

CABINET - 15TH JANUARY 2018

AGENDA ITEM 17

ACQUISITION OF AN INTEREST IN LAND FOR PLANNING PURPOSES (STAMFORD BRIDGE GROUNDS, SW6), IN ORDER TO ENGAGE SECTION 203 OF THE HOUSING & PLANNING ACT 2016

Following the publication of the agenda, the paragraphs below have been amended.

4.24 Section 226 of the 1990 Act provides that a local authority (subject to the authorisation of the Secretary of State) has power to acquire compulsorily any land in their area, if they think that this will facilitate the carrying out of development, re-development, or improvement on or in relation to the land [section 226(1)(a)]; or which they consider is required for a purpose which it is necessary to achieve in the interests of the proper planning of an area [section 226(1)(b)]. In this case it is considered that the relevant part of the power is section 226(1)(a), and that the Development would satisfy the objects listed in section 226(1A).

4.28 Section 233 of the 1990 Act includes obligations for the disposal of land held for planning purposes by the Council. In this case the Council will be relying on section 233(1)(a) of the 1990 Act, which permits the disposal of the land in such a manner and subject to such conditions as appears to the Council expedient to secure the best use of that or other land and any buildings or works which have been or are to be erected, constructed, or carried out (whether by itself or any other person). It is the opinion of officers, for the reasons set out in this report, that the Council's obligations under section 233(1)(a) can be satisfied. In officers' view the proposed framework for the disposal of the land is appropriate to secure the carrying out of the development, which, officers consider, is the best use for the land and the site as a whole. Furthermore, in this case officers do not consider that full Secretary of State consent will be required for the proposed disposal because, in the context of the proposed transaction as a whole and the final terms for disposal (which will be subject to a valuation of the structure of the deal and subject to any necessary refinements or adjustments to the draft heads of terms ahead of the Cabinet meeting), the consideration will be covered by the general consents. negotiated will be the best that can reasonably be obtained.

4.47 Having regard to the professional advice received, officers consider that the proposed framework for the disposal of the Land is appropriate to secure the carrying out of the development, which, officers consider, is the best use for the land and the site as a whole. It is anticipated that full Secretary of State consent will not be required for the proposed disposal because the consideration for the disposal, in the context of the proposed transaction, will be covered by the general consents. required to satisfy the Council's best consideration obligation.



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BY E-MAIL, SPECIAL DELIVERY AND BY HAND (X4)

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Our Ref: 661382.07000

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12 January 2018

URGENT

TO BE PLACED BEFORE THE MEETING OF THE CABINET AT 7PM ON 15.1.18

Dear Sirs

REDEVELOPMENT OF STAMFORD BRIDGE FOOTBALL STADIUM (THE "DEVELOPMENT") - RIGHTS OF LIGHT

As you are aware, we act for the Crosthwaite family, who have owned the residential property at 1-2 Stamford Cottages, London SW10 (the "House") for over 50 years. It is their family home and is located in the Royal Borough of Kensington & Chelsea's "Billings Conversation Area".

The House enjoys rights of light over the Stamford Bridge site, which benefits from a planning permission to construct a new stadium (Ref: 2015/05050/FUL) (the "Development Site").

The Development Site includes the airspace above the railway line that the developer, Fordstam Ltd ("Fordstam"), now proposes to take a lease of from the Council should the Council lawfully resolve to exercise its powers under section 227 of the Town and Country Planning Act 1990 and section 203 of the Housing and Planning Act 2016, as per the recommendation in Cllr Andrew Jones' report dated 15.1.18 (the "Report"). It should be noted that part of the relevant airspace also falls within the Billings Conversation Area.

1. RELEVANT FACTS

- 1.1 Mr Nicolas Crosthwaite corresponded with and met representatives from Fordstam in early 2015 regarding the Development and its impact on the House. Mr Crosthwaite did not think that Fordstam were sufficiently forthcoming in those discussions and therefore instructed our firm to act for his family in July 2015. On various occasions since 2015, the family has invited Fordstam to amend its design of the proposed new stadium to reduce / remove any interference with the family's legal rights, but Fordstam has wilfully and repeatedly refused to do so.
- 1.2 Louis and Lucinda Crosthwaite, Nicolas' son and wife respectively, and the registered owners of the House, issued a claim in the High Court against Fordstam and various other Chelsea Football Club-related entities on 19.5.17.

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- 1.3 The Crosthwaite family's claim seeks an injunction to restrain a serious and substantial legal interference to the rights of light enjoyed by the living room, dining room and children's bedrooms at the House that will be caused by the Development.
- 1.4 At its closest point, on construction of the Development, the boundary of the Development Site (the walkway) will be 2.2 metres from the boundary fence of the House. A CGI drawing showing the view from the House when the Development is completed is enclosed at **Appendix 1** to this letter. This proximity was one of the main reasons why RBKC opposed the Development at the planning stage. The RBKC said: "*The proposed development, by reason of the proximity of the raised walkway to the Stamford Cottage properties, would cause a significant increase in the sense of enclosure and have an unacceptable and harmful impact on the living conditions of occupiers of those properties.*" As you are aware, rights enjoyed by family homes (including rights of light) are afforded special protection by English law.
- 1.5 The Crosthwaite family had no desire to become involved in High Court litigation against Fordstam and the CFC-related companies. However, they had no choice but to do so in May 2017 given Fordstam's wilful and deliberate refusal, since 2015, to amend the design of the Development to reduce / remove any interference with the family's legal rights: legally, any delay in issuing a claim following the grant of planning permission could have prejudiced our clients' ability to enforce their legal rights.
- 1.6 The open offer of settlement made by Fordstam to our clients, which you refer and rely on in the Report, was only made after our clients had issued their claim at Court.
- 1.7 The Report contains your recommendation to acquire an interest in parts of the Development Site under sections 227 of the TCPA 1990 to facilitate the Development through the operation of section 203 of the HPA 2016. The effect of the Request would be to override the rights of light enjoyed by third parties, including our clients, over those parts of the Development Site.
- 1.8 As is evident from the relatively small areas of land that the Council intends to acquire shown on your plan at Appendix 1 to your Report, our clients' rights of light do not, *in themselves*, prevent anything other than a comparatively small part of the Development from being built. This, in itself, illustrates the unreasonable behaviour of Fordstam in its wilful and deliberate refusal to redesign the new stadium so that it does not interfere with the Crosthwaite family's legal rights.
- 1.9 Inexplicably, our clients were not consulted on the proposals contained in your Report at any stage. We believe as a matter of procedural fairness that they should, at the very least, have been given an opportunity to comment on the Request given that the proposals, if implemented, will result in their private law rights being overridden. Instead, they first learned of the Request when they found the Report online late on 9.1.18.
- 1.10 This letter therefore constitutes our clients' preliminary response to the Report. Given the limited time our clients have had to consider the Report, we reserve their right to make further comments. Insofar as it is relevant to do so, we also make reference to the letter dated 15.9.17 from Eversheds Sutherland (International) LLP, who act for Fordstam, to the Council, which requested that the Council exercise its statutory powers (the "Request").

2. THE CROSTHWAITE FAMILY'S POSITION

2.1 Our clients' overriding position is that for the reasons stated below:-

- 2.1.1 It would be unreasonable (in the *Wednesbury* sense of the word) for the Council to determine that there is not a realistic prospect of rights of light issues in respect of the House being addressed in sufficient time for Fordstam to be able to obtain funding and/or commence works. In this respect, a member of Chelsea's stadium project team said in 2017 that: '*We hope, subject to approvals, to start (work) in the third quarter of 2018 including the museum and*

health club being demolished, with work on the railway lines starting in 2019".
We understand that those start dates have now been delayed further; and

- 2.1.2 Further, by making a decision to exercise powers under section 227 and section 203 on the basis of the reasons contained in the Report, the Council puts itself at very serious risk of embarking on an unlawful decision-making process that will be liable to be quashed on an application for judicial review.

The Waldram analysis

- 2.2 All reasons and justification for use of statutory powers appear to be based on the "Waldram method" of analysis of loss of light at the House. As you should be aware, Fordstam are disputing in the legal claim brought by our clients that the Waldram method is the correct method of analysis in this case. They say at paragraph 9(2) of their Defence, enclosed at **Appendix 2:-**

"it is denied that a Waldram analysis demonstrates whether an obstruction in the light received in a room through an aperture would cause a substantial interference with the ordinary enjoyment of the room"

- 2.3 Indeed, Fordstam's case is that **there is no actionable interference with any rights of light enjoyed by the House**. They say at paragraph 9(4) of their Defence:-

"in the premises it is denied that the Development would unlawfully interfere with the Claimant's [sic] Rights of Light".

