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Our Ref: E1/T3535/03/02/03  
Your Ref: CFS/SYB – 25/24/32

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990: SECTION 226(1)(a)**  
**ACQUISITION OF LAND ACT 1981**  
**THE WAVENEY DISTRICT COUNCIL (RIVERSIDE ROAD) COMPULSORY**  
**PURCHASE ORDER 2006**

1. The report of the Inspector, Mr Richard Clegg BA(Hons) DMS MRTPI, who held a public local inquiry into the above Order on 17-20 April, 12 June and 10-11 October 2007, has been considered. A copy of the Inspector's report (IR) is enclosed.
2. The Order, if confirmed, subject to the modifications described in paragraph 3 below, would authorise the compulsory purchase of 2.66ha of land at Riverside Road, Lowestoft for the purpose of facilitating its development, redevelopment and improvement by the construction thereon of an office and laboratory complex.
3. Procedural matters and statutory formalities are outlined in paragraphs 1 to 8 of the Inspector's report. The scheme has been amended to achieve savings, and in its revised form the acquisition of Plot 1 is not required. The Council seeks modification of the Order to this effect (IR3). The Secretary of State notes that she has been invited to alter the description of the proposed development from office campus to office and laboratory complex which, in the opinion of the Council, more closely describes the proposal (IR15).
4. Eight statutory and one non statutory objections were received. A late objection was received and this was treated as a statutory objection. Six of the statutory objections were withdrawn. The main grounds of objection, for the remaining three statutory objectors, are set out in paragraphs 39-41 of the Inspector's report. The main grounds of objection, for the non statutory objector, are set out in paragraph 44 of the Inspector's report.



5. The Inspector's report summarises the submissions made at the local inquiry. A copy of his conclusions is annexed to this letter. In the Inspector's opinion, there is a compelling case in the public interest for the compulsory acquisition of the Order Lands with the exception of Plot 1 (IR77).

6. The Inspector has recommended that the Order be confirmed subject to modification by the omission of Plot 1 and the alteration of the description of development in paragraph 1 of the Order from office campus to office and laboratory complex.

7. The Secretary of State has carefully considered whether the purposes for which the compulsory purchase order was made sufficiently justify interfering with the human rights of the objectors, owners, lessees, tenants, and qualifying persons under section 12(2A) of the Acquisition of Land Act 1981 and she is satisfied that such interference is justified. For the reasons given by the Inspector, she is satisfied that there is a compelling need in the public interest for the land, the subject of the compulsory purchase order, to be compulsorily acquired. In particular she has considered the provisions of Article 1 of the First Protocol to the European Convention on Human Rights. In this respect the Secretary of State is satisfied that in confirming the compulsory purchase order a fair balance has been struck between the public interest and interests of the objectors, owners, lessees, tenants, and qualifying persons.

8. The Secretary of State has also given careful consideration to the Inspector's report and the submissions of the parties. She considers that the proposed development satisfies section 226(1)(a) of the Town and Country Planning Act 1990 with regard to the purpose of facilitating development, redevelopment and improvement by the construction of the office and laboratory complex. She accepts the Inspector's conclusions and shares his view that the Order should be modified in respect of the omission of Plot 1 and in respect of the description of the proposed development. **The Secretary of State has therefore decided to accept the Inspector's recommendation and to confirm The Waveney District Council (Riverside Road) Compulsory Purchase Order 2006 with modifications.**

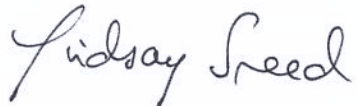
9. I enclose the confirmed Order and the map to which it refers. Your attention is drawn to section 15 of the Acquisition of Land Act 1981 about publication and service of notices now that the Order has been confirmed. Please inform us of the date on which notice of confirmation of the Order is first published in the press.

10. Copies of this letter and the Inspector's report are being sent to statutory objectors who made objections and who appeared or were represented at the local inquiry. Copies of the letter are also being sent to other persons who made submissions at the local inquiry.



