

**The Council of The City of Stoke on Trent (Waterloo Road / Cobridge Road / Elder Road Junction Improvements) Compulsory Purchase Order 2019**

**Statement of Evidence.**

**Simon Berman**

**Dated : 9<sup>th</sup> October 2020**

**1. Personal Introduction**

1.1 My name is Simon Berman, I have a BS'c in Land Management and am a Chartered Surveyor having qualified in 1999. I am a surveyor in Property Services at Stoke on Trent City Council and have been employed as such for the past 30 years. I have acquired a comprehensive understanding of the background to the development and importance of the junction works.

1.2 I confirm that my evidence includes all facts relevant to the opinions I have expressed. I confirm that I have no conflict of interest of any kind other than those expressed in my evidence.

**2. Scope of Evidence**

2.1 My evidence covers and explains recent negotiations in connection with the acquisition of 295 Waterloo Road, Cobridge, in order to facilitate the proposed road widening scheme.

2.2 The land required for the scheme is shown shaded pink numbered 1 on Drawing Number H0000391-001 (attached)

2.3 The overall scheme requires the acquisition of various areas of land in different ownerships.

2.4 295 Waterloo Road is required to facilitate the western arm of the junction improvement scheme.

**3. Negotiations with Landowners and Tenants**

3.1 In accordance with paragraph 17 Guidance on Compulsory Purchase Process and Crichel Down Rules (additional document 2) the Council has undertaken land negotiation in parallel with the making of preparations for the CPO. Negotiations have been ongoing with all land owners affected and further details are outlined below.

- (i) 293 Waterloo Road, Cobridge – Property purchased by the Council 31<sup>st</sup> March 2017.
- (ii) 295 Waterloo Road, Cobridge – Negotiations ongoing. - Subject to current objection.
- (iii) 231 Waterloo Road, Cobridge- Property purchased by the Council 24<sup>th</sup> November 2015.

- (iv) Land off Elder Road, Cobridge , Ravent Ltd. – Ravent Ltd were the second objectors, contracts exchanged 2<sup>nd</sup> October 2020, this objection has been withdrawn.
- (v) Land off Elder Road, Cobridge, Magnet. – Negotiations ongoing, awaiting final terms and then proceeding to legal agreements. No objection to the scheme

#### **4. Objection – Sherwin Rivers , 295 Waterloo Road, Cobridge.**

- 4.1 Objection received to the proposed CPO in October 2019 on a number of grounds, one of which was:

*“Limited negotiations, that the Council was relying on the CPO to secure the premises and that it has not actively engaged in negotiations, thus resulting in the Objector incurring significant abortive costs. “*

- 4.2 The Council has been involved in lengthy and substantial negotiations as evidenced by Sherwin Rivers own Position Statement, and as set out below where I address the more recent negotiations with Sherwin Rivers.
- 4.3 In June 2018 a suitable alternative property at Tunstall Trade Park was identified by Sherwin Rivers, as it was a new property there was a funding gap. Certain items of claim were in dispute and without a deposit there was a worry it would be lost given the demand for such units.
- 4.4 On 2 November 2018 certain items of claim were agreed allowing the securing of the unit, subsequently Sherwin Rivers submitted an offer which was accepted.
- 4.5 Authorisation of outstanding and abortive costs was granted. A meeting took place on 14 March 2019 to discuss all issues in order to progress with the purchase of Unit 3 Tunstall Trade Park. At the meeting it was agreed given the nature of the required fit out and specialist relocation that a Project Manager should be appointed.
- 4.6 While matters progressed the developer of Unit 3 was kept informed of progress as he was obviously keen to secure the purchase of one of his units.
- 4.7 Negotiations continued around items of claim and the developer mailed indicating a long stop date of 30 April 2019 for exchange of contracts on Unit 3, an extension would be granted subject to payment of a non-refundable deposit.
- 4.8 Given the uncertainty of securing Unit 3 in the timeframes it was decided to investigate acquisition of Unit 3 by the City Council ( the City Council were acquiring similar units as part of its portfolio). This would secure the property and allow negotiations to continue with Sherwin Rivers to a successful outcome as a suitable alternative property would be secured and available for Sherwin Rivers. The acquisition required authority which was subsequently sought and granted. The legal department were then instructed on the acquisition on 3 October 2019.

- 4.9 There were still elements of the claim that were in dispute namely SIPP payments, loss of profit and insurance claim. An equivalent payment was agreed to be paid to move matters forward on 20 December 2019.
- 4.10 Following ongoing dialogue Heads of Terms were sent on 31 December 2019 and following comments amended terms sent on 14 February 2020.
- 4.11 A meeting took place on 18 March 2020 with all parties to discuss way forward etc included in the meeting were Hewitt and Carr the proposed project Manager, following which on 23 March 2020 Hewitt and Carr were appointed to oversee the fit out and relocation.
- 4.12 On 31 March 2020 a letter was received from Stephen Lashmar outlining that given the uncertainties around Covid-19 can the project be delayed and if not then total extinguishment would need to be considered.
- 4.13 However on 13 July 2020 Sherwin Rivers confirmed their wish to push forward with the scheme and since this date Hewitt and Carr have been preparing a design for the fit out and relocation.
- 4.14 Heads of Terms were sent on 25 September 2020 for the acquisition of 295 Waterloo Road and matters are now with the parties' legal representatives with a view to exchange contracts as soon as possible. Following a draft agreement provided by the Objectors legal representative we are not yet in agreement on some final points, mainly the issue of business rates and the occupation of the alternative premises in a timeframe (by the 31<sup>st</sup> March 2021) to allow the objector to claim business rate relief under the enterprise zone scheme.
- 4.15 Also, to be agreed is the occupation of the Waterloo Road premises following the Council's acquisition whilst the fit-out works are undertaken at Unit 3. The heads of terms agreed this occupation would be detailed under a tenancy at will however the objector now wishes for the occupation to be detailed under a lease. The objector has commissioned Hewitt & Carr as a project manager to oversee the fit out and the Council has been working closely with the objector's project manager to facilitate this in a timely manner. The Council is meeting the costs of the fit out to reflect the objector's current accommodation.
- 4.16 Any relevant abortive costs have been met by the Council.

## **5. Conclusion**

- 5.1 The Council have attempted to agree the purchase of 295 Waterloo Road, we have tried to agree an outright purchase, tried to assist the land owner in purchasing alternative accommodation in order for them to move and we have purchased alternative suitable premises in order to ensure a premises was available for the objector to relocate to.

Where possible and within the limits of the Council's authority and governance we have agreed to the demands of the objector.

- 5.2 It remains the case that the Council are ready to reach an agreement with the Objector and are working to try to achieve this. The Council is hopeful an agreement can be reached and the objection withdrawn prior to inquiry.
- 5.3 As detailed previously the council has endeavoured to reach an agreement with the objector in a reasonably and timely manner. If the negotiations fails it will not be due to the lack of desire/intention or resources of the Council but instead will be due to the unreasonableness of the Objector, and therefore the implementation of the CPO would be the last resort to acquire the land necessary to implement the Scheme.