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Secretary of State for Housing
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National Planning Casework Unit
5 St Philips Place
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**By guaranteed overnight delivery and email to
npcu@communities.gsi.gov.uk**

Dear Sirs

**The London Borough of Enfield (Meridian Water Strategic Infrastructure Works)
Compulsory Purchase Order 2020 ("the CPO")
Objection on behalf of Tesco Stores Limited ("Tesco")**

We act on behalf of Tesco of Tesco House, Kestrel Way, Welwyn Garden City AL7 1GA).

Tesco **OBJECTS** to the CPO.

1 The Tesco Site

1.1 Tesco is the freehold and a leasehold owner of the land shown edged red on the plan at Appendix 1 to this letter (the "**Tesco Site**"), being Tesco Store, 1 Glover Drive, London N18 3HF (the "**Tesco Extra**");

1.1.1 Tesco is the freehold owner of the Tesco Site, such interest given title number EGL292287 at Land Registry;

1.1.2 B.S. Pension Fund Trustee Limited (the "**B.S. Pension Fund**"), for whom we do not act, owns a long lease of the Tesco Site granted to it by Tesco, such interest given title number AGL238880 at Land Registry; and

1.1.3 Tesco owns an occupational lease of the Tesco Site granted to it by the B.S. Pension Fund, such interest given title number AGL238976 at Land Registry.

1.2 Tesco also occupies and operates the Tesco Extra.

2 Interests in the CPO Schedule

2.1 Table 1 of the CPO Schedule sets out the following plots, shown coloured pink on the map referred to in the CPO (the "**CPO Map**"), in which Tesco has the freehold and leasehold interests described in paragraph 1 above and which London Borough of Enfield (the "**Acquiring Authority**") is seeking to purchase compulsorily:

2.1.1 Plot 7, being "*345 square metres, or thereabouts, of private accessway (Glover Drive) situated to the east of Meridian Way, London Borough of Enfield*"; and

To: Secretary of State for Housing
Communities and Local Government
Date: 24 September 2020
Page: 2

2.1.2 Plot 12, being *"714 square metres, or thereabouts, of private roads, accessways and grassed area situated to the north of Glover Drive, London Borough of Enfield"*

2.2 Table 1 of the CPO Schedule sets out that the Acquiring Authority is seeking to purchase the following rights compulsorily in Plot 6, in which Tesco has the freehold and leasehold interests described in paragraph 1 above:

"The right for the Acquiring Authority and its lessees, licensees, successors in title, assigns and those authorised by any of these to (i) carry out works to improve, re-grade and resurface and landscape the land (ii) access on to the land to undertake works on adjoining land to construct and/or alter the existing highway and (iii) alter the route of pedestrian and vehicular access ways over 1,390 square metres, or thereabouts, of petrol station forecourt (Tesco), grassed area and private accessways situated to the north and north east of Glover Drive, London Borough of Enfield"

2.3 However, as a preliminary point, we assume that Plot 6 is shown coloured pink on the CPO Map in error, and will be corrected, as the CPO states that new rights being purchased compulsorily over land under this Order should be shown coloured blue on the Order Map. Please could this be clarified, and our letter should not be construed as Tesco consenting to any resulting modification.

2.4 Table 1 of the CPO Schedule sets out that the Acquiring Authority is seeking to purchase the following rights compulsorily in Plot 13, which appears to lie outside of the Tesco Site but, as the CPO Schedule records, Tesco is an occupier by virtue of its advertising hoardings:

"The right for the Acquiring Authority and its lessees, licensees, successors in title, assigns and those authorised by any of these to (i) carry out works to improve, re-grade and resurface and landscape the land (ii) access on to the land to undertake works on adjoining land to construct and/or alter the existing highway and (iii) alter the route of pedestrian and vehicular access ways over 301 square metres, or thereabouts, of private road, footway, advertising hoardings and grassed area situated to the east of Meridian Way, London Borough of Enfield"

2.5 Table 2 of the CPO Schedule records that Tesco has the following interests and/or rights in Plots which the Acquiring Authority is seeking to purchase compulsorily and/or in respect of which it is seeking to acquire or interfere with existing rights:

2.5.1 An option to purchase as contained in a property option agreement dated 3 June 2011 in respect of Plots 6, 7 and 12;

2.5.2 Rights relating to drainage as contained in an agreement dated 14 November 1991 for the benefit of adjoining land in respect of Plot 8;

2.5.3 Right of access as contained in a transfer dated 8 November 1991 for the benefit of adjoining land in respect of Plot 8;