11. This letter does not convey any other consent or approval in respect of the land to which the order relates.

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

A handwritten signature in black ink that reads "Lindsay Speed". The signature is written in a cursive style with a large initial 'L'.

**LINDSAY SPEED**  
**HEAD OF PLANNING CASEWORK**  
**Government Office for East of England**

Enc: one copy; Inspector's report, sealed Order and sealed plan (confirmed with modifications).



INVESTOR IN PEOPLE



## Conclusions

*References are made, where appropriate, to sources of material in earlier parts of the report by indicating the relevant paragraph number thus [8].*

### *The Planning Framework*

45. RPG6, in Policy 11, identifies Lowestoft as a priority area for regeneration, and, having acknowledged the presence of economic and social problems, Policy 20 promotes the development of a vision for the town [23]. The Order Lands are in an industrial and commercial area [9]. They include vacant land in the form of Plot 4 and part of Plot 5 [11]. The adjacent land included in the campus site and owned by EEDA is also vacant and the Council land is not intensely used [12]. Redevelopment to provide the proposed campus would not only make more productive use of the four plots of the Order Lands required for the project but also of the additional land involved, and would be consistent with the aims of RPG6 to secure regeneration in Lowestoft.
46. Overall, the proposed development would involve the relocation of existing jobs rather than the establishment of significant additional employment opportunities in Lowestoft, although, as a result of the closure of its Burnham site, the number of CEFAS jobs in Lowestoft would increase with the move to Riverside Road [31]. Nevertheless, as a scheme with about 1,000 jobs [19, 31], the project would amount to a major employment development in Lowestoft, in line with Policy CS2 of the Structure Plan [24].
47. In the Local Plan, the campus site is part of the identified existing industrial area on the south side of Lake Lothing. Here B1 and B2 uses are acceptable in principle [24]. I am satisfied that the office accommodation in the campus would fall within class B1, and, given the research work undertaken by CEFAS [13], that the laboratories and aquarium of the agency would also come within this use class. I find that the proposal would be consistent with each component of the Development Plan.
48. Before turning to the emerging policy documents, I have considered the relationship of the proposal to the Interim Waveney Local Plan which has been subject to consultation and is being used for development control purposes by the Council. The campus project would be consistent with the uses considered acceptable in existing industrial areas under Policy E2, as it would in respect of Policy E2 of the adopted Local Plan which the Interim Local Plan reflects [26].
49. Policy GYL1 of the proposed changes to the Draft Revision to the RSS for the East of England reaffirms the importance of regeneration and renaissance in Lowestoft [25], continuing the theme set out in RPG6 and the Sub-Regional Development Framework Study [23]. The proposal would involve the redevelopment of a key waterfront brownfield site in an area of deprivation in the town, and as such would relate directly to measures set out in the emerging policy.
50. At local level, Preferred Options for the Core Strategy and the AAP have been the subject of consultation, although the weight I have attached to them is limited as neither Development Plan Document (DPD) has been submitted for examination. The redevelopment of the land at Riverside Road for a high quality campus intended to promote regeneration of this part of Lowestoft would help to meet objectives for the AAP set out in Policy 5 of the emerging Core Strategy. Additionally, the retention of CEFAS in the town, with modern laboratory facilities and knowledge economy jobs, would make an important



contribution to the establishment of a renewable energy cluster, as sought in Policy 10 [27, 31]. The AAP makes specific mention of the Waveney Campus, identifying it as one of the elements which would contribute to the mixed use regeneration of the Kirkley Waterfront [28]. The proposed campus project is entirely consistent with emerging planning policies for the area.

