

# Carlisle City Council

## Report to Executive

### Report details

Meeting Date:	03 October 2022
Portfolio:	Leader
Key Decision:	Yes
Policy and Budget Framework	No
Public / Private	Public
Title:	Citadels Project: Carlisle City Council (English Street/Victoria Viaduct) Compulsory Purchase Order (CPO) 2022
Report of:	Corporate Director of Economic Development
Report Number:	ED.22/22

### Purpose / Summary:

Carlisle City Council continues to play a key role in the development of this transformational project, working in partnership with the University of Cumbria (UofC) and Cumbria County Council which comprises the redevelopment of the historic Citadels, and the adjoining land and buildings, to create a new HQ and city centre campus for the UofC. The purpose of the report is to provide an update on progress of the Citadels Project which is to be delivered by the UofC and partly funded by the Borderlands Inclusive Growth Deal.

The report seeks Executive approval for the delegation of powers to officers to progress all work necessary to acquire the remaining interests that are required to facilitate the citadels project within the area shown on the Plan at Appendix 1 (the Order Land) and exercise its compulsory purchase powers should attempts to acquire those interests by agreement fail

### Recommendations:

Members of the Executive are asked to:

1. Approve the making of a Compulsory Purchase Order ("CPO") under section 226(1)(a) of the Town and Country Planning Act 1990 for the acquisition of land and rights within the area edged red on the plan at Appendix 1 for the purposes of facilitating development, redevelopment and improvement of the Order Land; and,

2. Authorise the delegated authority for the Corporate Director of Economic Development following consultation with the Leader of the Council, Portfolio Holder for Economy Enterprise and Housing, and Corporate Director of Governance & Regulatory Services, to effect the making, confirmation, and implementation of the CPO and to take all necessary steps to give effect to the CPO in respect of the Order Land including, but not limited to, the following procedural steps:
- i. finalise a Statement of Reasons setting out the Council's reasons for making the CPO;
  - ii. making the CPO, the publication and service of any press, site and individual notices and other correspondence for such making;
  - iii. acquire all interests within the Order Land as may be necessary to facilitate the Scheme, either by agreement or compulsorily, including entering into negotiations with any third parties for the acquisition of their land interests; the payment of compensation and dealing with any blight notices served in connection with the CPO;
  - iv. approve agreements with landowners or statutory undertakers as applicable, setting out the terms for withdrawal of any objections to the CPO, including where appropriate seeking exclusion of land from the CPO;
  - v. make any necessary additions, deletions, or amendments to the Order Land and to seek any requisite modifications to the CPO Order and any CPO maps (if required)
  - vi. the preparation and presentation of the Council's case at any Public Inquiry which may be necessary.
  - vii. seek confirmation of the CPO by the Secretary of State (or, if permitted, by the Council pursuant to Section 14A of the Acquisition of Land Act 1981) (the 1981 Act);
  - viii. in the event the order is confirmed, publication and service of notices of confirmation of the CPO and thereafter to execute and serve any general vesting declarations and/or notices to treat and notices of entry, and any other notices or correspondence to acquire those interests within the area, including, if required, High Court Enforcement Officer notices; and
  - ix. all steps in any legal proceedings related to the Order including referral and conduct of disputes, relating to compulsory purchase compensation, to the Upper Tribunal (Lands Chamber) and/or the courts and any appeals.

### Tracking

Executive:	03 October 2022
Scrutiny:	
Council:	

## 1. Background

- 1.1 The redevelopment of the Citadels and adjoining land is a strategic project within the Borderlands Inclusive Growth Deal ("Scheme"). The Scheme aims to redevelop a 1.33-hectare site of historic importance to create a new city centre campus for the UofC. The site is in the combined ownership of Carlisle City Council and Cumbria County Council. As joint landowners, the City and County Council are key partners in enabling the development of the Scheme.
- 1.2 The City Council has worked closely with University of Cumbria (UofC) and the County Council from the project inception to the point at which Borderlands funding was secured following submission of the full business case. Delivery of the project is being led by UofC, who will be the recipient of Borderlands funding (£50m) as well as contributing £23.5m of their own funding. A further £4m is to be provided via the Carlisle Town Deal for the UofC Business Exchange Centre. This Project was approved by the Department for Levelling Up, Homes and Communities (DLUHC) and the funding has been received by Carlisle City Council from the DLUHC. The terms of the Grant Funding Agreement are being finalised with a view to having the agreement in place between Carlisle City Council as the accountable body and the UofC by the end of September and the first tranche of funds commuted on completion of the agreement.
- 1.3 The Scheme includes the refurbishment of the Grade 1 listed Citadels rotundas, the redevelopment of the Old Gaol site (buildings on English Street and Victoria Viaduct) and the construction of new buildings behind. Planning permission for the Scheme was granted on 8<sup>th</sup> August 2022 reference 22/0261 together with Listed Building Consent with reference 22/0262.
- 1.4 The Scheme would have a transformational impact on Carlisle city centre, creating a new HQ for the UofC, high quality and fully digital enabled teaching spaces, a business exchange / interaction space, a multi-purpose lecture theatre, a café and a new publicly accessible square.
- 1.5 The new UofC Campus in the heart of Carlisle would provide enhanced access to skills and educational opportunities for local residents. The project is strategically important in terms of supporting the future growth of the city and the UofC, stimulating economic activity in the city centre and increasing skills and business productivity in the wider Borderlands region. The Scheme is part of a much wider investment plan for Carlisle that will see over £100m being invested in the regeneration of the city centre including the development at Carlisle Station (Carlisle Station Gateway) and projects funded through the Carlisle Town Deal and the Future High Streets Fund.
- 1.6 The objectives targeted through the Scheme are to:

- Improve the skills and productivity of the workforce - addressing the productivity deficit across the area and improving overall economic performance;
- Improve the inclusivity of growth – by extending access to higher education opportunities;
- Raise the profile of Carlisle/Borderlands – by bringing back into full use this key gateway site with a high-quality building;
- Increase footfall in the city centre – to help counter the wider trends leading to a decline in high street shopping faced by Carlisle city centre and so help support the vitality and vibrancy of the city centre; and
- Improve the overall attractiveness and liveability of Carlisle as a city – this relates to helping improve the city centre making the UofC's cultural facilities much more accessible and usable by Carlisle's residents and increasing the UofC's economic, social and cultural footprint in the city.

1.7 The business case for the new campus estimates that this proposal will deliver 164 extra full-time equivalent jobs by 2035/36, 380 net additional jobs by 2040/41 and boost the economy of the Borderlands region by £118m (Gross Value Added). In approving the Borderlands funding for this project, Government recognised that the forecast benefits represented good Value for Money.

1.8 Officers have been progressing attempts to assemble the necessary Order Land by agreement, but timescales relating to the funding (see paragraph 3.3 below) mean that it is sensible to run the compulsory purchase process and continued negotiations with affected landowners in parallel.

## **2. Finance**

2.1 The Council's Executive approved the submission of the Borderlands Inclusive Growth Deal proposal to UK and Scottish Governments at the meeting of 17<sup>th</sup> September 2018 (ED30/18). The proposal was considered by both Governments and in July 2019, the Leaders of the Borderlands Councils and UK and Scottish Government Ministers signed a Heads of Terms agreement for a £394.5m investment programme for the Borderlands Inclusive Growth Deal. This was made up of £200m for the English authorities, £150m for the Scottish authorities and combined with £44.5m financial support from the Borderlands partners.

2.2 The Scheme costs were estimated to be £77.5m in 2021 and will be funded from public monies including Borderlands funding (£50m) and Carlisle Town Deal (£4m) and the UofC are contributing £23.5m of their own funding. It is recognised that there will be increases to the costs of the project through construction inflation, but the

University has in place the necessary finance, management and governance arrangements to ensure the Scheme will be delivered in accordance with the requirements of the Grant Funding Agreement.

- 2.3. The work required to prepare for the use of CPO powers, including all work needed to support the making of such an order has been managed and coordinated by Council officers. The Council have employed Gateley Hamer as its property and land referencing advisors. All of the professional costs, including compensation for the remaining interests have been budgeted for within the project budget and the Council are indemnified by the UoC via an Indemnity Agreement in respect of the Council's costs in undertaking the preparation, use and implementation of the Council's compulsory purchase powers.

### **3. Alternative Options Considered / Risk Management**

- 3.1. The alternative option would be not to go ahead with the Scheme including the repurposing of the Grade 1 Listed Citadels and of the development of the UofC Campus. This would not be optimal because it does not address the Council's objectives for economic growth and priorities to drive regeneration and transformation of the city centre, promoting Carlisle as a place to live, work and visit.
- 3.2. In the absence of utilising compulsory purchase powers the delivery of the Scheme would be put at risk as there is no certainty that all interests required to deliver the Scheme could be acquired by agreement. If all interests could not be acquired a fundamental review of the Scheme would be required, which would lead to lengthy delays and a loss of confidence and momentum that has otherwise been built up. This approach is supported by paragraph 2 of the DLUHC Guidance on Compulsory Purchase Process and the Crichel Down Rules ("the Guidance") where it states: *'[...] 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 procedure'*
- 3.3. In addition, the Borderlands Growth Deal and Town Deal funding of the project is tied into delivery, and failure to deliver the approved Scheme risks the funding being withdrawn. The programme leads to UofC occupying the buildings fully fitted out and operational by April 2026. The programme is configured around key project milestones as outlined:
- Milestone 1: Submission of draft Final Business Case (FBC) to MHCLG (Friday 18th June 2021), and full and final FBC (end July 2021)

- Milestone 2: All land interests acquired (April 2023) (after CPO process)
- Milestone 3: Construction contract signed by UofC (October 2022)
- Milestone 4: Construction contracted completed (December 2025).

3.4 Therefore it makes sense for the Council to pursue the compulsory purchase of the Order Land in parallel with attempts to acquire by agreement to ensure that the above deadlines are complied with (subject to the adjustment of any milestones by agreement) and the regeneration opportunity is not missed.

#### 4. **Compulsory Purchase Powers**

Paragraph 11 of the Guidance requires the Council to “*use the most specific power available for the purpose in mind*”, The powers within section 226(1)(a) of the Town and Country Planning Act are proposed to be used in order to acquire the various land interests needed to deliver the Scheme, if they cannot be acquired by agreement because under section 226(1)(a) of the Act, the Council, on being authorised to do so by the Secretary of State, can acquire any land in their area: *‘[...] if the authority thinks that the acquisition will facilitate the carrying out of development, redevelopment or improvement on or in the land’*.

4.1 In addition, section 226 (1A) states *‘[...] But a local authority must not exercise the power under paragraph (a) of subsection (1) unless they think that the development, re-development or improvement is likely to contribute to the achievement of any one or more of the following objects—*  
*(a) the promotion or improvement of the economic well-being of their area;*  
*(b) the promotion or improvement of the social well-being of their area;*  
*(c) the promotion or improvement of the environmental well-being of their area”*

4.2 In summary, the exercise of these powers will require that the Scheme will contribute to the achievement of the objectives for economic growth and priorities to drive regeneration and transformation of the city centre, promoting Carlisle as a place to live, work and visit. As set out above in section 1.6, the Scheme’s objectives would make a significant contribution towards the social, economic and environmental wellbeing of Carlisle, Cumbria and the wider Borderlands region. The Scheme is also viewed as significantly contributing to the needs and growth ambitions of Carlisle and the sub-region, that are articulated in the adopted Carlisle Local Plan and the Borderlands Inclusive Growth Deal

4.3 The Council has considered the potential negative impact that its pursuance of compulsory purchase powers would have upon those with an interest in the land required for the Scheme and has weighed those impacts, including any interference with human rights (both on an individual basis and collectively) against the public benefits that the Scheme would bring. Having carried out that balancing exercise, the Council believes that the public benefits would outweigh any negative impacts and

that, on that basis, there is a clear and compelling case in the public interest which would justify the use of compulsory purchase powers to facilitate the delivery of the Scheme. The Statement of Reasons attached at Appendix 2 sets out the Council's case for pursuing compulsory purchase powers to deliver the Scheme in more detail.

## **5. Compulsory Purchase Process and Justification**

- 5.1 The Council acknowledges that compulsory purchase powers should be used as a measure of last resort and has attempted to acquire all relevant land interests through negotiations with affected landowners since November 2020. It is apparent, however, that not all of the required land interests will be acquired by agreement within a reasonable timescale in respect to the delivery of the Scheme in line with the Borderlands Inclusive Growth Deal funding. Negotiations will continue with affected landowners in accordance with the requirements of paragraph 2 of the Guidance but the Council considers it is appropriate to commence the compulsory purchase process and as a result, the Order and Order Map which indicate the land to be included with in the Order, together with the accompanying Statement of Reasons have been prepared and are attached as Appendices 4, 2 and 3. This report is being submitted with a recommendation requesting delegated authority for the making of the Order.
- 5.2 The Guidance sets out guidance for acquiring authorities in relation to the making of Compulsory Purchase Orders, including when it is appropriate for compulsory purchase powers to be utilised pursuant to section 226(1)(a). The Guidance sets out the key tests which need to be satisfied before a Compulsory Purchase Order will be confirmed – these are considered by the Secretary of State prior to deciding whether to confirm the Order and must be considered by the Council prior to the making of the Order. These tests together with the responses are detailed at section 7 of the Statement of Reasons and have been given detailed consideration as it is critical to demonstrate that there are no physical or legal impediments to the delivery of the Scheme that cannot be overcome. Further detailed consideration of the justification for the making of the Order is included within the Statement of Reasons.
- 5.3 A significant justification for the exercise of compulsory purchase powers is that the Council may lose the opportunity to take advantage of time limited Borderlands funding given the potential timescales for acquisition of those interests by agreement. The Council has been negotiating in good faith and in earnest since 2020 and is of the view that agreements are unlikely to be reached with remaining landowners in a timely fashion which risks the Council missing the opportunity for the Borderlands Inclusive Growth Deal funding and a missed opportunity for the City as a result.
- 5.4 It is considered that the criteria within section 226(1)(a) will be satisfied, as the significant benefits that the Scheme will deliver, will improve the economic, social and environmental wellbeing of the area. The key benefits to be realised from transferring

the Council's freehold assets within the Scheme to the UofC and exercising its CPO powers to deliver the remaining interests in the Scheme are as follows: -

- Significant benefits for the local economy, community and environment from the development of a new city centre university campus.
- A strong and growing UofC at the heart of the city, creating a profile and opportunities that promote regional economic growth.
- New investment in and purpose for local historic assets, showcasing a rich cultural heritage for residents and visitors to create an enhanced experience and sense of place.
- Promoting better access to skills development and higher education for local people and businesses.
- Addresses the Council's risk of reputational damage associated with the failure to deliver this strategically important transformational project.
- The Scheme will facilitate the creation of approximately 145 temporary direct full time employment construction jobs and 219 temporary indirect full time employment jobs per annum over the approximate 32-month construction period. During the operation of the UofC Campus, it is anticipated that an additional circa.164 full time employment university jobs will be created over the 20 years from opening in 2025/26
- The Scheme will increase footfall to a key gateway site into Carlisle City Centre, which will consequently have a wider knock-on effect of increasing the vitality, vibrancy and viability of Carlisle City Centre's Primary Shopping Area.
- The Scheme will significantly improve the visual appearance of the Citadels site through the new high quality buildings and public realm and by removing poor quality structures on part of the site.
- The Scheme will be opened up to the public, increasing permeability and accessibility to the City Centre site and the surrounding area through the development of a central publicly accessible space, known as 'The Forum', providing residents and visitors with improved recreational space in a highly sustainable location.

## **6 Acquisition of Property to Prepare for Redevelopment**

- 6.1 The interests within the area to be acquired include those of leaseholders, sub leaseholders, freeholders, and any private express or implied rights that may have been granted. These interests have been formally identified following the completion of a due diligence exercise.
- 6.2 All owners and tenants have been contacted as part of the land referencing process that has been carried out. The land referencing exercise has been undertaken by an external specialist who has liaised extensively with the Council's in-house team and its advisors.



- 6.3 The land referencing exercise has identified all owners, tenants, occupiers and others with a legal interest in the land affected by the Order and/or who may be eligible for compensation from desk top Council records, HM Land Registry information and a site visit. The Council has also issued requests for information from those appearing to have an interest in the land to be compulsorily acquired under section 5A of the Acquisition of Land Act 1981 and/or section 16 of the Local Government (Miscellaneous Provisions) Act 1976. The responses to those requests for information have been utilised in the drafting of the Order Schedule and the accompanying Order Map.
- 6.4 The Council own approximately one third of the freehold in the Order Land and the County Council own approximately two thirds of the freehold in the site. There are also unknown owners of plots (1) (13) (19) (22) (as identified on the Order Map) and a number of private head leasehold interests and sub-leasehold interests across the Order Land that need to be acquired.
- 6.5 Section 3.3 of the Statement of Reasons sets out the diligent enquiries that have been made to identify all owners and occupiers of land within the Order Land. There are twenty four remaining interests to be acquired and a summary of those interests and progress that has been made regarding their acquisition is set out in section 11 of the Statement of Reasons at Appendix 2.
- 6.6 Considerable progress has been made in relation to acquiring interests in the Order Land since 12<sup>th</sup> March 2021 with the acquisition of interests and demolition of the former Paton House building, but a number of interests are still required to be obtained to deliver vacant possession of the Order Land. Progress on the acquisition of land interests is set out in detail in Section 11 of the Statement of Reasons at Appendix 2.
- 6.7 Owners will be compensated in line with the compulsory purchase compensation code and offered assistance with relocation. The Council, as acquiring authority, is committed to working with those affected, and will continue to work with leaseholders, and occupiers as the CPO progresses.
- 6.8 Compulsory purchase is intended as a last resort to secure the assembly of all the land needed for the implementation of projects, albeit that the Guidance does advise that it is not necessary to wait for negotiations to break down before commencing the compulsory purchase process as valuable time will be lost. It also acknowledges that it is sensible to plan a compulsory purchase timetable and initiate formal compulsory purchase procedures before negotiations break down.

## 7. Design and Planning Submission

- 7.1 The Development Plan for Carlisle comprises of the Carlisle District Local Plan (CDLP) 2015-2030 ("the Local Plan"). Of particular relevance to the Scheme are the following suite of strategic policies SP2 (Strategic Growth and Distribution), SP4 (Carlisle City Centre and Caldew Riverside), SP7, (Valuing our Heritage and Cultural Identity) and SP10 (Supporting Skilled Communities).
- 7.2 In addition to the Local Plan, there are a number of other relevant planning guidance documents which are 'material considerations'. Of particular relevance in the context of the Scheme are:
- National Planning Policy Framework (NPPF) 2021,
  - Section 66 of the Planning (Listed Building) Act 1990 (LBA),
  - Urban Design Guide and Public Realm SPD (2009)
- 7.3 Section 6 of the Statement of Reasons considers the extent to which the purpose of the Scheme aligns with the objectives of the policies in the adopted Local Plan and NPPF.
- 7.4 Planning permission for the Scheme was granted on 8<sup>th</sup> August 2022 with reference 22/0261 and Listed Building Consent was granted with reference 22/0262 following consideration of the planning application for the Scheme at the Planning Committee of 8<sup>th</sup> August 2022. The planning permission permits the following:
- "Change Of Use Of The Existing Citadels Buildings (Which Comprise The Crown Court, Nisi Prius & Hospital Wing), 94-96 English Street (Known As Woolworths Building), 98-104 English Street & 185 Victoria Viaduct (Known As Burton's Building) To Higher Education Use [Class F1(a)] With Ancillary Café [Class E(b)] At The Ground Floor Of The Woolworths Building; Erection Of A Single Storey Roof Extension To The Woolworths Building; Demolition Of 106-114 English Street & The Kramer Building (Former CUCC Offices) & Construction Of A New University Entrance; Reconfiguration Of The Former Paton House (Now Demolished) Car Park & Construction Of A 4 Storeys Over Ground Floor Level (Maximum) Building With Associated Roof Terraces For Higher Education Use [Class F1(a)] At Bush Brow; With Associated Pedestrian Access Point Through The Former Gaol Wall, Landscaping Enhancements To The Citadels Gardens; Creation Of New Publicly Accessible Privately Owned (& Managed) Public Realm/Civic Space Within The Centre Of The Scheme & Associated Adjacent Highways Works | Citadel Buildings, English Street, Carlisle"*
- 7.5 It is considered that the Scheme aligns with the policies in the Local Plan, NPPF and is consistent with policies supportive of the UofC development, city centre regeneration and economic development.

## **8. Equality and Human Rights Impacts**

- 8.1 Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states that a public authority must, in the exercise of its functions have due regard to the need to:
- i) eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under this Act.
  - ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.2. The equalities impact of the Scheme is set out in section 14 of the Statement of Reasons.
- 8.3. In making the recommendation to compulsorily purchase the outstanding third-party land, a full Equality Impact Assessment (EQIA) has been carried out to assess whether or not any protected group has been impacted on, and measures have been put in place, to reduce any negative impacts. As a whole, the Scheme will be positive for the residents, visitors, and businesses of the town Centre.
- 8.4. None of the affected parties (head leaseholders, sub-tenants, etc) are likely to fall within any group with protected characteristics and so the impact of the Council's decision to authorise the making of a CPO to facilitate delivery of the Scheme is considered to be neutral. One of the sub-tenants is a Romanian female but the relevant head leaseholder (her landlord) is to terminate her interest pursuant to a break clause in the sub lease, thus avoiding use of the Council's CPO powers.
- 8.5 In terms of its process, procedures and general behaviour towards affected parties to ensure there is no discrimination, the Council and its agents have sought to comply with government guidance (updated 2019) on compulsory purchase and sought to reduce the anxiety that can be brought about by the threat of compulsory purchase, by ensuring that the affected parties are provided with as much information about what the CPO process involves and the indicative timetable of events; this included 'claimant information' documents.
- 8.6 The Council has offered to alleviate any concerns about future entitlement to compensation by explaining to parties their entitlement to compensation and where the party concerned is a business in occupation of its premises, the Council has done what it can to offer advice and assistance in respect to their relocation. Also, to ensure the affected party can have access to professional advice, the Council continues to offer and has paid for the reasonable professional fees of affected parties in respect

to the disposal of their property to the Council so that they have access to appropriate professional advice.

8.7 The Equality Impact Assessment (EQIA) has been undertaken in respect of the proposal to acquire land by agreement and if this is unsuccessful to use compulsory purchase powers to make a Compulsory Purchase Order (CPO), to facilitate the redevelopment of the Order Land to provide a new city centre campus. The assessment and impact of the land acquisitions and the CPO process is the focus of this EQIA. The full EQIA report can be found at Appendix 4.

8.8 Paragraph 2 of the Guidance states that *'[...] when making...an order, acquiring authorities...should be sure that the purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected.'*

8.9 Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with the European Convention on Human Rights.

Paragraph 13 of the Guidance states that: *'[...] 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 the land that it is proposing to acquire compulsorily and the wider public interest'.*

8.10 It is acknowledged that the compulsory acquisition of the Order Land will potentially amount to an interference with the human rights of those with interests in the Order Land. Section 12 of the Statement of Reasons gives fuller details as to the human rights position but the Council is of the view that the purposes for which the compulsory purchase order is made justifies interfering with the human rights of those with an interest in the land affected for the following reasons:

- The significant public benefits that the Scheme will deliver as set out in section 5.4 of this report;
- Compulsory purchase of land is not contrary to the European Convention on Human Rights if it is undertaken in the public interest and in accordance with the law and procedures laid down by statute;
- The Council has already engaged in a significant programme of dialogue with those affected by the Proposals to understand and appropriately mitigate any detrimental impacts upon them both during construction and permanently as a result of the Works.
- Affected owners and occupiers will have the benefit of all applicable compensation provisions, whether by reference to legislation concerning compulsory purchase or otherwise.
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8.11 The Council considers that there is a compelling case in the public interest to make the CPO which will facilitate the redevelopment of the Order Land pursuant to the

Scheme. The public interest benefits in implementing the Scheme within the Order Land are considered sufficient to justify interfering with the human rights of those with interests in the Order Land and that it would be appropriate and proportionate for the Council to make the CPO.

## **9 Shadow Authority**

9.1 The Council is subject to The Structural Changes (Cumbria) Order 2022 (SI 2022/331) and a section 24 of the Local Government and Public Involvement in Health Act 2007 direction issued by the Secretary of State which took effect on 30<sup>th</sup> June 2022.

9.2 The Cumberland Shadow Authority has issued a general consent for the purposes of the Direction (“the General Consent”). If a proposed contract or disposal of land is within the scope of the General Consent, the Council does not need to apply for individual consent. The General Consent provides consent for the following:

- a) Disposal of land if the market value of the land does not exceed £1,000,000.
- b) Capital contracts for which the maximum consideration payable does not exceed £5,000,000 and which do not contain terms which allow the consideration to be varied to exceed that amount.
- c) Non-capital contracts for which the maximum consideration payable does not exceed £5,000,000 and the term of the contract extends beyond 1 April 2023 or may be extended beyond that date.

9.3 The Council may therefore require approval from the Cumberland Shadow Authority to implement the order in the event the General Consent cannot be applied.

## **10 Reasons for Recommendations**

10.1 The key benefits to be realised from transferring the Council's freehold asset to the UofC and exercising its CPO powers are as follows: -

- Significant benefits for the local economy, community and environment from the development of a new city centre UofC Campus.
- A strong and growing UofC at the heart of the city, creating a profile and opportunities that promote regional economic growth.
- New investment in and purpose for local historic assets, showcasing a rich cultural heritage for residents and visitors to create an enhanced experience and sense of place.
- Promoting better access to skills development and higher education for local people and businesses.
- Addresses the Council's risk of reputational damage associated with the failure to deliver this strategically important transformational project.

- The Scheme will facilitate the creation of approximately 145 temporary direct full time employment construction jobs and 219 temporary indirect full time employment jobs per annum over the approximate 32 month construction period. During the operation of the UofC Campus, it is anticipated that an additional circa.164 full time employment university jobs will be created over the 20 years from opening in 2025/26
- The Scheme will increase footfall to a key gateway site into Carlisle City Centre, which will consequently have a wider knock-on effect of increasing the vitality, vibrancy and viability of Carlisle City Centre's Primary Shopping Area.
- The Scheme will significantly improve the visual appearance of the Citadels site through the new high quality buildings and public realm and by removing poor quality structures on part of the site.
- The Scheme will be opened up to the public, increasing permeability and accessibility to the City Centre site and the surrounding area through the development of a central publicly accessible space, known as 'The Forum', providing residents and visitors with improved recreational space in a highly sustainable location.

10.2 It is considered that the tests in the Guidance are met in that there is a compelling case in the public interest for making the Order, it would be a measure of last resort as negotiations to acquire all of the land interests required for the Scheme are not likely to be concluded within a reasonable timescale, there are no financial, legal or physical impediments to the implementation of the Scheme and the purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected.