- 2.4 The contradictory and self-serving nature of Fordstam's position as represented to the Council is therefore clear and apparent. Accordingly, the Council should take great care in seeking to rely solely on information supplied by Fordstam in considering the Request. Moreover, the Council should explore fully Fordstam's position with regard to their wilful and deliberate refusal to redesign the Development before considering the Request.

- 2.5 We understand that Fordstam has commissioned various experts in the field of rights of light and daylight, at a cost they estimate to be over £250,000, to support their position that a Waldram analysis is not the correct method of analysis. As you may also be aware, the trial of *this* issue has been listed to take place between May and July 2018.

- 2.6 The issue of whether there is an "actionable interference" to our clients' rights of light clearly needs to be determined (and, given the window for the court listing, can be determined) before use of statutory powers are fully considered and still less exercised by the Council. If Fordstam are successful in the defence they have pleaded in the High Court claim, it is evident that no exercise of statutory powers will be required.

Injunction

- 2.7 All reasons and justification for use of statutory powers are also based on the fact that there is "*significant uncertainty as to whether an injunction would be granted rather than damages*" (paragraph 5.7). An injunction can only be granted if the Court decides that there is an actionable interference to rights of light, so our comments at paragraphs 2.2 to 2.6 above apply equally in this respect.

- 2.8 Further, Fordstam's position has always been that our clients will not be awarded an injunction: see, for example, paragraph 13 of their Defence. If Fordstam are right about that, it is also evident that no exercise of statutory powers will be required.

Acquisition of land interests

- 2.9 In a letter to us dated 12.6.17, Eversheds referred to the "*acquisition of third party land interests*" as one of two "**significant obstacles to delivery of the new stadium**" (emphasis added). In the Request (dated 15.9.17), meanwhile, Eversheds said that Fordstam is in

negotiations with Network Rail regarding the acquisition of a land interest from Network Rail that it requires, and that it was anticipated that heads of terms "*will be agreed in the next few weeks*". Yet in your Report, prepared nearly four (4) months later, you still say, at paragraph 4.40, that the heads of terms "*will be agreed in the next few weeks*". Those heads of term are presumably subject (at least) to contract / lease. Accordingly, there is, as far as we are aware, no enforceable legal agreement with Network Rail.

- 2.10 Until Fordstam has a legal interest in the proposed Network Rail land, any exercise of statutory powers by the Council in respect of that land would be premature. As things stand, the implementation of the Development is uncertain and appears to be facing very real legal impediments, including the need to reach agreements with third parties on issues other than rights of light.

The June 2017 offer

- 2.11 You say at paragraph 6.7 of the Report that "*in June 2017 the Club offered the owners of 1-2 Stamford Cottages a premium more than the market rate for the release of their rights of light.*" To support that, you also say in various places (e.g. paragraphs 2.13, A2.13 and A2.43) that so-called "book value" is "*the correct method of calculating compensation for loss [of light]*". Both comments are incorrect and therefore to base any decision on these statements would be legally flawed.

- 2.12 The correct approach to the assessment of damages in lieu of an injunction for interference to rights of light is on the "negotiating" or "share of benefits" basis (see **Appendix 3**). That approach received the endorsement of a majority of the opinions in the House of Lords in *Attorney General v Blake* [2001] 1 AC 268. It has been applied consistently by the courts in preference to other methods of assessment. **It is binding and current law.**

- 2.13 In those circumstances, the offer made by Fordstam is not consistent with the guidance contained in existing and (where relevant) binding case law. Any "market rate" assessment, which it appears the Council is relying on, would, even insofar as it is lawful to rely on (as to which no admissions are made), need to reflect the sum that a party would be awarded **in court** if damages were to be assessed. Under English law, book value is not the correct method of assessment in court proceedings. Accordingly, the Council has not applied the law correctly. At the very least, the Council should take independent legal advice on this point before placing any reliance on the representations made by Fordstam.

Settlement discussions

- 2.14 You say in various places, including at paragraph 6.7 of the Report, that: "*The Club have explained that, in their view, there is no realistic possibility of the rights being obtained by private treaty. Officers accept that this is the position.*"

- 2.15 In this respect, and mindful of the constraints of referring to the content of without prejudice communications, we note:-

- 2.15.1 We wrote to Eversheds on a without prejudice save as to costs basis on 5.7.17 and 7.8.17.¹ Notwithstanding that Eversheds have said on various occasions since the claim was issued (including in the Request) that Fordstam will continue its attempts to settle with our clients, we have not received a substantive response to our letter dated 5.7.17; any response to our letter dated 7.8.17; and have not heard further from Eversheds on a without prejudice basis for nearly 6 months (since 19.7.17).

¹ The content of that correspondence is privileged and for the avoidance of doubt our clients do not consent to the disclosure of any privileged documents or correspondence, including any without prejudice correspondence relating to the rights of light issue that our clients may have exchanged with any other party (including the Defendants in the claim and including through solicitors) since 2015, and therefore do not waive privilege over any such documents.

- 2.15.2 We understand that Fordstam intend for there to be one further mediation with our clients and further related settlement discussions. As we say above, the further discussions are mentioned in the Request and also referred to by the Council at paragraph A2.17 of Appendix 2 to the Report.
- 2.16 Fully reserving our clients' position, there is a clear factual conflict between the above and your statement in the Report that there is "*no realistic possibility of the rights being obtained by private treaty*" (emphasis added).
- 2.17 Given those facts, it must, logically, be the case that you should not consider and still less exercise statutory powers until (at least) the further mediation / related settlement discussions have taken place. Our clients are and have always been willing to participate in further discussions with Fordstam, albeit, for the reasons explained directly below, would like solicitors present to assist them.
- 2.18 It is noteworthy that direct discussions between our clients and Fordstam over the last six (6) months have been impeded to some extent by the actions of Fordstam, acting by their solicitors, Eversheds. By way of example, Eversheds repeatedly referred to the content of without prejudice correspondence between the parties and the previous mediation, which was also subject to confidentiality provisions, in 'open' correspondence. Eversheds also sought, unsuccessfully and without any basis, to use a court procedure to 'open up' (i.e. make public) previous without prejudice correspondence between the parties. The "without prejudice rule" is a rule of law designed to protect the confidential and privileged status of negotiations. It is of fundamental importance in the English legal system and in the administration of justice in this country. The Civil Procedure Rules and the Courts have repeatedly emphasised its importance in English law:-
- "It is that the parties should be encouraged so far as possible to settle their disputes without resort to litigation and should not be discouraged by the knowledge that anything that is said in the course of such negotiations ... may be used to their prejudice in the course of [court] proceedings" - Cutts v Head [1984] Ch 290, per Oliver LJ*
- 2.19 Eversheds ultimately ceased making such references and abandoned the application that they had threatened to make following correspondence from our firm. However, the family were subsequently reluctant to meet Fordstam without solicitors present following the legal claim having been issued at court, when it may have been most constructive to do so, for fear that what our clients said, in what should be confidential (without prejudice) discussions, would be used against them in the claim by Fordstam.

Lack of Consultation

- 2.20 You say at paragraph 6.4 of your Report that "*further public consultation is not considered necessary in this case*".
- 2.21 You will be aware that various other local authorities who have (or have sought to) exercise powers under section 203 (previously section 237) have undertaken consultation/s with owners whose property rights it is proposed be overridden. Indeed, the City of London, where many schemes on which powers under sections 203 / 237 have been or were going to be exercised, have resolved as follows:-
- "Wherever feasible and appropriate in the circumstances of the case the developer will be expected to demonstrate that rights [e.g. rights of light] holders have been appropriately advised of the proposed resolution, made aware of any report, and provided with a contact at the City to whom they can direct comments."* (see the Minutes of the Court of Common Council and the Planning and Transportation Committee Report on Rights of Light Issues Affecting Developments, both dated 8.12.16 and enclosed at **Appendix 4**).
- 2.22 Your failure to consult with our clients is astonishing, irregular and procedurally unfair. The net effect of your failure to consult is that you have relied on what our clients consider to be partial, biased and self-serving representations made by Eversheds and Fordstam, rather than affording our clients (and potentially other affected homeowners) the

opportunity to participate in a proper consultation in regard to a proposal that, if implemented, will override private law rights enjoyed by their homes.