To: Secretary of State for Housing
Communities and Local Government
Date: 24 September 2020
Page: 3

- 2.5.4 Right of access with or without vehicles relating to construction as contained in a transfer dated 8 November 1991 for the benefit of adjoining land in respect of Plots 9, 10, 11, 13, 15, 16, 17, 18, 19, 20, 35, 36, 38, 40, 73 and 74; and
- 2.5.5 Right of entry relating to services as contained in a transfer dated 11 October 2002 for the benefit of adjoining land in respect of Plot 14.
- 2.5.6 Table 2 of the CPO Schedule does not appear to reflect that Tesco has, as set out in the official copies with title numbers EGL292287 and AGL238976, private rights of way (which are not for the purposes of construction alone) over both the land tinted brown and blue on the plan at Appendix 1 to this letter to the south of the Tesco Site, and that the Acquiring Authority is seeking to acquire all interests in the following Plots in respect of which Tesco currently has the benefits of those private rights:
- 2.5.7 Plot 1, being *"all interests in 1,961 square metres, or thereabouts, of public adopted highway (Glover Drive) situated to the east of Meridian Way, London Borough of Enfield except those owned by the Acquiring Authority"*;
- 2.5.8 Plot 8, being *"all interests in 1,882 square metres, or thereabouts, of private road (Glover Drive) and roundabout situated to the east of Meridian Way, London Borough of Enfield except those owned by the Acquiring Authority"*; and
- 2.5.9 Plot 9, being *"all 5,005 square metres, or thereabouts, of private road (Glover Drive), roundabout, car parks and hardstanding situated to the east of Meridian Way, London Borough of Enfield"*.
- 2.6 Nor is it clear whether Table 2 of the CPO Schedule reflects that Tesco has, as set out in the official copies with title numbers EGL292287 and AGL238976, private rights of way (which are not for the purposes of construction alone) with or without vehicles over any estate roads between the Tesco Site and the North Circular on land specified to be to the east, west, north and south east of the Tesco Site, which would fall within numerous Plots in Table 2.
- 2.7 The Acquiring Authority needs to clarify the matters noted in paragraphs 2.5 and 2.6 but, again, our comments in those paragraphs should not be construed as Tesco consenting to any resulting modification.

3 **Meridian Water**

- 3.1 Tesco believes that the Acquiring Authority's ambition to support delivery of a new urban neighbourhood at Meridian Water in north-east London is important and laudable. Tesco has no "in principle" objection to the delivery of the regeneration of this area and appreciates that such regeneration will require supporting infrastructure.
- 3.2 However, first and foremost it is imperative that the powers and works to provide that supporting infrastructure do not hinder the efficient operation of the Tesco Extra on the Tesco Site, or indeed extinguish its operation. The Tesco Extra is a major food store open to the public 24 hours a day, albeit due to the Covid-19 pandemic current opening hours are

To: Secretary of State for Housing
Communities and Local Government
Date: 24 September 2020
Page: 4

temporarily between 6am and midnight. The Tesco Extra has operationally critical 24/7 servicing and delivery requirements. Its role in the strategic food supply chain, currently more vital than ever for local people, as well as the local jobs provided directly and indirectly by the store, are key considerations in determining whether there is a compelling case for the CPO.

- 3.3 Further, the Acquiring Authority is aware that Tesco has redevelopment ambitions for the Tesco Site in the form of a residential led mixed-use scheme, which would provide for the re-provision of the Tesco Extra whilst maintaining continuity of trade. Highway improvements are required to be completed in order that the redevelopment of the Tesco Site can be delivered, with important access into the new development being taken from the existing private road (presently in Tesco's ownership). But the private road is included in the CPO. Tesco therefore has a significant concern that the land could be compulsorily acquired but the highway improvements never undertaken, which would impede the delivery of the redevelopment of the Tesco Site.

4 **Ongoing negotiations**

- 4.1 Tesco has been engaging meaningfully with the Acquiring Authority to reach a voluntary, contractual agreement in respect of the land and rights required to support provision of infrastructure for delivery of Meridian Water, as well as to support Tesco's aspirations for the redevelopment of the Tesco Site, and will continue to do so
- 4.2 Tesco is willing and able to provide the Acquiring Authority with necessary rights to undertake the required highway works and for the relevant land to be dedicated as public highway maintainable at the public expense, without Tesco's interests being included in the proposed CPO which needlessly impedes proposals for redevelopment of the Tesco Site
- 4.3 In any case, the Acquiring Authority's preliminary discussions with Tesco have not yet reached a point at which any terms have been documented, including either appropriate protections for the Tesco Extra as it now stands or to safeguard scope for the necessary access arrangements for any future mixed-use scheme on the Tesco Site.