10.3 On these bases, it is considered that the making of the Order is proportionate and reasonable and the Executive is asked to:

1. Approve the making of a Compulsory Purchase Order ("CPO") under section 226(1)(a) of the Town and Country Planning Act 1990 for the acquisition of land and rights within the area edged red on the plan at Appendix 1 for the purposes of facilitating development, redevelopment and improvement of the Order Land; and,
2. Authorise the delegated authority for the Corporate Director of Economic Development following consultation with the Leader of the Council, Portfolio Holder for Economy Enterprise and Housing, and Corporate Director of Governance & Regulatory Services, to effect the making, confirmation, and implementation of the CPO and to take all necessary steps to give effect to the CPO in respect of the Order Land including, but not limited to, the following procedural steps:
  - i. finalise a Statement of Reasons setting out the Council's reasons for making the CPO;

- ii. making the CPO, the publication and service of any press, site and individual notices and other correspondence for such making;
- iii. acquire all interests within the Order Land as may be necessary to facilitate the Scheme, either by agreement or compulsorily, including entering into negotiations with any third parties for the acquisition of their land interests; the payment of compensation and dealing with any blight notices served in connection with the CPO;
- iv. approve agreements with landowners or statutory undertakers as applicable, setting out the terms for withdrawal of any objections to the CPO, including where appropriate seeking exclusion of land from the CPO;
- v. make any necessary additions, deletions, or amendments to the Order Land and to seek any requisite modifications to the CPO Order and any CPO maps (if required)
- vi. the preparation and presentation of the Council's case at any Public Inquiry which may be necessary.
- vii. seek confirmation of the CPO by the Secretary of State (or, if permitted, by the Council pursuant to Section 14A of the Acquisition of Land Act 1981) (the 1981 Act);
- viii. in the event the order is confirmed, publication and service of notices of confirmation of the CPO and thereafter to execute and serve any general vesting declarations and/or notices to treat and notices of entry, and any other notices or correspondence to acquire those interests within the area, including, if required, High Court Enforcement Officer notices; and
- ix. all steps in any legal proceedings related to the Order including referral and conduct of disputes, relating to compulsory purchase compensation, to the Upper Tribunal (Lands Chamber) and/or the courts and any appeals.

## **11 CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES**

- 11.1 The Scheme will support the delivery of the vision set out in the Carlisle Plan, which is to enable Carlisle to grow and prosper as the capital of the Borderlands region. It also contributes directly to the priority of delivering inclusive and sustainable economic growth, by making Carlisle a more attractive place for investment, improving skills and drive key sector development.

### **Contact details:**

Contact Officer: Steven Robinson

Ext: 7535

**Appendices attached to report:**

- Appendix 1: Planning and Listed Building Decision Notices
- Appendix 2: University of Cumbria Citadels Campus – Draft Order Map;
- Appendix 3: Statement of Reasons;
- Appendix 4: Draft Order and accompanying Schedule;
- Appendix 5: Equality Impact Assessment

Note: in compliance with section 100d of the Local Government Act 1972 the report has been prepared in part from the following papers:

- None

**Corporate Implications:**

**Legal** – In the body of the report

**Property Services** - Property Services continue to provide assistance to the project.

**Finance** – If the Executive are minded to approve the use of CPO powers as set out in the report and these powers are, in fact, utilised then the Council will incur expenditure in terms of any compensation payment due to the relevant parties. As set out in the report (paragraph 2.3) the costs associated with these payments are contained within the Project Budget and will therefore be fully reimbursed by the University of Cumbria via the Indemnity Agreement in place. There may be a negative cashflow impact depending upon the reimbursement payment terms. The General Consent criteria must be considered in terms of any further approval needed by the Shadow Authority.

**Equality** - Equality Impact Assessment included as Appendix 4, the outcome of which states that: '**No major change needed** - the analysis shows the policy is robust and evidence shows no potential for discrimination'.

**Information Governance** - There are no Information Governance implications with this report.



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## Application for Planning Permission Notice of Approval

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Town and Country Planning Act 1990

Town and Country Planning (Development Management Procedure)

(England) Order 2015

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Applicant: Agent: (if any)

University of Cumbria  
C/P DPP

DPP  
SPACES Deansgate  
125 Deansgate  
Manchester  
M3 2BY

### Part 1 - Particulars of Application

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Date of Application: 04/04/2022

Application Number: 22/0261

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Particulars and Location of Proposal:

#### Proposal:

**Change Of Use Of The Existing Citadels Buildings (Which Comprise The Crown Court, Nisi Prius & Hospital Wing), 94-96 English Street (Known As Woolworth Buildings), 98-104 English Street & 185 Victoria Viaduct (Known As Burton's Building) To Higher Education Use [Class F1(a)] With Ancillary Café [Class E(b)] At The Ground Floor Of The Woolworth Buildings; Erection Of A Single Storey Roof Extension To The Woolworth Buildings; Demolition Of 106-114 English Street & The Kramer Building (Former CUCC Offices) & Construction Of A New University Entrance; Reconfiguration Of The Former Paton House (Now Demolished) Car Park & Construction Of A 4 Storeys Over Ground Floor Level (Maximum) Building With Associated Roof Terraces For Higher Education Use [Class F1(a)] At Bush Brow; With Associated Pedestrian Access Point Through The Former Gaol Wall, Landscaping Enhancements To The Citadels Gardens; Creation Of New Publicly Accessible Privately Owned (& Managed) Public Realm/Civic Space Within The Centre Of The Scheme & Associated Adjacent Highways Works**

#### Location:

**Citadel Buildings, English Street, Carlisle**

### Part 2 - Particulars of Decision

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In pursuance of the powers under the above Act and Order the Carlisle City Council

hereby gives notice that **Planning Permission Has Been Granted** for the carrying out of the development referred to in Part 1 hereof and as described and shown on the application and plan(s) submitted, subject to due compliance with the following condition(s):

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

**Reason:** In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
  1. the submitted planning application form, received 29 Mar 2022;
  2. Location Plan (Dwg No. DAY-XX-XX-DR-A-04-0100), received 29 Mar 2022;
  3. Proposed Site Plan (Dwg No. DAY-XX-XX-DR-A-04-0110), received 29 Mar 2022;
  4. Proposed Block Plan (Dwg No. DAY-XX-XX-DR-A-04-0124), received 29 Mar 2022;
  5. Section and elevation Key (Dwg No. DAY-XX-XX-DR-A-04-0125), received 29 Mar 2022;
  6. Demolition GIA Use Category Plans (Dwg No. DAY-XX-ZZ-DR-A-04-0152), received 29 Mar 2022;
  7. Phase 2 GIA Use Category Plan (Dwg No. DAY-XX-ZZ-DR-A-04-0154), received 29 Mar 2022;
  8. New Build GEA Plans Phase 2 (Dwg No. DAY-XX-ZZ-DR-A-04-0156), received 29 Mar 2022;
  9. Crown Court Demolition Plans (Dwg No. DAY-XX-ZZ-DR-ID-04-0132, Rev A), received 10 Jun 2022;
  10. Nisi Pirus Demolition Plans (Dwg No. DAY-XX-ZZ-DR-ID-04-0133, Rev A), received 10 Jun 2022;
  11. Site Elevations (Street Scenes) Proposed Phase 1 (Dwg No. DAY-XX-XX-DR-A-04-1105, Rev A), received 10 Jun 2022;
  12. Site Elevations (Street Scenes) Proposed Phase 2 (Dwg No. DAY-XX-XX-DR-A-04-1106, Rev A), received 10 Jun 2022;
  13. Site Elevations (Central Plaza) Proposed Phase 1 (Dwg No. DAY-XX-XX-DR-A-04-1108, Rev A), received 10 Jun 2022;
  14. Site Elevations (Central Plaza) Proposed Phase 2 (Dwg No. DAY-XX-XX-DR-A-04-1109, Rev A), received 10 Jun 2022;
  15. Woolworths Elevations Proposed Phase 1 (Dwg No.

- DAY-XX-ZZ-DR-A-04-1102, Rev A), received 10 Jun 2022;
16. Woolworths Elevations Proposed Phase 2 (Dwg No. DAY-XX-ZZ-DR-A-04-1103, Rev A), received 10 Jun 2022;
  17. Site Demolition Plan Phase 1 (Dwg no. DAY-XX-XX-DR-A-04-0130), received 29 Mar 2022;
  18. Site Demolition Plan Phase 2 (Dwg no. DAY-XX-XX-DR-A-04-0131), received 29 Mar 2022;
  19. General Arrangement Plan - Lower Ground Floor Proposed Phase 1 and 2 (Dwg no. DAY-XX-B1-DR-A-04-0111), received 29 Mar 2022;
  20. General Arrangement Plan - Ground Floor Proposed Phase 1 and 2 (Dwg no. DAY-XX-00-DR-A-04-0112 Rev A), received 14 Jul 2022;
  21. General Arrangement Plan - First Floor Proposed Phase 1 (Dwg no. DAY-XX-01-DR-A-04-0113), received 29 Mar 2022;
  22. General Arrangement Plan - First Floor Proposed Phase 2 (Dwg no. DAY-XX-01-DR-A-04-0114), received 29 Mar 2022;
  23. General Arrangement Plan - Second Floor Proposed Phase 1 (Dwg no. DAY-XX-02-DR-A-04-0115), received 29 Mar 2022;
  24. General Arrangement Plan - Second Floor Proposed Phase 2 (Dwg no. DAY-XX-02-DR-A-04-0116), received 29 Mar 2022;
  25. General Arrangement Plan - Third Floor Proposed Phase 1 (Dwg no. DAY-XX-03-DR-A-04-0117), received 29 Mar 2022;
  26. General Arrangement Plan - Third Floor Proposed Phase 2 (Dwg no. DAY-XX-03-DR-A-04-0118), received 29 Mar 2022;
  27. General Arrangement Plan - Roof Proposed Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-0119 Rev A), received 10 Jun 2022;
  28. General Arrangement Plan - Roof Proposed Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-0120 Rev A), received 10 Jun 2022;
  29. General Arrangement Plan - Hospital Wing and Crown Court Building Proposed Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-0121 Rev A), received 10 Jun 2022;
  30. General Arrangement Plan - Nisi Prius Proposed Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-0122 Rev A), received 10 Jun 2022;
  31. Section Through Site Axis Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-2101 Rev A), received 10 Jun 2022;
  32. Section Through Site Axis Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-2102 Rev A), received 10 Jun 2022;
  33. Sections longitudinal Proposed Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-2103 Rev A), received 10 Jun 2022;
  34. Sections longitudinal Proposed Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-2104 Rev A), received 10 Jun 2022;
  35. Sections Transverse Proposed Phase 1 (Dwg no.

- DAY-XX-ZZ-DR-A-04-2105 Rev A), received 10 Jun 2022;
36. Sections Transverse Proposed Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-2106 Rev A), received 10 Jun 2022;
  37. Section Floor Levels Proposed Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-2107 Rev A), received 10 Jun 2022;
  38. Section Floor Levels Proposed Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-2108 Rev A), received 10 Jun 2022;
  39. 3D Sections A B C Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-2117 Rev A), received 10 Jun 2022;
  40. 3D Sections D E F Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-2118 Rev A), received 10 Jun 2022;
  41. 3D Sections G H Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-2119 Rev A), received 10 Jun 2022;
  42. 3D Sections A B C Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-2120 Rev A), received 10 Jun 2022;
  43. 3D Sections D E F Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-2121 Rev A), received 10 Jun 2022;
  44. 3D Sections G H Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-2122 Rev A), received 10 Jun 2022;
  45. Business Interaction Centre Floor Level Section Plan (Dwg no. DAY-BB-ZZ-DR-A-04-2125), received 10 Jun 2022;
  46. Hospital Wing Floor Level Sections Plan (Pt 1) (Dwg no. DAY-BB-ZZ-DR-A-04-2123), received 10 Jun 2022;
  47. Hospital Wing Floor Level Sections Plan (Pt 2) (Dwg no. DAY-BB-ZZ-DR-A-04-2124), received 10 Jun 2022;
  48. General Arrangement Plan (Dwg no. UG\_471\_LAN\_GA\_DRW\_001 Rev P16), received 30 Jun 2022;
  49. Gaol Wall Opening (Dwg no. DAY-XX-XX-DR-A-04-2113 Rev A), received 10 Jun 2022;
  50. Facade Study - New Build Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-2111 Rev A), received 10 Jun 2022;
  51. Facade Study - New Build Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-2112), received 10 Jun 2022;
  52. the Notice of Decision; and
  53. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. The development shall be undertaken in general accordance with the approved documents for this Planning Permission which comprise:

1. Carlisle Citadels: Archaeological Impact Assessment (undertaken by Oxford Archaeology), received 29 Mar 2022;
2. Bat Survey Report (undertaken by Urban Green), received 29 Mar 2022;
3. Biodiversity Net Gain Design Stage Assessment (undertaken by Urban Green), received 29 Mar 2022;
4. Condition Survey (undertaken by Purcell), received 29 Mar 2022;
5. Carlisle Citadels Conservation Management Plan (prepared by Purcell), received 29 Mar 2022;
6. Demolition Statement (Revision: P01, prepared by Curtins), received 29 Mar 2022;
7. Energy & Sustainability Statement (Ref: 16110-HYD-XX-XX-RP-Y-5002, prepared by Hydrock Consultants Limited), received 29 Mar 2022;
8. Written Scheme of Investigation for an Archaeological Evaluation and Watching Brief, received 29 Mar 2022;
9. Heritage Impact Assessment (Issue 02, undertaken by Purcell), received 29 Mar 2022;
10. Interim Travel Plan (Revision: V04, prepared by Curtins), received 29 Mar 2022;
11. Phase 1 Preliminary Risk Assessment (Revision: V02, prepared by Curtins), received 29 Mar 2022;
12. Preliminary Ecological Appraisal (prepared by Urban Green), received 29 Mar 2022;
13. Servicing Strategy (Revision: V03, prepared by Curtins), received 29 Mar 2022;
14. Stage I Visual Structural Condition Appraisal (prepared by Curtins), received 29 Mar 2022;
15. Townscape & Visual Impact Appraisal (prepared by Urban Green), received 29 Mar 2022;
16. Transport Assessment (Revision: V03, prepared by Curtins), received 29 Mar 2022;
17. Urban Design Framework Statement (prepared by Urban Green), received 29 Mar 2022;
18. Geophysical Survey Report (prepared by SUMO Geophysics Ltd), received 1 Apr 2022;
19. Arboricultural Impact Assessment (AIA) (undertaken by Urban Green), received 10 Jun 2022;
20. Historic Buildings Design and Usage Review (Revision G, prepared by Purcell and Day Architectural Ltd), received 10 Jun 2022;

**Reason:** To define the permission.

4. Notwithstanding any description of materials in the application, prior to the commencement of the outer façade of each Phase of the development (Phase 1 and 2), excluding demolition, samples or full details of materials to be used externally on the building within the relevant phase, have been submitted to and approved by the Local Planning Authority. Such details shall include the type, colour and texture of the materials.

**Reason:** To ensure that materials to be used are acceptable and in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

5. Prior to the installation of any vents and drainage apparatus, samples and details of any roof vents, ventilation grilles, flues and soil pipes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be constructed other than in accordance with the approved details.

**Reason:** In the interest of the appearance and character of the listed buildings and the retained portions of the Woolworth and Burton's Buildings, in accordance with Policies HE3, HE6 and HE7 of the Carlisle District Local Plan 2015-2030.

6. Prior to any stonework being modified and/or rebbed and repointed, including a section of Gaol Wall at Bush Brow, a sample area of stonework measuring not less than 1m x1m shall be erected on site for inspection by the Local Planning Authority, with the stone type and source, bonding pattern, mortar specification, and joint detail and general appearance to be agreed in writing. An area of ashlar repointing to a discrete area of the retained buildings shall be completed for inspection by the Local Planning Authority to be agreed in writing as above. If there are any repairs to stone, brickwork and roofs, a method statement and specification of the repairs and to include samples and details of fixings and mortar mix shall be made available to the Local Planning Authority for their inspection and approval prior to any repairs being undertaken. Thereafter the development shall not be constructed other than in accordance with the approved details.

**Reason:** In the interest of the appearance and character of the listed buildings and the retained portions of the Woolworth and Burton's Buildings, in accordance with Policies HE3, HE6 and HE7 of the Carlisle District Local Plan 2015-2030.

7. Notwithstanding any information as submitted, prior to the insertion of any new/replacement windows (on any listed buildings and Woolworth and Burton's Buildings), details at a scale of 1:5 of any new windows, including the construction, means of affixing to the walls, the size, glazing, opening mechanisms, cill and lintol arrangement and the depth of the reveal shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be constructed other than in accordance with the approved details.

**Reason:** In the interest of the appearance and character of the listed buildings and the retained portions of the Woolworth and Burton's

8. Within 6 months of the decision or prior to the commencement on site (excluding demolition)(whichever is sooner), a statement to explain how the WW2 'Emergency Water Supply' (circa 1m high) on the brick return of the Burton's Building at Bush Brow is to be protected and retained, and incorporated into the scheme, is to be submitted to the LPA for written agreement.

**Reason:** In the interest of the appearance and character of the listed buildings and the retained portions of the Woolworth and Burton's Buildings, in accordance with the objectives of Carlisle District Local Plan Policies HE6 and HE7.

9. Notwithstanding the information as submitted, prior to the occupation of the development hereby approved, full details of the proposed soft landscaping, including a phased programme of works, shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved following the completion of the development or in accordance with a programme agreed by the Local Planning Authority. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

**Reason:** To ensure a satisfactory landscaping scheme is implemented to fulfil the requirements of policies SP6, GI1 and GI6 of the Carlisle District Local Plan 2015-2030.

10. Notwithstanding the information as submitted, prior to the occupation of the development hereby approved, full details of the proposed hard landscaping, including details of the former City Wall interpretative feature, samples of surfacing materials and a phased programme of works, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be constructed other than in accordance with the approved details.

**Reason:** To ensure a satisfactory landscaping scheme is implemented to fulfil the requirements of Policies SP6, HE3, HE6 and HE7 of the Carlisle District Local Plan 2015-2030.

11. Details of the paint colour and finish, including manufacturer's specification to be used on the internal (listed buildings only) and external areas of the existing buildings shall be submitted to and approved in writing by the Local Planning Authority prior to any painting work commencing. Thereafter the development shall not be constructed other than in accordance with the approved details.

**Reason:** In the interest of the appearance and character of the listed buildings and the retained portions of the Woolworth and Burton's Buildings, in accordance with Policies HE3, HE6 and HE7 of the Carlisle District Local Plan 2015-2030.

12. Prior to the commencement of any works (excluding demolition and foundation works), full details of all proposed gating, including pedestrian gates, within the application site shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include detailed design and size of the gates.

**Reason:** In the interest of the appearance and character of the listed buildings and conservation area, in accordance with Policies HE3 and HE7 of the Carlisle District Local Plan 2015-2030.

13. Prior to installation of any external lighting, details of the proposed external lighting (inclusive of the design, locations and luminance levels) shall be submitted to the local planning authority for approval in writing. The development shall only be carried out in accordance with the approved details.

**Reason:** To safeguard the living conditions of the neighbouring residents and to ensure the objectives of Policies CM5 and SP6 of the Carlisle District Local Plan 2015-2030 are met.

14. Prior to the removal of any Court Room furniture in Nisi Prius and the Crown Court Buildings, a programme of works for the court room furniture relocation, and photographs and drawings as existing, and as proposed, shall be submitted to and approved in writing by the Local Planning Authority. The programme of works shall identify how and by whom supervision of the works shall be undertaken and shall include details regarding the exact proposed locations (within the application site) and uses for the removed court room furniture. Thereafter the development shall not be constructed other than in accordance with the approved details.

**Reason:** In the interest of the appearance and character of the listed buildings, and in accordance with Policy HE3 of the Carlisle District Local Plan 2015-2030.

15. Notwithstanding the details that have been submitted with the application, full details including drawings and manufacturers details where appropriate of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority prior to any works to the boundaries. Thereafter the development shall not be constructed other than in accordance with the approved details.

**Reason:** In the interest of the appearance and character of the listed buildings and the retained portions of the Woolworth and Burton's Buildings, in accordance with Policies HE3, HE6 and HE7 of the Carlisle District Local Plan 2015-2030.

16. Prior to the removal of the window at the Former Labour Group Room at the Crown Court Building (as shown on Carlisle Citadels Conservation Management Plan, prepared by Purcell, received 29 Mar 2022), details of the proposed roof terrace access shall be submitted to and approved by the local planning authority. Thereafter the development shall not be constructed other than in accordance with the approved details.



**Reason:** In the interest of the appearance and character of the listed buildings, in accordance with Policy HE3 of the Carlisle District Local Plan 2015-2030.

17. No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a number of written scheme of investigations which have been submitted by the applicant and approved in writing by the Local Planning Authority.

These written schemes of investigation will include the following components:

- i) An archaeological evaluation - in accordance with the submitted 'Written Scheme of Investigation for an Archaeological Evaluation and Watching Brief' dated April 2022;
- ii) An archaeological recording programme the scope of which will be dependant upon the results of the evaluation.

**Reason:** To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the examination and recording of such remains.

18. Where significant archaeological remains are revealed by the programme of archaeological work, there shall be carried out within one year of the completion of that programme on site, or within such timescale as otherwise agreed in writing by the Local Planning Authority: an archaeological post-excavation assessment and analysis, the preparation of a site archive ready for deposition at a store, the completion of an archive report, and the preparation and submission of a report of the results for publication in a suitable specialist journal.

**Reason:** To ensure that a permanent and publically-accessible record is made of the archaeological remains that have been disturbed by the development.

19. Prior to the carrying out of any construction work the following buildings and structures affected by the proposed development shall be recorded in accordance with the undermentioned Levels of Survey, as described by Historic England's document Understanding Historic Buildings A Guide to Good Recording Practice, 2016:

The Crown Court - Level 3 Survey;  
Nisi Prius Court - Level 3 Survey;  
the Hospital Wing - Level 2 Survey;  
the Gaol Wall – Level 1 Survey; and  
the Woolworth Buildings - Level 1 Survey.

Within 2 months of the commencement of construction works a digital copy of the resultant survey report shall be furnished to the Local Planning Authority.

**Reason:** To ensure that a permanent record is made of the buildings and

structures of architectural and historical interest prior to their alteration as part of the proposed development.

20. Work to the carriageway, footways, footpaths, cycleways etc ,as indicatively shown on the drawings submitted with this application, shall be designed, constructed, drained and lit to a suitable standard and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before any of the above highways related works commence on site. None of the above highways related works shall be commenced until a full specification has been approved. Any works so approved shall be constructed before the development is occupied.

**Reason:** To ensure a minimum standard of construction in the interests of highway safety, and to support Local Transport Plan Policies: LD5, LD7, LD8.

21. No development works pursuant to the development hereby approved (including demolition) shall take place outside the hours of 7.30am to 6pm on weekdays and 7.30am to 4pm on Saturdays with no works on any Sundays or statutory holidays. Quieter activities which are carried out inside buildings such as electrical works, plumbing and plastering may take place outside of agreed working times so long as they do not result in significant disturbance to neighbouring occupiers.

**Reason:** To prevent disturbance to nearby occupants in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

22. Full details of the surface water drainage system (incorporating SUDs features as far as practicable) and a maintenance schedule (identifying the responsible parties) shall be submitted to the Local Planning Authority for approval prior to development being commenced (excluding demolition). Any approved works shall be implemented prior to the development being completed and shall be maintained thereafter in accordance with the schedule.

**Reason:** To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. To ensure the surface water system continues to function as designed and that flood risk is not increased within the site or elsewhere.

23. Prior to the commencement of each phase of the development (Demolition, phase 1 and phase 2), a Demolition and Construction Environment Management Plan (DCEMP) for the relevant phase shall be submitted to and approved in writing by the local planning authority. The DCEMP shall include details of:

1. pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
2. details of proposed crossings of the highway verge;
3. retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;

4. cleaning of site entrances and the adjacent public highway;
5. details of proposed wheel washing facilities;
6. the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
7. provision and use of water suppression equipment;
8. covering of 'dusty' materials;
9. construction vehicle routing;
10. the management of junctions to and crossings of the public highway and other public rights of way/footway;
11. Details of any proposed temporary access points (vehicular / pedestrian)
12. surface water management details during the construction phase; and
13. implementation of noise mitigation measures i.e. use of noise attenuation barriers, storage/unloading of aggregates away from sensitive receptors, use of white noise reversing alarms where possible.

**Reason:** To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety. To support Local Transport Plan Policies: WS3, LD4 and to protect the living conditions of the occupiers of the adjacent residential properties in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

24. Prior to the commencement of Phase 1 development (excluding demolition), details of cycle storage provisions shall be submitted to and approved in writing with the Local Planning Authority.

**Reason:** In accordance with Policies SP1 and IP3 of the Carlisle District Local Plan 2015-2030.

25. Within 6 months of first occupation of the site, a final Travel Plan which includes clear objectives and modal split targets, together with a time-bound programme of implementation, monitoring, regular review and update; and be based on the particulars contained within the development hereby approved, shall be submitted to and approved in writing by the local planning authority and thereafter operated in accordance with the agreed details.

**Reason:** In accordance with Policies SP1 and IP2 of the Carlisle District Local Plan 2015-2030.

26. Prior to the occupation of the site hereby approved, details and location of the carpark spaces equipped with active and passive EV charging points shall be submitted to and approved in writing by the local planning authority. The details shall include:

1. Location of active and passive charge points;
2. Specification of charging equipment;
3. Operation/management strategy, including details regarding the process to active passive charging points;

The development shall be completed in accordance with the approved details and retained in perpetuity.

**Reason:** In accordance with Policies SP1 and IP2 of the Carlisle District Local Plan 2015-2030.

27. Prior to the occupation of phase 1 of the development, an Operational Management Plan shall be submitted to and approved in writing by the LPA. The Operational Management Plan shall, as a minimum, cover the following points:

1. The location of all ground/lower ground external access points and how they will be managed
2. How all external access points will be controlled during the day and out of hours i.e. fob/key card
3. The times that the external access gates will be closed to the public
4. The location of CCTV
5. Noise management for any external event at the Forum

**Reason:** In accordance with Policies CM4 and HE3 of the Carlisle District Local Plan 2015-2030.

28. Prior to the commencement of each phase (1 and 2) of the development (excluding demolition), an updated Sustainability and Energy Statement for the relevant phase, shall be submitted to and approved in writing by the LPA. The updated Sustainability and Energy Statement shall include a detailed scheme to demonstrate compliance with CDLP Policy CC3 and shall, as a minimum, include:

1. The sustainability credentials of the external build materials
2. The specification and location of renewable energy such as air source heat pump technology and the roof mounted Photovoltaic Cells

**Reason:** In accordance with Policies SP1, SP6 and CC3 of the Carlisle District Local Plan 2015-2030.

29. For the duration of the development works, the retained trees as shown within the submitted Arboricultural Impact Assessment (undertaken by Urban Green, received 10 Jun 2022) shall be protected by tree protective fencing erected and maintained outwith all root protection areas. The specification for the tree protective fencing must conform to BS5837:2012 Trees in relation to Construction - recommendations, and within all root protection areas, there shall be no excavation, tipping or stacking, nor compaction of the ground by any other means.

**Reason:** To protect existing trees on site during development works and in accordance with Policy GI6 of the Carlisle District Local Plan 2015-2030.

30. The development hereby approved shall not be carried out otherwise than in complete accordance with the Mitigation Measures contained within the submitted Bat Survey Report (2021) compiled by Urban Green, received 29 Mar 2022.