3. **SUMMARY**

- 3.1 Our clients have at all times acted reasonably with regard to the Development notwithstanding the interference to their legal rights that it will cause. They would like to continue to do so, provided that Fordstam reciprocate and act reasonably with them.
- 3.2 As we say above, our clients are and have always been willing to participate in further discussions with Fordstam with solicitors present to assist them. In this respect, it is surprising that we have not heard from Eversheds on a without prejudice basis since July 2017. We nonetheless look forward to Eversheds' substantive response to our without prejudice correspondence from July and August and any proposal for a further mediation.
- 3.3 Our clients are also willing to meet with the Council to further explain their position. As a matter of procedural fairness, we consider that the Council should meet with our clients given the fact that Fordstam have had the opportunity to make lengthy representations.
- 3.4 Further, and in any event, given the contradictory position taken by Fordstam in the High Court litigation when compared to its representations to the Council, it is premature for the Council to consider the Request until (at least) the determination of the preliminary issue in the High Court litigation.
- 3.5 The Council should note that as a public body exercising public decision-making powers, it must at all times act within its powers which will include: (i) applying the law correctly; (ii) acting reasonably and proportionately; and (iii) following the correct statutory procedures and otherwise conforming with the requirements of procedural fairness.
- 3.6 Based on our comments above, there is no reason or justification for the Council to intervene and exercise its statutory powers. As the Council is aware, these powers should only be exercised as a last resort.
- 3.7 Accordingly, our clients' position is that it would be premature and unlawful for the Council to resolve to exercise its statutory powers. Should the Council resolve to do so, it will expose itself to the very significant risk of embarking on an unlawful decision-making process that will be liable to be quashed on an application for judicial review. In this regard, and with some regret, our clients must fully reserve their rights against the Council.
- 3.8 We hope in light of our comments above that no action will be taken by the Council at the meeting on 15.1.18, and we look forward to hearing from the Council with dates and times when the Council are willing to meet with our clients. We have copied this letter to Eversheds and we would welcome a response from them as part of, going forward, an open and transparent consultation process regarding this matter.
- 3.9 In the meantime, please ensure that a copy of this letter and all of the enclosures to it are made publicly available to everyone attending the Meeting of the Council on 15.1.18, whether they be Council Members, officers or members of the general public.

Yours faithfully

Pinsent Masons LLP

Pinsent Masons LLP

Enclosure(s): As above.

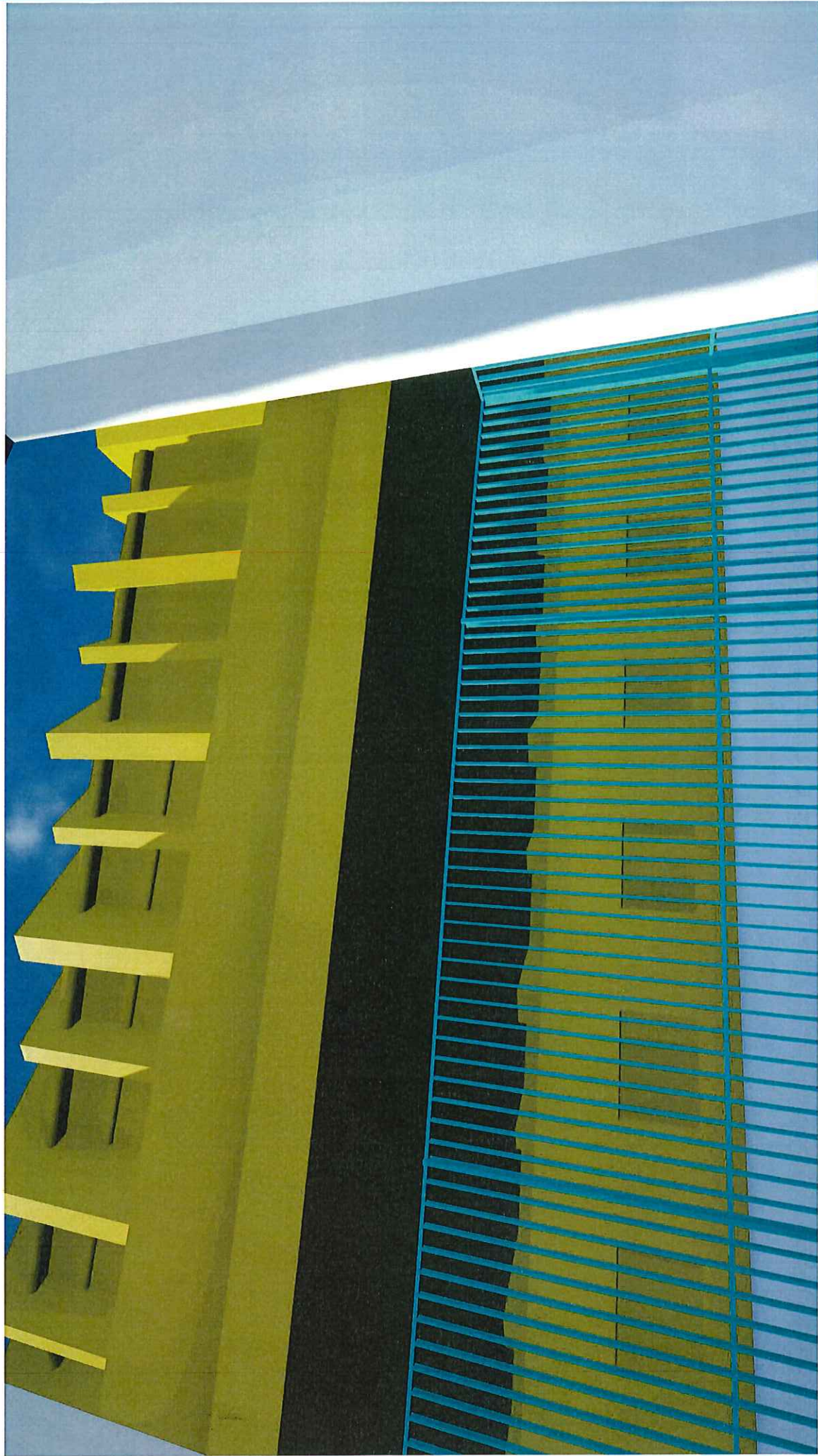
Copy to: Eversheds Sutherland (International) LLP, by e-mail only.



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Appendix 1

Proposed Stadium



Sources: Anctey Home
3D Model
Site Notes and Photos
Land Registry Title Plan

Key: Proposed Stadium

Project: 1&2 Stamford Cottages
London SW6

Title: View from 1-2 Stamford Cottages
Ground Floor

Drawn By: JH/CJ

Scale: NTS@A3

Date: JAN 18

Dwg No: P630/13

Point 3 Surveys Ltd,
3rd Floor,
17 Singsby Place,
London WC2E 9AB,
0207 856 5828
www.point3surveys.com





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Appendix 2

IN THE HIGH COURT OF JUSTICE

Claim No. HC-2017-001462

CHANCERY DIVISION

B E T W E E N :

(1) LOUIS CHARLES JOHN CROSTHWAITE

(2) LUCINDA MARGARET CROSTHWAITE

Claimants

-and-

(1) FORDSTAM LIMITED

(2) CHELSEA FOOTBALL CLUB LIMITED

(3) CHELSEA STADIUM LIMITED

(4) THE HOTEL AT CHELSEA LIMITED

(5) CHELSEA LEISURE SERVICES LIMITED

(6) CHELSEA FC PLC

Defendants

**AMENDED DEFENCE OF THE FIRST,
SECOND, FOURTH, FIFTH AND SIXTH
DEFENDANTS UNDER CPR RULE 17.1(2)(a)
DATED 17 NOVEMBER 2017**

1. The First, Second, Fourth, Fifth and Sixth Defendants (“these Defendants”) adopt the definitions used in the Particulars of Claim. Save where otherwise appears references herein to paragraph numbers are to paragraph numbers of the Particulars of Claim.
2. Paragraph 2 is admitted.
3. No admissions are made as to paragraphs 3 and 4 which are not within these Defendants’ knowledge.

4. Paragraph 5 is admitted.

5. Save that:-

(1) it is not within these Defendants' knowledge (and accordingly no admissions are made) as to how long the Apertures have existed or for how long the Apertures have continuously received light over the Railway Land, the Existing Stadium or the Stamford Bridge Land; and

(2) the Third Defendant does not form part of the Chelsea FC group of companies and has no corporate connection with these Defendants,

paragraph 6 is admitted.

6. In the premises no admissions are made as to whether or not the Claimants are entitled to any right of light through the Apertures as alleged in paragraph 7 or at all.

7. Save that, for the avoidance of doubt:

(1) it is not the intention of the First, Second, Fourth, Fifth and Sixth Defendants that a proprietary interest over the Brompton Cutting would be acquired by the Third Defendant; and

(2) the present intention of the First, Second, Fourth, Fifth and Sixth Defendants is that a proprietary interest over the Brompton Cutting will be purchased by the First Defendant

¶ paragraphs 8, 9 and 10 are admitted.

