

Town and Country Planning Act 1990

Acquisition of Land Act 1981

Inquiry into:

**St Helens Borough Council (St Helens Town Centre) Compulsory Purchase
Order 2022**

Summary Proof of Evidence

of

Ged Massie BSc (Hons) MRICS IRRV MCI Arb

Acquisition Surveyor

Keppie Massie

17 July 2023

Specialist Field: Acquisition Surveyor

On behalf of: St Helens Borough Council

Subject Matter: The acquisition of the various land and property interests within the
Order Land

Keppie Massie
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SECTION 1 - INTRODUCTION

- 1.1 I, Ged Massie, am a Director of Keppie Massie, Chartered Surveyors and Property Consultants.
- 1.2 I am appointed by St Helens Council to negotiate the assembly of the land required for the proposed scheme.

SECTION 2 – PURPOSE AND CONTENTS OF THIS STATEMENT

- 2.1 My instructions are to seek to acquire the land required for the Scheme by private negotiation.

- 2.2 My evidence details the interests within the Order Land, the attempts been made to assemble these interests and the consequent need for compulsory purchase powers to secure the land required for the Scheme.

SECTION 3 – DESCRIPTION OF ORDER LAND

- 3.1 The majority of the Order Land comprises a shopping centre called the Hardshaw Centre, which is owned by the Council.
- 3.2 To Church Street there are 2 large vacant department stores (Woolworths, owned by Cosey Homes Ltd, and Marks and Spencer, owned by the Council).
- 3.3 The northern part of the Order Land comprises the existing bus station, the Swan, a vacant fast food take-away, a block of 5 shops of which 4 are vacant and 1 is occupied by a pharmacy, and a detached building occupied by a welfare charity. These are in various ownerships, although the majority are in Council ownership.

SECTION 4 – ACQUISITION PROGRESS

- 4.1 The Council has sought to and continues to attempt to engage constructively with all owners and occupiers of the Order Land with a view to acquiring by agreement.

Interests around the Bus Station

60 Bickerstaffe Street (Bestway Panacea Healthcare) – Plot 9

- 4.2 Bestway is investigating the need for continued pharmacy provision and will make a decision regarding relocation following the outcome of that investigation. If relocation is needed there are likely to be suitable alternative premises available, alternatively a new unit could be provided in the Scheme.

62 (Jordan), 64/66 (Speakman), 68 (Fozard) and 70/74 (PGI Properties) Bickerstaffe Street – Plots 9 to13 (inclusive)

- 4.3 These properties are vacant and have been purchased by the Council. There is a reversionary freehold in relation to part of 60 to 74 Bickerstaffe Street. The owner has not responded to the attempts to make contact.

41 Corporation Street (Green Pastures CBS / Hope Centre) – Plot 8

- 4.4 The property comprises a community welfare centre and is owned and operated by local charities. Discussions have been undertaken regarding relocation. Once a suitable relocation property has been identified the acquisition will progress.

Swan Public House, 41 Hall Street (Punch Partnerships PML / Angela Hindley) – Plot 5

- 4.5 The Swan comprises an operational public house with living accommodation.
- 4.6 Punch confirmed that it did not wish to enter into discussions with the Council until the Order had been made. In January 2023 Punch appointed Savills and discussions commenced. Discussions are continuing.
- 4.7 Mrs Hindley, the tenant, separately appointed an agent. Negotiations have been progressed and a provisional agreement reached. Completion of the agreement is anticipated shortly.

39 Corporation Street (Kazmi) – Plot 4

- 4.8 The property comprises a vacant fast food takeaway. An offer has been made but refused. Negotiations are continuing.

Bus Station News (Hussein Nasser Hassan) – Plot 6

- 4.9 The interest comprises a newsagent concession within the existing bus station. Merseytravel, are in discussion regarding a relocation and re-provision of the facility.

Interests in and around the Hardshaw Centre

Hardshaw Centre – Plots 18 to 45 (inclusive)

- 4.10 The Council purchased the Centre in January 2022. Agreements have been reached or are close to completion with the majority of occupiers many of whom are to relocate elsewhere within the town.
- 4.11 Three interests are outstanding, Heron Foods Ltd, One Below Retail Ltd and LHR Holding Ltd (TJ Hughes). Positive discussions are ongoing and it is anticipated that agreements will be concluded shortly.