Compensatory roost provisions shall be implemented before any demolition

works take place to provide compensatory habitat for the loss of the roosts. These compensatory roost provisions must be maintained within the site for a minimum of five years.

**Reason:** In order to ensure no adverse impact on a European Protected Species in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

31. Prior to the commencement of each phase of the development (Demolition, Phase 1 and Phase 2), a detailed Landscape and Ecological Management Plan for the relevant phase shall be submitted to and approved by the local planning authority. Each detailed Landscape and Ecological Management Plan shall include mitigation, compensation and enhancement measures, and the Management Plan shall be in accordance with the principles set out within the submitted Biodiversity Net Gain Assessment (carried out by Urban Green, received on 29 Mar 2022). The development shall be implemented in accordance with the approved details unless otherwise approved in writing by the local planning authority.

**Reason:** To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

32. Prior to the commencement of each Phase of the development (Phase 1 and Phase 2) (excluding demolition), details of measures, to prevent birds from nesting/roosting on the roofs or facades of the buildings, for the relevant phase shall be submitted to and approved in writing with the Local Planning Authority.

**Reason:** In the interests and amenities of users of the building, nearby residential and business premises in accordance with Policy SP6 of the Carlisle District Local Plan 2015-30.

33. Within 6 months of the development hereby approved being brought into first use, an updated Servicing Strategy including details of the provision of external litter bins; their specifications and planned emptying frequencies, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter the development shall be operated in accordance with the approved details.

**Reason:** To ensure that adequate means of litter management is provided in accordance with policy IP5 and SP6 of the Carlisle District Local Plan 2015-2030.

34. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A site investigation scheme, based on the desk study to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

**Reason** To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework and Policy CM5 of the Carlisle District Local Plan 2015-2030.

35. In the advent that Phase 2 of the development has not commenced by the opening of Phase 1 the applicant shall enter into discussions with the local planning authority to provide an implementation programme for Phase 2 in accordance with Condition 28 or, in the case of uncertainty of timescale, full installation of Phase 2 photovoltaics on the constructed Phase 1. The scheme shall be submitted within 12 months of opening and shall be implemented in accordance with the submitted details.

**Reason:** In accordance with Policies SP1, SP6 and CC3 of the Carlisle District Local Plan 2015-2030.

Date: 08/08/2022

Signed:

Jane E Meek  
Corporate Director of Economic  
Development

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### **Advisory Statement(s)**

- i) Any approval by the local planning authority of further details required by conditions specified in this notice must be obtained in writing and such notice of approval should thereafter be appended to this notification of decision.
  - ii) It is recommended that this notice (and any subsequent written approval of details required to satisfy conditions) be annexed to the property deeds to which the application relates.
1. The Local Planning Authority has acted positively and proactively in determining

this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. Northern Gas Networks working with United Utilities has advised that there may be apparatus in the area that may be at risk during construction works and they require the developer to contact them directly to discuss their requirements in detail. A copy of correspondence received is available on the City Council's website [www.carlisle.gov.uk](http://www.carlisle.gov.uk).
3. Many species and their habitats are protected under conservation legislation such as the Wildlife and Countryside Act 1981, The Conservation of Habitats and Species Regulations 2010, the Countryside and Rights of Way Act 2000, the Hedgerows Regulations 1997. If any protected species are found during development all work must cease immediately and the Local Planning Authority notified.
4. United Utilities advise that:
  - the level of cover to the water mains and sewers must not be compromised either during or after construction
  - a separate metered supply to [each] unit[s] will be required at the applicant's expense and all internal pipe work must comply with current water supply (water fittings) regulations 1999. The applicant should contact United Utilities on 03456 723 723 regarding connection to the water mains or public sewers
  - it is the applicant's responsibility to demonstrate the exact relationship between any United Utilities asset and the proposed development. United Utilities offer a fully supported mapping service and recommend the applicant contact United Utilities Property Searches Team on 0370 751 0101 to obtain maps of the site
  - due to the Private Sewers Transfer not all sewers are currently shown on the statutory records. If a sewer is discovered during construction: please contact a Building Control Body to discuss the matter further
  - if the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as United Utilities need to be sure that the proposal meets the requirements of sewers for adoption and United Utilities' Assets Standards. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore, should the applicant wish to progress a Section 104 agreement, United Utilities strongly recommend that no construction commences until the details drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be

subject to change.

Any further information regarding Developer Services and Planning please visit United Utilities website at  
<http://www.unitedutilities.com/builders-developers.aspx>

5. Please note that in submission of the final Travel Plan it shall contain measures to encourage modal shift from vehicular access to alternative forms of transport for successive student intakes in order to reduce reliance on cars given the centralised location of the approved facility.

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### **Important Note**

This notice neither conveys nor implies any other approvals, entitlements or statutory rights which may require to be obtained from any other public or private utility or agency prior to work being carried out. In particular, if the proposal involves building work you should ensure that you obtain any approval which may be necessary under the Building Regulations before commencement of development.

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### **Notice to Applicant of Rights of Appeal**

- Where an application has been refused, or has been granted subject to a condition or conditions with which you are dissatisfied, you are entitled to appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- Appeals must, however be made within six months of the date of this notice. Appeal forms can be submitted electronically at-

[www.gov.uk/appeal-planning-decision](http://www.gov.uk/appeal-planning-decision)

Alternatively they can be obtained from the following address: -

The Planning Inspectorate  
Customer Support Unit  
Temple Quay House  
2 The Square  
Temple Quay  
BRISTOL  
BS1 6PN

Telephone: 0303 444 50 00

- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to them that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.



- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by them.

### **Further Information**

- The government web site ([www.gov.uk/planning-inspectorate](http://www.gov.uk/planning-inspectorate)) contains a range of planning-related guidance and services, which are useful at both the application and appeal stage.

### **Purchase Notices**

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

### **Compensation**

- In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to them.
- These circumstances are set out in sections 114 and related provisions of the Town and Country Planning Act 1990.

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## **Application for Listed Building Consent Notice of Consent Granted**

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Planning (Listed Buildings and Conservation Areas) Act 1990

Town and Country Planning (Listed Building and Conservation Areas) Regulations 1990

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Applicant:

University of Cumbria  
C/P DPP

C/P DPP

Agent: (if any)

DPP  
SPACES Deansgate  
125 Deansgate  
Manchester  
M3 2BY

### **Part 1 - Particulars of Application**

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Date of Application: 04/04/2022

Application Number: 22/0262

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Particulars and Location of Proposal:

**Proposal:**

**Alterations To Existing Citadels Buildings (Which Comprise The Crown Court, Nisi Prius & Hospital Wing); Insertion Of Opening To The Gaol Wall; Demolition Of 106-114 English Street, The Kramer Building & The Toilet Block To The Crown Court; Reinstatement Of Railings To Citadel Gardens; Comprehensive Refurbishment Of Former Crown Court, Nisi Prius & Hospital Wing To Provide Higher Education (Office & Teaching Spaces) Including Replacement Of Mechanical & Electrical Services, Installation Of WC's, Accessibility Enhancements & Removal Of Modern Detrimental Additions & Partitions; Hospital Wing Alterations Include: Removal Of Various Modern Subdivisions Across The Hospital Wing; Reopening Of Former Openings In The Hospital Wing External Elevations & New Bridges & Openings At First Floor Of The Hospital Wing (LBC)**

**Location:**

**Citadel Buildings, English Street, Carlisle**

### **Part 2 - Particulars of Decision**

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In pursuance of the powers under the above Act and Order the Carlisle City Council

hereby gives notice that **Listed Building Consent Has Been Granted** for the carrying out of the development referred to in Part 1 hereof and as described and shown on the application and plan(s) submitted, subject to due compliance with the following condition(s):

1. The works identified within the approved application shall be commenced within 3 years of this consent.

**Reason:** In accordance with the provisions of Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

2. The development shall be undertaken in strict accordance with the approved documents for this Listed Building Consent which comprise:
  1. the submitted planning application form, received 29 Mar 2022;
  2. Location Plan (Dwg No. DAY-XX-XX-DR-A-04-0100), received 29 Mar 2022;
  3. Proposed Site Plan (Dwg No. DAY-XX-XX-DR-A-04-0110), received 29 Mar 2022;
  4. Proposed Block Plan (Dwg No. DAY-XX-XX-DR-A-04-0124), received 29 Mar 2022;
  5. Section and elevation Key (Dwg No. DAY-XX-XX-DR-A-04-0125), received 29 Mar 2022;
  6. Demolition GIA Use Category Plans (Dwg No. DAY-XX-ZZ-DR-A-04-0152), received 29 Mar 2022;
  7. Phase 2 GIA Use Category Plan (Dwg No. DAY-XX-ZZ-DR-A-04-0154), received 29 Mar 2022;
  8. New Build GEA Plans Phase 2 (Dwg No. DAY-XX-ZZ-DR-A-04-0156), received 29 Mar 2022;
  9. Crown Court Demolition Plans (Dwg No. DAY-XX-ZZ-DR-ID-04-0132, Rev A), received 10 Jun 2022;
  10. Nisi Pirus Demolition Plans (Dwg No. DAY-XX-ZZ-DR-ID-04-0133, Rev A), received 10 Jun 2022;
  11. Site Elevations (Street Scenes) Proposed Phase 1 (Dwg No. DAY-XX-XX-DR-A-04-1105, Rev A), received 10 Jun 2022;
  12. Site Elevations (Street Scenes) Proposed Phase 2 (Dwg No. DAY-XX-XX-DR-A-04-1106, Rev A), received 10 Jun 2022;
  13. Site Elevations (Central Plaza) Proposed Phase 1 (Dwg No. DAY-XX-XX-DR-A-04-1108, Rev A), received 10 Jun 2022;
  14. Site Elevations (Central Plaza) Proposed Phase 2 (Dwg No. DAY-XX-XX-DR-A-04-1109, Rev A), received 10 Jun 2022;
  15. Woolworths Elevations Proposed Phase 1 (Dwg No. DAY-XX-ZZ-DR-A-04-1102, Rev A), received 10 Jun 2022;

16. Woolworths Elevations Proposed Phase 2 (Dwg No. DAY-XX-ZZ-DR-A-04-1103, Rev A), received 10 Jun 2022;
17. Site Demolition Plan Phase 1 (Dwg no. DAY-XX-XX-DR-A-04-0130), received 29 Mar 2022;
18. Site Demolition Plan Phase 2 (Dwg no. DAY-XX-XX-DR-A-04-0131), received 29 Mar 2022;
19. General Arrangement Plan - Lower Ground Floor Proposed Phase 1 and 2 (Dwg no. DAY-XX-B1-DR-A-04-0111), received 29 Mar 2022;
20. General Arrangement Plan - Ground Floor Proposed Phase 1 and 2 (Dwg no. DAY-XX-00-DR-A-04-0112 Rev A), received 14 Jul 2022;
21. General Arrangement Plan - First Floor Proposed Phase 1 (Dwg no. DAY-XX-01-DR-A-04-0113), received 29 Mar 2022;
22. General Arrangement Plan - First Floor Proposed Phase 2 (Dwg no. DAY-XX-01-DR-A-04-0114), received 29 Mar 2022;
23. General Arrangement Plan - Second Floor Proposed Phase 1 (Dwg no. DAY-XX-02-DR-A-04-0115), received 29 Mar 2022;
24. General Arrangement Plan - Second Floor Proposed Phase 2 (Dwg no. DAY-XX-02-DR-A-04-0116), received 29 Mar 2022;
25. General Arrangement Plan - Third Floor Proposed Phase 1 (Dwg no. DAY-XX-03-DR-A-04-0117), received 29 Mar 2022;
26. General Arrangement Plan - Third Floor Proposed Phase 2 (Dwg no. DAY-XX-03-DR-A-04-0118), received 29 Mar 2022;
27. General Arrangement Plan - Roof Proposed Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-0119 Rev A), received 10 Jun 2022;
28. General Arrangement Plan - Roof Proposed Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-0120 Rev A), received 10 Jun 2022;
29. General Arrangement Plan - Hospital Wing and Crown Court Building Proposed Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-0121 Rev A), received 10 Jun 2022;
30. General Arrangement Plan - Nisi Prius Proposed Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-0122 Rev A), received 10 Jun 2022;
31. Section Through Site Axis Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-2101 Rev A), received 10 Jun 2022;
32. Section Through Site Axis Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-2102 Rev A), received 10 Jun 2022;
33. Sections longitudinal Proposed Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-2103 Rev A), received 10 Jun 2022;
34. Sections longitudinal Proposed Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-2104 Rev A), received 10 Jun 2022;
35. Sections Transverse Proposed Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-2105 Rev A), received 10 Jun 2022;

36. Sections Transverse Proposed Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-2106 Rev A), received 10 Jun 2022;
37. Section Floor Levels Proposed Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-2107 Rev A), received 10 Jun 2022;
38. Section Floor Levels Proposed Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-2108 Rev A), received 10 Jun 2022;
39. 3D Sections A B C Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-2117 Rev A), received 10 Jun 2022;
40. 3D Sections D E F Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-2118 Rev A), received 10 Jun 2022;
41. 3D Sections G H Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-2119 Rev A), received 10 Jun 2022;
42. 3D Sections A B C Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-2120 Rev A), received 10 Jun 2022;
43. 3D Sections D E F Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-2121 Rev A), received 10 Jun 2022;
44. 3D Sections G H Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-2122 Rev A), received 10 Jun 2022;
45. Business Interaction Centre Floor Level Section Plan (Dwg no. DAY-BB-ZZ-DR-A-04-2125), received 10 Jun 2022;
46. Hospital Wing Floor Level Sections Plan (Pt 1) (Dwg no. DAY-BB-ZZ-DR-A-04-2123), received 10 Jun 2022;
47. Hospital Wing Floor Level Sections Plan (Pt 2) (Dwg no. DAY-BB-ZZ-DR-A-04-2124), received 10 Jun 2022;
48. General Arrangement Plan (Dwg no. UG\_471\_LAN\_GA\_DRW\_001 Rev P16), received 30 Jun 2022;
49. Gaol Wall Opening (Dwg no. DAY-XX-XX-DR-A-04-2113 Rev A), received 10 Jun 2022;
50. Facade Study - New Build Phase 1 (Dwg no. DAY-XX-ZZ-DR-A-04-2111 Rev A), received 10 Jun 2022;
51. Facade Study - New Build Phase 2 (Dwg no. DAY-XX-ZZ-DR-A-04-2112), received 10 Jun 2022;
52. the Notice of Decision; and
53. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. The development shall be undertaken in general accordance with the approved documents for this Listed Building Consent which comprise:
  1. Carlisle Citadels: Archaeological Impact Assessment (undertaken by Oxford

- Archaeology), received 29 Mar 2022;
2. Bat Survey Report (undertaken by Urban Green), received 29 Mar 2022;
  3. Biodiversity Net Gain Design Stage Assessment (undertaken by Urban Green), received 29 Mar 2022;
  4. Condition Survey (undertaken by Purcell), received 29 Mar 2022;
  5. Carlisle Citadels Conservation Management Plan (prepared by Purcell), received 29 Mar 2022;
  6. Demolition Statement (Revision: P01, prepared by Curtins), received 29 Mar 2022;
  7. Energy & Sustainability Statement (Ref: 16110-HYD-XX-XX-RP-Y-5002, prepared by Hydrock Consultants Limited), received 29 Mar 2022;
  8. Written Scheme of Investigation for an Archaeological Evaluation and Watching Brief, received 29 Mar 2022;
  9. Heritage Impact Assessment (Issue 02, undertaken by Purcell), received 29 Mar 2022;
  10. Interim Travel Plan (Revision: V04, prepared by Curtins), received 29 Mar 2022;
  11. Phase 1 Preliminary Risk Assessment (Revision: V02, prepared by Curtins), received 29 Mar 2022;
  12. Preliminary Ecological Appraisal (prepared by Urban Green), received 29 Mar 2022;
  13. Servicing Strategy (Revision: V03, prepared by Curtins), received 29 Mar 2022;
  14. Stage I Visual Structural Condition Appraisal (prepared by Curtins), received 29 Mar 2022;
  15. Townscape & Visual Impact Appraisal (prepared by Urban Green), received 29 Mar 2022;
  16. Transport Assessment (Revision: V03, prepared by Curtins), received 29 Mar 2022;
  17. Urban Design Framework Statement (prepared by Urban Green), received 29 Mar 2022;
  18. Geophysical Survey Report (prepared by SUMO Geophysics Ltd), received 1 Apr 2022;
  19. Arboricultural Impact Assessment (AIA) (undertaken by Urban Green), received 10 Jun 2022;
  20. Historic Buildings Design and Usage Review (Revision G, prepared by Purcell and Day Architectural Ltd), received 10 Jun 2022;

**Reason:** To define the permission.

3. Details and drawings including sections and elevations and a method statement

for the restoration and repair of any existing windows and doors, panelling and other period joinery shall be submitted to and approved in writing by the Local Planning Authority prior to any works to these features. Thereafter the development shall not be constructed other than in accordance with the approved details.

**Reason:** In the interest of the appearance and character of the listed buildings, and in accordance with Policy HE3 of the Carlisle District Local Plan 2015-2030.

4. All existing historic doors within the listed buildings shall be retained and if required to be altered in any way, details shall be submitted to and approved in writing by the local planning authority prior to any works to the doors. Thereafter the development shall not be constructed other than in accordance with the approved details.

**Reason:** In the interest of the appearance and character of the listed buildings, and in accordance with Policy HE3 of the Carlisle District Local Plan 2015-2030.

5. Prior to the insertion of any new doors, details at a scale of 1:5 of new doors including construction, means of affixing to the wall, the size, proposed frames, panels and depth of reveal and new internal doors (listed buildings only) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be constructed other than in accordance with the approved details.

**Reason:** In the interest of the appearance and character of the listed buildings, and in accordance with Policy HE3 of the Carlisle District Local Plan 2015-2030.

6. Notwithstanding any information as submitted, prior to the insertion of any new/replacement windows on any listed buildings, details at a scale of 1:5 of any new windows, including the construction, means of affixing to the walls, the size, glazing, opening mechanisms, cill and lintol arrangement and the depth of the reveal shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be constructed other than in accordance with the approved details.

**Reason:** In the interest of the appearance and character of the listed buildings and the retained portions of the Woolworth and Burton's Buildings. In accordance with Policies HE3, HE6 and HE7 of the Carlisle District Local Plan 2015-2030.

7. Full details of sound proofing and fire protection measures shall be submitted to and approved in writing by the Local Planning Authority prior to any of these measures being undertaken. Thereafter the development shall not be constructed other than in accordance with the approved details.

**Reason:** In the interest of the appearance and character of the listed

buildings, and in accordance with Policies HE3, HE6 and HE7 of the Carlisle District Local Plan 2015-2030.

8. Prior to the commencement of the development hereby approved, a Conservation Strategy shall be submitted to and approved in writing by the Local Planning Authority detailing the protection of all historic features, including staircases, windows and glazing, fireplaces, panelling, plaster ceilings, cornicing and any other internal architectural features, during the works to the buildings. Thereafter all works to historic features shall follow this strategy.

**Reason:** In the interest of the appearance and character of the listed buildings and the retained portions of the Woolworth Buildings, and in accordance with Policies HE3, HE6 and HE7 of the Carlisle District Local Plan 2015-2030.

9. Prior to the installation of any platform lifts, details of the location, materiality and means of fixing to the listed structures shall be submitted to and approved by the local planning authority.

**Reason:** In the interest of the appearance and character of the listed buildings. In accordance with Policy HE3 of the Carlisle District Local Plan 2015-2030.

10. Prior to the removal of the window at the Former Labour Group Room at the Crown Court Building (as shown on Carlisle Citadels Conservation Management Plan, prepared by Purcell, received 29 Mar 2022), details of the proposed roof terrace access shall be submitted to and approved by the local planning authority. Thereafter the development shall not be constructed other than in accordance with the approved details.

**Reason:** In the interest of the appearance and character of the listed buildings, in accordance with Policy HE3 of the Carlisle District Local Plan 2015-2030.

11. Prior to the removal of any Court Room furniture in Nisi Prius and the Crown Court Buildings, a programme of works for the court room furniture relocation, and photographs and drawings as existing, and as proposed, shall be submitted to and approved in writing by the Local Planning Authority. The programme of works shall identify how and by whom supervision of the works shall be undertaken and shall include details regarding the exact proposed locations (within the application site) and uses for the removed court room furniture. Thereafter the development shall not be constructed other than in accordance with the approved details.

**Reason:** In the interest of the appearance and character of the listed buildings, and in accordance with Policy HE3 of the Carlisle District Local Plan 2015-2030.

12. Details of the paint colour and finish, including manufacturer's specification to be used on the internal (listed buildings only) and external areas of the existing



buildings shall be submitted to and approved in writing by the Local Planning Authority prior to any painting work commencing. Thereafter the development shall not be constructed other than in accordance with the approved details.

**Reason:** In the interest of the appearance and character of the listed buildings and the retained portions of the Woolworth and Burton's Buildings, and in accordance with Policies HE3, HE6 and HE7 of the Carlisle District Local Plan 2015-2030.

13. Prior to the commencement of any works (excluding demolition and foundation works), full details of all proposed gating, including pedestrian gates, within the application site shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include detailed design and size of the gates.

**Reason:** In the interest of the appearance and character of the listed buildings and the conservation area, in accordance with Policies HE3, HE6 and HE7 of the Carlisle District Local Plan 2015-2030.

14. Notwithstanding the details that have been submitted with the application, full details including drawings and manufacturers details where appropriate of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority prior to any works to the boundaries. Thereafter the development shall not be constructed other than in accordance with the approved details.

**Reason:** In the interest of the appearance and character of the listed buildings and the retained portions of the Woolworth and Burton's Buildings, in accordance with Policies HE3, HE6 and HE7 of the Carlisle District Local Plan 2015-2030.

15. Prior to the occupation of phase 1 of the development, an Operational Management Plan shall be submitted to and approved in writing by the LPA. The Operational Management Plan shall, as a minimum, cover the following points:

1. The location of all ground/lower ground external access points and how they will be managed
2. How all external access points will be controlled during the day and out of hours i.e. fob/key card
3. The times that the external access gates will be closed to the public
4. The location of CCTV
5. Noise management for any external event at the Forum

**Reason:** In accordance with Policies CM4 and HE3 of the Carlisle District Local Plan 2015-2030.

16. Prior to the commencement of any works in relation to either raising or lowering of floor levels within the court rooms of the Crown Court and Nisi Prius Buildings, detailed drawings including sections shall be submitted and approved by the local planning authority. Thereafter the development shall not be constructed other than in accordance with the approved details.

**Reason:** In the interest of the appearance and character of the listed buildings, and in accordance with Policy HE3 of the Carlisle District Local Plan 2015-2030.

Date: 08/08/2022

Signed:

Jane E Meek  
Corporate Director of Economic  
Development

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### **Advisory Statement(s)**

- i) Any approval by the local planning authority of further details required by conditions specified in this notice must be obtained in writing and such notice of approval should thereafter be appended to this notification of decision.
- ii) It is recommended that this notice (and any subsequent written approval of details required to satisfy conditions) be annexed to the property deeds to which the application relates.

---

### **Important Note**

This notice neither conveys nor implies any other approvals, entitlements or statutory rights which may require to be obtained from any other public or private utility or agency prior to work being carried out. In particular, if the proposal involves building work you should ensure that you obtain any approval which may be necessary under the Building Regulations before commencement of development.

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### **Notice to Applicant of Rights of Appeal**

- Where an application for Listed Building Consent has been refused, or has been granted subject to a condition or conditions with which you are dissatisfied, you are entitled to appeal to the Secretary of State in accordance with the provisions of Sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- Appeals must, however be made within six months of the date of this notice.

Appeal forms can be submitted electronically at -

[www.gov.uk/appeal-planning-decision](http://www.gov.uk/appeal-planning-decision)

Alternatively they can be obtained from the following address: -

The Planning Inspectorate  
Customer Support Unit

Temple Quay House  
2 The Square  
Temple Quay  
BRISTOL  
BS1 6PN

Telephone: 0303 444 50 00

- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

### **Purchase Notices**

- If either the local planning authority or the Secretary of State for the Environment refuses Conservation Area Consent or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Section 32 of the Planning (Listed Buildings and Conservation Area) Act 1990.

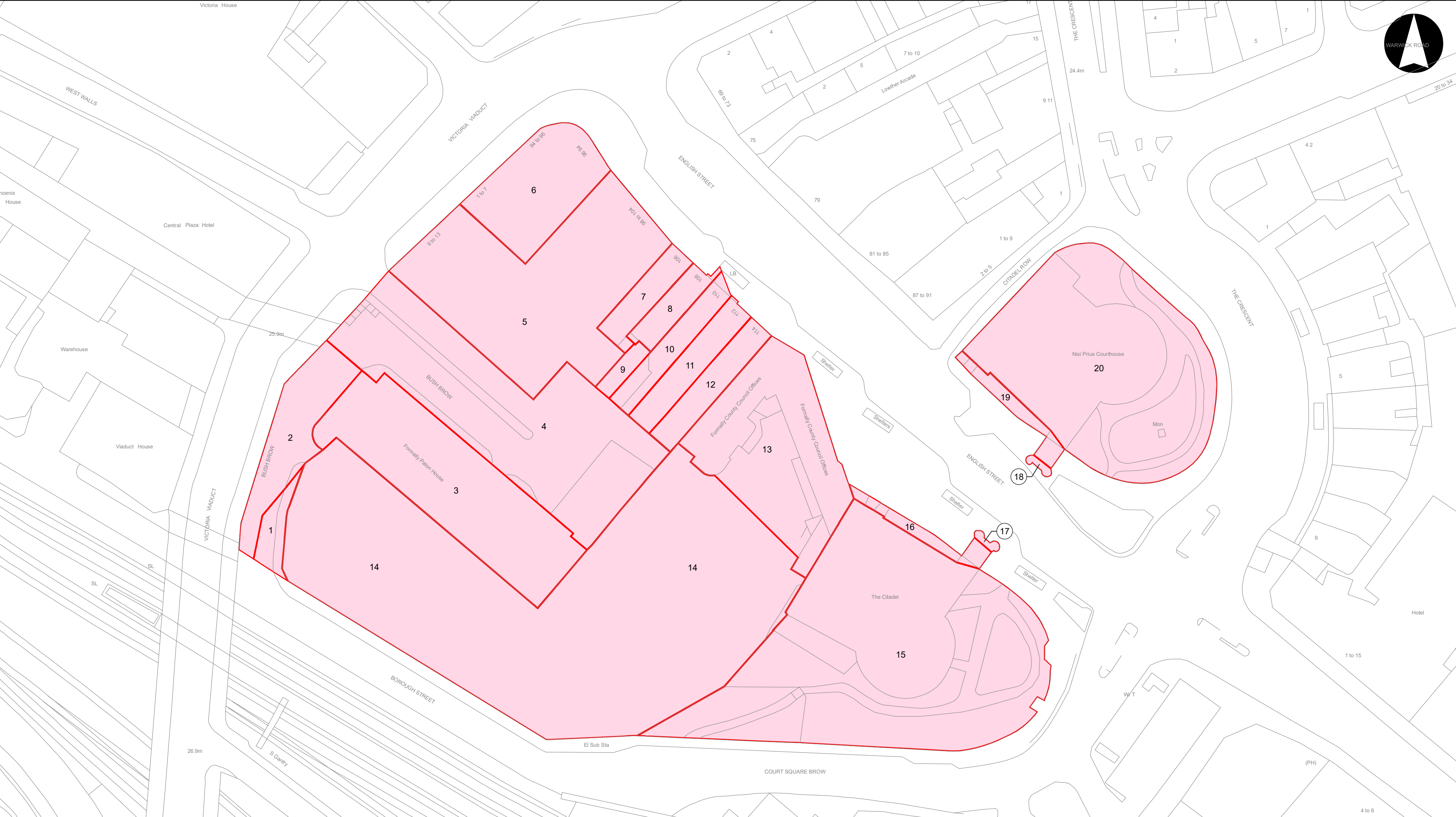
### **Compensation**

- In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.
- These circumstances are set out in section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- Applicants may also appeal against the decision of the local planning authority, where an application to vary or discharge conditions attached to a Conservation Area Consent has been refused or in respect of the imposition of new conditions consequential upon such variation or discharge.