8. The first sentence of paragraph 11 is denied. The reduction of light through the Apertures caused by the New Stadium will not be such as to cause any substantial interference with the ordinary enjoyment of the House.

9. As to the second sentence of paragraph 11:
 - (1) it is admitted that the parties' rights of light surveyors have agreed that a technical analysis of the sort invented by Percy Waldram in the 1920s ("a Waldram analysis") produces the results which appear at pages 6 and 7 of the Annexure;

 - (2) it is denied that a Waldram analysis demonstrates whether an obstruction in the light received in a room through an aperture would cause a substantial interference with the ordinary enjoyment of the room; in particular (and without prejudice to the generality of the foregoing) a Waldram analysis:
 - (a) assumes that apertures are open and unobstructed and so wrongly fails to take into account the light lost through glass and window frames;

 - (b) takes into account only light passing directly through an aperture from the sky and so wrongly fails to take into account light reflected through an aperture from outside the room and the effect of light reflected internally in the room;

 - (c) is based on an inaccurate model of the light from the sky (and in particular a model which ignores the orientation of the aperture to the sun and the fact that light is stronger at the zenith than the horizon);

(d) wrongly assumes that the test for whether or not there is substantial interference with the light in a room is whether there has been a reduction in the light so that less than 50% of the room receives light of one lumen per square foot;

(3) it is denied that the reduction in light through the Apertures would cause any or any substantial interference with the ordinary enjoyment of the House at all;

(4) in the premises it is denied that the Development would unlawfully interfere with the Claimant's Rights of Light (if any, which is not admitted).

10. Each and every allegation in paragraph 12 is denied.

11. As to paragraph 13:

(1) the Claimants have no legal right to a particular outlook nor to prevent the Development causing any sense of enclosure nor (unless it amounts to a nuisance) to prevent noise nor to prevent any other harm to the amenity of the House (other than an actionable interference with a right of light);

(2) in any event it is denied that the Development will cause any such loss of amenity.

12. As to paragraph 14:

(1) it is admitted that these Defendants intend to carry out the Development;

(2) it is denied that the Development would cause any actionable interference with the Claimants' Rights of Light (if any, which is not admitted).

13. If, which is denied, the Development will cause any actionable interference with the Claimants' Rights of Light (if any, which is not admitted) it is denied that an injunction ought to be ordered restraining these Defendants from carrying out the Development so as to cause such interference. The court ought in its discretion to refuse injunctive relief and to award damages in lieu thereof.

14. In support of the averment in paragraph 13 these Defendants will rely on the following facts and matters:

(1) any loss of amenity caused to the Claimants by the reduction in light is small and will result, at most, to only minor inconvenience to them;

(2) any such loss of amenity will cause no diminution in the value of the House;

(3) the Development will provide significant benefits to the local area and is in the public interest;

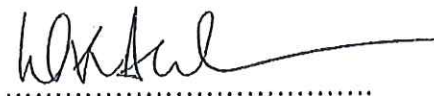
(4) the Claimants are put to strict proof of their reasons for commencing these proceedings and in particular whether they genuinely are seeking to prevent the Development taking place as opposed to using the threat of injunctive relief in order to improve their position in any negotiations for compensation for the release of the Claimants' Rights of Light (if any, which is not admitted);

- (5) if the Development does not take place it is unlikely that any new stadium or any other development will be constructed on the Stamford Bridge Land or that any new stadium for Chelsea Football Club will be constructed elsewhere;
- (6) these Defendants have acted responsibly and reasonably in attempting to reduce the impact that the Development will have on the House and in engaging with the local community, including the Claimants and their family, in an attempt to resolve issues regarding the Development including in relation to the Claimants' concerns regarding the Claimants' Rights of Light (if any, which is not admitted).
15. Further these Defendants aver that any damages ought to be calculated by reference to the diminution in value of the House (if any, which is denied) or the value of the loss of amenity (if any, which is denied). In particular even if (which is not admitted) the Development would be likely to produce a profit for these Defendants it is denied that damages ought to be calculated by reference to such expected profit.

Statement of Truth

The First, Second, Fourth and Fifth Defendants believe that the facts stated in this

Amended Defence are true. I am duly authorised by the First, Second, Fourth, Fifth and Sixth Defendants to sign this statement.



.....
Name: William George Ryan Densham
Position: Partner, Eversheds Sutherland (International) LLP
Legal Representative of the First, Second, Fourth and Fifth Defendants

JOHN McGHEE QC



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Appendix 3

1. The only circumstances in which it has been held appropriate to use a book value assessment is where there is no evidence before the court of the likely size of the benefits (see Tamara Ltd v Fairpoint Properties Ltd (No.2) [2007] 1 WLR 2173 at [22(5)]) and/or where values are low and a proper approach to valuation is not possible. Neither of those circumstances applies in this case.
2. In most cases, the "benefits" the affected owner is entitled to are the benefits to the developer of being able to build in airspace which benefits from rights of light. The "share" can be, but does not have to be, profits from what is built in the airspace over which an affected owner has released his rights of light.
3. The starting point is that there should be a 50-50 division of development value released by an agreement to release rights, in the absence of special circumstances: Stokes v Cambridge Corporation (1962) 13 P & CR 77. However, shares of between 5% and 53% have been awarded.
4. The sum awarded must "feel right". However, the court's assessment of what "feels right" is not undertaken against the value of the affected property (i.e. the property that enjoys the rights of light). A proposal that damages were capped in such a way was unequivocally rejected by the Law Commission at paragraph 5.73 of its 2014 report on rights of light at paragraph 5.73:-

"... we do not think that capping equitable damages at the value of the dominant property (or a percentage thereof) offers a fair option for reform."
5. Instead, the court establishes a sum equal to the price a developer would pay to avoid an injunction and this has to be "set in the context of the rest of the cost of this [development]": AMEC Development v Jury's Hotel (UK) Ltd (2001) 82 P & CR 22. In this case, the cost of the Development is in the region of £1.5 billion. Accordingly, any damages the court were to award, if damages were to fall to be assessed, would have to be judged against that cost of the Development to establish whether they "feel right".
6. This case is unusual for two reasons.
 - 7.2 Firstly, Fordstam say no profits will be made from the Development. However, their barrister, John McGhee QC, made submissions to Master Price in the Chancery Division of the High Court on 9.11.17 that the new stadium was being built in order to increase corporate revenues (i.e. turnover) at the Club. If Fordstam is correct, the increased turnover would be the "benefit".
 - 7.2 Secondly, Fordstam's position is that if this particular design of the stadium cannot be built, then no stadium will be built on the Site.
7. Accordingly, our clients' position is that if damages were to fall to be assessed in the claim (i.e. if the court does not grant an injunction) then the "benefit" would be the difference between the value/turnover of the existing stadium and the value/turnover of the new stadium.



Pinsent Masons

Appendix 4



PARMLEY, MAYOR

COURT OF COMMON COUNCIL

8th December 2016
MEMBERS PRESENT

ALDERMEN

Nicholas Anstee
Sir Michael David Bear
Charles Bowman
Sheriff Peter Estlin
John Garbutt
Sir Roger Gifford

Alison Gowman
David Andrew Graves
Timothy Russell Hailes JP
Robert Picton Seymour Howard
Vincent Thomas Keaveny
Alastair John Naisbitt King

Ian David Luder JP
Julian Henry Malins QC
The Rt. Hon. the Lord Mayor, Dr Andrew
Charles Parmley
Sir David Hugh Wootton

COMMONERS

George Christopher Abrahams
John David Absalom, Deputy
Randall Keith Anderson
John Alfred Barker, OBE, Deputy
Douglas Barrow, Deputy
John Bennett, Deputy
Peter Gordon Bennett
Nicholas Bensted-Smith, JP
Mark Boleat
Keith David Forbes Bottomley
David John Bradshaw
Roger Arthur Holden Chadwick,
Deputy
Nigel Kenneth Challis
Dominic Gerard Christian
Henry Nicholas Almoth Colthurst
Dennis Cotgrove
Karina Dostalova
William Harry Dove, OBE, Deputy
Simon D'Olier Duckworth, OBE, DL
The Revd Dr Martin Raymond
Dudley
Peter Gerard Dunphy
Emma Edhem

Kevin Malcolm Everett, Deputy
Anne Helen Fairweather
Marianne Bernadette Fredericks
George Marr Flemington Gillon
Stanley Ginsburg, JP, Deputy
The Revd Stephen Decatur
Haines, Deputy
Graeme Harrower
Christopher Michael Hayward
Tom Hoffman
Ann Holmes
Michael Hudson
Wendy Hyde
Jamie Ingham Clark, Deputy
Gregory Percy Jones QC
Gregory Alfred Lawrence
Vivienne Littlechild JP
Oliver Arthur Wynlayne Lodge, TD
Edward Lord, OBE, JP
Professor John Stuart Penton
Lumley
Paul Nicholas Martinelli
Jeremy Mayhew

