

**THE WINCHESTER CITY COUNCIL (SILVER HILL) COMPULSORY PURCHASE
ORDER 2011**

The Town and Country Planning Act 1990 (as amended)

The Local Government (Miscellaneous Provisions) Act 1976

The Acquisition of Land Act 1981

- 1 Notice is hereby given that the Secretary of State for Communities and Local Government in exercise of his powers under the above Acts, on 20th March 2013 confirmed with modifications the Winchester City Council (Silver Hill) Compulsory Purchase Order 2011 submitted by Winchester City Council.
- 2 The order as confirmed provides for the purchase for the purposes of facilitating the carrying out of development, redevelopment or improvement on the land comprising demolition of existing buildings and comprehensive redevelopment of new retail, residential and office uses including infrastructure and public realm improvements which is likely to contribute to the achievement of the promotion or improvement of the economic, social or environmental well-being of the area of the land and the new rights described in the Schedule 1 hereto.
- 3 A copy of the order as confirmed by the Secretary of State for Communities and Local Government and of the map referred to therein have been deposited at the Council's Offices, City Offices, Colebrook Street, Winchester, SO23 9LJ and also at Winchester Discovery Centre, Jewry Street, Winchester, SO23 8RX and may be seen at all reasonable hours.
- 4 The order as confirmed becomes operative on the date on which this Notice is first published. A person aggrieved by the order may, by application to the High Court within 6 weeks from that date, challenge its validity under Section 23 of the Acquisition of Land Act 1981. The grounds for challenge can be that the authorisation granted by the order is not empowered to be granted or that there has been a failure to comply with any relevant statutory requirement relating to the order.

SCHEDULE 1

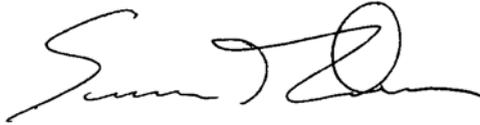
LAND COMPRISED IN THE ORDER AS CONFIRMED

LAND TO BE ACQUIRED:

1. The land and buildings bounded by Friarsgate to the north, the properties fronting the High Street and Broadway to the south, Middle Brook Street to the west, Busket Lane and the St John's Almshouses to the east extending to the northern end of Eastgate Terrace and includes Upper Brook Street Car Park and land to the north of Friarsgate.

NEW RIGHTS TO BE ACQUIRED

2. Rights for crane oversailing; rights of access for purposes of maintenance and repair and/or construction; to erect, secure and use scaffolding for purposes of maintenance and repair and/or construction in relation to plots at the perimeter of the above site.



Signed:

Dated: 25th March 2013

**PRELIMINARY NOTICE OF INTENTION TO MAKE GENERAL VESTING DECLARATION
STATEMENT OF EFFECT OF PARTS II AND III OF THE COMPULSORY PURCHASE (VESTING
DECLARATIONS) ACT 1981**

THE WINCHESTER CITY COUNCIL (SILVER HILL) COMPULSORY PURCHASE ORDER 2011

Notice is hereby given in accordance with Section 3 of the Compulsory Purchase (Vesting Declarations) Act 1981 of the intention of Winchester City Council to make a General Vesting Declaration vesting the land described in the schedule to this notice in themselves at the expiration of not less than two months from the publication of this notice. The following paragraphs contain a statement of the effect of Parts II and III of the Compulsory Purchase (Vesting Declarations) Act 1981.

PART 1

Power to make general vesting declaration

- 1 The Winchester City Council (hereinafter called "the Council") may acquire any of the land described in the Schedule above by making a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981. This has the effect, subject to paragraph 4 below, of vesting the land in the Council at the end of the period mentioned in paragraph 2 below. A declaration may not be made before the end of a period of two months from the first publication of a notice which includes this statement except with the consent in writing of every occupier of the land affected.

Notices concerning general vesting declaration

- 2 As soon as may be after the Council make a general vesting declaration, they must serve notice of it on every occupier of any of the land specified in the declaration (except land where there is one of the tenancies described in paragraph 3) and on every person who gives them information relating to the land in pursuance of the invitation contained in any notice. When the service of notices of the general vesting declaration is completed, a further period begins to run. This period, which must not be less than 28 days, will be specified in the declaration. On the first day after the end of this period ("the vesting date") the land described in the declaration will, subject to what is said in paragraph 4, vest in the Council together with the right to enter on the land and take possession of it. Every person on whom the Council could have served a notice to treat in respect of his interest in the land (other than a tenant under one of the tenancies described in paragraph 3) will be entitled to claim compensation for the acquisition of his interest in the land, with interest on the compensation from the vesting date.

Modifications with respect to certain tenancies

- 3 In the case of certain tenancies, the position stated above is subject to modifications. The modifications apply where the tenancy is either a "minor tenancy" i.e. a tenancy for a year or a yearly tenancy or a lesser interest, or "a long tenancy which is about to expire". The latter expression means a tenancy granted for an interest greater than a minor tenancy but having

on the vesting date a period still to run which is not more than the period specified in the declaration for this purpose (which must not be more than a year). In calculating how long a tenancy has still to run, where any option to renew or to terminate it is available to either party, it shall be assumed that the landlord will take every opportunity open to him to terminate the tenancy while the tenant will use every opportunity to retain or renew his interest.

- 4 The modifications are that the Council may not exercise the right of entry referred to in paragraph 2 in respect of land subject to a tenancy described in paragraph 3 unless they first serve a notice to treat in respect of the tenancy and then serve every occupier of the land with a notice of their intention to enter and take possession after the period (not less than 14 days from the service of the notice) specified in the notice. The right of entry will be exercisable at the end of that period. The vesting of the land will be subject to the tenancy until the end of that period or until the tenancy comes to an end, whichever happens first.

A handwritten signature in black ink, appearing to be 'Sam J. [unclear]', written in a cursive style.

Signed

Dated 25th March 2013

Invitation to Give Information

Every person who, if a general vesting declaration were made in respect of all of the land comprised in the Order (other than land in respect of which notice to treat has been given), would be entitled to compensation in respect of any such land, is invited to give information to the Council by making the declaration in the prescribed form with respect to his name and address and the land in question.

Should any person have any queries regarding the prescribed form, please contact Graham Groom of Persona Associates on 01403 217799, e-mail GrahamGroom@personaassociates.co.uk. The relevant prescribed form is set out below.

**PART 2(a)
Form for Giving Information**

The Winchester City Council (Silver Hill) Compulsory Purchase Order 2011

From:

To: **Winchester City Council**

[I] [We] being [a person] [persons] who, if a general vesting declaration were made under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 in respect of the land comprised in the compulsory purchase order cited above in respect of which notice to treat has not been given, would be entitled to claim compensation in respect of [all] [part of] that land, give you the following information, pursuant to the provisions of section 3 of that Act.

- 1. Name and address of informant(s) (i)
- 2. Land in which an interest is held by informant(s) (ii).....
- 3. Nature of interest (iii).....

Signed

[on behalf of

Date

- (i) In the case of a joint interest insert the names and addresses of all the informants.
- (ii) The land should be described concisely.
- (iii) If the interest is leasehold, the date of commencement and length of term should be given. If the land is subject to a mortgage or other in-cumbrance, details should be given, e.g. name or building society and roll number.