### **Further Information**

- The government web site ([www.gov.uk/planning-inspectorate](http://www.gov.uk/planning-inspectorate)) contains a range of planning-related guidance and services, which are useful at both the application and appeal stage.

MAP REFERRED TO IN THE CARLISLE CITY COUNCIL (ENGLISH STREET, VICTORIA VIADUCT)  
COMPULSORY PURCHASE ORDER 2022



1:500 @ A2  
GH-136266006-CPO-DRAFT-P01  
13/09/2022

The COMMON SEAL of CARLISLE CITY COUNCIL  
was hereunto affixed this      day of      2022  
in the presence of:  
.....  
a duly authorised officer



**TOWN AND COUNTRY PLANNING ACT 1990**

**and**

**THE ACQUISITION OF LAND ACT 1981**

**CARLISLE CITY COUNCIL**

**(ENGLISH STREET, VICTORIA VIADUCT)  
COMPULSORY PURCHASE ORDER 2022**

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**STATEMENT OF REASONS**

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**[DATE]**

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## Glossary of Terms

In this Statement of Reasons, the following terms are used:

**1981 Act** means the Acquisition of Land Act 1981

**1990 Act** means the Town & Country Planning Act 1990;

**1998 Act** means the Human Rights Act 1998;

**2004 Act** means the Planning and Compulsory Purchase Act 2004;

**Council** means Carlisle City Council;

**County Council** means Cumbria County Council

**CPO** means the Carlisle City Council (English Street, Victoria Viaduct) Compulsory Purchase Order 2022 made by the Council on **[XXX 2022]**;

**CPO Guidance** means the document entitled “Guidance on Compulsory purchase process and The Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion” (published by the Ministry for Housing, Communities and Local Government in July 2019);

**DLUHC** means the Department for Levelling Up, Housing, and Communities

**Listed Building Consent** means the listed building consent with reference 22/0262 granted 8<sup>th</sup> August 2022

**Order Land** means the plots of land with an area of approximately 1.33 hectares comprised in the CPO, appended to this Statement of Reasons at Appendix 2 and shown edged red on the Order Map;

**Order Map** means the plan attached to the CPO showing the Order Land;

**Planning Permission** means the planning permission with reference 22/0261 granted on 8<sup>th</sup> August 2022 for the following:

“Change Of Use Of The Existing Citadels Buildings (Which Comprise The Crown Court, Nisi Prius & Hospital Wing), 94-96 English Street (Known As Woolworths Building), 98-104 English Street & 185 Victoria Viaduct (Known As Burton's Building) To Higher Education Use [Class F1(a)] With Ancillary Café [Class E(b)] At The Ground Floor Of The Woolworths Building; Erection Of A Single Storey Roof Extension To The Woolworths Building; Demolition Of 106-114 English Street & The Kramer Building (Former CUCC Offices) & Construction Of A New University Entrance; Reconfiguration Of The Former Paton House (Now Demolished) Car Park & Construction Of A 4 Storeys Over Ground Floor Level (Maximum) Building With Associated Roof Terraces For Higher Education Use [Class F1(a)] At Bush Brow; With Associated Pedestrian Access Point Through The Former Gaol Wall, Landscaping Enhancements To The Citadels Gardens; Creation Of New Publicly Accessible Privately Owned (& Managed) Public Realm/Civic Space Within The Centre Of The Scheme & Associated Adjacent Highways Works | Citadel Buildings, English Street, Carlisle”



**The Scheme** means the redevelopment of a high profile and visible four storey higher education facility with a mixture of high quality and fully digital enabled teaching spaces, business interaction space (referred to in this Statement as Carlisle Business Exchange), administration and support services, and University creative and cultural facilities on a gateway site opposite Carlisle railway station leading into Carlisle City Centre. It will be redeveloped in accordance with Planning Permission (and Listed Building Consent) for new buildings and the change of use and refurbishment of part of the existing listed and non-listed buildings to higher education use with ancillary café and including partial demolition of some of the other buildings at 106-114 English Street and the Kraemer building to facilitate a new University entrance and four storey building, with associated landscaping, civic space and connectivity improvements (planning reference 22/0261 and 22/0262 for full planning application and Listed Building Consent application, respectively). The Grade I listed Crown Court, Nisi Prius and Hospital Wing buildings will be modernised and restored to bring them back into full use.

**The Schedule** means the schedule to the CPO.

**University** means the University of Cumbria



## 1 Introduction

- 1.1 This document is the Statement of Reasons that relates to a CPO made by the Council for the acquisition of various land, property, and other interests, along with new oversailing rights in the Order Land shown on the CPO Map attached to the CPO. The Council's Executive Committee approved the making of the CPO on (3<sup>rd</sup> October 2022).
- 1.2 The Council has made the Carlisle City Council (English Street, Victoria Viaduct) Compulsory Purchase Order 2022 (the CPO). In making the CPO, the Council has had regard to the CPO Guidance.
- 1.3 The Council made the CPO pursuant to powers in section 226(1)(a) of the Town and Country Planning Act 1990 to purchase compulsorily the land described in section 4. It will facilitate the development, redevelopment, and improvement of the Order Land for the purpose of delivering regeneration of a landmarked site in Carlisle City Centre in a sustainable location opposite Carlisle railway station. This will be achieved by the partial refurbishment of existing buildings and construction of a new higher education facility that will contribute to the promotion and improvement of the economic, social, and environmental wellbeing of the acquiring authority's area.
- 1.4 The Order is being made and submitted to the Secretary of State for Levelling Up, Housing and Communities for confirmation pursuant to the above Acts. If confirmed, the Order will enable the Council to acquire compulsorily the land and new rights required to facilitate the Order Scheme. The Council is also the local planning authority for the Order Land.
- 1.5 This Statement of Reasons is a non-statutory document that sets out the reasons why the powers of compulsory purchase contained in the CPO are necessary and why there is a compelling case in the public interest for the CPO to be confirmed.
- 1.6 If confirmed, the CPO will authorise the Council to acquire compulsorily the Order Land. To date, the Council and the University of Cumbria have been unable to acquire all the interests in the Order Land by private treaty, despite endeavouring to do so.
- 1.7 The Order Land comprises approximately 1.33 hectares and is bounded by English Street, Victoria Viaduct, Borough Street and Court Square Brow and comprises various vacant listed buildings and structures at the entrance to English Street including the Crown Court, the Nisi Prius Court and the Hospital Wing and various retail premises and commercial premises along English Street and Victoria Viaduct.
- 1.8 The proposal to deliver the Scheme within the Order Land has the benefit of the Planning Permission and Listed Building Consent which permits the following:

*"Change Of Use Of The Existing Citadels Buildings (Which Comprise The Crown Court, Nisi Prius & Hospital Wing), 94-96 English Street (Known As Woolworths Building), 98-104 English Street & 185 Victoria Viaduct (Known As Burton's Building) To Higher Education Use [Class F1(a)] With Ancillary Café [Class E(b)] At The Ground Floor Of The Woolworths Building; Erection Of A Single Storey Roof Extension To The Woolworths Building; Demolition Of 106-114 English Street & The Kramer Building (Former CUCC Offices) & Construction Of A New University Entrance; Reconfiguration Of The Former*

*Paton House (Now Demolished) Car Park & Construction Of A 4 Storeys Over Ground Floor Level (Maximum) Building With Associated Roof Terraces For Higher Education Use [Class F1(a)] At Bush Brow; With Associated Pedestrian Access Point Through The Former Gaol Wall, Landscaping Enhancements To The Citadels Gardens; Creation Of New Publicly Accessible Privately Owned (& Managed) Public Realm/Civic Space Within The Centre Of The Scheme & Associated Adjacent Highways Works | Citadel Buildings, English Street, Carlisle”*

- 1.9 The Scheme will be implemented by the University of Cumbria and will make a significant contribution to the economic, social and environmental well-being of the area and deliver very significant benefits, as set out in section 5.11 of this Statement.
- 1.10 This Statement explains why the Council considers that, for the purposes of the powers enabling the Order, the Order Scheme will contribute to:
  - 1.10.1 the development, redevelopment or improvement of the Order Land
  - 1.10.2 improving the economic and social wellbeing of the area of Carlisle through the provision of a new high quality higher education facility; and
  - 1.10.3 the environmental wellbeing of the area as a consequence of the high quality public realm facilitated by the Scheme
- 1.11 The Council already owns the freehold of the retail and commercial premises at 94 to 114 (evens) English Street and 1 to 13 (odds) Victoria Viaduct, which amounts to 38% of the Order Land required to deliver the Scheme. Cumbria County Council also owns the freehold interest of the Citadel buildings including the Court, Nisi Prius, and Citadel gardens, offices and car park, which amounts to 62% of the Order Land. However, there are a number of other interests in the Order Land that the Council and University have been unable to acquire voluntarily, as set out in the Schedule. Where interests cannot be acquired by private treaty, it is the intention of the Council to acquire them using its compulsory purchase powers. Implementation and funding for the Scheme are described in section 12 below.
- 1.12 The CPO is therefore considered necessary to assemble the remaining interests and acquire new rights required to deliver the Scheme. Private treaty negotiations with the holders of those interests are at a stage where offers have been made but agreement has not been reached, such that no real progress is now being made. The Council and University have and will continue to consult and negotiate with all third parties that have interests in the Order Land to acquire their interests and new rights by agreement, but it is clear that compulsory purchase powers will need to be employed to ensure that vacant possession can be achieved, and that the Scheme can be delivered.
- 1.13 A copy of this Statement, the Order and accompanying maps and background documents are available online on the Council's website Citadel Development (Carlisle.gov.uk) <https://www.carlisle.gov.uk/regeneration/Projects/citadel-development> and available for inspection at the Reception, Carlisle City Council, Civic Centre, Carlisle, Cumbria, CA3 8QG on Mondays to Friday during normal office hours.

## **2 Context of the Order**

- 2.1 Located at the northern extreme of the northwest of England and eight miles south of the Scottish Border, the city of Carlisle is the only city and largest settlement in Cumbria. It has a compact historic centre with a castle, cathedral and semi-intact city walls and various other medieval buildings including the Citadels. The introduction of textile manufacturing during the industrial revolution began the process of transformational change in Carlisle, which developed into a densely populated mill town. This, combined with its strategic position, allowed for the development of Carlisle as an important railway town. Carlisle today is the main cultural, commercial and industrial centre in the Borderlands.
- 2.2 According to the Office for National Statistics, the latest population estimate for Carlisle city centre was 108,500 in 2021. The population of Cumbria in 2020 was 499,781. The population of the city has remained static for many years, with just 1.5% more people in Carlisle than a decade ago. In fact, work carried out for the Cumbria Learning Improvement Service (LIS) has identified that Cumbria has, based on current projections, the slowest growing population of any Local Economic Partnership (LEP) area across England.
- 2.3 The majority of residents are white, accounting for 97.6% of the total population. There are small populations of Chinese, South Asian, and black residents. Over the next decade the population of Carlisle is projected to increase by just 0.5% compared to a projected increase across England of 5%, while the age profile of the city will change with numbers of 0–15-year-olds and 16–64-year-olds projected to decrease by 8.1% and 4.2% respectively as numbers of people aged 65+ are projected to increase by 20.7% (England + 19.6%).
- 2.4 Various measures of both household and individual income and earnings data shows that average annual earnings for residents in Carlisle is £29,300 compared to the national average of £31,800.
- 2.5 18.9% of children in Carlisle live in relative low-income families in Carlisle. While this is similar to the national average of 19.1%, there are some wards where levels of child poverty are much higher than the national average. Four communities in Carlisle fall within 10% of the most deprived areas in England.
- 2.6 The rate of participation in higher education on average in wider Cumbria is 6% below the national average rate of 35.7%. This means that every year, compared to the national average, around 300 fewer young people in Cumbria enter higher education. This is why 35.2% of residents in Carlisle are estimated to be qualified to NVQ level 4 or higher, the lowest absolute number of people in any LEP area in England, well below the national average in England of 43.1%. This illustrates that Cumbria currently has a very thin pool of higher-level skills, impacting on productivity.
- 2.7 The relationship between higher level skills and productivity is well understood and Cumbria's low proportion and absolute numbers with higher level skills is undoubtedly a key factor in Cumbria's relatively poor productivity rates.

2.8 The key socio-economic challenges for Cumbria and the Borderlands are therefore:

- A declining working age population (16-64 year olds)
- A low proportion and thin pool of higher-level skills
- Low productivity across most parts of the economy.

2.9 The two existing campuses of the University have a low presence in the City and they severely constrain its growth and ability to provide the best education and training in a number of ways, including poor location, disaggregated campuses, lack of central facilities etc. As such, it is recognised that there is a need for a new campus at a centralised and prominent location to accommodate future growth for the University and attract more students, learners and skilled workforce.

### **3 Location and Description of the Order Land**

3.1 The Order Land comprises approximately 1.33 hectares of land and occupies a prominent position in a sustainable location to the south of Carlisle city centre, fronting Carlisle railway station, which has two million passengers a year. The Order Land is bounded by English Street, Victoria Viaduct, Borough Street and Court Square Brow. Fronting the site are the two Grade 1 listed Citadels buildings (formerly the Crown Court to the west and the Nisi Prius to the east) and the west of the Order Land is enclosed by the grade 2 listed wall to the former Carlisle gaol. To the north and east of the Order Land there are frontages to Victoria Viaduct and English Street that comprise various retail and commercial premises occupied by a range of users.

3.2 Even though the Council owns a significant proportion of the Order Land and has exchanged contracts, along with Cumbria County Council, to sell their freehold interests to the University, negotiations to acquire the remaining head leasehold interests and sub leasehold interests have been actively ongoing since the autumn of 2021. At the date of making the Order, the Council owns approximately 38% of the interests in the Order Land. The remaining parties that still have a legal interest in the Order Land are set out in the schedule at Appendix 3 to this document.

#### Land Referencing

3.3 The Council has instructed independent agents to carry out the referencing exercise for the Order Land, and those agents in doing so, have confirmed they owe a suitable duty of care to the Council. The actions taken by the agents to investigate title and owner/occupier details for inclusion in the Order included:

3.3.1 Land Registry searches and a review of available deeds and similar information;

3.3.2 Service of Requisitions for Information pursuant to section 16 of the Local Government (Miscellaneous Provisions) Act 1976 on behalf of the Council and a review of information returned in response;

3.3.3 Virtual and physical site inspections.

3.4 The referencing exercise has been kept under review and subject to updating until the date on which the Order was made. It is considered the Schedule to the Order is therefore as accurate as it can be based on diligent inquiries made on behalf of the Council.

- 3.5 The CPO Map identifies the Order Land (see Appendix 2) and is included within the documents submitted. Individual plot numbers and boundaries on the CPO Map correspond with the Schedule. The persons who are believed, after diligent enquiry, to have interests in the Order Land are set out in the Schedule.

#### **4 Enabling Powers and Purpose of the CPO**

- 4.1 The CPO has been made pursuant to Section 226(1) (a) of the 1990 Act to facilitate implementation of the Scheme. Section 226(1)(a) of the 1990 Act empowers an acquiring authority, on being authorised by the Secretary of State, to acquire compulsorily any land in their area:

- 4.1.1 if the acquiring authority thinks that the acquisition will facilitate the carrying out of development, redevelopment, or improvement on or in relation to that land; and
- 4.1.2 the development, redevelopment or improvement is likely to contribute to the promotion or improvement of the economic, social, or environmental well-being of their area.

- 4.2 The purpose of the CPO is to facilitate the development, redevelopment, and improvement of the Order Land for the purpose of delivering regeneration of a landmarked City Centre site in a sustainable location opposite Carlisle railway station. This will be achieved by the redevelopment of the Order Land for a mix of uses including relocation of the University that will contribute to the promotion and improvement of the economic, social, and environmental wellbeing of the acquiring authority's area. Redevelopment of the Order Land will result in an improved gateway to the city centre and complement other proposed projects such as the refurbishment of the railway station and its concourse, and the upgrade to the public realm in the streets around the Citadels.

- 4.3 It will enable the Council to acquire compulsorily all outstanding third party interests in the Order Land to provide the new higher education facility (the Scheme), should continue efforts to acquire these interests by private treaty prove unsuccessful. Compulsory acquisition is necessary in order to achieve implementation of the Scheme within a reasonable timescale. The benefits that implementation of the Scheme would bring cannot be achieved without acquisition of all interests in the Order Land.

- 4.4 Paragraph 1 of the CPO Guidance states that:

*"Compulsory purchase powers are an important tool to use as a means of assembling the land needed to help deliver social, environmental and economic change. Used properly, they can contribute towards effective and efficient urban and rural regeneration, essential infrastructure, the revitalisation of communities, and the promotion of business – leading to improvements in quality of life".*

- 4.5 The CPO Guidance provides general advice on the use of compulsory purchase powers by acquiring authorities and Section 1 of Tier 2 provides specific guidance to local authorities on the use of their powers under section 226 of the 1990 Act. Paragraph 95 of the CPO Guidance provides that the power is:

*“intended to provide a positive tool to help acquiring authorities with planning powers to assemble land where this is necessary to implement the proposals in their Local Plan or where strong planning justifications for the use of the powers exist”.*

- 4.6 The Acquisition of Land Act 1981 sets out the process for compulsory acquisition and applies to the Order, and the acquiring authority is the Council.
- 4.7 The promotion of the Order for the Scheme is in accordance with the CPO Guidance and in particular Tier 2 Section 1 which provides advice on orders made under section 226 of the 1990 Act.

## **5 The Scheme**

- 5.1 As stated in 4.2 above, the purpose of the CPO is to facilitate the development, redevelopment, and improvement of the Order Land for the purpose of delivering regeneration of a landmark City Centre site in a sustainable location opposite Carlisle railway station. This will be achieved by the redevelopment of the Order Land for a mix of uses including relocation of the University that will contribute to the promotion and improvement of the economic, social, and environmental wellbeing of the acquiring authority's area. Redevelopment of the Order Land will result in an improved gateway to the city centre and complement other proposed projects such as the refurbishment of the railway station and its concourse, and the upgrade to the public realm in the streets around the Citadels.
- 5.2 The Order Land is located centrally to Carlisle City Centre and is 50 metres north of Carlisle Railway Station. There are a number of bus stops that surround the Order Land, and Carlisle bus station is located approximately 0.2 miles to the north of the Order Land along Lowther Street. Therefore, being sustainably located and easily accessible by public transport, redevelopment of the Order Land presents a significant opportunity to maximise the benefits of increase sustainable travel in and around the city centre.
- 5.3 A Scheme to achieve the purpose of the CPO will involve the redevelopment of the Order Land to deliver a new visible, accessible and high quality city centre campus for the University. This will be achieved by the retention and improvement of some buildings and the demolition and redevelopment of other buildings to facilitate comprehensive redevelopment of the whole. The historical City Wall will be retained. This will be done in such a way that respects the grade I listed buildings and the historic importance of the Woolworth and Burton building's facade but with an approach that allows for the contemporary addition of modern structures.
- 5.4 A new active frontage to English Street in the heart of the city centre will be provided by a café for the University and general public use, along with new exhibition space. The aim is to create a modern and vibrant new hub for learning, business and culture that respects the rich history of the Order Land. It will see the University relocate from its two existing campuses at Fusehill Street and Brampton Road on the fringes of the city centre into one city centre location. The existing facilities at these two campuses are poorly located, tired and dated.
- 5.5 12,324 square metres (net internal area) of high quality and fully digital enabled teaching spaces, business interaction space, University administration and support service space,

and University creative and cultural facilities will be provided across the refurbished Citadels buildings and new build provision, bringing Grade 1 listed buildings back into use to breathe new life into this historic part of the city. The majority of the Woolworths and Burtons buildings and existing buildings on English Street are being retained and refurbished in order to reinstate and encourage an active frontage along English Street and Victoria Viaduct. The proposals include the creation of extensive publicly accessible amenity space and new facilities a multi-purpose 200 seater lecture theatre, café, exhibition space, Carlisle Business Exchange and access to the Grade I and Grade II designated heritage assets. The University proposes to open up both heritage assets and the new University facilities to the public in a managed way.

- 5.6 The Carlisle Business Exchange is designed and procured as part of the first phase of proposed construction and will become an integral part of the overall University campus. It will create properly designed and equipped business interaction space. It is intended to encourage innovation and collaboration with the University, to businesses located in or moving into the space, whether start-up, scale -up or through the provision of 'touch down' space. It will also provide a location for incubation of businesses, including those started by staff and students, and provide a knowledge exchange hub, where the University's Research and Knowledge Exchange staff can be co-located with some of the business community with whom they wish to engage. The University will be the developer, owner, host and manager of the facility.
- 5.7 The proposed Scheme seeks to demolish a small portion of the existing non-listed buildings within the Order Land as they are not suitable for re-use. This will comprise demolition of the Kramer building, along with the late 20<sup>th</sup> century roof built onto the hospital wing serving Kramer House and 'building 1', which is immediately adjacent to the Woolworth building. Paton House, previously accessed via Bush Brow was demolished by the City Council in 2021 with the assistance of the County Council after the Council had acquired the head leasehold interest and secured vacant possession of the premises. This was with the intention of facilitating the Scheme.
- 5.8 The existing hospital wing, Crown Court and Nisi Prius buildings will be retained as part of the Scheme due to their designated Grade II and Grade 1 listed status. The buildings will be sensitively refurbished in order to deliver teaching space, bookable feature event spaces with AV and technology to support live streaming and presentations. The courtroom spaces are proposed to be used as teaching, presentation and study space, in addition to private function hire.
- 5.9 Being sustainably located, the development will comprise limited onsite car parking, including 71 park bays. 10% active EV charging provision is proposed, and an additional 40% passive EV provision is proposed, whereby future bays will be future proofed with ducting and cabling so that EV infrastructure can readily be provided if future demand arises within the Order Land. 80 cycle parking spaces will also be provided in safe and secure locations across the Scheme. The main pedestrian access point will be via a new entrance on the eastern side of the Order Land in English Street.
- 5.10 The Scheme will be arranged around a circular public realm to create an amphitheatrical space (known as 'The Forum') and feel for both future students and members of the public alike. It will be an extensively landscaped centrally located urban garden space designed to seamlessly integrate into its surroundings. Existing trees will be retained around the

Nisi Prius and Crown Court buildings and new trees will be planted throughout the Order Land.

- 5.11 The Scheme will make a significant contribution to the economic, environmental and social wellbeing of the area and deliver significant benefits, including the following:

Economic

- Over the 20 year period from opening in 2026/27, the new higher education facilities will increase the total number of undergraduate and postgraduate students studying in Carlisle each year by around 1,200 extra full-time equivalent (FTE) students compared to the baseline without the new campus (around 1,900 FTEs). This represents roughly 400 extra new graduate entrants to the labour market each year
- The Scheme will improve engagement with employers and so help expand the number of people already in the workforce involved in higher skills development. By 2044/45, around 700 FTE learners in the existing workforce will be undertaking further skills development from the new campus, an increase of around 200 FTE learners over the baseline.
- After the first 10 years of opening there will, cumulatively, be around 3,000 new learners compared to the baseline and after 20 years this figure will rise to 8,600 new learners
- Significant productivity benefits will be generated in Cumbria and the Borderlands region. These stem from attracting more people to enter higher education or engage in higher skills development who will then remain in the Borderlands region. These benefits are, conservatively, assessed as around £118 million (gross value added) at the Borderlands level and around £100 million at the UK level.
- Contribution to more inclusive growth across Borderlands by facilitating access to higher education from all communities, working with local partners including FE Colleges, and thereby increasing the rate of higher education participation in what has been a higher education black spot. By the end of the 20 year period, roughly half of those extra students studying in Carlisle, or around 600, will be young people attracted into higher education as a result of the project. The enhanced access to upskilling and CPD opportunities for Borderlands' residents will help them improve their skills and qualifications, thereby improving their earning potential.
- The Scheme will increase footfall to a key gateway site into Carlisle City Centre, which will consequently have a wider knock-on effect of increasing the vitality, vibrancy and viability of Carlisle City Centre's Primary Shopping Area. This will help to encourage economic activity and revitalisation of the high street and Carlisle City Centre and will also help to boost the general liveability of Carlisle for current and future residents, visitor and workers. As such, it is considered that the proposal will have significantly benefits to the Carlisle's economy and housing market.



- The Scheme will facilitate the creation of approximately 145 temporary direct full time employment construction jobs and 219 temporary indirect full time employment jobs per annum over the approximate 32 month construction period. During the operation of the University Campus, it is anticipated that an additional circa.164 full time employment university jobs will be created over the 20 years from opening in 2025/26.

#### Environmental

- The Scheme will significantly improve the visual appearance of the Order Land through the new high quality buildings and public realm and by removing poor quality structures on part of the Order Land. This will improve the environment of the site and surrounding areas. It will also ensure important historic buildings are maintained and brought back into productive use and a series of public realm improvements are proposed to improve the Gardens as part of the Scheme, notably the re-erection of the lost perimeter railings to the Citadel Gardens (as described in Section 8.10 – 8.13)
- The Scheme will deliver much needed vibrancy and vitality to this part of the city centre from the extra students, staff and visitors using the campus. It will open up the cultural and business facilities at the University to the city's residents. It could lead to an increase in daily (weekday) footfall in the area of up to 15,000 towards the end of the initial growth period
- The projected growth in all FTE student numbers to around 3,800 over the 20 years from 2025/26 would help improve the wider liveability of the city and city centre. It will lead to an estimated increase in the number of students and staff living in Carlisle by around 1,000 and raise the overall economic footprint of the University in Carlisle from supporting around 600 FTE jobs now to around 1,000 FTE jobs across the city - an increase of the order of 400 FTE jobs, benefiting the city's economy and housing market.
- The move into new, much more energy efficient buildings will deliver significant whole life carbon savings of around 8,000 tonnes of CO2 equivalent over the lifecycle of the campus (estimated as around 60 years) initial indications are that compared to the existing campuses in Carlisle, CO2 emissions would reduce by 56%, and that after taking embodied carbon into consideration this is approximately 32%, and that the overall running costs faced by the University reducing by c £0.7 million pa.
- The location of the campus adjacent to the railway station will facilitate and so encourage access by public transport rather than car for staff, students and visitors alike.

