

APPENDIX I

ELEPHANT AND CASTLE TOWN CENTRE - COMPULSORY PURCHASE ORDER

ADVERSE EFFECTS ARISING FROM PROPOSED CPO

1. The use of CPO powers in relation to the two railway arches to the north of the railway station to which EC already has long leasehold title, so that control can be achieved to turn those two arches into a relocation premises for Corsica Studios and retail kiosk units, will deprive Arch Co of its long leasehold title to those arches. Similarly the acquisition by the Council under a CPO of 4 and 5 Farrell Court, and 6 and 7 Farrell Court, and the corridor of land to the immediate west of the railway viaduct, will deprive Arch Co of its long leasehold title to those premises. Arch Co is a large, commercial concern with many railway arch units across the country. It is not considered that the acquisition of these areas will cause serious detriment to it.
2. The occupiers of 6 and 7 Farrell Court will be displaced if their interests were compulsorily acquired to facilitate the creation of the Park Route. In a worst case scenario, they might cease trading as a result of an acquisition by CPO. However, the Council's and EC's intention is that 4 and 5 Farrell Court will be acquired and developed as a relocation opportunity within the Scheme for the tenant and occupiers of 7 Farrell Court, thus mitigating adverse impacts on them. The tenant of 6 Farrell Court, DistriAndina, is also being offered the opportunity to relocate within the Scheme, to a new unit on the East Site. Again, it is envisaged this would mitigate the adverse impact of the CPO on them.
3. The tenant of 4 and 5 Farrell Court, Corsica Studios, will be displaced if its interest was compulsorily acquired and in a worst case scenario might cease trading as a result of the CPO. However, the Council and EC's intention is that they should be offered the opportunity to relocate to the arches to the north of the railway station, which would be converted into a new space for them, thus safeguarding the future of this cultural electronic and dance music club in the locality.
4. Any party that has their interest acquired pursuant to a CPO is entitled to statutory compensation for the loss of their interest. Where only part of the land is taken, there is the opportunity to claim compensation for severance or injurious affection in respect of the retained part. Furthermore, and independent of statutory compensation, the section 106 agreement has a relocation fund for eligible local independent traders on the East Site.
5. The CPO would also see new rights created over the land shown shaded blue on the plan at Appendix A. The new rights of access to carry out works to the sides and undersides of the viaduct in connection with the creation of the walk-through in what is currently 6 and 7 Farrell Court (including removing the existing shopfronts) would apply against Network Rail but are considered to be relatively minor in nature. No works would be carried out which would affect the operation of the railway. The same is true of the new rights that are

sought in respect of (i) a right of way to/from the East Site over Network Rail's adjacent land to the railway station (and related right to pave hand maintain that area), (ii) the sides and undersides of the viaduct arches currently owned long leasehold by EC, so that they can be brought into beneficial use as a nightclub (including the right to install frontage and rear elevations) and (iii) the sides and undersides of the arches enclosing 4 and 5 Farrell Court for physical works associated with the change in use of those units to accommodate the tenants and occupiers of 6 and 7 Farrell Court. A right is also sought to pave under an external staircase adjacent to the railway station and to maintain such paving.

6. The rights being sought over the Tabernacle will result in some minor inconvenience to the Tabernacle for a relatively short period, as explained elsewhere in the report, but the Tabernacle will remain open to its congregation throughout the duration of any such works and disabled access will be maintained at all times whilst the Tabernacle is being used. It is considered that such an adverse effect (if mitigation cannot fully remove it) is minor.
7. The acquisition of crane oversail rights over various pieces of land is considered to be relatively minor in effect.
8. The owner of any land interest affected by the new rights will be entitled to statutory compensation in respect of those new rights.
9. As explained in Appendix D, in accordance with the Cabinet resolution of April 2020, the Council has already conducted a process which overrides rights of light and other rights held by third parties in respect of all areas of the East and West Site on which new buildings will be erected. This removes the ability of eg rights of light holders to obtain an injunction or to hold the developer to ransom, with the rights holders entitled to compensation on a diminution in value basis. It is not considered that there are any such rights in respect of the areas that will now be subject to acquisition under the CPO which would be problematic, but any such rights as exist will be overridden by way of the implementation of the CPO in any event.
10. The tall buildings proposed as part of the Scheme will result in adverse day light and sunlight effects on a number of nearby properties, including residential properties, particularly those in Oswin Street, Hayles Buildings and Metro Central Heights. The tall buildings on the East Site can be constructed without the CPO but the CPO is required to build those on the West Site. Cabinet is referred to the Planning Committee report in the background papers - the Planning Committee considered light amenity and overshadowing in detail as part of the planning application process and it was considered that those adverse effects were outweighed by the benefits of the Scheme.
11. As set out in the Planning Committee report, there would be harm to the setting of the Metropolitan Tabernacle. Cabinet will note, though, that notwithstanding the substantial weight given to that harm, the Planning

Committee concluded that such harm would be outweighed by the significant public benefits accruing from the Scheme.

12. Without mitigation, there are likely to be some adverse equality impacts as discussed in detail in Appendix K of this report in respect of the tenants and occupiers of the affected railway arches and the Tabernacle. However, as explained in Appendix K, mitigation is proposed by way of the proposed relocations for the affected arch tenants and measures will be taken to mitigate the effects of construction on the Tabernacle, including maintenance of disabled access. It is considered all that can reasonably expected to be done to mitigate impacts on these parties has been and is continuing to be done.