Catherine McGuinness, Deputy
Andrew Stratton McMurtrie, JP
Wendy Mead, OBE
Robert Allan Merrett, Deputy
Brian Desmond Francis Mooney
Gareth Wynford Moore
Hugh Fenton Morris
Alastair Michael Moss, Deputy
Sylvia Doreen Moys
Joyce Carruthers Nash, OBE,
Deputy
Barbara Patricia Newman, CBE
Graham David Packham
Dhruv Patel
Ann Marjorie Francescia
Pembroke
Judith Pleasance
James Henry George Pollard,
Deputy
Emma Charlotte Louisa Price
Henrika Johanna Sofia Priest
Stephen Douglas Quilter

Richard David Regan, OBE,
Deputy
Delis Regis
Adam Fox McCloud Richardson
Elizabeth Rogula, Deputy
Virginia Rounding
James de Sausmarez
John George Stewart Scott, JP
Ian Christopher Norman Seaton
Jeremy Lewis Simons
Tom Sleigh
Graeme Martyn Smith
Sir Michael Snyder
Angela Mary Starling
Patrick Thomas Streeter
David James Thompson
James Michael Douglas
Thomson, Deputy
John Tomlinson, Deputy
James Richard Tumbridge
Michael Welbank, MBE
Philip Woodhouse

1. Introduction of Newly-Elected Members

The Chief Commoner welcomed a new Alderman, Alastair John Naisbitt King, to his first meeting of the Court of Common Council as an Alderman. Alderman King was heard in reply.

Peter Gordon Bennett, lately elected to be of the Common Council for the Ward of Walbrook, was also introduced to the Court and, having previously made the declaration prescribed by the Promissory Oaths Act, 1868, took his seat.

2. Apologies

The apologies of those Members unable to attend this meeting of the Court were noted.

3. Declarations Those Members who served on the Board of Governors of the Museum of London declared an interest in respect of item 27.

4. Minutes *Resolved* – That the Minutes of the last Court are correctly recorded.

5. Vote of Thanks to the Lord Mayor *Resolved unanimously* - that the Members of this Court take great pleasure in expressing to:

Alderman Jeffrey Evans, the Lord Mountevans

*Moss, A.M.,
Deputy; Welbank,
M., M.B.E.*

their sincere thanks for the distinguished way in which he has carried out the varied demands of the Office of Lord Mayor of the City of London.

His extensive travels throughout the year, to more than 25 countries and numerous cities and towns within the UK itself, have seen him advocate passionately and effectively on behalf of the UK's financial and professional services sectors, highlighting the role of the City and the UK as an incubator for dynamic and emerging industries.

He has also been able to use his strong shipping background to promote particularly the maritime sector, including the contribution of that industry to both the City and the UK's economy. Whether through his participation at *Posidonia* – the world's largest shipping conference – or through high-level engagement with both the sector and Government, he has been able to further cement the UK's pre-eminence in the field.

The Lord Mayor has acted as host at many special occasions in Guildhall and Mansion House during the past year and will look back, with particular pride, on his role in Her Majesty the Queen's 90th Birthday celebrations at St Paul's Cathedral and Guildhall. As well as the magnificent State Banquet for the President of Colombia, he has also hosted a large number of high-profile visitors to Mansion House, including the Prime Minister of Malaysia and the Presidents of Chile and Madagascar.

His colleagues on this Court also wish to pay tribute to Juliet, the Lady Mayoress, who has herself undertaken a varied programme with passion and commitment. We express our gratitude for all her contributions.

In taking their leave of Jeffrey, their 688th Lord Mayor, Honourable Members reflect that he has been an exemplary ambassador for both the City of London and for the United Kingdom and express our confidence that, after a well-earned rest, he will look back on a unique year with the greatest pleasure, a justifiable pride and immense satisfaction.

6. Resolutions *Resolved unanimously* - that the sincere thanks of this Court be extended to

*Mooney, B.D.F.;
Welbank, M.,
M.B.E.*

Gordon Warwick Haines

Formerly Alderman of the Ward of Queenhithe, for his dedication and service over the past twelve years.

On taking their leave of Gordon, his colleagues on this Honourable Court would like to express their gratitude and very best wishes for a long, happy and healthy retirement from civic life in the City.

*Thomson, J.M.,
Deputy; Welbank,
M., M.B.E.*

Resolved unanimously - that this Honourable Court wishes to extend to

Lucy Roseanne Frew

its sincere gratitude for her much valued service as a Member for the Ward of Walbrook.

Elected as a Common Councilman in April 2013, Lucy served on a range of Corporation Committees during her term of office, including the Board of Governors of the Guildhall School of Music & Drama, the Police Committee and the Culture Heritage & Libraries Committee. She also served as the Finance Committee's representative on the Barbican Centre Board for the past three years and was a Donation Governor for Christ's Hospital.

The Members of this Honourable Court would therefore wish to take this opportunity to express their sincere appreciation for her efforts and their very best wishes for her future good health and happiness.

7. Mayoral
Visits

The Right Honourable the Lord Mayor reported on his recent overseas visits to Kuwait, Malta and Qatar.

8. Policy
Statement

There was no statement.

9. Hospital Seal

There were no documents to be sealed.

10. Freedoms

The Chamberlain, in pursuance of the Order of this Court, presented a list of the under-mentioned, persons who had made applications to be admitted to the Freedom of the City by Redemption:-

Daniel James Warren <i>Paul Joseph Jeremy Burton</i> <i>Graham Whiley</i>	a Global Head of Customs <i>Citizen and Fruiterer</i> <i>Citizen and Fruiterer</i>	Chesham, Buckinghamshire
Gareth Philip Kerry Lewis <i>Andrew Stratton McMurtrie, CC</i> <i>William Barrie Fraser, OBE, Deputy</i>	a Deputy Head Teacher <i>Citizen and Salter</i> <i>Citizen and Gardener</i>	Coulsdon, Surrey
Dorian Mark Price <i>John Douglas Chapman, Deputy</i> <i>Marianne Bernadette Fredericks, CC</i>	an Assistant Director <i>Citizen and Common Councilman</i> <i>Citizen and Baker</i>	Bushey, Hertfordshire
Richard Michael Parfitt <i>Colin James Bridgen</i> <i>Jeffrey Charles Williams</i>	a Mechanical Engineer, retired <i>Citizen and Carmen</i> <i>Citizen and Carmen</i>	Longwell Green, Bristol

Edward Alfred Dipple <i>Donald Howard Coombe, MBE David Peter Coombe</i>	an Insurance Underwriter, retired <i>Citizen and Poulter Citizen and Poulter</i>	Andover, Massachusetts, United States of America
Dr John Charles Francis Devereux O'Moore <i>Wendy Mead, OBE, CC John Tomlinson, Deputy</i>	a General Practitioner <i>Citizen and Glover Citizen and Fletcher</i>	Romford, Essex
Maria Ferran <i>Peter John Hocart Tooley John Michael Tipping Ford</i>	a Faculty Co-ordinator <i>Citizen and Apothecary Citizen and Apothecary</i>	Islington, London
Darren Stephen Farr <i>Ronald Peter Murray Alan William Mabbutt</i>	a Travel Company Sales Manager <i>Citizen and Firefighter Citizen and Firefighter</i>	Steyning, West Sussex
Col Robin Hugh Ian Anthony Patrick Codd, TD <i>Paul Joseph Jeremy Burton Graham Whiley</i>	a Journalist, retired <i>Citizen and Fruiterer Citizen and Fruiterer</i>	Wimbledon, London
Michael Stephen Withers <i>Gordon Mark Gentry Joseph Larry Herzberg</i>	an Import Company Director <i>Citizen and Baker Citizen and Apothecary</i>	Lytham St Annes, Lancashire
Susan Ann Codd <i>Paul Joseph Jeremy Burton Graham Whiley</i>	a Property Management Consultant <i>Citizen and Fruiterer Citizen and Fruiterer</i>	Wimbledon, London
Brigadier David James Greenwood <i>Anthony Ben Charlwood Donald Newell</i>	an Army Officer, retired <i>Citizen and Basketmaker Citizen and Pattenmaker</i>	Shrewton, Salisbury
Dale Anthony Eaton <i>Brian Nicholas Harris, Deputy Sir Christopher Benson, Kt.</i>	a Director of Britain-Australia Society <i>Citizen and Glazier Citizen and Gold & Silver Wyre Drawer</i>	Fulham, London
Trina Bee Desilva <i>Peter Gordon Bennett William Frederick Welch</i>	a Civil Engineer <i>Citizen and Chartered Surveyor Citizen and Plaisterer</i>	Feltham, Middlesex
Janella Page Ajeigbe <i>Sir Michael Bear, Kt., Ald. Lady Barbara Anne Bear</i>	a Teacher <i>Citizen and Pavior Citizen and Musician</i>	Islington, London
Nicola Jane Bolton <i>Sir Michael Bear, Kt., Ald. Lady Barbara Anne Bear</i>	a Civil Servant <i>Citizen and Pavior Citizen and Musician</i>	Rotherfield, East Sussex
Helen Ruth Thomas-Evans <i>Lorna Zaitzeff Antony John Zaitzeff</i>	a Therapy Technician <i>Citizen and Wax Chandler Citizen and Arbitrator</i>	Treorchy, Rhondda Cynon Taff