#### Social

- The Scheme will open up access to cultural facilities run by the University. The new cultural facilities right in the city centre at the Citadels site will include the University's centre for digital transformation, a 200 seater multi-purpose lecture theatre and internal and external exhibition areas.

- Facilities will be made available to the wider community, members of the public and local groups, particularly through a partnership with Multi Cultural Cumbria (to be based at the Citadels Campus) and as partners of the Carlisle Culture Consortium. The new campus will provide venues that can be used by other cultural organisations and open up the University's own cultural activity more widely. This in turn will support and enhance the cultural sector in the city and improve the overall attractiveness and liveability of Carlisle as a city.
- The Scheme will be opened up to the public, increasing permeability and accessibility to the City Centre site and the surrounding area through the development of a central publicly accessible space, known as 'The Forum', providing residents and visitors with improved recreational space in a highly sustainable location.
- The Scheme will lead to raised aspirations amongst the local community
- Increased retention of young people living and working in the town will help to create a more mixed and balanced community
- The Scheme will help build confidence and improve perceptions of the city.

## **6 Planning Policy Considerations**

- 6.1 Paragraph 106 of the Guidance states where a CPO is promoted under s.226(1)(a) of the Town and Country Planning Act 1990, the Secretary of State will take into account 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.
- 6.2 The Development Plan for Carlisle comprises the Carlisle District Local Plan (CDLP) 2015-2030 (the Local Plan). Of particular relevance are the following suite of strategic policies SP2 (Strategic Growth and Distribution), SP4 (Carlisle City Centre and Caldew Riverside), SP7, (Valuing our Heritage and Cultural Identity) and SP10 (Supporting Skilled Communities).
- 6.3 In addition to the Local Plan, there are a number of other relevant planning guidance documents which are 'material considerations'. Of particular relevance in the context of the Scheme are:
- National Planning Policy Framework (NPPF) 2021
  - Section 66 of the Planning (Listed Building) Act 1990 (LBA)
  - Urban Design Guide and Public Realm Framework SPD (2009)
- 6.4 The Local Plan strongly supports the development aspirations of the Citadels project. Strategic Policy SP2 sets the tone for ensuring sufficient land is identified to create the right conditions for economic growth. Policy SP4 specifically identifies the locality of the Citadel (as defined on the Local Plan Policies Map) as a notable and significant opportunity for redevelopment which could act as a catalyst to enhance the vitality and viability of the southern extent of the City Centre. The policy goes on to say that such a development opportunity could improve the sense of arrival for visitors using this historic

and iconic gateway. The scheme presents a comprehensive and strategic approach to deliver the aims of this policy.

- 6.5 Policy SP7 makes provision to proactively manage and work with partners to protect and enhance the character, appearance, archaeological and historic value and significance of the district's designated heritage assets and their settings. In particular, this policy promotes heritage-led regeneration including in relation to development opportunities in the city centre. As such the policy clearly supports the broader development aspirations of the citadels scheme and sets a clear and important statement of intent with regards to heritage considerations.
- 6.6 Policy SP10 makes provision to underpin the stated aim of economic growth through working with partners to develop skilled communities. The policy states that this will be achieved through the City Council supporting developments which relate to the operation of expansion of all the district's educational establishments including the University of Cumbria. This policy has its basis in an economic review of Carlisle undertaken in 2013 which identified as a priority the need to ensure the availability of motivated and skilled people, able and willing to be effective employees and entrepreneurs in order to underpin Carlisle's growth. The University of Cumbria is recognised as playing a leading role in terms of fostering business growth and interaction within the wider region, and as a research establishment. The justification for the policy highlights that the University operates from a number of separate premises around the city, rather than a single campus, and that the University was reviewing their operations as part of their masterplan for their future aspirations to be supported in the City.
- 6.7 These four strategic policies therefore all strongly support the ethos and development aspirations of the Citadel scheme. This is in line with the paragraph 82 of the NPPF which states that planning policies should set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth.
- 6.8 Other detailed planning considerations hinged on the impact of the scheme on the Grade I and Grade II Listed Buildings.
- 6.9 The design of the scheme fits with these policies and Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising their powers in respect of listed buildings. The aforementioned section states that:
- "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".*
- 6.10 It is considered that the Scheme will not lead to any significant harm to any listed buildings, non-designated heritage assets nor their setting. Whilst less than substantial harm to the significance of the listed buildings were identified, the public benefits of the Scheme will outweigh the harm caused by the proposed Scheme, in accordance with paragraph 202 of the NPPF

#### Impact upon the character of the Carlisle City Centre Conservation Area

- 6.11 In addition to the nationally and internationally important historical designations, the Order Land also sits within the Carlisle City Centre Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that '*special attention be paid to the desirability of preserving or enhancing the character or appearance of [the Conservation Area]*'.
- 6.12 This duty is also reflected in Policy HE 7 of the Carlisle District Local Plan 2015-2030. CDLP Policy HE 7 states that any new development and/or alterations to buildings in conservation areas should preserve or enhance the special character and appearance of the conservation area and its setting. Development which would result in harm to a public or private open space that contributes positively to the character of a conservation area will be permitted only where this harm is outweighed by the public benefits of the proposals.
- 6.13 In terms of heritage assets and designations, the proposed Scheme would give rise to a number of beneficial effects on the Carlisle City Conservation Area. Overall, the design of the proposed Scheme has taken on a landscape-led approach and will provide numerous benefits through its design, taking into account the site's sensitivities as well as the needs of the University. It is not considered that the Scheme would have an unacceptable impact on the historic street patterns/ boundaries, roofscape, skyline and setting of the conservation area. It is not envisaged that the Scheme will generate a significant increase in traffic movements, heavy vehicles or excessive parking demands where these would be prejudicial to the character of the conservation area.

#### Sustainable Development - Benefits of the Proposed Development

- 6.14 The Scheme has numerous benefits that would help to regenerate the City Centre of Carlisle. This would accord to aims of the NPPF, to ensure that the planning system contributes to the achievement of sustainable development. The Scheme addresses a stated economic priority for Carlisle City Centre and will contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

### **7 Justification for Use of Compulsory Purchase Powers**

- 7.1 At the Council's Executive meeting of (3<sup>rd</sup> October 2022), it was resolved that the Council would use its compulsory purchase powers for the acquisition of the land in English Street and Victoria Viaduct necessary for the development of the Citadels and redevelopment of the adjacent land (the Order Land) as shown on the CPO Map.
- 7.2 In reaching its resolution, the Council had regard to the advice contained in the CPO Guidance on compulsory purchase process, the paragraphs of particular relevance include the following:
- 7.3 Paragraph 12 states that a compulsory purchase power should only be made where there is a compelling case in the public interest.

- 7.3.1 the site is currently under-utilised comprising old, partially derelict buildings occupying a very prominent location opposite the mainline railway station to Carlisle. The Council considers that the economic, social and environmental wellbeing benefits, as summarised in section 5.11 of this Statement, to be derived from implementation of the Scheme are so significant that the case for making the Order in the public interest is compelling.
- 7.4 Paragraph 13 explains that the minister confirming the CPO 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 the land that 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. Paragraph 13 also advises that the acquiring authority must have a clear idea of how it intends to use the land which it is proposing to acquire and must be able to demonstrate that there are sufficiently compelling reasons for the power to be sought at the relevant time. If the 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 the necessary resources are likely to be available to achieve that end within a reasonable timescale, then 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.
- 7.4.1 the Council considers that implementation of the Scheme in the public interest outweighs any interference to the human rights of any of the head leasehold owners and business occupiers. This is explained in more detail in section 13 of this Statement.
- 7.5 Paragraph 14 advises that the acquiring authority should provide information about the sources of funding for acquiring the land and implementing the scheme, and the timing of that funding.
- 7.5.1 The University has secured the funding required to complete the assembly of land and delivery of the Scheme. The Scheme costs were estimated at £77.5m in 2021 and the funding secured is as follows:
- Borderlands Inclusive Growth Funding £50m
  - University of Cumbria £23.5m
  - Carlisle Town Deal funding £4m
- It is recognised that there will be increases to the costs of the project through construction inflation but the University has in place the necessary finance, management and governance arrangements to ensure the Scheme will be delivered in accordance with the requirements of the Grant Funding Agreement.
- 7.5.2 The Borderlands Inclusive Growth Deal funding was secured by the University in a funding agreement in February 2022 and the University's contribution to the Scheme was signed off by their Board of Governors in May 2021. The business case for the Carlisle Business Exchange has been approved by DLUHC and the draft Grant Funding Agreement to secure the Towns Deal funding should be complete by the end of September 2022. Information about the implementation and funding for the Scheme is explained in more detail in section 12 of this Statement.

- 7.6 Paragraph 15 advises that the acquiring authority must be able to show that the scheme is unlikely to be blocked by any physical or legal impediments to implementation such as the need for planning permission or infrastructure.
- 7.6.1 There are no known legal or physical impediments to the Order Scheme. Full Planning Permission and Listed Building Consent was granted on 8<sup>th</sup> August 2022.
- 7.6.2 Whilst open space (Citadel Gardens) is contained within the Order Land, this will be transferred into the ownership of the University and enhanced physically with unfettered public access during the day. Details of this are set out in section 8 of this Statement and a certificate pursuant to s19 of the 1981 Act is sought.
- 7.6.3 Part of Bush Brow is to be stopped up to facilitate delivery of the Scheme. An application to the Department for Transport pursuant to s247 of the 1990 Act will be made and run concurrently with the CPO. More details of this are set out in section 9 of this Statement.
- 7.7 Paragraph 17 advises that an acquiring authority is expected to be able to show that meaningful attempts have been made to negotiate purchases.
- 7.7.1 The University, the Council and their agents have been engaging with the various head leaseholders since November 2020. These discussions evolved into negotiations to acquire and were accelerated in the summer of 2021 when the growth deal funding was closer to being announced. Whilst Paton House was acquired by the Council on the University's behalf in May 2021, a number of other interests are still to be acquired and occupiers relocated in order to secure vacant possession of the Order Land. Heads of terms have recently been agreed by the University with all but one of the head leaseholders but there still remains one head leaseholder who is unwilling to sell along with up to seven businesses that have to be relocated. The Council and University have therefore made meaningful attempts to acquire the third party interests by agreement but other interests still remain to be acquired. Use of the Council's CPO powers is therefore necessary to ensure the delivery of the project within the timescales necessary to take advantage of the Growth Deal funding, without which the project could not reasonably be delivered.
- 7.8 Paragraph 106 of the CPO Guidance states that, where an Order is made under s.226(1)(a) of the Act, the following factors will be considered by the Secretary of State in deciding whether to confirm a compulsory purchase order:
- 7.8.1 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;
- 7.8.1.1 This is dealt with in section 7 of this Statement.
- 7.8.2 the extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social, or environmental wellbeing of the area;

- 7.8.2.1 The economic, environmental and social wellbeing benefits the Scheme will deliver for the area are listed in section 5.11 of this Statement. They are significant and demonstrate why use of the Council's CPO powers is justified.
- 7.8.3 whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means. This may include considering the appropriateness of any alternative proposals put forward by the owners of the land, or any other persons, for its reuse. It may also involve examining the suitability of any alternative locations for the purpose for which the land is being acquired;
- 7.8.3.1 Options for the Scheme were considered fully in respect to the intended purpose of the Scheme as part of the Business Case.
- 7.8.3.2 A long list of options was considered at the strategic outline business case (SOBC) stage based on an agreed list of strategic objectives for the development of the University and for the development of the site itself. Five shortlisted options were agreed, and these ranged from Option A Do Minimum: University stays in current two campuses, Option B: the site is redeveloped without the University, through to Option E: Citadel's site occupied by one larger campus for the University, with a range of options in between that included the University plus a blend of commercial, leisure, and residential uses. Option E was dismissed simply because it was unaffordable, and so the outcome at the end of the SOBC stage based on value for money was that a mix of university plus offices and/or cultural/leisure uses should be taken forward for further consideration.
- 7.8.3.3 The initial options development process as part of the full business case for the Scheme focused on the two main complementary uses to sit alongside the University. These were the University plus stand alone business space of 4,000 sqm, and the University plus stand along mixed use space. The factors used to assess the options were:
- Overall place making contribution;
  - A synergy assessment between the proposed uses on the site, the University with the surrounding Station Gateway plans;
  - Affordability and fundability
  - Delivery risk
- The outcome was that the office/business space, including 800 sqm business interaction space was the preferable option and was then explored in more detail.
- 7.8.3.4 The options development then looked in more detail at the design and projected additional educational and training/development activity of the main development options for the University; option 2A which comprised 11,500 sqm of university space and 800 sqm business interaction space (the Carlisle Business Exchange), and a more expensive development option 2B, which comprised 13,800 sqm of university space. The outcome that whilst both options deliver strong value for money and enhance the area around the site, option 2A

is less expensive and more deliverable within the funding envelope. This became the preferred option.

7.8.3.5 There is also no evidence to suggest that the existing landowners (long leaseholders) will deliver the Scheme to achieve the same purpose. Development of the site for a higher education facility is unlikely to be commercially viable, hence the need for public sector funding, and so there is no realistic prospect of the Scheme being delivered by the private sector. The landowners will not therefore come together to assemble the land for the Scheme (they have not in the past and there is no incentive for them to do so in the future). The only option therefore to achieve delivery of the Scheme is for the Council to seek compulsory purchase powers.

7.8.4 the potential financial viability of the scheme for which the land is being required. A general indication of funding intentions, and of any commitments from third parties, will usually suffice to reassure the Secretary of State that there is a reasonable prospect that the Scheme will proceed.

7.8.4.1 This is set out in more detail in section 12 of this Statement

7.9 Single ownership and control of the Order Land is required to enable the Scheme to proceed. A significant level of investment is required to demolish and clear buildings and structures, reclaim land and deliver the Scheme. The Council and University can only commit to proceeding with the Scheme if it has certainty that the full extent of the Scheme can be delivered. It is only through complete control of the Order Land that the Council can ensure that that these works proceed, that comprehensive re-development is achieved and that the public benefits of the Scheme are realised.

7.10 The Council has carefully considered the need to include each parcel of land in the Order Land and is satisfied that these interests are required for the delivery of the Scheme. It is further satisfied that the need for the Order Land overall to be put to a purpose in the public interest outweighs the impact on those that will be affected by compulsory acquisition.

## **8 Special Considerations Affecting the Order Land**

8.1 The Order Land lies within the Carlisle City Centre Conservation Area and adjacent to the Botchergate Conservation Area. It contains five designated heritage assets, including Grade I and Grade II listed buildings:

- The Crown Court – Grade I
- Nisi Prius Court – Grade I
- The Hospital Wing - Grade II
- Statue of Earl of Lonsdale- Grade II
- Gaol Wall – Grade II

8.2 The Order Land also lies within the context of several designated and non-designated heritage assets. The impact of the Scheme on the Conservation Area and designated heritage assets has all been considered as part of the planning application process and concluded that the harm is less than substantial and outweighed by the public benefits of the Scheme. Accordingly, the Listed Building Consent has been granted.



- 8.3 The original structure of the Citadel was a single fortification with a central tower between the bastions until 1804. Between 1804 and 1811 the central gateway tower section was cleared away to later create a thoroughfare known today as English Street. The structures of the Crown Court and Nisi Prius were built over the original Citadel structure. Both buildings still retain their original fixtures and fittings in the courtrooms. The Order Land is representative of the legal process of the 19<sup>th</sup> century in England with both the courts and neighboring Gaol (behind the Court Building) surviving in part. The Citadels buildings have not been in use in any capacity for several years and are currently vacant. The Woolworth and Burton's buildings are not listed buildings but are locally important buildings.
- 8.4 The front of the two storey Hospital Wing has a façade fronting onto English Street and a rear façade facing onto the gaol yard. Much of the interior has been replaced with little evidence of the historic planform and few features of note.
- 8.5 The statue of William Lowther, first earl of Lonsdale is located in the Citadels Gardens. Lowther was briefly Member of Parliament for Appleby in 1780, for Carlisle from 1780 to 1784 and for Cumberland from 1784 to 1790. In 1807, Lowther was himself created Earl of Lonsdale and appointed a Knight of the Garter.
- 8.6 The Gaol closed in 1922 and when no use of the buildings could be found was sold to the County Council. In the 1930's, the northern section of the Gaol site was redeveloped for the Woolworth building and required the demolition of the Gaol entrance and wall in this location. The remaining parts of the Gaol were demolished in 1937.
- 8.7 The Citadels is part of the nationally significant medieval defenses of Carlisle that run beneath the current car park to the rear, along with the 19<sup>th</sup> century goal and the potential for Roman burials. There is therefore an increased risk of buried archaeology along the street frontage to English Street, along Bush Brow (former city wall and ditch) and in the Gaol Cemetery adjacent to Borough Street. An archaeological impact assessment was undertaken in January 2022 of the proposed Scheme on below ground archaeological remains (receptors) within the Order Land. Potentially the most important receptors relate to the later medieval (1066-1540) and early post-medieval (1540-1750 city defenses, which are known to lie within the site. The assessment set out a series of mitigation strategies to be adopted during the construction and operational phases that will minimize archaeological disturbance through the in-situ preservation of the most significant below-ground heritage assets. The planning permission (reference 22/0261) is conditioned requiring that the development shall be undertaken in accordance with the archaeological impact assessment. This will include a programme of archaeological evaluation to be undertaken prior to any construction work commencing. Any proposals requiring the destruction of the currently buried remains of the City Wall or English gate will be avoided.
- 8.8 There are no ancient monuments within the Order Land but there are locally listed buildings in the vicinity with views to or from the site. In preparing designs for the proposed Scheme, the avoidance of any adverse impact on designated assets or their setting has been a key priority.
- 8.9 Redevelopment of the Order Land provides a major opportunity to restore the Citadels buildings as the dominant focus on the main approach into the city centre, as well as enhance the overall appearance and experience of the conservation area. The proposal

is therefore designed to fit comfortably, and be successfully set, within the historic fabric of the surrounding city environment.

#### Citadel Gardens

- 8.10 Known as the Citadels Gardens, the Order Land includes 1,299 sqm of land that forms part of Plot 17 and 708 sqm of land that forms part of Plot 24. These constitute open space for the purposes of section 19 of the Acquisition of Land Act 1981. The Gardens are situated at the front of the Crown Court and Nisi Prius Court buildings and frame the entrance into the proposed Scheme.
- 8.11 A series of public realm improvements are proposed to improve the Gardens as part of the Scheme, notably the re-erection of the lost perimeter railings to the Citadel Gardens, realignment of existing and creation of new pathways, replanting of existing and planting of new trees, shrubs, flower beds, etc and the creation of steps to the southeast corner of the Citadels Gardens which will integrate with the alignment of a crossing at Borough Street. The railings were an original feature demarking the Citadel gardens from the road. The proposed reinstatement of the railing to Citadel Gardens not only will demark the gardens as a green space and restore a lost feature but they will also enhance the setting of the Citadels and the wider public realm and conservation area.
- 8.12 Anti-social behaviour of local residents has been a persistent problem in the Gardens and so the University is preparing an operational management plan for the proposed management and maintenance arrangements of the Gardens for review and approval of the Council as the local planning authority before the new facility becomes operational. The aim is to maintain free public access to the Gardens but for safety, security and duty of care reasons the University will implement a security management procedure which will secure the entire site boundary, including the garden areas, for certain durations each day/night and while there will be “core hours” when that secure boundary routinely applies, those times will likely vary according to emerging University academic, business and wider operational needs. The Gardens will only be inaccessible during these occasions the Gardens are closed for such operational needs. The physical improvements, along with new management arrangements will it is intended address the anti-social behaviour.
- 8.13 The Council has applied to the Secretary of State for a certificate under section 19 that he/she is satisfied that the giving of exchange land is unnecessary.

### **9 Other Requisite Orders Needed**

- 9.1 The University will make an application to the Secretary of State for Transport for a Stopping Up Order pursuant to section 247 of the 1990 Act, for the purpose of delivering the Scheme.
- 9.2 Under the application, the highway proposed to be stopped up is Bush Brow. It is required so that the campus can be gated off and secured at night, and to provide pedestrianised public realm within the campus.
- 9.3 It is proposed that the Stopping Up Order process is conjoined with that of the CPO and that in the event a public inquiry is necessary, that inquiry considers both the CPO and the Stopping Up Order as a conjoined matter.

## **10 Community Engagement and Consultation**

- 10.1 An extensive programme of community engagement and consultation involving a range of methods to reach the Carlisle community has been employed over the last two to three years to engage as many people and stakeholders as possible in developing the plans for the area.
- 10.2 Two public consultation events were held during 2020 to discuss the redevelopment of the Order Land. These were held to assist in the preparation of the business plan that was submitted to support the Borderlands funding application. The first of these took place between 14<sup>th</sup> May 2020 and 4<sup>th</sup> June 2020. The event took place virtually via an online public consultation website in which the public was invited to complete a questionnaire. It was held online in order to operate within the Covid-19 pandemic lockdown restrictions at the time. The event was advertised on the County Council's website. As well as providing details of the draft proposals from the University, it included the questionnaire containing fifteen questions. Included in the questionnaire were open ended questions about the project objectives, the site opportunities, the proposed uses and the project vision. 124 responses were received and 77% agreed that the University's objectives for the Order Land "were about right".
- 10.3 The second public consultation event took place between 20<sup>th</sup> November and 11<sup>th</sup> December 2020. The event sought to gain the views of local residents and stakeholders immediately surrounding the Citadels of the redevelopment potential of the Citadels and adjacent land as a gateway site into Carlisle City Centre. Given the circumstances surrounding COVID-19 still at the time, the event was again held online following the same format as the event in May and June. This second event provided a greater level of detail than the first event, detailing the site-wide design principles in plan form, providing a detailed list of these principles. A total of 107 responses were received on the questionnaire with five questions asked. The responses provided a similar level of support for the scheme to the first consultation event, including 76% of respondents supportive of the proposed facilities and activities that the emerging Scheme is offering.
- 10.4 A third public consultation exhibition event took place on Wednesday 1<sup>st</sup> and Saturday 4<sup>th</sup> December 2021 in the City Centre, along with a consultation webpage which allowed anyone to view and comment on details of the proposed Scheme. Letters advising of the public exhibition and consultation website were sent to circa 126 local residents, businesses and stakeholders, together with the local MP and Cumbria County Council and Carlisle City Council ward councillors. The consultation Boards were then moved, first to the University's Fusehill Street Campus, and then the Brampton Road Campus enabling students and staff to view the information and the opportunity to comment. These venues were open until the consultation closed to members of the public who had missed the City Centre consultations exhibitions.
- 10.5 In addition to this, extensive media coverage (51 pieces) of the proposals for The Citadels took place. Television coverage has taken place on both local BBC and ITV news on their hourly bulletins, in addition to BBC Radio Cumbria, as well as the local newspapers, and assorted interviews with University of Cumbria staff. The TV channels also conducted 'last chance to comment' pieces when the consultation was coming towards a close. 26 people attended the event on the 1<sup>st</sup> and 56 on the 4<sup>th</sup>. Feedback from the event was, overall, positive and supportive of the Citadels campus proposals. A total of 92 comments

were received of which 45 were in support of the proposed development, 35 were neutral, and 12 comments were negative.

- 10.6 Other engagement events have taken place such as engaging with two groups of year 11 and 12 students through a 'ProjX Delivery Model', as well as an event with Carlisle's Ambassadors, an influence network of individuals, businesses and other organisations interested in making a difference for the future growth and development of the city.
- 10.7 Having regard to the proposed Carlisle Business Exchange, in the Autumn of 2019 Carlisle was announced as one of the 101 places selected to develop and agree a Town Deal to support regeneration, skills development and improving digital and physical connectivity. A Town Deal Board has been established and a Town Investment Plan (TIP) prepared. Initial consultation on the TIP took place in July-August 2020 and then again in October 2020 to establish support for the draft vision and objectives.

## **11 Attempts to acquire the Order Land by private agreement**

- 11.1 Paragraph 2 of the CPO Guidance states that *"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 CPO by agreement "*.
- 11.2 Single ownership of the Order Land is required to implement the Scheme. Significant efforts have been made by the Council and University to acquire interests in the Order Land since the summer of 2021 by agreement to secure vacant possession of the land required, including those interests in the Order Land that are set out in the Schedule.
- 11.3 The Council own approximately one third of the freehold in the Order Land, which covers plots (2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (12) of the Order. The Council's Executive approved the conditional sale of its entire freehold interest to the University on the 20<sup>th</sup> of December 2021 and the conditional sale contract was exchanged 29<sup>th</sup> June 2022. The County Council own approximately two thirds of the freehold in the site, which covers plots (1) (13) (14) (15) (16) (17) (18) (19) (20) of the Order. The County Council's Cabinet approved the conditional sale of its entire freehold interest to the University on the 16<sup>th</sup> of December 2021 and the conditional sale contract was exchanged 29<sup>th</sup> June 2022. There are unknown ownerships of, or partially within, plots (1) (2) (8) (10) (16) (19). There are though private head leasehold interests and sub-leasehold interests across the Order Land that need to be acquired.
- 11.4 Owners will be compensated in line with the compulsory purchase compensation code and offered assistance with relocation. The Council, as acquiring authority, is committed to working with those affected, and will continue to work with leaseholders, and occupiers as the CPO progresses.
- 11.5 The Council appointed consultants, Gateley Hamer Limited, in May 2020 to provide advice on land assembly and compulsory purchase of third party properties within the Order Land, including the valuation and negotiation of the acquisition of properties. The appointment was extended to the University in December 2021 to advise on the valuation and acquisition of third party properties. Gateley Hamer are chartered surveyors and specialist valuers and advisors on land assembly and compulsory purchase. Representatives of Gateley Hamer began engaging with head leaseholders of all properties between 94 English Street to 114 English Street and 1 to 13 Victoria Viaduct

in November 2020 to share with them Scheme proposals, timescales for delivery of the Scheme, and confirmation that the properties were identified for redevelopment within the Scheme. These discussions evolved into negotiations to acquire the various head leasehold interests in the summer of 2021 when the growth deal funding was closer to being announced.

