

**Document Reference 2.8S**

**Town and Country Planning Act 1990**

**Acquisition of Land Act 1981**

**Local Government (Miscellaneous Provisions) Act 1976**

**Inquiry into:**

**THE COUNCIL OF THE CITY OF COVENTRY (CITY CENTRE SOUTH) COMPULSORY  
PURCHASE ORDER 2022**

**and**

**Town and Country Planning Act 1990**

**Stopping-up of public highway**

**Proof of Evidence**

**of**

**Graeme Lawes**

**Senior Director at Deloitte**

**On behalf of the Council of the City of Coventry**

**29 December 2022**

## **1. INTRODUCTION**

### **Qualifications and Experience**

- 1.1 I, Graeme Lawes, have been a Member of the Royal Institution of Chartered Surveyors (MRICS) since qualification in 2000 and am a Registered Valuer. I hold a Bachelor of Science Degree in Land Management from the University of Reading and have been a member of the Compulsory Purchase Association since its inception in 2002.
- 1.2 I am currently a Senior Director in the Development and Assurance Group in the Real Assets Advisory practice at Deloitte LLP, and I lead the Compulsory Purchase and Land Assembly Team, which sits within this Group. I continue to advise numerous acquiring authorities, developers and claimants in respect of matters relating to compulsory purchase process, land acquisition and compensation. This has included providing advice on various town centre regeneration schemes including Dover, Ealing and South Oxhey (Watford) at which I have given evidence to CPO Inquiries.

### **Involvement with the Project**

- 1.3 Deloitte has been advising the Council of the City of Coventry (the Council) in respect of land acquisition and compulsory purchase matters since November 2020.
- 1.4 My instructions have involved working with the Council the Developer (Shearer Property Regen Ltd) and their respective professional teams to: establish the boundary of the CPO; advise on likely levels of compensation; acquire land interests by agreement; advise on procedural arrangements; and, consider and respond to objections.

## **2. SCOPE OF EVIDENCE**

- 2.1 My evidence primarily relates to the need for a CPO to assemble the land and secure new rights to enable the development to proceed. My main proof also summarises the objections the CPO and responses of the Council.

## **3. THE LAND INCLUDED IN THE COMPULSORY PURCHASE ORDER**

### **The Scheme**

- 3.1 The CPO has been made to enable assembly of the land and new rights required for the development of a site of approximately 6.4 hectares (15 acres) in Coventry city centre to create a comprehensive mixed-use development known as City Centre South (the "Scheme").

### **The Boundary of the Order Land**

- 3.2 The boundary of the Order Land was drawn to create a site that is necessary for the construction and use of the Scheme, while minimising the impact of land acquisition on existing owners and occupiers.
- 3.3 To arrive at the boundary of the Order Land, a plan of the Scheme was overlaid onto a plan of the existing land uses. This was the starting point in identifying the land required to develop the Scheme. This was then refined to allow for the detail of the Scheme, such as means of access/escape, construction requirements, and the different features of the Scheme.

### **Description of the Order Land**

- 3.4 The Order Land is broadly bounded by: the Lower and Upper Precinct Shopping Centres to the north; Hertford Street and Warwick Road to the east; the Warwick Road Church, Beauchamp House and Greyfriars Road to the south; and Queen Victoria leading into Corporation Street to the west. The boundary is shown on the Order Plan. Land to be acquired is coloured pink, land over which rights are to be acquired is coloured blue, re-provided open space is coloured green and land shaded grey is excluded from the CPO.

- 3.5 The Order Land comprises the existing retail areas of City Arcade, Bull Yard, Shelton Square, Market Way and part of Hertford Street together with associated car parking, service areas, open space and other land.

### **Ownership**

- 3.6 As a result of both the Council's historical land ownership, and more recent efforts to assemble the Order Land by agreement, the Council owns the freehold of almost all of the Order Land that is proposed to be permanently acquired, with the balance being in unknown ownership. This land is subject to various long-leasehold, short-leasehold and other occupational interests that need to be acquired for the Scheme to proceed.
- 3.7 The short-leasehold interests are mostly held by retail occupiers in respect of individual shop units. Many of the tenants are in occupation under short term, flexible, arrangements directly from the Council and it is envisaged that possession of these units will be obtained by the Council as landlord, reducing the need for powers of compulsory acquisition to be used.