Thomas Hugh McEwen Willoughby <i>Philip John Willoughby</i> <i>Andrew James Willoughby</i>	a Marketing Company Partner <i>Citizen and Glass Seller</i> <i>Citizen and Merchant Taylor</i>	Wandsworth, London
Hakeem Adedolapo Osinaike <i>Cllr Robert Michael John Benham</i> <i>Alan Robert Brumwell</i>	a Public Servant <i>Citizen and Plumber</i> <i>Citizen and Plumber</i>	Slade Green, Kent
John Mayes <i>David Burns</i> <i>Peter Richard Cowland</i>	a District Heating Manager, retired <i>Citizen and Lightmonger</i> <i>Citizen and Firefighter</i>	Hawkwell, Essex
Sarah Louise Coop <i>Richard Anthony Lewis</i> <i>Christopher Michael Catesby Rogers</i>	a Charity Development Director <i>Citizen and Founder</i> <i>Citizen and Founder</i>	Belsize Park, Hampstead
Joseph Alan Robertson <i>Michael Kemsley</i> <i>Christopher Michael Hayward, CC</i>	a Banker <i>Citizen and Pattenmaker</i> <i>Citizen and Pattenmaker</i>	Highams Park, London
Daphne Katherine Harris <i>George Lambert</i> <i>Christopher Michael Hayward, CC</i>	a Personal Assistant, retired <i>Citizen and Pattenmaker</i> <i>Citizen and Pattenmaker</i>	Lightwater, Surrey
Amy Keira Sweeting <i>Anthony Ben Charlwood</i> <i>Donald Newell</i>	a Head of High Value Relationships <i>Citizen and Basketmaker</i> <i>Citizen and Pattenmaker</i>	Oxted, Surrey
Frances Margery Ratcliffe <i>Gordon Mark Gentry</i> <i>Anthony John Keith Woodhead</i>	a Bank Official, retired <i>Citizen and Baker</i> <i>Citizen and Tax Adviser</i>	Kings Langley, Hertfordshire
David Fenton Ratcliffe <i>Gordon Mark Gentry</i> <i>Anthony John Keith Woodhead</i>	a Finance Broker <i>Citizen and Baker</i> <i>Citizen and Tax Adviser</i>	Kings Langley , Hertfordshire
William Richard Holmes <i>William Anthony Bowater Russell, Ald. & Sheriff</i> <i>Nicholas John Anstee, Ald.</i>	a Banker, retired <i>Citizen and Haberdasher</i> <i>Citizen and Butcher</i>	Barnet, Hertfordshire
Dr Giovanni Domenico Tebala <i>Michael Alan Rutherford</i> <i>Drewe William Lacey</i>	a Surgeon <i>Citizen and Management Consultant</i> <i>Citizen and Management Consultant</i>	Douglas, Isle of Man
Arend Mouton <i>Marianne Bernadette Fredericks, CC</i> <i>Henry Llewellyn Michael Jones, Deputy</i>	a Vehicle Fleet Manager <i>Citizen and Baker</i> <i>Citizen and Common Councilman</i>	Godstone, Surrey
Trevor James Dyson <i>Michael Barley</i> <i>Barrie Buick Stewart</i>	a City of London Police Officer <i>Citizen and Security Professional</i> <i>Citizen and Security Professional</i>	Edgware, Middlesex
Wayne James Trakas-Lawlor <i>Timothy Russell Hailes, Ald., JP.</i> <i>Charles Edward Lord, OBE, JP, CC</i>	The Mayor of Croydon <i>Citizen and International Banker</i> <i>Citizen and Broderer</i>	Croydon, London

Eva Letts, OBE <i>Timothy Russell Hailes, Ald., JP.</i> <i>Charles Edward Lord, OBE, JP, CC</i>	The Deputy Mayor of Croydon <i>Citizen and International Banker</i> <i>Citizen and Broderer</i>	Croydon, London
Donald Frederick Harvey <i>Jennifer Joy Farrow</i> <i>Charles Cameron Lloyd Hollingsworth</i>	a Professional Musician, retired <i>Citizen and Loriner</i> <i>Citizen and Loriner</i>	South Woodford, London
Priscilla Ann Fancy <i>Jennifer Joy Farrow</i> <i>Charles Cameron Lloyd Hollingsworth</i>	a Retail Hats Business Owner <i>Citizen and Loriner</i> <i>Citizen and Loriner</i>	South Woodford, London
Rachel Alexandra Louise Wang <i>Sir Paul Judge, Kt., Ald.</i> <i>Peter Lionel Raleigh Hewitt, Ald.</i>	a Video Production Company Director <i>Citizen and Marketor</i> <i>Citizen and Woolman</i>	Wandsworth, London
Derek John Povey <i>Andrew James Ford</i> <i>Steven William Tamcken</i>	a Maintenance Company Director <i>Citizen and Basketmaker</i> <i>Citizen and Basketmaker</i>	Worcester Park, Surrey
Dennis William Kinnersley <i>David James Sales</i> <i>Piers David Charles Wigan</i>	a Cleaning Services Manager, retired <i>Citizen and Insurer</i> <i>Citizen and Tyler & Bricklayer</i>	Basingstoke, Hampshire
Mahir Kilic <i>Michael Richard Adkins</i> <i>Ivor Cook</i>	a Charity Chairman <i>Citizen and Water Conservator</i> <i>Citizen and Poulter</i>	Hackney, London
Wayne Benjamin Krause <i>Stanley Ginsburg, Deputy</i> <i>Henry Llewellyn Michael Jones, Deputy</i>	a Marine Underwriting Manager <i>Citizen and Glover</i> <i>Citizen and Common Councilman</i>	Wandsworth, London
David Henry Duggan <i>Evan Glyn Hughes</i> <i>Trevor Peter Dutt, RD</i>	an Accountant <i>Citizen and Baker</i> <i>Citizen and Apothecary</i>	Painscastle, Builth Wells, Powys
Roger John Alderton <i>Michael Peter Cawston</i> <i>George Henry Capon</i>	a Retail Company Director, retired <i>Citizen and Tyler & Bricklayer</i> <i>Citizen and Blacksmith</i>	Farnborough Village, Orpington, Kent
Ejikeme Eric Uzoalor <i>Howard Andre Beber</i> <i>Brian John Coombe</i>	a Medical Doctor <i>Citizen and Poulter</i> <i>Citizen and Poulter</i>	Newham, London
Dr Colin Thompson Howard <i>Dr John Christopher Moore-Gillon</i> <i>Sir Roger Henry Vickers, KCVO</i>	a Medical Doctor <i>Citizen and Apothecary</i> <i>Citizen and Barber</i>	Westminster, London
Anne-Kathrin Strube <i>Norman Edward Chapman</i> <i>Stanley Liu</i>	a Commercial Clerk <i>Citizen and Glover</i> <i>Citizen and Butcher</i>	Oerlinghausen, Germany
Thomas Kronshage <i>Norman Edward Chapman</i> <i>Terence Taylor</i>	a Civil Servant <i>Citizen and Glover</i> <i>Citizen and Clockmaker</i>	Oerlinghausen, Germany