- 11.6 Whilst Paton House was acquired by the Council on the University's behalf in May 2021 utilising funding from the Cumbria Local Enterprise Partnership, a number of other interests are still to be acquired and occupiers relocated in order to secure vacant possession of the Order Land. Heads of terms have recently been agreed by the University with all but one of the head leaseholders but there still remains one head leaseholder (106 English Street) who is unwilling to sell.
- 11.7 There are also currently seven businesses that occupy various retail and commercial units within the Order Land. Details of these are set out below. Due to the challenges faced by our town centres, and Carlisle City Centre is no different, there is an ample supply of vacant alternative accommodation available in Carlisle for the affected business to relocate to. The Council has a business support function available to these affected businesses to assist with identifying suitable alternative accommodation to relocate to through its site search service, as well as being able to help identify potential source of funding to support their relocation.
- 11.8 Section 3.3 of this document sets out the diligent enquiries that have been made to identify all owners and occupiers of land within the Order Land. There are twenty four remaining interests to be acquired and these can be summarised as follows:

**Leasehold acquisitions**

- 11.9 Commercial and retail premises at 98 to 104 English Street and 9 to 13 Victoria Viaduct (Plot 5)
  - 11.9.1 A one year lease from 30<sup>th</sup> March 2022 is held by the occupational tenant for these premises from the Council. The lease is excluded from s24-28 of the Landlord and Tenant Act 1954 and so the tenant has no security of tenure at the end of the lease. The landlord has the right to exercise a break at any time on the tenant, subject to three months written notice, except where the break notice requires the tenant to vacate between 1st October 2022 and 31st January 2023. The Council will secure vacant possession of the premises at the appropriate time to facilitate redevelopment of the Order Land either by exercise of the notice to quit during or at the end of the lease.
- 11.10 Commercial and retail premises at 94 to 96 English Street and 1 to 7 Victoria Viaduct (Plot 6)
  - 11.10.1 A ninety-nine-year head lease of these premises is held by Forward Investment Group Limited from the Council; the lease expires in 2031. Following initial engagement with the leaseholder in November 2020, a letter dated 05 July 2021 was sent to Forward Investment Group LLP detailing an initial offer to purchase the head lease interest. Negotiations with the leaseholder's agent continued and the University has now provisionally agreed terms for the acquisition of the lease from Forward Investment Group subject to the following conditions:

- Vacant possession will be provided on completion
- The purchaser securing relevant Planning Permission to proceed with the Citadels scheme.
- The landowner will not object to a CPO in relation to the property
- The landowner will not extend the tenure of any sub leasehold interests.

Solicitors for the University and Forward Investment Group have been appointed to complete the University's acquisition of the head leaseholder's interest.

- 11.10.2 94 to 96 English Street is subject to a seven year sub-lease held by Capita Business Services Limited which expired 24 March 2022. The lease is protected by the Landlord and Tenant Act 1954 and the tenant is currently holding over while seeking to negotiate a new tenancy. Forward Investment Group has agreed to offer up vacant possession of the premises on completion of the sale to the University and so they are in negotiations with Capita to agree a deal to facilitate their relocation to suitable alternative premises in Carlisle city centre. Capita have appointed an agent to advise them on the surrender of their lease and relocation of the business.
- 11.10.3 94 English Street is subject to a sub-lease held by Peter Cowap, for a period commencing 13 August 2021 to an including 31 December 2031 (circa 10 years). The lease is excluded from s24-28 of the Landlord and Tenant Act 1954 and so the tenant has no security of tenure at the end of the lease. The landlord has the right to exercise a break at any time on the tenant following the break date (31 December 2022), subject to three months written notice. The tenant has served their tenant's break and the tenancy will terminate in September 2022 at which point vacant possession will be available.
- 11.10.4 5 Victoria Viaduct is subject to a five year sub-lease held by Andreaa Craciunescue, with a lease expiry date of 21 December 2026. The lease is excluded from s24-28 of the Landlord and Tenant Act 1954 and so the tenant has no security of tenure at the end of the lease. The landlord has the right to exercise a break on the tenant on the break date (22 December 2022, 22 December 2023, 22 December 2024, and 22 December 2025), subject to six months written notice. The landlord has served the break notice and the tenancy will terminate in December 2022 at which point vacant possession will be available.
- 11.11 Commercial and retail premises at 106 English Street (Plot 7)
- 11.11.1 A ninety-nine-year lease of these premises is held by Priorspur Limited from the Council; the lease expires in 2031.
- 11.11.2 Discussions have taken place with a representative of Priorspur Limited, who we understand are a property investment company and are a linked company to Priorspur Limited. An initial offer to purchase the head lease interest was made in a letter dated 14 July 2021. A series of offers have been made to the Hollins Murray Group since in July 2021 (including an offer to pay for surveyor's fees to carry out a valuation) but terms have not yet been agreed.
- 11.11.3 A five year sub-lease held by British Heart Foundation which will expire 08 December 2024. The lease is protected by the Landlord and Tenant Act 1954 and therefore security of tenure is enjoyed. An initial discussion with British Heart Foundation took place on 06

June 2022. They have appointed an agent and indicated that they are happy to cooperate and relocate subject to an appropriate compensation payment being agreed. Whilst the University are seeking to acquire the head leasehold interest of Priorspur, the University and Council are providing support to British Heart Foundation to assist their relocation.

#### 11.12 Commercial and retail premises at 108 English Street (Plots 8 and 9)

11.12.1 A ninety-nine-year head lease of these premises is held by Cumbrian Properties Retirement Benefit Scheme from the Council; the lease expires in 2031. Following initial engagement with the leaseholder in November 2020, a letter dated 14 July 2021 was sent to the head leaseholder detailing an initial offer to purchase. Negotiations with the leaseholder continued and the University has now provisionally agreed terms for the acquisition of the lease from Cumbrian Properties subject to the following conditions:

- Vacant possession will be provided on completion
- The purchaser securing relevant Planning Permission to proceed with the Citadels scheme.
- The landowner will not object to a CPO in relation to the property
- The landowner will not extend the tenure of any sub leasehold interests.

Solicitors for the University and Cumbrian Properties Retirement Benefit Scheme have been appointed to complete the University's acquisition of the head leaseholder's interest.

11.12.2 The property is subject to a rolling sublease to William Atkinson (t/a the local store). The sublease is terminable on three months' notice. Cumbria Properties has agreed to offer up vacant possession of the premises on the sale of their interest to the University and it is understood that notice will soon be served by Cumbria Properties on the tenant to ensure vacant possession is secured.

11.12.3 Sub tenant First Quench Retailing Limited was dissolved 3<sup>rd</sup> February 2015. The treasury solicitor wrote on 18<sup>th</sup> August 2022 to the Council's referencing agent and confirmed that it has disclaimed the Crown's title (if any) in the property and attached a copy of a formal Notice of Disclaimer made under the Companies Act 2006. The University has provided a fee undertaking to Cumbria Properties to cover the time and cost of arranging for the interest to be removed from their HMLR title.

#### 11.13 Retail premises known as 110 English Street (Plot 10)

11.13.1 A ninety-nine-year lease of these premises is held by Peter and Samantha Phillips from the Council; the lease expires in 2031. Following initial engagement with the leaseholder in November 2020, an initial offer to purchase the head leasehold interest was made in writing via letter to Peter and Samantha Phillips on 18 August 2021. Negotiations with the leaseholder continued and the University has now provisionally agreed terms for the acquisition of the lease from Peter and Samantha Phillips subject to the following conditions:

- The purchaser securing relevant Planning Permission to proceed with the Citadels scheme.
- The landowner will not object to a CPO in relation to the property
- The landowner will not extend the tenure of any sub leasehold interests

Solicitors for the University and Peter and Samantha Phillips have been appointed to complete the University's acquisition of the head leaseholder's interest

11.13.2 A ten year sub-lease held by Blacks Outdoor Retail Limited (t/a Millets) which will expire 10 September 2027. The lease is protected by the Landlord and Tenant Act 1954 and therefore security of tenure is enjoyed.

11.13.3 An initial discussion with Blacks Outdoor Retail Limited (t/a Millets) took place on 06 June 2022. They have indicated they have appointed an agent and that they are happy to cooperate and relocate subject to an appropriate compensation payment being agreed. Discussions with Blacks by the University and their agent to support their relocation are ongoing.

11.14 Retail premises known as 112 and 114 English Street (Plot 11)

11.14.1 A ninety-nine-year lease of these premises is held by Peter and Samantha Phillips from the Council; the lease expires in 2031. Following initial engagement with the leaseholder in November 2020, an initial offer to purchase the head leasehold interest was made in writing via letter to Peter and Samantha Phillips on 18 August 2021. Negotiations with the leaseholder continued and the University has now provisionally agreed terms for the acquisition of the lease from Peter and Samantha Phillips subject to the following conditions:

- The purchaser securing relevant Planning Permission to proceed with the Citadels scheme.
- The above terms are agreed on the basis that vacant possession will be provided on completion in relation to 112-114 English Street (completion to take place by 30 September 2022).
- The landowner will not object to a CPO in relation to the property
- The landowner will not extend the tenure of any sub leasehold interests

The premises are unoccupied.

11.15 Retail premises known as 114 English Street (Plot 12)

11.15.1 A ninety-nine-year lease of these premises is held by Peter and Samantha Phillips from the Council; the lease expires in 2031. Following initial engagement with the leaseholder in November 2020, an initial offer to purchase the head leasehold interest was made in writing via letter to Peter and Samantha Phillips on 18 August 2021. Negotiations with the leaseholder continued and the University has provisionally agreed terms for the acquisition of the lease from Peter and Samantha Phillips subject to the following conditions:

- The purchaser securing relevant Planning Permission to proceed with the Citadels scheme.
- The landowner will not object to a CPO in relation to the property
- The landowner will not extend the tenure of any sub leasehold interests

There premises are also unoccupied.



11.16 Electricity Substations (Reference 636474 & 636188), car park and commercial offices formerly known as Cumbria County Council Offices, Borough Street (Plot 13)

11.16.1 There are two live high voltage electricity substations owned and leased by Electricity North West (ENW) from the County Council within the former offices of the County Council. The Scheme will result in the one substation (reference 636474) becoming redundant and will be disconnected as part of the Scheme works. The other substation (reference 636188) serves areas outside the Citadels site and therefore must be retained in situ or re-established within the site. Options for relocating this substation are being discussed with the ENW Diversions team (ENWL application ref 5500235023); the current proposal is for the substation to be relocated to a new location within the new lower ground floor car park of the Scheme, within a few metres from the existing location.

11.17 *Details of third party rights i.e. rights of light to be inserted here, if relevant, upon receipt of rights of light report at the end of September.*

## **12 Implementation and Funding of the Scheme**

### Implementation

12.1 The University will be responsible for the delivery of the project leading on planning, design and construction management. The risk of any construction or programme delays with therefore sit with the University.

12.2 Sir Robert McAlpine (SRM) has been appointed as the principal contractor under a two-stage design and build contract. They were appointed in open competition following the first stage tender process in accordance with the Public Contracts Regulations 2015 and have entered into a JCT Pre Construction Services Agreement (unamended) where they will work alongside the University and the appointed multi-disciplinary design team to develop and submit a construction commercial/technical proposal at the end of RIBA Stage 4. On successful completion of this second tender stage, SRM will be appointed under an unamended JCT Design and Build contract with supporting Employers Requirements and associated contractual documentation. As the detailed design and specification is developed through RIBA Stage 4, a thorough technical value engineering process is to be adopted and where SRM will engage with their extensive supply chain to test the market and in doing so contribute to keeping the project within budget.

12.3 The University has, by necessity, engaged the services of multiple professional organisations who provide construction and property services for schemes of this size, scale and complexity. This includes but is not necessarily limited to Client and Consultant Project Management, Multi-Disciplinary Design Team, Cost and Contract Management, Quality Assurance and Compliance, Property Acquisition, Property/Construction Legal etc. All of the services have been procured in competition with bespoke tender criteria developed for each and which ensure that the University attracts and appoints only those organizations that have demonstrable track records in delivering projects of this nature. A similar ethos was adopted or procurement and appointment of the principal contractor. SRM are one of the UK's largest Tier 1 construction companies, routinely turning over around £1Bn of projects per year and who are nationally and internationally recognised for delivering projects of significant scale and complexity, and urban regeneration a key

feature. Notable examples are the London Olympic Stadium, and Edinburgh Quartermile to name just two of many.

- 12.4 The University of Cumbria is a charity and also a company limited by guarantee. It is governed by a Board of Directors, who are also trustees of the Charity. The senior accountable person in the University is the Vice Chancellor, supported by the executive (Vice Chancellor's Executive, VCE). A Project Board has been established by the University to oversee project governance with a separate project sponsor. Reporting to the Project Board are a number of workstreams each with a workstream lead. This Project Board meets regularly and has onward reporting lines to VCE, and the University Board of Directors at each of their meetings, via Finance and Resources Committee, a Board Sub – Committee. Significant decision making takes place at University Board or the Finance & Resources Committee.
- 12.5 The University has successfully delivered in recent years several significant capital projects (new and refurbishment), on time and within budget:
- A new teaching building at Lancaster campus (the Sentamu Teaching Block), this comprised c. 2,500 sqm of new space. The project cost £9 million with a further £1 million spent on refurbishing older buildings as part of a project to decant from a significant portion of the site. This project was part funded by Growth Deal from Lancashire LEP and completed in 2018.
  - Ambleside a total £6.5 million spent when the University refurbished/reopened the campus in 2014 plus a new student residence at Ambleside, c. 70 rooms delivered within a £4 million budget in 2016.
  - Carlisle: investment of £3.7 million in new STEM labs (on a contained site at Fusehill Street with support from Cumbria LEP).
- 12.6 In addition, the University has experience of campus relocation, having previously moved its entire London campus operations during the period between teaching ending in the summer and restarting in the Autumn.
- 12.7 The whole Ambleside campus was redeveloped based on a new masterplan in its sensitive location in the Lake District National Park in 2014.
- 12.8 The Council entered into a conditional contract on the 29<sup>th</sup> of June 2022 for the disposal of their entire freehold interests in the Order Land to the University, subject to the following conditions:
- Planning Permission and Listed Building Consent for the development of the Order Land is obtained by the University;
  - The University have completed on their acquisition of all those interests they are able to by voluntarily agreement;
  - The University has entered into a legally binding grant agreement for funding from the Town Deal;
  - The Council has obtained a Collateral Warranty from the Contractor for works completed on the development site prior to exchange of contracts;

- The Council has appropriated its freehold interest for planning purposes pursuant to section 122 of the Local Government Act 1972 and section 227 of the Town and County Planning Act 1990; and
  - CPO has been confirmed;
  - The County Council has completed their contract to dispose of their freehold interest in the Order Land to the University.
- 12.9 Upon the confirmation and implementation of this CPO, the last of these four conditions will be satisfied and the sale contract will become unconditional enabling the University to take possession of the Order Land and implement the Scheme.
- 12.10 The County Council entered into a conditional contract on the 29<sup>th</sup> of June 2022 for the disposal of their entire freehold interests in the Order Land to the University, subject to the following conditions:
- Planning Permission and Listed Building Consent for the development of the Order Land is obtained by the University (or satisfactory resolution of any third party application for a judicial review of the decision to grant planning permission);
  - Confirmation of a CPO (or satisfactory resolution of any third party application for a judicial review of the decision to confirm a CPO)
  - The University have completed on their acquisition of all those interests they are able to by voluntarily agreement
  - The University has entered into a legally binding grant agreement with Northumbria County Council for funding from the Borderlands Growth Deal
  - Completion of a contract for the sale of land between the University and Carlisle City Council
  - The County Council procuring the removal of the Secretary of State lease noted in the schedule of leases in title number CU215978
- 12.11 The Council and the County Council are subject to The Structural Changes (Cumbria) Order 2022 (SI 2022/331) which will come into force on 1st April 2023. The Council's and County Council's respective contracts will transfer to the successor authority, Cumberland Council on this date and will continue to be bound by the contract's terms. Cumberland Council will continue to have the same functions, powers and duties as incumbent on the Council, including for the implementation of the CPO.
- 12.12 The Planning Permission covers the initial build out of the new campus and allows for future expansion via one or more phases of construction as and when the need for additional space is required to meet the University's growth. The first phase of development will deliver some 12,324 sqm (net internal floor area) of refurbished and new build facilities, and of which approximately 800sqm is allocated to the Carlisle Business Exchange, with future phases building the site out up to a maximum of approximately 21,000 sqm. The construction programme is gradually being firmed up

with several anticipated milestone dates subject to completion of key activities such as securing ownership of all existing land and property etc.

- 12.13 However, indicatively the detailed design and second stage procurement exercise is due to progress through the remainder of 2022 and the first half of 2023, with main contract award anticipated by mid-July 2023. Following a period of contractor mobilization and enabling works, demolition of part of the existing English Street properties is scheduled to commence in or around October/November 2023, with full build out and refurbishment progressing through to April 2026. Options are being explored to try to have some facilities available for occupation and use from the start of the academic year in September 2025. Full project completion, including University fit out is forecasted by August 2026 with the entire site in full operational use from September 2026.

#### Funding

- 12.14 The University has secured the funding required to complete the assembly of the land and delivery of the Scheme. The Scheme costs were estimated to be £77.5m in 2021 and the funding secured to make up this cost is as follows:

- Borderlands Growth Deal £50m
- University of Cumbria £23.5m
- Town Deal £4m

It is recognised that there will be increases to the costs of the project through construction inflation but the University has in place the necessary finance, management and governance arrangements to ensure the Scheme will be delivered in accordance with the requirements of the Grant Funding Agreement.

- 12.15 Representing economic opportunities and inclusive growth, the Borderlands Inclusive Growth Deal involves an extensive programme of investment to deliver significant economic benefit for communities and businesses. The Deal is made up of £265 million from UK Government £85 million from the Scottish Government and £102.56 million from local partners.
- 12.16 Over the programme's lifetime, and a further 10 years to capture the benefits, it is estimated that the Deal will benefit over a million residents, deliver thousands of job opportunities, improve mobile and digital connectivity as well as unlocking investment in towns across the area, generating around £1.1 billion in additional GVA to the UK economy.
- 12.17 The Citadels Campus project is the largest scheme being funded by the growth deal. Funding was confirmed in July 2021, with funding agreements signed in February 2022. The funding is ringfenced to the project as set out in the approved final business case but tied into strict delivery timescales. The funding is provided by the Department for Levelling Up, Housing and Communities and overseen by Northumberland County Council, as accountable body.
- 12.18 The growth deal funding programme will lead to the University occupying the new campus by April 2026. The programme is configured around key project milestones as outlined below:

- Milestone 1: Submission of draft Final Business Case (FBC) to MHCLG (Friday 18th June 2021), and full and final FBC (end July 2021)
- Milestone 2: All land interests acquired (April 2023) (after CPO process)
- Milestone 3: Construction contract signed by the University (October 2022)
- Milestone 4: Construction contracted completed

These milestones can be adjusted with the consent of the accountable body if evidence is provided by the University to demonstrate why it is necessary to agree a change in timescales, such consent not to be unreasonably withheld. It therefore makes sense for the Council to pursue the compulsory purchase of the Order Land in parallel with attempts to acquire by agreement to ensure that the above deadlines are complied with, and the regeneration opportunity is not lost.

- 12.19 In March 2021, the Council received a Heads of Terms agreement of £19.7 million from the Government for its Town Deal, following submission of the Town Investment Plan in October 2020. In May 2021 the Town Deal Board agreed a £19.7 million programme based on seven projects, which was confirmed in July 2021 included the Citadels Infrastructure Project (now known as the Carlisle Business Exchange) that is receiving £4m. The business case for the Carlisle Business Exchange has now been approved by DLUHC and the draft Grant Funding Agreement to secure the Towns Deal funding for the Council should be complete by the end of September. The University will be delivering this facility and there will be an agreement between the Council and University for the funding to be passed over to the University. The cost of delivering that specific portion of the new campus will be monitored and managed to align with the Town Deal Grant funding that has been secured to deliver it. This project will create a purpose built hyper fast digitally enabled Carlisle Business Exchange, linked to the University of Cumbria's flagship campus development. The project will create 800 sqm of new business space, 149 jobs accommodated over 7 years and supporting an average of 21 businesses per annum.
- 12.20 The University is funding its financial contribution to the Scheme through cash generated from university activities. As part of the application process for Borderlands Inclusive Growth Funding, due diligence has been undertaken in relation to the University's financial capacity to deliver the project. The success of the project relies on the University being able to fund the proposed £23.5 million contribution. The University's latest forecast is that it will be able to generate sufficient future operating surpluses so that it can fund the contribution to Citadels without having to recourse to bank borrowing. The level of this contribution to the project was signed off by the University Board on 28th May 2021.
- 12.21 The University's underlying financial position is supported, amongst other things, by new contracts related to apprenticeship provision and overall strong growth in student numbers across the University's different campuses. These financial projections were confirmed as robust following a BDO due diligence assessment on behalf of the University's banker Barclay's Bank in February 2021. The bank has confirmed its support for the Scheme and has advised that the University can fund their contribution to the project. The letter also indicates that the Bank would be willing to provide debt finance to support the project, subject to the normal due diligence and agreement on terms, should that be required. Due diligence on the financial projections has also been undertaken by the Borderlands Project Management Office as part of the finalisation of funding from the Borderlands Inclusive Growth Deal.

- 12.22 The Town Deal Board's Town Investment Plan was approved by DLUHC in March 2021. Six of the seven project business cases were submitted to DLUHC for approved on 24th March 2022, including the Carlisle Business Exchange which forms an integral part of the Citadels University campus project. DLUHC has confirmed that the business case has passed through their review process and is now approved
- 12.23 There is no known financial impediment or reason why the Council would not be able to acquire all the interests in the Order Land or the University successfully deliver the Scheme if the CPO is confirmed.

### **13 Human Rights Act 1998**

- 13.1 The 1998 Act requires (amongst other things) that every public authority must act in a manner which is compatible with the European Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention"). The Courts have held that the compulsory purchase of land is consistent with the 1998 Act provided that it is in the public interest and is proportionate to the ends being pursued.
- 13.2 It is acknowledged that the compulsory acquisition of the Order Land will potentially amount to an interference with the human rights of those with interests in the Order Land. Under Article 1 of the first protocol of the Convention (which provides that every natural or legal person is entitled to peaceful enjoyment of his possessions and no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by the law) and Article 8 of the Convention (which provides that everyone has the right to respect for his private and family life, his home and his correspondence and there is to be "no interference with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society.... in the interest of... the economic well-being of the country..."). The Council considers that the public interest and the public benefits of the Scheme (as described at Section 5.11) in implementing the Scheme within the Order Land outweighs any interference with these rights which may be caused.
- 13.3 Persons with interests in the Order Land have had the opportunity to make representations on the proposals as set out in section 5 (above). They have also had the opportunity to engage in negotiations for voluntary acquisitions prior to the CPO process being initiated. Objections can also be made to the CPO, which would be considered by an Inspector at a Public Inquiry. If the CPO were to be confirmed, an aggrieved person could also apply to the High Court seeking to quash a CPO if sufficient grounds could be demonstrated. Compensation will be payable based upon the principle of equivalence to those persons whose interests are acquired compulsorily.
- 13.4 The Council considers that there is a compelling case in the public interest to make the CPO which will facilitate the redevelopment of the Order Land as set out in the Scheme. The importance of implementing that part of the Scheme that falls within the Order Land is considered sufficient to justify interfering with the human rights of those with interests in the Order Land and that it would be appropriate and proportionate to make and confirm the CPO. Without the use of compulsory purchase powers, the much needed regeneration of the Order Land is very unlikely to be achievable.

## **14 Equalities**

- 14.1 In making the CPO the Council has also had regard to its public sector equality duty (PSED) under s.149 of the Equality Act 2010. An Equalities Impact Assessment (EqIA) has been carried out in respect to the decisions to acquire land by agreement and where this is unsuccessful, to acquire land by compulsion. The EqIA demonstrates that throughout all stages of the decision making process to promote and implement a CPO, the Council has had regard to (i) the need to eliminate unlawful discrimination, harassment, victimisations, (ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and (iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 14.2 In terms of its process, procedures and general behaviour towards affected parties to ensure there is no discrimination, the Council and its agents have sought to comply with government guidance on compulsory purchase and sought to reduce the anxiety that can be brought about by the threat of compulsory purchase, by ensuring that the affected parties are provided with as much information about what the CPO process involves and the indicative timetable of events; this included 'claimant information' documents. The council has offered to alleviate any concerns about future entitlement to compensation by explaining to parties their entitlement to compensation, and the Council has done what it can to offer advice and assistance in respect to the relocation of businesses. Also, to ensure the affected party can have access to appropriate professional advice, the Council continues to offer and has paid for the reasonable professional fees of affected parties in respect to the disposal of their property to the Council so that they have access to good professional advice.
- 14.3 Whilst the PSED was a relevant factor when the Council made its decision to make and implement a CPO, it is only one factor that needs to be considered when making a decision and may be balanced against other relevant factors. The Council also took into account other relevant factors in respect of the decision, including financial resources and policy considerations. In appropriate cases, such counterbalancing factors may justify decisions which have an adverse impact on protected groups.
- 14.4 The Council has given consideration to all the protected characteristics in the Equality Act 2010 to ensure that any potential impacts of the proposed CPO on the affected groups of people have been considered and where possible mitigated.

## **15 Other Matters**

- 15.1 The following is the Council's Statement as to the extent of the Scheme to be disregarded for the purposes of assessing compensation.
- 15.2 The Scheme comprises redevelopment and regeneration of the Order Land in Carlisle City Centre in order to deliver a new higher education facility. The Scheme as it is to be delivered represents the extent of the Scheme to be disregarded for the purposes of assessing compensation in the 'no-scheme world'.

## **16 Further information**

16.1 Individuals seeking advice regarding the CPO should in the first instance contact one or other of the persons listed below, depending on the nature of the query:

16.2 For general queries about the CPO process including compensation, the first point of contact at the Council is;

Steven Robinson  
Head of Regeneration/Economic Development  
Civic Centre  
Rickergate  
Carlisle  
CA3 8QG

t. 01228 817535

e. [steven.robinson@carlisle.gov.uk](mailto:steven.robinson@carlisle.gov.uk)

16.3 For queries about planning issues, please contact;

Jane Meek  
Corporate Director of Economic Development  
Carlisle City Council  
Civic Centre  
Rickergate  
Carlisle  
CA3 8QG

t. 01228 817190

e. [jane.meek@carlisle.gov.uk](mailto:jane.meek@carlisle.gov.uk)

16.4 For general queries regarding the inspection of documentation listed below the first point of contact at the Council is Steven Robinson (see above).

## **17 Relevant documents**

17.1 The Council intends to refer to, or to put in evidence, the documents (or relevant extracts from those documents) which are listed below, and which are referred to in this Statement of Reasons:

1. Carlisle City Council Executive report and Appendices (3<sup>rd</sup> October 2022)
2. Equality Impact Assessment
3. CPO and CPO Schedule
4. CPO Map
5. The Citadels Full Planning Permission (reference 22/0261) and Listed Building Consent (reference 22/0262)
6. The Carlisle District Local Plan 2015-2030
7. Proposed highway Stopping Up Order Plan
8. Statement of Community Involvement
9. Design and Access Statement
10. Carlisle City Centre Development Framework 2015



11. Urban Design Guide and Public Realm Framework SPD 2009
  12. Guidance on Compulsory purchase process and The Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion (published by the Department of Communities and Local Government in July 2019)
- 17.2 The above documents are available to view on the Council's website Citadel Development (Carlisle.gov.uk) <https://www.carlisle.gov.uk/regeneration/Projects/citadel-development> and have been placed on deposit and may be inspected at the Council's Reception, Carlisle City Council, Civic Centre, Carlisle, Cumbria. CA3 8QG on Mondays to Friday during normal office hours.
- 18 **Conclusion**
- 18.1 The use of the Council's CPO powers is necessary and justified for the following reasons:
- The purpose of the CPO is to deliver regeneration of a landmark City Centre site. This will be achieved by the redevelopment of the Order Land for a mix of uses including relocation of the University that will contribute to the promotion and improvement of the economic, social, and environmental wellbeing of the acquiring authority's area. It is therefore in the public interest to proceed with redevelopment of the Order Land;
  - This Statement demonstrates that the fundamental principles of compulsory purchase, set out in Paragraphs 12, 13, 14, 15 and 17 of the Guidance, and the specific factors to be considered when a CPO is to be made under the 1990 Act, have been considered and addressed to demonstrate that a compelling case is made for use of the CPO powers in the public interest;
  - Planning and listed building consents were secured 8<sup>th</sup> August 2022 and all funding secured, most notably the Borderland Growth Deal in February 2022, for the Scheme demonstrating that there are no known legal or financial impediments to deliver the Scheme;
  - The Council and University have been engaging with third party landowners since November 2020 and attempting to negotiate the acquisition of their interests since the autumn of 2021 when funding became available. Whilst the head leasehold interest of Paton House has been acquired by the Council and terms agreed by the University for the acquisition of other head leasehold interests, there is one remaining head leasehold interest and up to seven business tenants whose interests need to be acquired and businesses relocated. Appropriate steps have been taken over a reasonable period of time to acquire these interests by agreement and so now as a necessary measure of last resort, the use of CPO powers is therefore required to secure single ownership of the Order Land to meet the strict delivery timescales of the Scheme;
  - Private treaty negotiations with the holders of the third party interests will continue to acquire as many interests as possible by negotiation throughout the CPO process;

- The Council has applied all aspects of the Guidance in its behaviour and processes to promote and make a CPO for the Order Land.