51. I have given specific consideration to PPS6 and the sequential approach required for main town centre uses. The initial site selection exercise found no suitable sites within the town centre. Of the five sites selected for further analysis, the existing town hall is closest to the centre, but it could not accommodate the requirements of the three partners. The land at Riverside Road was one of four other sites identified. After the detailed stage 2 evaluation, which took into account factors concerning availability, suitability and accessibility, the land on the south side of Lake Lothing was one of the two sites remaining for further consideration [30]. Given the nature of the project, with joint working, particularly of the two Councils, and the provision of common services, I do not consider that it would be appropriate to disaggregate its main constituent elements. The project does, however, include an element of disaggregation in that a public access facility would be provided in the town centre [13]. I am satisfied that the location of the campus at Riverside Road would be consistent with the sequential approach of PPS6.
52. I conclude that the purpose for which the Order Lands would be acquired fits closely with the planning framework for the area, and that, in particular, the proposal would secure the implementation of a significant component of emerging proposals in the AAP.

#### *Well-being*

53. CEFAS plays an important role in the economic life of Lowestoft. The jobs it provides are important in both number and quality, and it is involved in the establishment of a renewable energy cluster and extending research relationships with regional universities [31]. In the absence of the campus project, there is uncertainty about the future of the agency in the town. The conditions at the Lowestoft site are unsatisfactory, and the Government has recognised that this group of buildings is not fit for the agency's future needs. However, whilst work is being undertaken on contingency arrangements, no other site has been identified in Lowestoft [20]. Consequently, the campus project is of vital importance to the retention of CEFAS in the town. The further development of links with other bodies in the knowledge and environmental economies, which the Sub-Regional Development Framework Study identifies as having potential for growth [23], would enhance the contribution of CEFAS to local economic well-being.
54. Redevelopment of the Riverside Road area has been underway for a number of years. Whilst there is modern industrial and commercial development on the east side of the road and the Riverside Business Centre has been built at the junction with Waveney Drive, Plot 4 and the EEDA land remain vacant and Pipesfield has erected only one of the buildings for which planning permission has been granted on Plot 5 [9, 11, 12]. Further to the west are low intensity uses, and I consider that it is realistic to expect that a project of the scale of the Waveney Campus would act as a catalyst for the further employment development in this part of the town envisaged in the AAP [28, 29]. This would be of particular significance in a part of the town which is recognised as suffering from deprivation [22].
55. I have taken into account the presence of a number of existing firms on the Order Lands. There are currently about 100 jobs there, with the largest numbers at Compass on Plot 1 and Shreeves on Plot 2. Plot 1 is no longer required for the campus project and a planning



application for a new site for Shreeves' coach depot has received officer support [42]. It is expected that most of the other firms will relocate and will not cease to trade [17]. Consequently, the compulsory acquisition of the Order Lands is unlikely to result in any significant loss of jobs.

56. The impetus to regeneration which the campus project is anticipated to bring about would have economic benefits. In turn, improvements in economic circumstances can be expected to contribute to greater social well-being. There would also be social benefits as a result of the provision of more suitable accommodation for the two councils [19]. More efficient operations, as a result of flexible office space, common services and greater opportunities for joint working would improve the quality of service to the local community [19] and the new campus building itself would be a positive addition to the social capital of Lowestoft.
57. The campus site includes parcels of vacant brownfield land and a disparate collection of buildings [10-12]. Construction of a contemporary office and laboratory complex would result in a significant uplift in the appearance of the area, and pursuit of the BREEAM 'excellent' rating, minimising energy consumption, enhances the project's environmental credentials [14]. Additionally, the opening up of the quayside to public access would be an important benefit of the scheme [30].
58. I conclude that the proposal would improve the economic, social and environmental well-being of the area, and that the retention of CEFAS in Lowestoft is of particular importance in this regard.

#### ***Viability***

59. WDC would retain ownership of the land following acquisition, and space on the campus would be leased to SCC and CEFAS [34]. Whilst WDC would bear the capital costs of the scheme, each of the partners is committed to the project and a pre-procurement agreement has been signed [32]. Financial arrangements have been thoroughly investigated, both in respect of the method of funding the necessary borrowing and with regard to possible alternative options for meeting the partners' accommodation requirements [34]. Forecasts indicate that the project would be affordable for each of the partners, and after the early years it would produce savings compared with the continued occupation of the existing premises with their high maintenance costs [19-21, 34]. The OGC Gateway Reviews involve detailed assessments of the project, and their endorsement of its progress so far provides an assurance that it is on a sound financial footing [35]. I conclude that the proposal is financially viable.