### **Special Considerations**

- 3.8 There is 4,039sq m of "open space" within the Order Land, and 4,047sq m will be re-provided, shown as the plots coloured green on the CPO Plan.
- 3.9 Three Stopping-up Orders have been made under section 247 of the Town and Country Planning Act 1990 Act ("TCPA") to stop up small areas of public highway that sit within the Order Land at Rover Road, Queen Victoria Road and Warwick Row.
- 3.10 There are two Grade II listed structures within the Order Land that is being permanently acquired and a number of examples of public art and commemorative plaques at various locations within the Order Land.

## **4. THE NEED FOR THE USE OF COMPULSORY PURCHASE POWERS**

### **The Purpose of the CPO**

- 4.1 The purpose of the CPO is to secure the assembly of all the outstanding interests in the Order Land. The Order Land will then be used to enable the development of the Scheme. Thus, the Council's objective in making the CPO is to bring all of the Order Land into a single ownership and to obtain vacant possession of it to ensure delivery of the Scheme.
- 4.2 The extent of the Order Land has been determined by the requirement to achieve the objectives of the Council, which are to deliver a comprehensive mixed-use scheme which supports the long-term needs of Coventry.
- 4.3 It is necessary to assemble all of the land required before development can commence. This means there must be certainty that land assembly can be achieved before the objectives of the Council can be met.

### **Number of Plot Interests in the CPO**

- 4.4 There are 267<sup>1</sup> plots in the Order Land, of which 226<sup>2</sup> are included for permanent acquisition.
- 4.5 New rights only are required over 39 plots. There are two<sup>3</sup> plots over which permanent acquisition is required for part, and new rights are required over part.

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<sup>1</sup> There are 267 numbered plots in the Order Plan, some of which are further split into floor levels, as shown as Insets. Letters are used to distinguish levels or parts of plots.

<sup>2</sup> Of which 203 plots are shaded pink and 23 plots are shaded green in the Order Plan.

<sup>3</sup> Plot 233 which comprises the Coventry Retail Market, and Plot 257 which comprises 62 Hertford Street over the Barracks Way Underpass.

- 4.6 The Council has, by agreement, acquired most of the long-leasehold interests in the Order Land that are permanently required.
- 4.7 The Council has made good progress with the acquisition of the remaining interests by agreement, and at the date of this proof there are 16 remaining leasehold interests to be permanently acquired.

#### **Statutory Basis for the Compulsory Purchase Order**

- 4.8 The CPO has been made pursuant to section 226 of the TCPA. Guidance to acquiring authorities on the use of this power is provided by the Guidance (DR1.9) and in particular Stage 2 of Tier 1 and Section 1 of Tier 2.
- 4.9 In preparing and making the CPO, the Council has been mindful of the provisions of the TCPA together with the guidance in the Guidance (DR1.9). Of particular relevance are the provisions of section 226(1)(a) of the TCPA.

#### **Summary of the Need for Compulsory Purchase**

- 4.10 In deciding to make the CPO, the Council has considered whether they think that acquisition of the Order Land will facilitate a re-development on it. They have then considered whether such redevelopment is likely to contribute to achieving the promotion or improvement of the economic, social and environmental well-being of their area.
- 4.11 The Council has concluded that acquisition of the Order Land will secure the delivery of the Scheme that will satisfy those objectives.
- 4.12 Notwithstanding the progress made in achieving land assembly by agreement (as detailed in my main proof), I consider it highly unlikely that the development of the Scheme to achieve those objectives would be achieved without the availability of compulsory purchase powers over all the Order Land.

### **5. THE COMPULSORY PURCHASE PROCESS**

- 5.1 The Council has made the CPO pursuant to its powers under section 226(1) (a) of the TCPA and section 13 of the Local Government (Miscellaneous Provisions) Act 1976.
- 5.2 In doing so, the Council has followed the Guidance (DR1.9) and the requirements of the Acquisition of Land Act 1981.
- 5.3 A summary of the key milestone dates in the compulsory purchase process is set out in my main proof.