18.2 Having considered relevant nation planning policy, the Guidance and the Local Plan the Council is satisfied that there is a compelling need in the public interest for compulsory purchase powers to be sought in order to secure the development, redevelopment or improvement of the Order Land by way of the delivery of the Scheme for the economic, social and environmental improvement of the City of Carlisle and the area. The Council has therefore made the Order and asks the Secretary of State to confirm the Order.

Dated \_\_\_\_\_

## APPENDIX 1

Plot no.	Description and purpose for which land is required
1	<p>All interests in 81 square metres, or thereabouts, of part width of highway known as Bush Brow, Carlisle.</p> <p>Land is required for the purpose of improving the public highway (hard and soft landscaping) of Bush Brow</p>
2	<p>All interests in 833 square metres, or thereabouts, of demolished premises known as Paton House and whole width of highway known as Bush Brow, Carlisle</p> <p>Land is required for the purpose of constructing a new higher education facility and improving the public highway (hard and soft landscaping) of Bush Brow.</p>
3	<p>All interests, other than those of the acquiring authority, in 890 square metres, or thereabouts, of demolished premises known as Paton House, Carlisle</p> <p>Land is required for the purpose of constructing a new higher education facility.</p>
4	<p>All interests, other than those of the acquiring authority, in 1314 square metres, or thereabouts, of whole width of highway known as Bush Brow, Carlisle.</p> <p>Land is required for the purpose of constructing a new higher education facility.</p>
5	<p>All interests, other than those of the acquiring authority, in 1232 square metres, or thereabouts, of commercial and retail premises known as 98 to 104 (evens) English Street, Carlisle, CA3 8ND and 9 to 13 (odds) Victoria Viaduct, Carlisle, CA3 8AN and part width of highway known as Victoria Viaduct, Carlisle</p> <p>Land is required for the purpose of constructing a new higher education facility.</p>
6	<p>All interests, other than those of the acquiring authority, in 435 square metres, or thereabouts, of retail and commercial premises known as 94 to 96 (evens) English Street, Carlisle, CA3 8ND and 1 to 7 (odds) Victoria Viaduct, Carlisle, CA3 8AN</p> <p>Land is required for the purpose of constructing a new higher education facility.</p>
7	<p>All interests, other than those of the acquiring authority, in 130 square metres, or thereabouts, of retail premises known as 106 English Street, Carlisle, CA3 8ND</p> <p>Land is required for the purpose of constructing a new higher education facility.</p>
8	<p>All interests, other than those of the acquiring authority and the Crown, in 108 square metres, or thereabouts, of retail premises known as 108 English Street, Carlisle, CA3 8ND</p> <p>Land is required for the purpose of constructing a new higher education facility.</p>
9	<p>All interests, other than those of the acquiring authority, in 44 square metres, or thereabouts, of service yard to the rear of retail premises known as 108 English Street, Carlisle, CA3 8ND</p> <p>Land is required for the purpose of constructing a new higher education facility and public realm improvements.</p>
10	<p>All interests, other than those of the acquiring authority, in 158 square metres, or thereabouts, of retail premises known as 110 English Street, Carlisle, CA3 8ND</p> <p>Land is required for the purpose of constructing a new higher education facility and public realm improvements.</p>
11	<p>All interests, other than those of the acquiring authority, in 173 square metres, or thereabouts, of retail premises known as 112 to 114 (evens) English Street, Carlisle CA3 8ND and of half width of highway known as English Street, Carlisle.</p> <p>Land is required for the purpose of constructing a new higher education facility and public realm improvements.</p>
12	<p>All interests, other than those of the acquiring authority, in 169 square metres, or thereabouts, of retail premises known as 114 English Street, Carlisle, CA3 8ND</p>

Plot no.	Description and purpose for which land is required
	Land is required for the purpose of constructing a new higher education facility and public realm improvements.
13	All interests, other than those of the acquiring authority, in 839 square metres, or thereabouts, of former public car park and commercial offices formerly known as Cumbria County Council Offices, Borough Street, Carlisle  Land is required for the purpose of constructing a new higher education facility.
14	All interests, other than those of the Crown in 3368 square metres, or thereabouts, of disused public car park, situated south west of commercial offices formerly known as Cumbria County Council Offices, Borough Street, Carlisle.  Land is required for the purpose of constructing a new higher education facility and public realm improvements .
15	All interests in 2212 square metres, or thereabouts, of The Citadel and public gardens, Cumbria County Council, The Courts, English Street, Carlisle  Land is required for the purpose of constructing a new higher education facility and public realm improvements (hard and soft landscaping) of the Citadel Gardens.
16	All interests in 79 square metres, or thereabouts, of forecourt to the Citadels and part width of highway known as English Street, Carlisle  Land is required for the purpose of improving the public highway (hard landscaping) of English Street
17	All interests in 10 square metres, or thereabouts, of part width of highway known as English Street, and The Citadel Fort, Cumbria County Council, The Courts, English Street, Carlisle, CA3 8LZ  Land is required for the purpose of improving the Citadels structure at the gateway to English Street, Carlisle i.
18	All interests in 10 square metres, or thereabouts, of part width of highway known as English Street and The Citadel Fort, Cumbria County Council, The Courts, English Street, Carlisle, CA3 8LZ  Land is required for the purpose of improving the Citadels structure at the gateway to English Street, Carlisle.
19	All interests in 81 square metres, or thereabouts, of part width of highway known as English Street  Land is required for the purpose of improving the public highway in English Street, Carlisle.
20	All interests in 1516 square metres, or thereabouts, of public gardens, statute of Earl of Lonsdale and Nisi Prius Courthouse, East Tower, Cumbria County Council, English Street, Carlisle, CA3 8LZ  Land is required for the purpose of constructing a new higher education facility and public realm improvements (hard and soft landscaping) of the Citadel Gardens.

## **APPENDIX 2 – Order Land**

## APPENDIX 3 – Schedule of third party Interests

Plot No(s)	Owner/Occupier	Property	Tenure	Description of property
1,13,14,15,16, 17, 18,19, and 20	Cumbria County Council	Public highway Bush Brow and English Street	Freehold	Public highway
13	Electricity North West Limited	Substations numbered 5500235173/A & 5500235023) Former County Council offices, Borough Street	Occupational lease	Electricity sub stations
5	B and M Retail Limited	98-104 English Street	One year sub lease	Retail premises
6	Forward Investment Group LLP	94-96 English Street & 1 to 7 Victoria Viaduct	Long Leasehold	Retail and office premises
6	Andreaa Craciunescu	5 Victoria Viaduct	Occupational sub lease	Retail premises
6	Peter Cowap t/a Kings Gaming	94 English Street	Occupational sub lease	Retail premises
6	Capita Business Services Limited	94-96 English Street	Occupational sub lease	Retail and office premises
7	Priorspur Limited	106 English Street	Long Leasehold	Retail premises
7	British Heart Foundation	106 English Street	Occupational sub lease	Retail premises
8	David Sinclair & Julia Ann Hogarth	108 English Street	Long Leasehold	Retail premises
8	William and Gwendoline Atkinson t/a The Local Store	108 English Street	Occupational sub lease	Retail premises
10, 11 and 12	Peter and Samantha Phillips	110, 112 and 114 English Street	Long Leasehold	Retail premises
10,11, and 12	Blacks Outdoor Retail Limited	110 English Street	Occupational sub lease	Retail premises

**CARLISLE CITY COUNCIL (CITADELS)  
COMPULSORY PURCHASE ORDER 2022**

**THE TOWN AND COUNTRY PLANNING ACT 1990  
THE ACQUISITION OF LAND ACT 1981**

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Carlisle City Council (in this order called “the Acquiring Authority”) makes the following order:

- 1      Subject to the provisions of this order, the Acquiring Authority is under Section 226(1)(a) of the Town and Country Planning Act 1990 hereby authorised to purchase compulsorily the land described in paragraph 2 for the purposes of facilitating the carrying out of development, redevelopment and improvement on or in relation to such land consisting of the demolition of existing buildings and the construction of a new higher education facility comprising the partial refurbishment of existing landmark buildings and the construction of new buildings to provide higher education facilities and ancillary development including landscaping, public open space, new pedestrian routes, accesses and other associated works. which will contribute to the promotion and improvement of the economic, social and environmental well-being of the Acquiring Authority's area.
2.      The land authorised to be purchased compulsorily under this order is the land described in the Schedule and delineated and shown edged red and coloured pink on a map prepared in duplicate, sealed with the common seal of the Acquiring Authority and marked “Map referred to in the Carlisle City Council (Citadels) Compulsory Purchase Order 2022”.

Dated this ..... day of .....2022

The **COMMON SEAL** of  
**CARLISLE CITY COUNCIL**

was duly affixed to this Deed in the presence of: )  
)

AUTHORISED OFFICER



SCHEDULE

**Table 1**

CPO Number on Map  (1)	Extent, description and situation of the land  (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 - name and address (3)			
		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers
1	All interests in 81 square metres, or thereabouts, of part width of highway known as Bush Brow, Carlisle	Cumbria County Council Parkhouse Building Baron Way Kingmoor Park Carlisle CA6 4SJ and Cumbria House 107-117 Botchergate Carlisle CA1 1RD <i>(and as highway authority)</i> <i>(and in respect of presumption to sub soil)</i>  Unknown <i>(in respect of presumption of sub soil in part to Bush Brow)</i>	-	-	Cumbria County Council Parkhouse Building Baron Way Kingmoor Park Carlisle CA6 4SJ and Cumbria House 107-117 Botchergate Carlisle CA1 1RD <i>(as highway authority)</i>
2	All interests, other than those of the acquiring authority, in 833 square metres, or thereabouts, of demolished premises known as Paton House and whole width of highway known as Bush Brow, Carlisle	Carlisle City Council Civic Centre Rickergate Carlisle CA3 8QG	-	-	Cumbria County Council Parkhouse Building Baron Way Kingmoor Park Carlisle CA6 4SJ and Cumbria House 107-117 Botchergate Carlisle CA1 1RD <i>(as highway authority)</i>

CPO Number on Map  (1)	Extent, description and situation of the land  (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 - name and address (3)			
		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers
2 cont		<p>Cumbria County Council Parkhouse Building Baron Way Kingmoor Park Carlisle CA6 4SJ and Cumbria House 107-117 Botchergate Carlisle CA1 1RD <i>(as highway authority)</i> <i>(and in respect of presumption to sub soil)</i></p> <p>Unknown <i>(in respect of presumption of sub soil in part to Bush Brow)</i></p>			
3	All interests, other than those of the acquiring authority, in 890 square metres, or thereabouts, of demolished premises formerly known as Paton House, Victoria Viaduct, Carlisle, CA3 8AN	<p>Carlisle City Council Civic Centre Rickergate Carlisle CA3 8QG</p>	-	-	Unoccupied
4	All interests, other than those of the acquiring authority, in 1313 square metres, or thereabouts, of whole width of highway known as Bush Brow, Carlisle	<p>Carlisle City Council Civic Centre Rickergate Carlisle CA3 8QG</p>	-	-	<p>Cumbria County Council Parkhouse Building Baron Way Kingmoor Park Carlisle CA6 4SJ and Cumbria House 107-117 Botchergate Carlisle CA1 1RD <i>(as highway authority)</i></p>



CPO Number on Map  (1)	Extent, description and situation of the land  (2)	Qualifying persons under section12(2)(a) of the Acquisition of Land Act 1981 - name and address (3)			
		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers
6	All interests, other than those of the acquiring authority, in 435 square metres, or thereabouts, of retail and commercial premises known as 94 to 96 (evens) English Street, Carlisle, CA3 8ND and 1 to 7 (odds) Victoria Viaduct, Carlisle, CA3 8AN	Carlisle City Council Civic Centre Rickergate Carlisle CA3 8QG	Forward Investment Group LLP Mitre House North Park Road Harrogate HG1 5RX  Andreaa Craciunescu 129 Whernside Carlisle CA2 6ST <i>(trading as Gustul de Acasa)</i> <i>(in respect of 5 Victoria Viaduct)</i>  Peter Cowap 19 Grimshaw Green Lane Parbold WN8 7BB <i>(in respect of ground floor, 94-96 English Street)</i>  Capita Business Services Limited 65 Gresham Street London EC2V 7NQ <i>(co no 02299747)</i> <i>(in respect of part of ground floor and first floor, 94-96 English Street)</i>	-	Andreaa Craciunescu 129 Whernside Carlisle CA2 6ST <i>(trading as Gustul de Acasa)</i> <i>(in respect of 5 Victoria Viaduct)</i>  Peter Cowap 19 Grimshaw Green Lane Parbold WN8 7BB <i>(in respect of ground floor, 94-96 English Street)</i>  Capita Business Services Limited 65 Gresham Street London EC2V 7NQ <i>(co no 02299747)</i> <i>(in respect of Armed Forces Careers Office, part of ground floor and first floor, 94-96 English Street)</i>

CPO Number on Map  (1)	Extent, description and situation of the land  (2)	Qualifying persons under section12(2)(a) of the Acquisition of Land Act 1981 - name and address (3)			
		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers
7	All interests, other than those of the acquiring authority, in 130 square metres, or thereabouts, of retail premises known as 106 English Street, Carlisle, CA3 8ND	Carlisle City Council Civic Centre Rickergate Carlisle CA3 8QG	Priorspur Limited c/o Hollins Murray Developments Limited St. John's House Barrington Road Altrincham WA14 1TJ  British Heart Foundation Greater London House 4th Floor 180 Hampstead Road London NW1 7AW	-	British Heart Foundation Greater London House 4th Floor 180 Hampstead Road London NW1 7AW
8	All interests, other than those of the acquiring authority and the Crown, in 108 square metres, or thereabouts, of retail premises known as 108 English Street, Carlisle, CA3 8ND and of half width of highway known as English Street, Carlisle	Carlisle City Council Civic Centre Rickergate Carlisle CA3 8QG <i>(and in respect of presumption to sub soil)</i>  Cumbria County Council Parkhouse Building Baron Way Kingmoor Park Carlisle CA6 4SJ and Cumbria House 107-117 Botchergate Carlisle CA1 1RD <i>(as highway authority)</i>	David Sinclair Hogarth 2 Edenside Cottages Wetheral CA3 8ND and Geltsdale Plains Road Wetheral Carlisle CA4 8LA  Julia Ann Hogarth 2 Edenside Cottages Wetheral CA3 8ND and Geltsdale Plains Road Wetheral Carlisle CA4 8LA	-	William Atkinson The Local Store 108 English Street Carlisle CA3 8ND <i>(trading as W&amp;G Atkinson Partnership, The Local Store)</i>  Gwendoline Atkinson The Local Store 108 English Street Carlisle CA3 8ND <i>(trading as W&amp;G Atkinson Partnership, The Local Store)</i>

CPO Number on Map  (1)	Extent, description and situation of the land  (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 - name and address (3)			
		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers
8 cont		Unknown <i>(in respect of presumption of sub soil in part of English Street)</i>	William Atkinson The Local Store 108 English Street Carlisle CA3 8ND <i>(trading as W&amp;G Atkinson Partnership, The Local Store)</i>  Gwendoline Atkinson The Local Store 108 English Street Carlisle CA3 8ND <i>(trading as W&amp;G Atkinson Partnership, The Local Store)</i>		Cumbria County Council Parkhouse Building Baron Way Kingmoor Park Carlisle CA6 4SJ and Cumbria House 107-117 Botchergate Carlisle CA1 1RD <i>(as highway authority)</i>  Atkinson Forecourt Group Limited 108 English Street Carlisle CA3 8ND
9	All interests, other than those of the acquiring authority, in 44 square metres, or thereabouts, of service yard to the rear of retail premises known as 108 English Street, Carlisle, CA3 8ND	Carlisle City Council Civic Centre Rickergate Carlisle CA3 8QG	-	-	William Atkinson The Local Store 108 English Street Carlisle CA3 8ND <i>(trading as W&amp;G Atkinson Partnership, The Local Store)</i> <i>(in respect of car park space)</i>

CPO Number on Map  (1)	Extent, description and situation of the land  (2)	Qualifying persons under section 12(2)(a) of the Acquisition of Land Act 1981 - name and address (3)			
		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers
9 cont					Gwendoline Atkinson The Local Store 108 English Street Carlisle CA3 8ND <i>(trading as W&amp;G Atkinson Partnership, The Local Store)</i> <i>(in respect of car park space)</i>
10	All interests, other than those of the acquiring authority, in 158 square metres, or thereabouts, of retail premises known as 110 English Street, Carlisle, CA3 8ND and of half width of highway known as English Street, Carlisle	<p>Carlisle City Council Civic Centre Rickergate Carlisle CA3 8QG <i>(and in respect of presumption to sub soil)</i></p> <p>Cumbria County Council Parkhouse Building Baron Way Kingmoor Park Carlisle CA6 4SJ and Cumbria House 107-117 Botchergate Carlisle CA1 1RD <i>(as highway authority)</i></p> <p>Unknown <i>(in respect of presumption of sub soil in part of English Street)</i></p>	<p>Peter Phillips 1 Brampton Lane London NW4 4AB</p> <p>Samantha Phillips 1 Brampton Lane London NW4 4AB</p> <p>Blacks Outdoor Retail Limited Hollinsbrook Way Pilsworth Bury BL9 8RR <i>(excluding the airspace above 3 metres above the structures currently erected on the land)</i></p>	-	<p>Blacks Outdoor Retail Limited Hollinsbrook Way Pilsworth Bury BL9 8RR <i>(trading as Millets)</i></p> <p>Cumbria County Council Parkhouse Building Baron Way Kingmoor Park Carlisle CA6 4SJ and Cumbria House 107-117 Botchergate Carlisle CA1 1RD <i>(as highway authority)</i></p>

CPO Number on Map  (1)	Extent, description and situation of the land  (2)	Qualifying persons under section12(2)(a) of the Acquisition of Land Act 1981 - name and address (3)			
		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers
11	All interests, other than those of the acquiring authority, in 173 square metres, or thereabouts, of retail premises known as 112 to 114 (evens) English Street, Carlisle CA3 8ND and of half width of highway known as English Street, Carlisle	<p>Carlisle City Council Civic Centre Rickergate Carlisle CA3 8QG <i>(and in respect of presumption to sub soil)</i></p> <p>Cumbria County Council Parkhouse Building Baron Way Kingmoor Park Carlisle CA6 4SJ and Cumbria House 107-117 Botchergate Carlisle CA1 1RD <i>(as highway authority)</i></p> <p>Unknown <i>(in respect of presumption of sub soil in part of English Street)</i></p>	<p>Peter Phillips 1 Brampton Lane London NW4 4AB</p> <p>Samantha Phillips 1 Brampton Lane London NW4 4AB</p>	-	<p>Blacks Outdoor Retail Limited Hollinsbrook Way Pilsworth Bury BL9 8RR <i>(trading as Millets)</i> <i>(in respect of part ground floor, part first and second floors)</i></p> <p>Cumbria County Council Parkhouse Building Baron Way Kingmoor Park Carlisle CA6 4SJ and Cumbria House 107-117 Botchergate Carlisle CA1 1RD <i>(as highway authority)</i></p>
12	All interests, other than those of the acquiring authority, in 169 square metres, or thereabouts, of retail premises known as 114 English Street, Carlisle, CA3 8ND	<p>Carlisle City Council Civic Centre Rickergate Carlisle CA3 8QG</p>	<p>Peter Phillips 1 Brampton Lane London NW4 4AB</p> <p>Samantha Phillips 1 Brampton Lane London NW4 4AB</p>	-	<p>Unoccupied <i>(in respect of ground floor)</i></p> <p>Blacks Outdoor Retail Limited Hollinsbrook Way Pilsworth Bury BL9 8RR <i>(trading as Millets)</i> <i>(in respect of part second floor)</i></p>



CPO Number on Map  (1)	Extent, description and situation of the land  (2)	Qualifying persons under section12(2)(a) of the Acquisition of Land Act 1981 - name and address (3)			
		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers
13	All interests, other than those of the acquiring authority, in 839 square metres, or thereabouts, of former public car park and commercial offices formerly known as Cumbria County Council Offices, Borough Street, Carlisle	Cumbria County Council Parkhouse Building Baron Way Kingmoor Park Carlisle CA6 4SJ and Cumbria House 107-117 Botchergate Carlisle CA1 1RD	-	-	Unoccupied <i>(in respect of offices and car park)</i>          Electricity North West Limited Borron Street Stockport SK1 2JD <i>(in respect of substations numbered 636474 &amp; 636188)</i>
14	All interests, other than those of the acquiring authority, in 3368 square metres, or thereabouts, of disused public car park, situated south west of commercial offices formerly known as Cumbria County Council Offices, Borough Street, Carlisle	Cumbria County Council Parkhouse Building Baron Way Kingmoor Park Carlisle CA6 4SJ and Cumbria House 107-117 Botchergate Carlisle CA1 1RD	-	-	Unoccupied <i>(in respect of offices and car park)</i>

CPO Number on Map  (1)	Extent, description and situation of the land  (2)	Qualifying persons under section12(2)(a) of the Acquisition of Land Act 1981 - name and address (3)			
		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers
15	All interests in 2212 square metres, or thereabouts, of The Citadel and public gardens, Cumbria County Council, The Courts, English Street, Carlisle, CA3 8LZ	Cumbria County Council Parkhouse Building Baron Way Kingmoor Park Carlisle CA6 4SJ and Cumbria House 107-117 Botchergate Carlisle CA1 1RD	-	-	Cumbria County Council Parkhouse Building Baron Way Kingmoor Park Carlisle CA6 4SJ and Cumbria House 107-117 Botchergate Carlisle CA1 1RD
16	All interests in 79 square metres, or thereabouts, of forecourt to the Citadel and part width of highway known as English Street, Carlisle	Cumbria County Council Parkhouse Building Baron Way Kingmoor Park Carlisle CA6 4SJ and Cumbria House 107-117 Botchergate Carlisle CA1 1RD <i>(and as highway authority)</i> <i>(and in respect of presumption to sub soil)</i>	-	-	Cumbria County Council Parkhouse Building Baron Way Kingmoor Park Carlisle CA6 4SJ and Cumbria House 107-117 Botchergate Carlisle CA1 1RD <i>(as highway authority)</i>
17	All interests in 10 square metres, or thereabouts, of part width of highway known as English Street and The Citadel Fort, Cumbria County Council, The Courts, English Street, Carlisle, CA3 8LZ	Cumbria County Council Parkhouse Building Baron Way Kingmoor Park Carlisle CA6 4SJ and Cumbria House 107-117 Botchergate Carlisle CA1 1RD <i>(and as highway authority)</i>	-	-	Cumbria County Council Parkhouse Building Baron Way Kingmoor Park Carlisle CA6 4SJ and Cumbria House 107-117 Botchergate Carlisle CA1 1RD <i>(as highway authority)</i>

CPO Number on Map  (1)	Extent, description and situation of the land  (2)	Qualifying persons under section12(2)(a) of the Acquisition of Land Act 1981 - name and address (3)			
		Owners or reputed owners	Lessees or reputed lessees	Tenants or reputed tenants (other than lessees)	Occupiers
18	All interests in 10 square metres, or thereabouts, of part width of highway known as English Street and The Citadel Fort, Cumbria County Council, The Courts, English Street, Carlisle, CA3 8LZ	Cumbria County Council Parkhouse Building Baron Way Kingmoor Park Carlisle CA6 4SJ and Cumbria House 107-117 Botchergate Carlisle CA1 1RD (and as highway authority)	-	-	Cumbria County Council Parkhouse Building Baron Way Kingmoor Park Carlisle CA6 4SJ and Cumbria House 107-117 Botchergate Carlisle CA1 1RD (as highway authority)
19	All interests in 81 square metres, or thereabouts, of part width of highway known as English Street, Carlisle	Cumbria County Council Parkhouse Building Baron Way Kingmoor Park Carlisle CA6 4SJ and Cumbria House 107-117 Botchergate Carlisle CA1 1RD (and as highway authority)	-	-	Cumbria County Council Parkhouse Building Baron Way Kingmoor Park Carlisle CA6 4SJ and Cumbria House 107-117 Botchergate Carlisle CA1 1RD (as highway authority)
20	All interests in 1516 square metres, or thereabouts, of public gardens, Statue to Earl of Lonsdale and Nisi Prius Courthouse, East tower, Cumbria County Council, English Street, Carlisle, CA3 8LZ	Cumbria County Council Parkhouse Building Baron Way Kingmoor Park Carlisle CA6 4SJ and Cumbria House 107-117 Botchergate Carlisle CA1 1RD	-	-	Cumbria County Council Parkhouse Building Baron Way Kingmoor Park Carlisle CA6 4SJ and Cumbria House 107-117 Botchergate Carlisle CA1 1RD

Table 2

Number on Map (4)	Other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981 (5)		Other qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 - not otherwise shown in Tables 1 & 2 (6)	
	Name and address	Description of Interest to be acquired	Name and address	Description of the land for which the person in adjoining column is likely to make a claim
1	-	-	-	-
2	-	-	Unknown <i>(in respect of garage)</i>  Unknown <i>(in respect of garage)</i>  Unknown <i>(in respect of garage)</i>  Unknown <i>(in respect of garage)</i>	Right of way at all times  Right of way at all times  Right of way at all times  Right of way at all times
3	-	-	-	-
4	Peter Phillips 1 Brampton Lane London NW4 4AB <i>(in respect of 110 English Street, Carlisle, CA3 8ND)</i>  Samantha Phillips 1 Brampton Lane London NW4 4AB <i>(in respect of 110 English Street, Carlisle, CA3 8ND)</i>	Right of way at all times       Right of way at all times	-	-