5 **Objection to the CPO**

The Tesco Extra would be adversely affected by the CPO in a number of ways:

- 5.1 It is clear from the CPO Map that the CPO interferes with every pedestrian and vehicular access to the Tesco Site, amongst other reasons because the proposed new Central Spine Road involves new access arrangements for Tesco as well as IKEA, the Arriva bus depot and for other industrial uses between Harbet Road and the River Lee Navigation:
- 5.1.1 Traffic from the North Circular Road (A406) approaches via the off slips and then turns onto Argon Road via the Cooks Ferry and Harbet Road roundabouts, which both fall within the CPO (see Plot 14 acquiring the land and 18 including rights to reconstruct vehicular access and egress);

To: Secretary of State for Housing
Communities and Local Government
Date: 24 September 2020
Page: 5

- 5.1.2 Glover Drive and its roundabout, from which traffic from Angel Edmonton Road/A1055 accesses the Tesco Site, fall within the acquisition of all interests in Plots 1 and 8.
- 5.1.3 Part of the Tesco Site's own car park, private internal roads and accessways are being compulsorily acquired in Plots 7 and 12, whilst Plot 6 includes rights to completely alter the route of pedestrian and vehicular access.
- 5.2 The Statement of Reasons accompanying the CPO says that the "*Central Spine Road has been designed to accommodate the needs of [...] Tesco*" and "*There will be minimal impact on Tesco's access routes as a result of the Central Spine Road*". This remains to be substantiated and tested rigorously, both in respect of interim and long-term arrangements. Certainty that any adverse impacts can be prevented is something that can only appropriately be attained by way of private treaty agreed between Tesco and the Acquiring Authority (with the advice of highways and other consultants).
- 5.3 That agreement is entirely achievable within timescales which will not adversely affect the programme for delivering the works to which the CPO relates, and indeed in advance of any public inquiry into the CPO. As highlighted in paragraph 4.2 above, it would provide for an alternative to the outright acquisition of the land in a manner which will allow for the delivery of the Acquiring Authority's proposals but in turn safeguard Tesco's position for the mixed-use redevelopment of the Tesco Site in the event that the Acquiring Authority failed to deliver its highways improvements. Compulsory purchase should be used as a last resort. In this instance it is not required given the alternative that Tesco appreciates the need for Meridian Water's supporting infrastructure and is enormously willing to work with the Acquiring Authority to achieve by private treaty the security both parties require for the availability of the land to bring forward the highway works for both Meridian Water and the development potential of the Tesco Site to unlock much-needed local housing, whilst protecting the operation of the existing Tesco Extra.
- 5.4 The alternative prospect is the Acquiring Authority exercising powers under the CPO in the absence of appropriate contractual provision to avoid any adverse impact on the Tesco Extra and to safeguard scope for redevelopment of the Tesco Site. That would require reconsideration of the compelling case in the public interest for the CPO, as well as the adequacy and availability of resources to pay all compensation arising out of it. The Acquiring Authority suggests in its Statement of Reasons that CPO compensation liabilities will be met out of its general fund. As matters currently stand, Tesco has no certainty that its business in this location can continue without significant disruption and possible extinguishment. The compensation liability in such a circumstance would be very considerable indeed, and it is by no means clear that the Acquiring Authority has budgeted for this liability or whether the proposed works related to the CPO could afford to proceed in light of this. Moreover, in a case where the Tesco Extra is forced to close, or indeed its trading is severely disrupted, in addition to the very significant compensation liability, some or all of the existing jobs at the Tesco Extra (currently 268 Tesco employees and approximately 30 third party staff on site) would be put at risk.

To: Secretary of State for Housing
Communities and Local Government
Date: 24 September 2020
Page: 6

6 Next steps

6.1 For the reasons set out in this letter, Tesco **OBJECTS** to the CPO. However, Tesco's aspiration, in respect of which it reserves its position, is to remove that objection upon completion of an agreement in a form acceptable to it. Tesco remains committed to reaching such a documented agreement with the Acquiring Authority in advance of any public inquiry into the CPO.

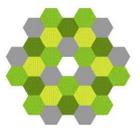
6.2 Please confirm receipt of this letter.

Yours faithfully



Bryan Cave Leighton Paisner LLP

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APPENDIX 1

