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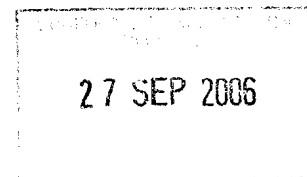
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Your reference: SC/04L/0002(FW)

Our references: CPO - PNW - PNW/5143/12/3
Stopping Up – TNW 5046/35/1/30
Chester Market – PNW 5143/21/208



25th September 2006

Dear Madam

**TOWN AND COUNTRY PLANNING ACT 1990
ACQUISITION OF LAND ACT 1981
THE NORTHGATE DEVELOPMENT AREA SCHEME**

1. I am directed by the Secretary of State and the Secretary of State for Transport ("the Secretary of State") to say that consideration has been given to the report of the Inspector, Mr Robin Brooks BA (Hons) MRTPI, who between 25 October and 11 November 2005 held concurrent inquiries into the following matters relating to the Northgate Development Area proposals: -

- the Chester City Council (Northgate Development) Compulsory Purchase Order 2004 made by Chester City Council under Sections 226(1)(a) and 226(3)(a) of the Town and Country Planning Act 1990, section 13 of The Local Government (Miscellaneous Provisions) Act 1976, and The Acquisition Of Land Act 1981
- the Draft Road Closure Order (City of Chester) (No1) Order 2006 (the Stopping Up Order), published under Section 247 of the Town and Country Planning Act 1990, which, if made, would authorise the stopping-up of various highways within the Northgate Development Area, and

- an application to the Secretary of State for approval under section 75 of The Chester Corporation Act 1929 to close and relocate Chester Market

A copy of the Inspector's report is enclosed. The Inspector recommends that the Chester City Council (Northgate Development) Compulsory Purchase Order 2004, be confirmed; the associated Road Closure Order be made; and the application under s75 of The Chester Corporation Act 1929 to close and relocate Chester Market be approved.

The Chester City Council (Northgate Development) Compulsory Purchase Order 2004 (ND CPO)

3. The Northgate Development CPO if confirmed, would authorise the compulsory purchase of a total area of 4.6 hectares of land for the purpose of carrying out of development, re-development or improvement of land within the Northgate Development Area, to include retail premises; restaurants and other refreshment facilities; a market hall; a bus exchange; a public library; parking and other community facilities; civic spaces; a performing arts centre; residential accommodation and a hotel extension, together with associated servicing, access and landscaping.

4. There were originally 89 statutory objections to the CPO. However many of the objections were withdrawn and at the close of the Inquiry there were 57 outstanding statutory objections and 8 non statutory objections. The grounds of objections are at paragraphs 4.1 to 7.15 in the Inspector's report.

5. The Secretary of State notes the Inspector's suggestion at paragraph 1.3 of his report and agrees that the amendment to the entry against plot 85 in the CPO be not made.

6. The Secretary of State notes that the Inspector assessed the CPO primarily against four tests as follows:

7. (i) Is the need to redevelop the Northgate quarter a compelling one, in the public interest?

8. The Secretary of State notes the Inspector's comment that the area covered by the CPO contributes little to the character or vibrancy of the historic city centre of Chester and that the general standard of development within the area is at best mediocre. The Inspector is of the view that modern development has taken place in a largely piecemeal fashion and that generally few of the buildings relate to each other or to their surroundings in any positive way, and that much of the area is drab and run-down in appearance, especially where vacant land and buildings predominate. He also notes that there is nothing in the character or appearance of the CPO lands that should preclude comprehensive redevelopment, a course of action which would provide an opportunity to greatly enhance both of these aspects.

9. She also notes the Inspector's view that further retail development would enable Chester to claw back trade which currently goes to other centres, and to forestall increases in such flows, with commensurate reductions in car use in line with national policies. The Inspector considers that the proposed development would not be unacceptably harmful to the rest of the city centre, and would significantly enhance Chester's attractiveness as a shopping centre in a way that would strengthen its role in the region. The Inspector concludes that there is, therefore, a compelling case for the redevelopment of the Northgate area.

10. (ii) Is the land suitable in terms of the development plan, its current planning status, and other material considerations; and required in order to carry out the redevelopment?

11. The Secretary of State notes that the Inspector agrees with the Council that the development proposed is in line with the Cheshire Structure Plan and the Deposit Draft Chester District Local Plan, and that they are in line with national advice on focussing new development within town centres, on mixed use development there, and on constraining car use, and accordwith regional planning guidance.

12. The Secretary of State accepts that the planning permission for the proposed redevelopment has been granted by Chester City Council after a thorough and detailed consideration.

13. The Secretary of State notes that with the piecemeal nature of the existing developments and the number of different land owners of the area, that there is little prospect of co-ordinated change in the absence of comprehensive development on the proposed scale. She notes that the Inspector's conclusion that the Order lands are required in order to carry out the development.

14. (iii) Would the public benefit outweigh any private losses?