#### ***Achievement of Purposes by Other Means***

60. Alternative sites for the campus project have been investigated by the partners. In the first instance a site selection exercise in accordance with the sequential approach of PPS6 was undertaken (above, para 51). The stage 2 evaluation identified the Riverside Road site and the Shell site on the northern side of Lake Lothing for more detailed assessment in comparison with the 'Do Nothing' option [30]. In addition, consideration was given to redeveloping Riverside solely for CEFAS and re-locating WDC and SCC in the existing office accommodation at the Shell site. Issues relating to access, existing structures and ground conditions indicated that redevelopment of the Shell site would be a more expensive option than Riverside Road. If the existing buildings at the Shell site were to be used by the two Councils, in addition to the access constraints, the option appraisal in the Outline Business Case indicates that project objectives to achieve the BREEAM 'excellent' rating and an efficient form of building would not be achieved. In addition this land on the north



side of Lake Lothing is not within one of the key intervention areas identified to address the objectives of the AAP.

61. A separate site investigation exercise was undertaken for SCC in 2006 [30]. This exercise included two other areas on the south side of Lake Lothing - the Jeld Wen premises and Brooke Park, but substantial site works are anticipated in both these locations. Additionally, although the Jeld Wen premises are extensive and under-used, I heard that enquiries had revealed that they would not be sub-let due to the complex lease structure, and that the high value of the lease provided no incentive to redevelopment in the short term. Brooke Park is beyond the Jeld Wen premises to the west and further from the centre of Lowestoft than Riverside Road.
62. The existing buildings of all three partners are unsuitable and continued occupation would prove more expensive than the campus project [34]. In any event, continuing to operate not only separately, but in the case of WDC and SCC from a number of different sites, would fail to produce operational efficiencies and the benefits of co-location. Accordingly, I find that the 'Do Nothing' option is not a realistic alternative, and I conclude that there is no suitable and available alternative site for the campus project.

#### ***Possible Impediments***

63. The campus site extends across an indicative route for the new road along the south side of Lake Lothing plan, included in the emerging AAP. However, an alternative alignment, leaving Waveney Drive to the west of the campus site, would be technically feasible [28]. This route would be closer to housing on the south side of Waveney Drive, but this is a through road which leads towards the town centre [9], and I do not consider that the additional traffic over a relatively short distance would have a materially adverse effect on the living conditions of nearby residents. Accordingly, I do not consider that the campus and the new road are conflicting proposals, and the importance of constructing a route which would improve access to the south side of Lake Lothing and provide a link to a possible third crossing would not be an impediment to construction of the campus at Riverside Road.
64. The site is within an area where there is currently a high probability of flooding and partly within a functional floodplain. PPS25 seeks to restrict development in such locations, and to address this situation, it is proposed to increase the level of the land [13]. This would remove the buildings from the floodplain, and, having regard to the policy set out in PPS25, flood risk should not be a reason to prevent the campus development proceeding. It has been suggested that the procedures of EIA should have been undertaken, but a direction has been issued which establishes that the proposal is not EIA development [18]. This matter, therefore, does not stand in the way of the scheme.
65. Planning permission has not been granted for the campus project, and, following the re-design of the scheme, an application is expected to be submitted in February 2008. Appendix A to Part 1 of the Memorandum to Circular 06/2004 recognises that it may not always be feasible or sensible to wait until planning permission has been obtained before proceeding with the Order. Given the unsatisfactory nature of the existing accommodation and the need for CEFAS to progress with its business transformation plan [20], I appreciate the concern of the partners to move forward on the campus project as expeditiously as possible, and the timetable for the scheme envisages completion by 2010 [33]. The Order was made in November 2006, and delaying this stage until after planning permission had



been obtained would have threatened the likelihood of achieving the timetable for the project, should the Order be confirmed.