Richard Gear Thomas, OBE	a Banker	Sarisbury Green, Southampton, Hampshire
<i>Sir Roger Gifford, Kt, Ald.</i> <i>Jeremy Fern, TD</i>	<i>Citizen and Musician</i> <i>Citizen and Farrier</i>	
Robert James Pigden	a Printer, retired	Stoneleigh, Surrey
<i>Edward Arthur Jackson</i> <i>Michael John Lepper</i>	<i>Citizen and Wheelwright</i> <i>Citizen and Plaisterer</i>	
Yifan Zhang	a Gallery Director	Croydon, London
<i>Scott Marcus Longman</i> <i>George Henry Capon</i>	<i>Citizen and Blacksmith</i> <i>Citizen and Blacksmith</i>	
Penn Fook Chai	a Bartender	Edinburgh, Scotland
<i>Sir Francis McWilliams, GBE</i> <i>Dr Sin Chai</i>	<i>Citizen and Loriner</i> <i>Citizen and Apothecary</i>	
Darren Ross Muir	an Accountant	Fair Oak, Hampshire
<i>Philip Kenneth Law</i> <i>Stephen Edward Hunt</i>	<i>Citizen and Horner</i> <i>Citizen and Horner</i>	
David Jonathan Townsend	an Investment Management Company Director	Ware, Hertfordshire
<i>Emma Whitaker</i> <i>Anthony Ben Charlwood</i>	<i>Citizen and Feltmaker</i> <i>Citizen and Basketmaker</i>	
Guy Richard Boyling	a Sales/marketing Manager, retired	Burgess Hill, West Sussex
<i>Geoffrey Douglas Ellis</i> <i>Paul Stephen Hollebhone</i>	<i>Citizen and Joiner</i> <i>Citizen and Chartered Accountant</i>	
Anthony Frederick Mason	a Training Manager	Greenwich, London
<i>Michael Francis Lyons</i> <i>David Upton Powell</i>	<i>Citizen and Information Technologist</i> <i>Citizen and Baker</i>	
Peter Charles Brown, MBE	a Company Partner	Haslemere, Surrey
<i>Richard Anthony Lewis</i> <i>Christopher Michael Catesby Rogers</i>	<i>Citizen and Founder</i> <i>Citizen and Founder</i>	
Vicken Koundakjian	a Diplomat	Ottawa, Ontario, Canada
<i>George Raymond Gibson</i> <i>Neil Frederick Purcell</i>	<i>Citizen and Air Pilot</i> <i>Citizen and Painter-Stainer</i>	
Timothy Mark Nash	a Chartered Insurance Broker	Sydenham, London
<i>Eric Charles Nash</i> <i>Maureen Angela Bonanno-Smith</i>	<i>Citizen and Baker</i> <i>Citizen and Baker</i>	
Frank Heinz Soboczenski	a Research Assistant	York, Yorkshire
<i>William Barrie Fraser, OBE, Deputy</i> <i>Vivienne Littlechild, CC, JP</i>	<i>Citizen and Gardener</i> <i>Citizen and Common Councilman</i>	
John Ernest Burke	a Chartered Surveyor	Hornchurch, Essex
<i>Catherine Sidony McGuinness, Deputy</i> <i>Wendy Mead, OBE, CC</i>	<i>Citizen and Solicitor</i> <i>Citizen and Glover</i>	
Anita Helen Burke	an Accounts Manager	Hornchurch, Essex
<i>Catherine Sidony McGuinness, Deputy</i> <i>Wendy Mead, OBE, CC</i>	<i>Citizen and Solicitor</i> <i>Citizen and Glover</i>	
Lewis Kenneth Babb	an Industry Company Director	Banstead, Surrey
<i>Graham John Peacock</i> <i>John Edward Peacock</i>	<i>Citizen and Loriner</i> <i>Citizen and Loriner</i>	

<p>Elizabeth Susan Corrin <i>Michael Raymond Mainelli, Ald.</i> <i>John George Stewart Scott, CC</i></p>	<p>a Lawyer <i>Citizen and World Trader</i> <i>Citizen and International Banker</i></p>	<p>Hackney, London</p>
<p>Lee John Curtis <i>Wyndham Seymour-Hamilton</i> <i>Henry John Emms</i></p>	<p>a Chartered Engineer <i>Citizen and Loriner</i> <i>Citizen and Gardener</i></p>	<p>Sidcup, Kent</p>
<p>Thomas Frederick Robinson <i>William Barrie Fraser, OBE, Deputy</i> <i>Amber Bielby</i></p>	<p>a Parliamentary Assistant <i>Citizen and Gardener</i> <i>Citizen and Glass Seller</i></p>	<p>Manchester</p>
<p>Rt Hon David Roy Lidington, MP <i>Timothy Russell Hailes, Ald., JP.</i> <i>Mark John Boleat, CC</i></p>	<p>a Member of Parliament <i>Citizen and International Banker</i> <i>Citizen and Insurer</i></p>	<p>Princes Risborough, Buckinghamshire</p>
<p>Brenda Susan Warren Hobday <i>Timothy John Delano Cunis</i> <i>Richard Cawton Cunis</i></p>	<p>a Marketing Director <i>Citizen and Merchant Taylor</i> <i>Citizen and Mercer</i></p>	<p>Westminster, London</p>
<p>Suntharalingam Varathungan <i>Michael Ernest Garrett, MBE</i> <i>Ian Ronald Evans Williams</i></p>	<p>a Programme Manager <i>Citizen and Water Conservator</i> <i>Citizen and Marketor</i></p>	<p>Leatherhead, Surrey</p>

Resolved – That this Court doth hereby assent to the admission of the said persons to the Freedom of this City by Redemption upon the terms and in the manner mentioned in the several Resolutions of this Court, and it is hereby ordered that the Chamberlain do admit them severally to their Freedom accordingly.

11. Legislation

The Court received a report on measures introduced by Parliament which might have an effect on the services provided by the City Corporation as follows:-

Bills

Criminal Finances Bill

The Bill proposes new measures to tackle money-laundering, terrorist finance and proceeds of crime, including provisions which shift the burden onto suspected wrongdoers to prove the source of their wealth. It also creates a new corporate offence of failure to prevent tax evasion.

National Citizen Service Bill

The Bill puts the National Citizen Service, the young persons' volunteering scheme established under David Cameron, on a statutory footing. The Honorable The Irish Society supports the work of the Service in Coleraine.

Technical and Further Education Bill

Among other things, the Bill extends the remit of the Institute for Apprenticeships (legislation for which was passed last year) to cover all post-16 technical education, including the setting of 'employer-led' standards.

Statutory Instruments

The Self-build and Custom Housebuilding Regulations 2016, S.I. No. 950
The Regulations set out detailed requirements for the register which local planning authorities (including the Common Council acting in that capacity) are required to keep of those wishing to acquire land for self-built or custom-built housing in their areas. In particular, they allow local authorities to set eligibility requirements on the grounds of local connection or financial resources. They also set out the circumstances in which an exemption from

Date in force

31 October 2016

the requirement to meet demand for such housing may be sought.

The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2016, S.I. No. 965 30 October 2016

The Regulations bring persons permitted to enter or remain in the UK on human rights grounds within the classes of person eligible to receive housing assistance from local housing authorities (including the Common Council acting in that capacity).

The Income-related Benefits (Subsidy to Authorities) Amendment Order 2016, S.I. No. 986 18 November 2016

The Order determines the level of subsidy payable to individual local authorities (including the Common Council acting in that capacity) with respect to housing benefit paid in the year 2015–16.

Self-build and Custom Housebuilding (Time for Compliance and Fees) Regulations 2016, S.I. No. 1037 31 October 2016

The Regulations specify a three-year period in which local planning authorities (including the Common Council acting in that capacity) must give sufficient planning permissions to meet local demand for self-built and custom-built housing, as demonstrated on local registers. They also allow authorities to charge fees to cover the costs of operating the registers to those entered on it.

The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2016, S.I. No. 1040 24 November 2016

The Order extends permitted development rights (which bypass the need for local planning permission) for electronic communications infrastructure, including an increase in the maximum height of masts on most land from 15 to 25 metres.

The Electrical Equipment (Safety) Regulations 2016, S.I. No. 1101 8 December 2016

The Regulations implement new European rules about the safety of electrical equipment. In the case of equipment intended for personal use, local weights and measures authorities (including the Common Council acting in that capacity) will be responsible for enforcement.

(The text of the measures and the explanatory notes may be obtained from the Remembrancer's office.)

12. Ballot
Results

The Town Clerk reported the results of a ballot taken at the last Court, as follows:-

One Member to the **Board of Governors of the Museum of London**

	Votes
Alison Jane Gowman, Alderman	73
Ann Marjorie Francesca Pembroke	13

Read.

Whereupon the Lord Mayor declared Alderman Alison Gowman to be appointed to the Board of Governors of the Museum of London.

13.
Appointments

The Court proceeded to consider appointments to the Police Committee and the Hampstead Heath, Highgate Wood and Queen's Park Committee.

- a) **Police Committee** (one vacancy for the balance of a term expiring in April 2018).

Nominations received:-

John Alfred Barker, O.B.E., Deputy
Keith David Forbes Bottomley
Robert Allan Merrett, Deputy

Read.