Former Marks and Spencer, 51 to 55 Church Street – Plots 47 and 48

- 4.12 The property comprises a vacant department store and has been acquired by the Council. It is understood that Punch owns a freehold reversionary interest in part of the property.

Former Woolworths, 55 to 69 Church Street (Cosey Homes) – Plot 49

- 4.13 The property comprises a vacant department store and was purchased by Cosey Homes, an investor / developer, in March 2020. The property remains vacant.
- 4.14 Contact was made with Cosey Homes and negotiations commenced in early 2022. Offers and counter offers have been made and refused. Cosey Homes appointed an agent negotiations have progressed, although an agreement has not yet been reached.

Other Interests including half widths and unknown ownerships

- 4.15 Plots 1 (Corporation Street), 2 (Hall Street), 15 (Library Street), 17 (Bickerstaffe Street), 46 (Claughton Street) and 50 (Church Street) comprise subsoil interests held or assumed to be held in public highways.

4.16 Plots 7, 14 and 16 comprise parcels of land which are understood to be within the Council's ownership, but which may be subject to unknown interests.

4.17 Plot 3 is a parcel of land in unknown ownership.

SECTION 5 – OBJECTIONS

- 5.1 Ten objections were made to the Order, 5 of which have been withdrawn. Five remain outstanding - an objection from Savills on behalf of Punch, the owner of the Swan, and 4 non qualifying objectors.
- 5.2 The issues raised by the objections relate to a number of matters including the requirement for the Swan and are dealt with by other witnesses.
- 5.3 In relation to matters concerning land assembly and acquisition Savills' objection on behalf of Punch raises 3 points, as follows:
- No option of relocation within the new scheme offered
 - CPO made prematurely
 - Very limited effort or engagement. No offers to either pay the reasonable professional fees or to purchase by agreement.
- 5.4 There is no intention to provide replacement accommodation within the Scheme of a similar character to the Swan. However, the Scheme will include some ground floor units and there is a potential that these could be used for food and beverage / licensed use. This opportunity has been put to Savills together with other suggestions of alternatives elsewhere.
- 5.5 Punch is a substantial and experienced operator and owner of public houses and has appointed a national agent, Savills, to provide advice. Punch, with Savills assistance, is best placed to identify a suitable relocation property / alternative investment property. The reasonable costs of seeking an alternative investment property will be covered by the compensation code.
- 5.6 Attempts were made to engage with Punch from as early as June 2022. Punch maintained the position that it would not engage in any discussions until the Order had been made.
- 5.7 Subsequently the Council has attempted to engage with Savills, has confirmed that it would pay Savills' reasonable fees in accordance with the compensation code, has responded to Savills' queries and has made an offer, although this has been refused.
- 5.8 In conclusion in relation to Savills' objection, I consider that the Council has made every attempt to acquire by private treaty and has acted in accordance with the Guidance. Whilst the Council will continue to pursue a private treaty acquisition, I am of the view that the confirmation of the Order is necessary to ensure that the acquisition of the property can be concluded and the land assembled for the purposes of the Scheme.

SECTION 6 – CONCLUSIONS

- 6.1 In accordance with the Guidance the Council has sought to acquire the Order Land wherever possible by means of private treat agreement rather than relying on compulsory purchase powers.
- 6.2 The Council has successfully negotiated and acquired property in advance of the Order and has acquired the majority of interests required for the Scheme. Where interests remain outstanding these are in active discussions or have simply not responded to the Council's attempts to engage.
- 6.3 The Council remains committed to securing voluntary agreements and will continue to progress negotiations during the compulsory purchase process and will use compulsory purchase powers as a last resort.
- 6.4 I am of the view that the Council has set out a compelling case to justify the confirmation of the Order in the public interest to ensure that it will be able to use compulsory purchase powers if necessary to acquire the remaining interests.

SECTION 7 – DECLARATION

7.1 My statement of truth is contained in full at Section 7 of my proof of evidence and the content of that declaration applies equally to my summary.



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