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Your Ref: NESBITP/110703.011713

28 November 2011

Dear Sir

**THE TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 226 (1)(A)
THE COUNCIL OF THE CITY OF SUNDERLAND (SUNDERLAND RETAIL PARK)
COMPULSORY PURCHASE ORDER 2011**

Introduction

1. The report of the Inspector, Susan Heywood BSc (Hons) MCD MRTPI, who held a public local inquiry into the above order on 4th October 2011 has been considered. A copy of the Inspector's report is enclosed. References in this letter to paragraphs in the Inspector's report are indicated by the abbreviation IR, followed by the relevant paragraph number.

2. The order, if confirmed, would authorise the compulsory purchase of 3 retail units and surrounding land located within the Sunderland Retail Park for the purposes of providing a new retail food store, additional retail units and making improvements to existing retail units, associated public realm and highway infrastructure.

Objections

3. Five relevant objections to the order were received, but three were withdrawn. The main grounds of objection were that the acquiring authority's offers to occupiers to move to alternative units made on favourable terms had been withdrawn and subsequent offers were on inferior terms; questions were also raised in relation to links with another site previously within the ownership of Tesco and subsequently sold to the Council; there is no need for the CPO and the redevelopment and re-cladding could be done under the terms of the existing lease; re-cladding is not necessary for the redevelopment scheme to go ahead; and concerns were raised about the loss of parking and awkward access.

Procedural matters

4. The original order included 3 retail units, the occupiers of which were McDonalds (unit identified as 1 on the original order map); Blockbuster and Farmfoods (unit 2) and Netto (unit 3). The objection from Netto was withdrawn prior

to the inquiry and the objections from McDonalds and the franchisee J M Partners Ltd were withdrawn before the inquiry close (the latter two objections were treated as being the one objection by the inquiry inspector). In view of the withdrawal of these objections, the acquiring authority have requested that the order be amended to include only the remaining objectors' interests (Blockbuster and Farmfoods) and that the order schedule and order map be revised to include only unit 2.

5. Outline planning permission for the redevelopment of the retail park was granted in 2010 and reserved matters approval granted in May 2011. This redevelopment scheme involves the erection of a Tesco superstore and 4 new retail units, together with the re-cladding of two existing units, including the Blockbuster and Farmfoods unit.

6. The Inspector's report summarises the submissions made at the local inquiry by the Council (IR 5 – 17, and 23 – 26) and those made by the remaining objectors (IR 18 - 22).

Recommendation

7. The Inspector has recommended that the order be confirmed subject to the requested amendment of the order and map described in paragraph 4 above.

Consideration

8. The Secretary of State for Communities and Local Government has carefully considered whether the purposes for which the compulsory purchase order was made sufficiently justify interfering with the human rights of the qualifying persons under section 12(2A) of the Acquisition of Land Act 1981 and he is satisfied that such interference is justified. In particular he 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 would be struck between the public interest and interests of the qualifying persons.

9. The Secretary of State has given careful consideration to the Inspector's report and the submissions of the parties. He accepts the Inspector's findings of fact and agrees with his conclusions. In particular, the Secretary of State agrees with the Inspector's conclusion that the permitted scheme is in accordance with the development plan and national advice and would secure economic, social and environmental improvements (IR 38).

Decision

10. The Secretary of State accepts that a compelling case in the public interest for confirming the order has been made. He has therefore decided to accept the Inspector's recommendation and confirm The Council of the City of Sunderland (Sunderland Retail Park) Compulsory Purchase Order 2011 subject to the following modifications:-

- (i) the deletion of plots numbered 1 and 3 from the order schedule and order map.

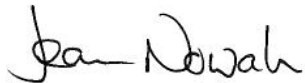
11. I enclose the confirmed order and the map to which it refers. Your attention is drawn to section 15 of the Acquisition of Land Act 1981 about publication and

service of notices now that the order has been confirmed. Please inform us of the date on which the notice of confirmation of the order is first published in the press.

12. Copies of this letter and the Inspector's report are being sent to the remaining objector whose representations were considered at the inquiry.

13. 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 "Jean Nowak". The signature is written in a cursive style with a large initial 'J' and a long horizontal stroke extending to the right.

Jean Nowak

