

PART A

Report to: Cabinet
Date of meetings: 10th March 2014
Report of: The Property Manager, Linda Newell
Title: Addendum to report to Cabinet for The Charter Place redevelopment by Intu

This Addendum should be read in conjunction with the report to Cabinet for The Charter Place redevelopment by Intu.

1 BACKGROUND

- 1.1 Members of the Cabinet have already received a report to the Cabinet entitled "The Charter Place redevelopment by Intu" for the meeting to be held on 10 March 2014 (the **Report**).
- 1.2 Prior to submission of a compulsory purchase order to a Secretary of State seeking confirmation of a compulsory purchase order and prior to it being made by an acquiring authority, it is possible to seek informal comments of the relevant Secretary of State's department. Since submission of the report to Cabinet, informal comments have been received from the Department for Communities and Local Government (**DCLG**) on the form of the proposed compulsory purchase order entitled "The Watford Borough Council (Land at Charter Place and High Street, Watford) Compulsory Purchase Order 2014" (**the Order**) and the maps referred to in the Order.
- 1.3 One particular comment DCLG has mentioned in its initial views is in relation to the nature of some of the new rights sought, in particular new right numbers (k) (l) (n) (o) (p) and (q) referred to at paragraph 4.2.5 of the Report over the land included in the plots referred to at paragraph 5.2 of that Report.
- 1.4 In considering whether to include the areas where these rights apply as part of the land to be compulsory acquired, the Council's advisors considered whether the works required could be carried out by obtaining a lesser interest in the land by way of a new right over third party land rather than a freehold interest which would reduce the impact on third parties.
- 1.5 The approach adopted has been used in other schemes confirmed by the Secretary of State. The Council's advisors are continuing discussions with the DCLG.
- 1.6 In the meantime there needs to be certainty that:
 - 1.6.1 the scheme can be fully constructed and integrated with adjoining properties; and
 - 1.6.2 there is not unnecessary delay in the compulsory acquisition process.

2 CHANGES TO REPORT TO CABINET

2.1 Taking into account the current comments of DCLG, the following changes are proposed:

Plot No. in Cabinet Report	New Plot No.	Change
B/24, B/25, G/60, G/63, 1/28, 1/29, 2/6	B/24, B/25, G/60, G/63, 1/28, 1/29, 2/6	Change from rights to be acquired to freehold land to be acquired
G/61, G/62, G/64-G/68 (excluding G/67), 1/30, 1/31	G/61 and G/61A G/62 and G/62A G/64 and G/64A G/65 and G/65A G/66 and G/66A G/68 and G/68A 1/30 and 1/30A 1/31 and 1/31A	The rights mentioned by DCLG are required in connection with the boundary that adjoins the land to be acquired to the north west. These rights are needed over a 2 m wide corridor along the boundary with the scheme. It is therefore suggested that the land included in this corridor (now plots G/61A, G/62A, G/64A, G/65A, G/66A, G/68A, 1/30A and 1/31A) is changed from rights to be acquired to freehold land to be acquired. The remainder of the land included in plots G/61, G/62, G/65, G/66, G/68, 1/30 and 1/31 will remain as new rights plots for the other rights required.
G/67	Remove from order	The rights needed are only for the front of BHS's unit and therefore plot G/67 can be deleted in its entirety.
G/69, G/87, G/88, 1/34	G/69, G/87, G/88, 1/34	Remove so none of the rights raised by DCLG are required and the land can remain shown coloured blue.
G/70-G/84, G/86, 1/33	G/70-G/84, G/86, 1/33	Rights required remain unaffected by DCLG comments
B/10	B/10 and B/10A	The rights mentioned by DCLG are required in connection with the basement entrance to the YMCA, Charter House, Watford that adjoins the land

Plot No. in Cabinet Report	New Plot No.	Change
		to be acquired. These rights are needed over a 4 m wide corridor along the boundary of the scheme. It is therefore suggested that the land included in this corridor (now plot B/10A) is changed from rights to be acquired in respect of the leasehold interest to freehold land to be acquired. The remainder of the leasehold interest included in plot B/10 will remain as a new rights plot for the other rights required.
G/85, 1/32, 2/7	G/85 and G/85A 1/32 and 1/32A 2/7 and 2/7A	The rights mentioned by DCLG are required in connection with the rear entrance to 33 to 35 High Street, Watford that adjoins the land to be acquired to the east. These rights are needed over a 2 sq m corridor. It is there suggested that the land included in this corridor (now plots G/85A, 1/32A and 2/7A) is changed from rights to be acquired to land to be acquired. The remainder of the land included in plots G/85, 1/32 and 2/7 will remain for the other rights required.

2.2 In light of the above changes, the total area of land to be acquired by way of freehold and the total area of land over which new rights are sought referred to in paragraph 4.1 of the Report needs to be updated to refer to 74,702 sq m and 16,637 sq m respectively (total area 91,399 sq m).

2.3 The plans attached to the report forming the CPO Map also need to be replaced with the plans accompanying this addendum.

2.4 At paragraph 19.1 of the Cabinet Report, the various section of highway to be stopped up where scheduled. In the summary at the beginning of paragraph 19.1 reference to Charter Way was omitted even though it is described in the table. The Council has also received further details about the application. It is therefore proposed to update paragraph 19.1 to read as follows (new words are in bold below):

19.1 "An application for a stopping up order is also being promoted by WRP (**application reference: NATTRAN/E/S247/1089**). On 18 September 2013 an application was made on behalf of WRP to ~~Hertfordshire County Council~~ **the Department for Transport's National Transport Casework Team** for parts of Beechen Grove, Meeting Alley, **Charter Place** and the High Street to be stopped up as follows:"

3 IMPACT OF CHANGES

- 3.1 The effect of the change is to increase the area of land to be compulsory acquired from to 74,702 sq m and reduce the area over which new rights are sought to 16,637 sq m.
- 3.2 As part of the negotiation process DTZ, the Council and Intu's agents, are contacting the third parties affected to explain the reason for the change since negotiations commenced and what it means.
- 3.3 It is anticipated that it will not be necessary to acquire the additional areas now sought on a permanent basis nor for legal title to these areas to be transferred to the Council. Whilst DCLG is of the view that some of the rights sought are more akin to requiring the acquisition of the freehold interest, the Council and Intu would not require a permanent acquisition of those parcels listed with a suffix "A" in the table set out above. The CPO process does not provide for temporary acquisition. In the event that agreement cannot be reached for the acquisition of the necessary interest in that land the Council would need to serve a Notice to Treat and Entry to secure possession of these plots. This means that title would not transfer. As part of any compensation claim It is recommended that the land is handed back to the owners.
- 3.4 If during the compulsory purchase confirmation process, the Secretary of State is minded to grant the new rights originally proposed in place of freehold acquisition of the land the Council will seek modification of the Order to reduce the uncertainty for third parties and only therefore seek a confirmed CPO without new rights as opposed to freehold for those plots.
- 3.5 The changes do not have any additional financial implication for the Council. Any additional compensation will be funded pursuant to the Indemnity Agreement.

4 CONCLUSIONS

- 4.1 In the light of the above, the Council is recommended to resolve to make a Compulsory Purchase Order in respect of the land at Charter Place, Watford in accordance with the recommendations at the beginning of the Report taking into account the modifications set out in paragraph in 2 above and shown on the revised CPO Map.

Enclosures

Revised draft CPO and CPO Map