Number on Map (4)	Other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981 (5)		Other qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 - not otherwise shown in Tables 1 & 2 (6)	
	Name and address	Description of Interest to be acquired	Name and address	Description of the land for which the person in adjoining column is likely to make a claim
4 cont	Blacks Outdoor Retail Limited Hollinsbrook Way Pilsworth Bury BL9 8RR <i>(trading as Millets)</i> <i>(excluding the airspace above 3 metres above the structures currently erected on the land)</i> <i>(in respect of 110 English Street, Carlisle CA3 8ND)</i>	Right of way at all times		
	David Sinclair Hogarth 2 Edenside Cottages Wetheral CA3 8ND and Geltsdale Plains Road Wetheral Carlisle CA4 8LA <i>(in respect of 108 English Street, Carlisle, CA3 8ND)</i>	Right of way at all times		
	Julia Ann Hogarth 2 Edenside Cottages Wetheral CA3 8ND and Geltsdale Plains Road Wetheral Carlisle CA4 8LA <i>(in respect of 108 English Street, Carlisle, CA3 8ND)</i>	Right of way at all times		

Number on Map (4)	Other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981 (5)		Other qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 - not otherwise shown in Tables 1 & 2 (6)	
	Name and address	Description of Interest to be acquired	Name and address	Description of the land for which the person in adjoining column is likely to make a claim
4 cont	William Atkinson The Local Store 108 English Street Carlisle CA3 8ND <i>(trading as W&amp;G Atkinson Partnership, The Local Store)</i>	Right of way at all times		
	Gwendoline Atkinson The Local Store 108 English Street Carlisle CA3 8ND <i>(trading as W&amp;G Atkinson Partnership, The Local Store)</i>	Right of way at all times		
	Priorspur Limited c/o Hollins Murray Developments Limited St. John's House Barrington Road Altrincham WA14 1TJ <i>(in respect of 106 English Street, Carlisle, CA3 8ND)</i>	Right of way at all times		
	British Heart Foundation Greater London House 4th Floor 180 Hampstead Road London NW1 7AW (co no 00699547) <i>(in respect of 106 English Street, Carlisle, CA3 8ND)</i>	Right of way at all times		
5	-	-	-	-

Number on Map (4)	Other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981 (5)		Other qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 - not otherwise shown in Tables 1 & 2 (6)	
	Name and address	Description of Interest to be acquired	Name and address	Description of the land for which the person in adjoining column is likely to make a claim
6	<p>ICG-Longbow Debt Investments No.4 S.A.R.L. 2 Boulevard Konrad Adenauer L-1115 Luxembourg Luxembourg <i>(incorporated in Luxembourg)</i> and of Procession House 55 Ludgate Hill London EC4M 7JW <i>(as mortgagee on registered leasehold title number CU116327, 94 to 96 (evens) English Street, Carlisle, CA3 8ND and 1 to 7 (odds) Victoria Viaduct, Carlisle, CA3 8AN)</i> <i>(mortgagor: Forward Investment Group LLP)</i></p> <p>Cynergy Bank Limited 27-31 Charlotte Street London W1T 1RP <i>(as mortgagee on registered leasehold title number CU116327, 94 to 96 (evens) English Street, Carlisle, CA3 8ND and 1 to 7 (odds) Victoria Viaduct, Carlisle, CA3 8AN)</i> <i>(mortgagor: Forward Investment Group LLP)</i></p>	<p>Mortgage as a Debenture dated 2 April 2015 and 22 December 2015</p> <p>Mortgage dated 16 November 2020</p>	-	-

Number on Map (4)	Other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981 (5)		Other qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 - not otherwise shown in Tables 1 & 2 (6)	
	Name and address	Description of Interest to be acquired	Name and address	Description of the land for which the person in adjoining column is likely to make a claim
6 cont	Santander UK PLC 2 Triton Square Regents Place London NW1 3AN <i>(as mortgagee on registered leasehold title number CU116327, 94 to 96 (evens) English Street, Carlisle, CA3 8ND and 1 to 7 (odds) Victoria Viaduct, Carlisle, CA3 8AN)</i> <i>(mortgagor: Forward Investment Group LLP)</i>	Mortgage as a Debenture dated 22 December 2015		
7	-	-	-	-
8	Rowanmoor Trustees Limited Rowanmoor House 46 - 50 Castle Street Salisbury SP1 3TS <i>(in respect of 108 English Street)</i>	Restriction no disposition of the registered estate leasehold CU97470 without written consent by Rowanmoor Trustees Limited	Thomas Cook Group PLC Ship Canal House 8th Floor 98 King Street Manchester M2 4WB <i>(in Compulsory liquidation)</i>  The Official Receiver Or London c/o J Sullivan P O Box 16658 Birmingham B2 2HA <i>(as practitioner for Thomas Cook Group PLC in Compulsory Liquidation)</i>	Restrictive covenants on land known as 108 English Street, Carlisle, CA3 8ND not to use the property for the trade or business of a retail travel agency <i>(Transfer dated 24 June 1992)</i>  Restrictive covenants on land known as 108 English Street, Carlisle, CA3 8ND not to use the property for the trade or business of a retail travel agency <i>(Transfer dated 24 June 1992)</i>
9	Peter Phillips 1 Brampton Lane London NW4 4AB <i>(in respect of 110 English Street, Carlisle, CA3 8ND)</i>	Right of way at all times	-	-



Number on Map (4)	Other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981 (5)		Other qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 - not otherwise shown in Tables 1 & 2 (6)	
	Name and address	Description of Interest to be acquired	Name and address	Description of the land for which the person in adjoining column is likely to make a claim
9 cont	Samantha Phillips 1 Brampton Lane London NW4 4AB <i>(in respect of 110 English Street, Carlisle, CA3 8ND)</i>	Right of way at all times		
	Blacks Outdoor Retail Limited Hollinsbrook Way Pilsworth Bury BL9 8RR <i>(trading as Millets)</i> <i>(excluding the airspace above 3 metres above the structures currently erected on the land)</i> <i>(in respect of 110 English Street, Carlisle CA3 8ND)</i>	Right of way at all times		
	David Sinclair Hogarth 2 Edenside Cottages Wetheral CA3 8ND and Geltsdale Plains Road Wetheral Carlisle CA4 8LA <i>(in respect of 108 English Street, Carlisle, CA3 8ND)</i>	Right of way at all times		

Number on Map (4)	Other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981 (5)		Other qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 - not otherwise shown in Tables 1 & 2 (6)	
	Name and address	Description of Interest to be acquired	Name and address	Description of the land for which the person in adjoining column is likely to make a claim
9 cont	<p>Julia Ann Hogarth 2 Edenside Cottages Wetheral CA3 8ND and Geltsdale Plains Road Wetheral Carlisle CA4 8LA <i>(in respect of 108 English Street, Carlisle, CA3 8ND)</i></p>	Right of way at all times		
	<p>William Atkinson The Local Store 108 English Street Carlisle CA3 8ND <i>(trading as W&amp;G Atkinson Partnership, The Local Store)</i></p>	Right of way at all times and parking		
	<p>Gwendoline Atkinson The Local Store 108 English Street Carlisle CA3 8ND <i>(trading as W&amp;G Atkinson Partnership, The Local Store)</i></p>	Right of way at all times and parking		
	<p>Priorspur Limited c/o Hollins Murray Developments Limited St. John's House Barrington Road Altrincham WA14 1TJ <i>(in respect of 106 English Street, Carlisle, CA3 8ND)</i></p>	Right of access and emergency fire escape		

Number on Map (4)	Other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981 (5)		Other qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 - not otherwise shown in Tables 1 & 2 (6)	
	Name and address	Description of Interest to be acquired	Name and address	Description of the land for which the person in adjoining column is likely to make a claim
9 cont	British Heart Foundation Greater London House 4th Floor 180 Hampstead Road London NW1 7AW (co no 00699547) <i>(in respect of 106 English Street, Carlisle, CA3 8ND)</i>	Right of access and emergency fire escape		
10	-	-	-	-
11	-	-	-	-
12	-	-	-	-
13	Carlisle City Council Civic Centre Rickergate Carlisle CA3 8QG <i>(in respect of Paton House, Victoria Viaduct and highway known as Bush Brow, Carlisle)</i>	Right of drainage and connections (Conveyance dated 1 October 1926)	-	-
14	Carlisle City Council Civic Centre Rickergate Carlisle CA3 8QG <i>(in respect of Paton House, Victoria Viaduct and highway known as Bush Brow, Carlisle)</i>	Right of drainage and connections (Conveyance dated 1 October 1926)	-	-
15	-	-	-	-
16	-	-	-	-
17	-	-	-	-

Number on Map (4)	Other qualifying persons under section 12(2A)(a) of the Acquisition of Land Act 1981 (5)		Other qualifying persons under section 12(2A)(b) of the Acquisition of Land Act 1981 - not otherwise shown in Tables 1 & 2 (6)	
	Name and address	Description of Interest to be acquired	Name and address	Description of the land for which the person in adjoining column is likely to make a claim
18	-	-	-	-
19	-	-	-	-
20	-	-	-	-

GENERAL ENTRIES		
Name and Address	Capacity	Qualification
Electricity North West Limited Borron Street Stockport SK1 2JD	As statutory electricity undertaker	In respect of electricity distribution, lines, cables, conduits and apparatus
National Grid PLC 1-3 Strand London WC2N 5EH	As statutory gas and electricity undertaker	In respect of In respect of gas mains, pipes and other apparatus, and electricity transmission lines, cables, conduits and apparatus
Northern Gas Networks Limited 1100 Century Way Thorpe Park Leeds LS15 8TU	As statutory gas undertaker	In respect of gas mains, pipes and other apparatus
ESP Utilities Group Limited Mole Business Park Randalls Road Leatherhead KT22 7BA	As statutory telecommunications undertaker	In respect of telecommunications facilities
British Telecommunications Plc 1 Braham Street London E1 8EE	As statutory telecommunications undertaker	In respect of telecommunications facilities
CityFibre Limited 15 Bedford Street London WC2E 9HE	As statutory telecommunications undertaker	In respect of telecommunications facilities
Colt Technology Services Colt House 20 Great Eastern Street London EC2A 3EH	As statutory telecommunications undertaker	In respect of telecommunications facilities

ENGIE Power Limited 26 Whitehall Road Leeds LS12 1BE	As statutory telecommunications undertaker	In respect of telecommunications facilities
GTC Infrastructure Limited Synergy House Woolpit Business Park Woolpit Bury St Edmunds IP30 9UP	As statutory telecommunications undertaker	In respect of telecommunications facilities
Lumen Technologies UK Limited 260-266 Goswell Road London EC1V 7EB	As statutory telecommunications undertaker	In respect of telecommunications facilities
Mobile Broadband Network Limited Sixth Floor Thames Tower Station Road Reading RG1 1LX	As statutory telecommunications undertaker	In respect of telecommunications facilities
Sky UK Limited Grant Way Isleworth TW7 5QD and c/o NRSWA 70 Buckingham Avenue Slough SL1 4PN	As statutory telecommunications undertaker	In respect of telecommunications facilities
Sota Solutions Limited Building 300 Cornforth Drive Kent Science Park Sittingbourne ME9 8PX	As statutory telecommunications undertaker	In respect of telecommunications facilities

United Utilities PLC Lingley Green Avenue Lingley Mere Business Park Great Sankey Warrington WA5 3LP	As statutory telecommunications undertaker	In respect of telecommunications facilities
Utility Assets Limited 7 Laxton Close Attleborough NR17 1QY	As statutory telecommunications undertaker	In respect of telecommunications facilities
Virgin Media Limited 500 Brook Drive Reading RG2 6UU	As statutory telecommunications undertaker	In respect of telecommunications facilities
Vodafone Limited Vodafone House The Connection Newbury RG14 2FN	As statutory telecommunications undertaker	In respect of telecommunications facilities

## Full Equality Impact Assessment (EqIA) Proforma

An EqIA is a tool to assess whether a decision, policy, service or function pays 'due regard' to the Public Sector Equality Duty, which requires public bodies to:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations

The Equality Duty covers the following 9 **protected characteristics**:

**Age, disability, gender reassignment, pregnancy and maternity, race, religion and belief, sex, sexual orientation, marriage and civil partnership.** In addition, this EqIA process includes **transgender, rurality** and **socio-economic status**.

The EqIA process has two stages:

- **Screening EqIA:** This checks whether a decision, policy, service or function pays due regard to the Equality Duty; to provide any high-level advice or take immediate action; to determine if further analysis is needed through an EqIA.
- **Full EqIA:** Sometimes called Equality Analysis, this looks at a decision, policy, service or function in terms of data and information, research and evidence from consultation/engagement on all nine protected characteristics and rurality and socio-economic status. A full EqIA includes an action plan.

Where an EqIA relates to the Council Member Decision it should be included as an appendix to the report.



## Section 1: About the Decision, Policy, Service or Function

Name of Decision/Policy/Service/Function being assessed	Decision to promote, make and implement a Compulsory Purchase Order (CPO) of the Citadels, Carlisle City Centre site.
Job Title of Officer completing EIA	Steven Robinson
Department/service area	Regeneration and Economic Development
Telephone number and email contact	t. 01228 817535 e. <a href="mailto:Steven.robinson@carlisle.gov.uk">Steven.robinson@carlisle.gov.uk</a>
Date of Assessment	10 <sup>th</sup> August 22
Objectives of decision/policy/service/function	<p>This Equality Impact Assessment (EqIA) is being undertaken in respect of the proposal to acquire land by agreement and if this is unsuccessful, to use compulsory purchase powers to promote and implement a Compulsory Purchase Order (CPO) to facilitate the redevelopment of the site of the Citadels and adjoining land and buildings for a higher education facility. The assessment and impact of the land acquisitions and the CPO process is the focus of this EqIA, rather than the scheme of development of the higher education facility itself which has been considered through other appropriate processes. We do though make reference to the scheme to provide a broader context in which the decisions and actions to acquire land and promote a CPO are made.</p> <p>The objectives in engaging with directly affected parties is to (i) provide them with as much information as possible about the scheme and its timescales in order for them to make a decision if and when they should dispose of their interest(s) to the Council and having done this, (ii) to acquire all the identified interests within the scheme boundary so that the Council can deliver and manage the scheme.</p>

	<p>The EqIA aims to identify, address and monitor any differential or adverse impacts on any specific equalities groups and specifically demonstrate that throughout all stages of the decision making process to promote and implement a CPO, the Council has had regard to (i) the need to eliminate unlawful discrimination, harassment, victimisations, (ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it, and (iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.</p> <p>The County Council previously undertook an EqIA in August 2021 as part of the full business case assessment prior to decisions made by the Council to secure Towns Fund funding for the Business Exchange Centre, which forms part of the proposed Citadels scheme.</p>
<p>Key stakeholders and consultees</p>	<p>The people and organisations directly affected by the proposed decision of the Council to use its CPO powers are the landowners and businesses that occupy land and premises within the scheme boundary. They are as follows:</p> <p><u>94-96 English Street and 1/3/5/7 Victoria Viaduct</u></p> <ul style="list-style-type: none"> <li>• Daniel Ward (head leasehold interest)</li> <li>• Kings Gaming (94 English St – sublease)</li> <li>• Capita Business Services Ltd (94-96 English St - sublease)</li> <li>• Andreaa Craciunescue (5 Victoria Viaduct – sublease)</li> <li>• B and M Retail Ltd (98-104 English St – sublease)</li> </ul> <p><u>108 English Street</u></p> <ul style="list-style-type: none"> <li>• David Hogarth (head leasehold interest)</li> <li>• Billy Atkinson t/a The Local Store (sublease)</li> </ul>

110/112 and 114 English Street

- Peter Phillips and Samantha Phillips (head leasehold interest)
- Blacks Outdoor Retail Ltd t/a Millets (sublease)

The Scheme will have direct benefits too, providing a diverse range of learning opportunities and 'pathways' for local residents, and prospective students from the wider north west region. This will include progression from school and college through to higher education and continuous professional learning and deliver Level 4 and 5, degree and post-graduate programmes from September 2026 onwards. This means the primary target audience will be young adults embarking on higher education courses, but will also attract adult learners pursuing professional development. It is likely to have a positive impact for all learners, including people with disabilities, young people, people from diverse ethnic backgrounds and women.

## Section 2: Information Gathering

Consider the sources of **relevant** information, evidence, data and research that will help you build up a picture of the likely impacts of your decision/policy/service/function on the protected characteristic groups.

Information Source	Location of data/information (give a link here if applicable)	What does the data/information tell us?
<p>The Council has employed Gateley Hamer to undertake a full land referencing exercise to identify all those with an interest in land, including those who might have a right over land which is affected by the proposals.</p> <p>Evidence of need for the Scheme is embedded in the Borderlands Inclusive Growth Deal, which identifies the economic</p>	<p>The information about all those who have an interest, right, or occupy land within the scheme are identified and contained within an Ownership Schedule, supported by an Ownership Plan and Plot Identification Plan. This is continually reviewed and updated and shared with the project team.</p> <p>A full business case has been prepared by the University, and approved by DLUHC, to support the delivery of the Scheme. It was prepared in line with HM Treasury Green Book procedures.</p>	<p>In discussions with all affected parties, including their families, employees and tenants who may also be affected, the duties of the Council under the Equalities Act 2010 to consider the impact of these powers and scheme proposals on groups with protected characteristics have been undertaken and mitigation measures implemented, where necessary.</p> <p>For those affected, this will result in the following main direct impacts:</p> <ul style="list-style-type: none"> <li>• persons with leasehold interests will have their interests compulsorily acquired if voluntary acquisition cannot be secured;</li> <li>• persons with investments in property will lose their financial return(s) and so with the compensation offered to them, they will need to find alternative investments;</li> <li>• persons with businesses within the Scheme will need to find suitable alternative accommodation, which the Council will help identify;</li> <li>• there will be environmental impacts during construction (noise, vibration, dust etc);</li> </ul>

disadvantages faced in the region, as well as barriers and opportunities to address them.		The Council's representatives, Gateley Hamer Ltd, have been in discussions and negotiations with all head leaseholders since early 2021 and with sub leaseholder (business occupiers) since early 2022. As part of these discussions, we have sought to enquire and identify if any of the affected parties belong to any one of the groups with protected characteristics. No one has been identified as belonging to any one of these groups.
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### Section 3: Assessment of Impact

From the information, evidence, data and research you have gathered, use this section to identify the risks and benefits for each of the different protected characteristic groups.

Equality group	Positive (tick)	Adverse (tick)	Neutral (tick)	What is the impact?	Mitigating actions proposed (to address adverse impact)
Age			✓	<p>All directly affected parties (head leaseholders and sub leaseholders) are working age. There are no children or elderly people directly affected by the decision to make the CPO. The scheme once implemented will have a positive impact upon mainly young people and people of working age.</p> <p>The scheme will facilitate improved access to upskilling and CPD opportunities for Borderland's residents of all ages to help improve their skills and qualifications, thereby improving their employability and earning potential.</p>	None are necessary
Disability			✓	<p>None of the directly affected parties have been identified as having a disability.</p> <p>The Scheme will be DDA compliant and offer greater accessibility via public transport.</p>	<p>None are necessary</p> <p>The Scheme will include Changing Places facilities to improve disability equality and help remove the restrictions on everyday life for people with disabilities.</p>
Race			✓	<p>All affected parties are known to be white British, with the exception of one of the occupiers who is a Romanian female. Although she can speak and write English, it is not her first language. However, the head leaseholder/landlord has served a notice to quit on the occupier pursuant to a break clause in the landlords favour in the lease and so, in reality, the Council is unlikely to need to use its CPO powers to secure possession of the premises. The lease will end in December 2022.</p>	<p>Services to interpret any verbal discussions and/or written correspondence will be offered if it is necessary to use the Council's CPO powers.</p> <p>In the case of the Romanian female sub-tenant, it has been explained to the Council representative that it has been explained to her, and she does understand, the implications of the notice to quit and the support that her immediate landlord is providing. This support includes an instruction to local agent Carrigiet Cowan to undertake a search for new premises for her and advise of new premises in the pipeline that would suit her timescales in order to facilitate a relocation. Her landlord and the University are prepared to be</p>

Equality group	Positive (tick)	Adverse (tick)	Neutral (tick)	What is the impact?	Mitigating actions proposed (to address adverse impact)
					<p>flexible in terms of requiring possession of the premises if suitable alternative premises comes to the market that particularly suit her needs.</p> <p>In respect to the Scheme, the UoC partnership with Multi Cultural Cumbria is outlined in the business case. Through this project and their wider work they are addressing perceived perceptions of Cumbria as mono-cultural and helping to build a space in which promotes community cohesion for people from different cultural backgrounds.</p>
Gender reassignment			✓	<p>None of the directly affected parties are known to belong to this protected characteristic group. Even if there were, there is no clear evidence that this group could be disproportionately affected.</p> <p>In respect to the Scheme and the end user, trans gender people can feel uncomfortable, sometimes threatened, using facilities such as toilets that don't relate to their birth gender.</p>	<p>None are necessary</p> <p>The Scheme will include gender neutral toilets and gender-neutral changing facilities to help address gender reassignment and improve gender equality</p>
Pregnancy and maternity			✓	<p>None of the directly affected parties are known to be pregnant or on maternity, however throughout our ongoing engagement with the parties, this will be monitored and mitigation measures put in place, if this is necessary.</p> <p>The design of the facilities within the Scheme will promote consideration of female requirements such as baby changing facilities and where women can express milk</p>	None are necessary
Sexual orientation			✓	No sexual orientation issues amongst the affected parties have been identified	None are necessary

Equality group	Positive (tick)	Adverse (tick)	Neutral (tick)	What is the impact?	Mitigating actions proposed (to address adverse impact)
Religion and/or belief			✓	<p>It is not anticipated that any of the decisions to be made in respect to the acquisition of interests of affected parties will impact upon their religion or beliefs.</p> <p>Places that lack inclusive multi-faith facilities can lead to isolation amongst different faith communities</p>	<p>None are necessary</p> <p>The Scheme will include multi-faith/quiet spaces etc for under-represented groups to help improve the diversity of the University and wider community</p>
Marital and civil partnership status			✓	<p>The decision of the Council to use and implement its CPO powers has no greater impact upon those parties known to be married or in a civil partnership than it does for any other group.</p>	<p>None are necessary</p>
Gender			✓	<p>There is a female co-owner of one of the head leasehold interests and another female owner of one of the occupying businesses; all other affected parties are businesses or individual males that have a personal interest in their properties. The impact of the decision to CPO the interests of the females is no greater on them than it is for any other group.</p> <p>Poorly designed places and facilities perpetuates gender inequality</p>	<p>None are necessary</p> <p>The Scheme design will promote consideration of gender inclusive spaces i.e. toilet facilities, but also personal safety from physical and/or sexual assault – lay out, lighting (esp. after dark), natural surveillance, etc. Would lend opportunities to link to other initiatives in the city centre such as the Safer Women at Night (SWAN) scheme.</p>
People in rural areas			✓	<p>The land identified for the scheme is within the city of Carlisle and therefore any decisions are not going to impact anyone in rural areas</p>	<p>None are necessary</p>
Socio-economic status			✓	<p>It is not known if any of the affected parties are within a lower income group.</p>	<p>All affected parties are offered a fee undertaking to access the same professional advice in respect to the disposal of their interest to the University or Council, including those that may fall within lower income groups.</p> <p>All affected parties are entitled to claim compensation for the loss of their interest, along with other heads of claim in line with the compulsory purchase compensation code</p>



Equality group	Positive (tick)	Adverse (tick)	Neutral (tick)	What is the impact?	Mitigating actions proposed (to address adverse impact)
					The new campus will promote more inclusive growth by facilitating access to higher education from all communities, working with local partners including FE Colleges, and thereby increasing the rate of higher education participation in what has been a higher education black spot.

#### Section 4: Action Planning

What is the negative/ adverse impact or area for further action?	Actions proposed to reduce/ eliminate the negative impact	Who will lead on the action(s)?	Resource implications/ resources required	When? (target completion date)	Monitoring Arrangements
<p>The decisions to make and implement a CPO can lead to uncertainty amongst affected parties and significantly increase their anxiety with the prospect of losing their property and business to compulsory purchase.</p>	<p>The Council and its agents, Gateley Hamer Limited, have been engaging with affected parties since 2021 to provide them with as much information about the scheme proposals, timescales, etc; this included 'claimant information' documents. Where the owners have been interested in selling their interests, the University of Cumbria have entered into negotiations to agree the acquisition of their interests in line with the compensation code to provide as much certainty as is possible.</p> <p>The council has offered to alleviate any concerns about future entitlement to compensation by explaining to parties their entitlement to compensation and where the</p>	<p>Gateley Hamer Limited on behalf of Carlisle City Council</p>	<p>The time and cost of engaging with the affected parties and the settlement of compensation for the acquisition and relocation of businesses, is indemnified by the University of Cumbria.</p>	<p>The decision to make a CPO of the Citadels site is imminent, and any other decisions to implement the CPO and settle compensation with affected parties will continue for 20 months approximately until the end of 2023 when the land assembly process on behalf of the University of Cumbria should be complete.</p>	<p>Gateley Hamer representatives are continually assessing the impact of the proposals to acquire (compulsorily) the landowner's interests and to collect monitoring data (if relevant).</p>

	<p>party concerned is a business in occupation of its premises, the Council has done what it can to offer advice and assistance in respect to their relocation. Also, to ensure the affected party can have access to professional advice, the University continues to offer and has paid for the reasonable professional fees of affected parties in respect to the disposal of their property to the University (or Council if a CPO is implemented) so that they have access to good professional advice.</p>				
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## Section 5. Outcome of Equality Impact Assessment (tick appropriate box)

**No major change needed** - the analysis shows the policy is robust and evidence shows no potential for discrimination

**Adjust the policy/service/function** - alternatives have been considered and steps taken to remove barriers or to better advance equality. Complete the action plan.

**Adverse impact(s) identified but continue** - this will need a justification or reason. Complete the action plan.

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

## Section 6. Review

Date of the next review of the Equality Impact Assessment	Prior to the public inquiry, if one is necessary
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Who will carry out this review?

Gateley Hamer Limited on behalf of Carlisle City Council

### **Glossary: Definitions of Protected Characteristics**

**Age:** This refers to a person having a particular age or being within an age group.

**Disability:** A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. Includes: Physical/sensory disability; Mental Health; Learning disability.

**Sex:** This refers to a person being either male or female.

**Gender reassignment:** This is the process of transitioning from one sex to another, considered a personal process rather than a medical one and it does not require someone to undergo medical treatment in order to be protected.

**Marital and civil partnership:** Legal recognition of a same-sex couple's relationship. Civil partners must be treated the same as married couples on a range of legal matters.

**Maternity:** The period after giving birth. It is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, including as a result of breastfeeding.

**Race:** It refers to a group of people defined by their colour, nationality (including citizenship), ethnic or national origins. Includes, Asian, Black and White minority ethnic groups inc. Eastern Europeans, Irish people and Gypsy Travellers.

**Religion or belief:** "Religion" means any religion, including a reference to a lack of religion. "Belief" includes religious and philosophical beliefs including lack of belief (for example, Atheism). The category includes, Christianity, Islam, Judaism, Hinduism, Buddhism, and non-religious beliefs such as Humanism.

**Sexual orientation:** This is whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

**Transgender:** Anyone whose gender identity is neither male nor female as legally defined at birth, and is not undergoing a process of gender resignation.

**Rurality:** Differential impact on people in rural areas

**Socio-economic status:** Differential impact on people due to household or personal income.