66. However, Part 1 of the Memorandum to Circular 06/2004 makes it clear that where planning permission has not been granted, there should be no obvious reason why it might be withheld. I have found that the proposed campus project would be consistent with the planning framework for the area, and that it would contribute to the implementation of proposals contained in the emerging AAP, although these have yet to reach examination stage. Furthermore, the scheme would not prejudice the construction of a new road on this side of Lake Lothing, site works are proposed to address concerns about flood risk, and the proposal does not require EIA procedures to be undertaken. In these circumstances, I do not consider that there is an obvious reason why planning permission for the proposal should not be forthcoming, and I conclude that the scheme is unlikely to be blocked by any impediments to its implementation.

### *The Objections*

67. Hutchison does not object to the principle of the redevelopment or the acquisition of its interest in Plot 2. The company is concerned to ensure that it would be able to continue to operate its mobile phone network at an equivalent level to that with the existing base station [39]. I heard that the Council has no objection in principle to the inclusion of a base station within the campus site [17]. The site plan shows a service yard across the part of plot 2 where the existing base station is situated. Hutchison's installation may be able to be re-located within this part of the site, and, if proximity to the three storey CEFAS block were likely to have an adverse effect on the maintenance of coverage, the layout offers possible opportunities to site the facility in landscaped or parking areas further from the buildings. I do not consider that the campus project would involve the loss of the existing base station from Hutchison's network.
68. Lafarge explains that it is concerned about being able to re-locate from Plot 3 to a suitable site [40]. However, the Council has identified several possible alternative locations including land at South Lowestoft Industrial Estate, and the company has acknowledged that the latter location is acceptable for its operations [17]. Accordingly, it seems that the concerns expressed in the objection should be capable of resolution, and the company has made it clear that it does not wish to jeopardise the proposed development.
69. The owners of Plot 4 argue that there are alternative sites for the development, although they fail to identify any in their objection [41]. They also suggest that it has not been demonstrated that there would be no planning barriers to the scheme. I have considered these matters above (paras 60-66), and found that there is no suitable and available alternative site and that there is no obvious reason why planning permission should not be granted. I have also reached the view that to delay making the Order would have been detrimental to the timetable for the project (above, para 65). The joint objectors do indicate their willingness to discuss the development of their land in relation to the proposed development, but the Council reports that it has been difficult to maintain contact with them [17], and I have no reason to doubt that the land would not be available for the campus project without the Order having been made. Reference is made to the effect on nearby business interests which are understood to be the Nexen Lift Trucks operation to the north-east. However, Plot 4 is an area of unused land, which is separated from the Nexen site by Riverside Road, and no representations have been submitted by the joint objectors to explain any relationship between the two sites. Moreover, the Council reports that in negotiations which have taken place, there has been discussion about the possibility of a



land exchange [17]. This indicates that there is no functional requirement to retain the land in connection with an existing business, and none of the other arguments advanced indicate that the Order should not be confirmed.

70. Mr Bloom questions the principle of acquiring the Order Lands for the campus project [44]. He refers to the prospect of alternative accommodation, and makes specific mention of expansion at the Town Hall or development of the Jeld Wen site. Both these possibilities have been investigated, and I have taken them into account in reaching the view that there is no other site available for the campus project (above paras 51 & 61). He is also concerned about the removal of established companies from the site. Plot 1 is no longer required for the development, and it is expected that most of the other firms occupying the Order Lands would re-locate [17]. It is also suggested that changes in the operation and delivery of Council services could reduce pressure on office space. There is nothing before me to substantiate speculation about the future form of local government services in the area. In any event, the campus is a response to the need to replace unsuitable accommodation rather than deal with any pressures on the capacity of the existing buildings [19 & 20].