### **6. NEGOTIATIONS TO ACQUIRE INTERESTS BY AGREEMENT**

- 6.1 Through a managed collaborative effort, the Council (advised by Deloitte since November 2020) and the Developer have been seeking to acquire interests by agreement and pay compensation in accordance with the requirements set out in the Guidance.
- 6.2 To regularly monitor the conduct and progress of negotiations, in November 2020 a Land Assembly Group ("LAG") was established. The LAG is a group comprising internal property and legal representatives of the Council, the Developer, Deloitte, and the Council's solicitors and regularly meets, generally on a fortnightly basis.
- 6.3 In the absence of agreement, compulsory purchase will be required to acquire the 16 remaining leasehold interests. Other leasehold interests in the Order Land will be determined by the Council as freehold owner and landlord.

- 6.4 In progressing negotiations with affected owners, the Council has been prepared to consider either an outright purchase or the agreement of terms for a future purchase. The approach adopted has varied according on the circumstances in each case.
- 6.5 The Council has prepared and published a Site Assembly Strategy for businesses which provides a range of information for those affected by the proposals including how those with interests in the Pink and Green land will be contacted to discuss the acquisition of their properties and the available assistance to help with relocation. The Site Assembly Strategy is available on the Council's website which additionally includes information on the background to the Scheme, explains the compulsory purchase process and compensation process, where to find further information and resources and contact details for further queries.
- 6.6 The Council has instructed a local property agent, Holt Commercial Ltd, to maintain an Availability Schedule of retail premises available and to let in the local area. The December 2022 update of this schedule is included as Appendix GL1.

## **7. OBJECTIONS TO THE CPO**

- 7.1 The Secretary of State received 12 objections to the CPO.
- 7.2 On receipt of the objections from the NPCU, I wrote to each objector suggesting an approach to progressing discussions and inviting direct contact. A representative from either the Developer or Council teams has then sought to pursue discussions with each objector or their agents.
- 7.3 For ease of reference, Appendix GL2 provides a chronology of contact with each objector and Appendix GL3 sets out a summary of each ground of objection made by each objector, and the author of the proof that provides a response to this. A summary response to each ground of objection is also provided at section 11 of the Outline Statement of Case (DR1.6).

## **8. OBJECTIONS TO THE STOPPING UP ORDERS**

- 8.1 Six parties submitted objections in response to the Stopping-up Orders and further reference to these are set out in my main proof.

## **9. CONCLUSIONS**

- 9.1 My conclusions on the CPO are that:
- (a) the CPO satisfies the requirements of section 226 (1)(a) of the TCPA;
  - (b) the interests and rights included within the boundary of the CPO are required in connection with the carrying out of the Scheme in accordance with the objectives of the Council;
  - (c) without the CPO, there is no reasonable prospect that the required interests and rights could be assembled within an acceptable timescale;
  - (d) therefore without the CPO, the Developer will not be able to deliver the Scheme;
  - (e) the objections made have been fully considered. The Council and the Developer have sought to address the concerns raised where it is practicable to do so without prejudicing the development proposed; and
  - (f) none of the objections made amounts to a good reason to modify or reject the CPO.
- 9.2 In my opinion the CPO is demonstrably in the public interest and should be confirmed.

## 10. STATEMENT OF TRUTH AND DECLARATION

### Statement of Truth

- 10.1 I confirm that I have made clear which facts and matters referred to in this proof of evidence are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.

### Declaration

- 10.2 In preparing this proof of evidence, I confirm that:
1. I have drawn attention to all material facts which are relevant and have affected my professional opinion;
  2. I understand and have complied my duty to the Inquiry as an Expert Witness which overrides any duty to those instructing or paying me, that I have understood this duty and complied with it in preparing my evidence impartially and objectively, and I will continue to comply with that duty as required;
  3. I am not instructed under any conditional or other success-based fee arrangement;
  4. I have no conflicts of interest;
  5. I am aware of and have complied with the requirements of the rules, protocols and directions of the Inquiry; and,
  6. my proof of evidence complies with the requirements of the Royal Institution of Chartered Surveyors Practice Statement and Guidance Notes set out in the publication "*Surveyors acting as expert witnesses*" (4<sup>th</sup> edition, amended August 2020).



**Graeme Lawes**

**29 December 2022**