15. The Secretary of State notes that the Inspector has considered the representations of those individuals and organisations who are statutory objectors, which he has summarised in paragraphs 8.27 to 8.59 of his report. The Inspector has also taken into account the representations of non-statutory objectors, summarised at paragraphs 8.60 to 8.68.

16. The Secretary of State notes the Inspector's detailed consideration of all the objections and his conclusion that none of them provide sufficient reason for varying or not confirming the Order.

17. (iv) Is there a reasonable prospect of the scheme going ahead?

18. The Secretary of State notes the Inspector's conclusion in relation to this test that there are no obvious financial, planning, physical or legal impediments to the scheme going ahead, and also his advice that the Secretary of State can have a high degree of confidence in it being implemented and the significant public benefits being realised.

19. The Inspector's report summarises the submissions made at the local inquiry. He has concluded that there is a compelling case to redevelop the Northgate area. The overall conclusions and recommendations are at Annex 1 to this letter.

20. The Secretary of State has carefully considered whether the purposes for which the CPO were made sufficiently justify interfering with the human rights of the objectors and she is satisfied that such interference is justified, since, for the reasons given above, she is satisfied that there is a compelling need in the public interest for the Order. 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.

21. The Secretary of State notes that the Order land falls within the Chester Town Centre Conservation Area and that the conservation area consents for demolition, where relevant, have been applied for and granted.

22. The Secretary of State has also given careful consideration to the Inspector's report and the submissions of the parties. She accepts the Inspector's findings and agrees with his conclusions. The Secretary of State is satisfied that the land comprised in the Order is suitable for and required for the purposes contained in the Order and that there are no planning difficulties concerning the proposals. She is therefore satisfied that the requirements of Section 54A of the Town and Country Planning Act 1990 (as inserted by Section 26 of the Planning and Compensation Act 1991) are specifically met. The Secretary of State has therefore decided to accept the Inspector's recommendation and to confirm the Chester City Council (Northgate Development) Compulsory Purchase Order 2004.

23. 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.

The Road Closure Order

24. The Road Closure Order, if made, would authorise the stopping up of lengths of Hunter Street; Hunter Street West; Princess Street; St Martin's Way; Hunters Walk; Hamilton Place; Goss Street; Crook Street; Market Square; Trinity Street; and unnamed highways and footpaths at Northgate, to enable the development to be carried in accordance with the planning permission granted to London & Amsterdam Developments Ltd by Chester City Council on 6th June 2005 under reference 02/00838/FUL

25. The case for the promoter of the Order is set out in paragraphs 3.66 to 3.70 of the Inspector's Report. The case for the objectors is in paragraphs 6.0 to 6.23, together with the responses from the promoter. The Inspector's conclusions are set out at paragraphs 8.72 to 8.81. At paragraph 9.1(ii) the Inspector recommends that the Order be made.

26. The Secretary of State notes the Inspector's overall conclusion that the Order is essential to the implementation of the redevelopment proposals and the measures involved are reasonable in scope. The Inspector therefore recommends that the Order be made. The Secretary of State has carefully considered the proposals and the objections in the light of the Inspector's Report. She agrees with the Inspector's conclusions as set out in the report and after considering all the evidence and every aspect of the case she has decided to accept the Inspector's recommendation that the Order be made. She is satisfied that the proposed Order is necessary to enable the development to be carried out in accordance with the planning permission for the redevelopment of the Northgate Development Area.

27. The Secretary of State has accordingly decided to make the Order.

The Closure And Relocation Of Chester Market

28. There was a total of 1,101 written objections, of which 1068 were proforma letters to this proposal.

29. The case for the promoter of the closure and relocation is set out in paragraphs 3.71 – 3.82 of the Inspector's report. The case for the objectors is in paragraphs 7.1 to 7.15 together with a response from the promoter. The Inspector's conclusions are set out at paragraphs 8.82 – 8.91 of his report. The Inspector recommends that the application under section 75 of The Chester Corporation Act 1929 to close and relocate Chester Market be approved.

30. The Secretary of State agrees with the Inspector's overall conclusion that the closure and relocation of the market is an integral and essential part of the redevelopment proposals, and the objections do not provide any compelling reason for withholding consent. The Inspector considers the arrangement to be in accordance with both the Chester Improvement Act 1845 and the Chester Corporation Act 1929. The Secretary of State has carefully considered the Inspector's conclusions as set out in his report, and after considering all the evidence she has decided to accept the Inspector's recommendation and that the application be approved

31. The Secretary of State has accordingly decided to approve the application under Section 75 of The Chester Corporation Act 1929.

32. A copy of this letter and a copy of the Inspector's report is being sent to each objector. This letter and the Inspector's Report will also be made available on request to any other person directly concerned.

33. Copies of this letter and the Inspector's report are also being sent to statutory objectors to the Northgate Development CPO, and to all those who appeared or were represented at the Inquiry.

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'M Morris', written in a cursive style.

M MORRIS
Authorised by the Secretary of State
to sign in that behalf.