time, via emails, verbal conversations and MS Teams calls, plus a meeting which was held on 12 September 2023 and which was attended in person by representatives of the Council and Home Bargains' appointed agent. All channels of communication remain open, and the Council is willing to pursue negotiations to acquire Home Bargains' property by agreement if suitable commercial terms can be agreed between the parties.</p>
<p>Vodafone Limited</p>	<p>g. 24</p>	<p>g. Occupier</p>	<p>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.</p>