### ***Overall Conclusions***

71. The campus project would improve the economic, social and environmental well-being of the area. It would play a key role in the regeneration of the Kirkley Waterfront, and the redevelopment of the land at Riverside Road can be expected to stimulate further redevelopment in this part of the town, which suffers from deprivation. I regard the function of the campus in retaining CEFAS in Lowestoft as of particular significance to the economic well-being of the area, given the importance of the jobs it provides and the links being developed with other organisations involved in the knowledge and environmental sectors. Additionally, the project would provide social and environmental benefits, notably through providing more suitable accommodation for the Councils and achieving an improvement in the appearance of the area.
72. The proposal would be consistent with the planning framework for the area, albeit that I have accorded limited weight to the emerging DPDs, and there is no alternative site on which the development could take place. Moreover, it would be financially viable, and it is unlikely to be blocked by any impediments. I have taken the revised scheme, which does not require the acquisition of Plot 1, into account in reaching my view on these matters and on the benefits of the project. Accordingly, I conclude that amendment of the Compulsory Purchase Order by the deletion of Plot 1 would be acceptable and would not lead to prejudice of any parties' interests. Given the extent and nature of the accommodation which would be occupied by CEFAS, I further conclude that alteration of the description of development from office campus to office and laboratory complex, as requested by the Acquiring Authority [15], would clarify the purpose of the Order and would not cause any prejudice.
73. Apart from Plot 1, the revised plans show that the rest of the Order Lands are required for the development of the campus project, in addition to adjacent land in the ownership of the Council and EEDA [12]. It would not be possible to provide the office and laboratory accommodation needed by the three partners, together with areas for parking, servicing and landscaping, if any other land were deleted from the Order.
74. Of the remaining three statutory objectors, two have concerns about re-location which appear capable of resolution. Questions have also been raised by objectors about alternative sites, the possibility of planning barriers and the removal of existing firms from the Order



Lands. I am satisfied that there are no alternative sites available and that there is no obvious reason why planning permission should not be forthcoming. Excluding the occupiers of Plot 1, which is no longer required for the scheme, most firms on the Order Lands are expected to re-locate and I do not consider that the proposed redevelopment would be likely to result in a significant loss of jobs. Furthermore, the purpose for which the Order Lands would be required offers the prospect of substantial public benefits, and these clearly outweigh the objections raised.

75. I have considered the position in respect of the two occupants of Plot 3 not included in table 1 of the Schedule to the Order [16]. Spithead Trading occupies part of Plot 3 under an informal arrangement and has been notified of the inquiry. I understand that Fendercare began occupation under a short-term licence after the Order was made. In the circumstances I do not consider that confirmation of the Order would cause prejudice to these occupiers.
76. In considering the application for confirmation of the CPO, I have taken into account the human rights of those with an interest in the Order Lands. If the Order is confirmed, compulsory acquisition of property would represent an interference with their rights under Article 1 of the First Protocol to the European Convention on Human Rights. However, most of the parties with an interest in the Order Lands have either withdrawn their objection or did not make one in the first place, and most occupiers are expected to be able to re-locate. With the exception of plot 1, the Order Lands are required for a regeneration scheme which would improve the economic, social and environmental well-being of the area. I am satisfied that this legitimate aim can only be ensured by confirmation of a modified Order. The public interest cannot be secured by means which would be less interfering with the rights of parties with an interest in the Order Lands, and I consider that the compulsory acquisition would be proportionate and would not result in a violation of rights under Article 1 of the First Protocol.
77. I conclude that there is a compelling case in the public interest for the compulsory acquisition of the Order Lands with the exception of Plot 1.

#### **Recommendation**

78. I recommend that The Waveney District Council (Riverside Road) Compulsory Purchase Order 2006 be confirmed subject to modification by the omission of Plot 1 and the alteration of the description of development in paragraph 1 of the Order from office campus to office and laboratory complex.

***Richard Clegg***

INSPECTOR