The Court proceeded, in accordance with Standing Order No.10, to ballot on the vacancies. The Lord Mayor appointed the Chief Commoner and the Chairman of the Finance Committee, or their representatives, to be the scrutineers of the ballot.

Resolved – That the votes be counted at the conclusion of the Court and the result printed in the Summons for the next meeting.

- b) **Hampstead Heath, Highgate Wood and Queen's Park Committee** (one vacancy for the balance of a term expiring April 2019).

Nominations received:-

John Tomlinson, Deputy

Read.

Whereupon the Lord Mayor declared Deputy John Tomlinson to be appointed to the Hampstead Heath, Highgate Wood and Queen's Park Committee.

14. Questions

Provision of lights to cyclists

In the absence of Deputy Alex Deane, who had given notice of a question to the Chairman of the Planning and Transportation Committee concerning a recent cycle safety campaign, the Lord Mayor directed that pursuant to Standing Order 13(3) the question be put by the Town Clerk.

In response, the Chairman provided an outline of the City Corporation's recent 'Light Angels' campaign, which had been a joint initiative with the City of London Police. This campaign involved the provision of free lights to cyclists and was held on the two evenings after the clocks had gone back, when there were a number of cyclists who were likely to be cycling home at dusk for the first time and who might have forgotten their lights. The aim of the campaign had been to raise awareness of the legal requirement to have lights and strengthen enforcement activity in the wake of this, thereby improving safety for all road users, not just cyclists. The enforcement phase was now in place and those caught offending would be issued with a fixed penalty notice or offered attendance at a full training event, which covered rules for cyclists and provided a range of other training and education to improve their safety and wellbeing.

Electronic Voting

Brian Mooney asked a question of the Chairman of the Policy and Resources Committee regarding the potential introduction of electronic voting in the City.

In reply, the Chairman echoed the sentiment that e-voting was a logical and

welcome next step in increasing democratic participation, but observed the various legal and technical issues that currently barred further progress in this area. Notwithstanding the amendments to primary legislation which would be required, the various technical barriers and cost implications of seeking to develop a secure and standalone system for a comparatively small electorate would be significant. In response to a supplementary question from Mr Mooney, the Chairman cautioned that to act in isolation as a single local authority would be unwise but added that developments would be monitored and the City would engage with others in this area as and when appropriate.

Mitigation of Disturbance Associated with Development

Alderman Nicholas Anstee asked a question of the Chairman of the Planning and Transportation Committee concerning a proposal to mitigate disturbance caused by developments in the City.

The Chairman thanked the Alderman for his suggestion that Developers be required to secure a levy or provide an undertaking to fund on-site specialist staff, to liaise with the pollution control team and provide an immediate contact for the local community, able to prevent and stop instances of unacceptable behaviour occurring. He expressed support for the principle that those creating noise pay and cited public infrastructure projects in the City, such as the Thames Tideway Tunnel and Bank Station, which had previously funded posts in the Pollution Control team to enable their schemes to focus on better outcomes, with fewer delays. He noted that the Alderman's proposal could be helpful to developers, as well as businesses and residents which could be disturbed by noise from construction sites, and advised that an investigation would be undertaken to determine how this could be best delivered. He expressed confidence that a way forward could be found which was effective for sites, as well as protecting the City's environment and minimising disturbance to residents and businesses for the duration of demolition and construction until practical completion.

Deer Culling at Epping Forest

Greg Lawrence asked a question of the Chairman of the Epping Forest and Commons Committee regarding the control of deer numbers at Epping Forest.

Responding, the Chairman made reference to recent media coverage relating to the appointment of a new contractor to continue deer population control on the Epping Forest Buffer Lands. He noted that, in the absence of natural predators, the herd which roamed the Forest had grown substantially and the City had for some twenty years operated a policy of using contractors to provide the structured management of its deer population, to ensure that there were a sustainable number of healthy deer for future generations to enjoy. This management was important for maintaining herd health, reducing the impact of deer on woodland biodiversity, curbing crop losses to tenants and neighbours and helping control the number of vehicle collisions with deer on local roads.

Following a full public tender exercise, the City had recently selected a members' club specialising in sustainable deer hunting to undertake a cull of 160 animals in the first year of a three year contract. This change from professional stalking contractors to a hunting club had caused considerable concern for a number of

Forest visitors and, having reflected on this public concern, the decision had been taken to terminate the contract with immediate effect. The Chairman stressed that the members' club in question had carried out its work professionally and this was a 'no blame' contract termination; the Committee would now decide on an alternative way forward for the very real problem of deer population control on the Buffer Lands, with any decision to be made in the best interests of both the ecology of the area and its visitors.

15. Motions

Moss, A.M.,
Deputy; Welbank,
M., M.B.E.

Rogula, E.,
Deputy; Welbank,
M., M.B.E.

Thomson, J.M.,
Deputy; Welbank,
M., M.B.E.

- a) *Resolved Unanimously* – That the vote of thanks to the late Lord Mayor, read at Common Hall on 29th September last, be presented in a form agreeable to him.
- b) *Resolved Unanimously* – That the vote of thanks to Charles Edward Beck Bowman, Alderman and Grocer and Dr Christine Holliday Rigden, Citizen and Constructor, the late Sheriffs of the City, read at Common Hall on 29th September last, be presented in a form agreeable to them.
- c) *Motion* – That Peter Gordon Bennett be appointed to the Culture, Heritage & Libraries Committee and the Planning & Transportation Committee, the latter in the room of Deputy James Thomson; and that Deputy James Thomson be appointed to the Finance Committee, both for the Ward of Walbrook?

Several Members spoke to express their concerns that there might be a perceived conflict of interest should Mr Bennett, as the former City Surveyor, serve on the Planning & Transportation Committee given his connections with some on-going developments. Whilst noting that there was no legal reason preventing him from serving and recognising the significant benefits that his expertise could bring to the Committee, it was nevertheless suggested that it would be prudent for there to be a "break period" prior to Mr Bennett joining the Committee in order to allay any potential concerns around conflicts of interest. The example of former City of London Police Commissioner Perry Nove was cited, with Mr Nove having declined to pursue a place on the Police Committee for a period of two years following his election. Noting the concerns raised and the suggestions made, Deputy Thomson agreed to amend his Motion accordingly.

Amendment – That Peter Gordon Bennett be appointed to the Culture, Heritage & Libraries Committee and that Deputy James Thomson be appointed to the Finance Committee, both for the Ward of Walbrook?

Upon the amended Motion being put, the Lord Mayor declared it to be carried.

Resolved – That Peter Gordon Bennett be appointed to the Culture, Heritage & Libraries Committee and that Deputy James Thomson be appointed to the Finance Committee, both for the Ward of Walbrook.

16. Awards and Prizes There was no report.

17. **POLICY AND RESOURCES COMMITTEE****(Mark Boleat)**

17 November 2016

(A) The City of London Corporation Brexit Strategy

Following the referendum on the UK's membership of the European Union, the City of London Corporation had been undertaking significant activity to support the financial and professional services industry and ensure London remains the world's leading international financial centre. This paper provided Members with an overview of the strategic objectives of this work, and the activity that had taken place. Members were **recommended** to endorse the work programme to support the UK-based financial and professional services industry following the referendum on the UK's membership of the EU.

The Chairman of the Board of Governors of the Guildhall School of Music & Drama took the opportunity to express his significant concerns as to the prospective impact of student visa restrictions and increased study costs for students from the EU, which were likely to deter or prevent some of the best candidates from applying and risk damaging the School's world-leading status. Other Members took the opportunity to ask about plans for increased engagement with Commonwealth nations and to suggest that the next periodic review of Members' interests and expertise include a request relative to Brexit activity and the work programme and engagement outlined in the report.

In reply, the Chairman outlined various instances of increased Commonwealth engagement that the City Corporation had participated in over the recent period and offered to bring back a report providing a general update on Commonwealth engagement in due course.

Resolved – That the work programme to support the UK-based financial and professional services industry following the referendum on the UK's membership of the EU be endorsed.

6 October 2016

(B) The City Franchise

At the Court meeting on 12 May 2016, the issue of whether the current electoral registration process included those businesses in the City which operated on the basis of using shared office space was discussed. Whilst Members were advised that under the terms of the City of London (Various Powers) Act 1957, qualifying bodies including sole traders and partnerships must occupy premises as owner or tenant to be eligible to register, it was nevertheless acknowledged that the way in which businesses operated was evolving. As a consequence, the Chairman of the Policy and Resources Committee gave an undertaking that the issue would be explored further and that a report on the findings, including possible changes to primary legislation, would be presented to the Court by the end of the year.

Having now further explored the issue of whether people or businesses who occupied serviced and shared office space were eligible to register and vote, it had been concluded that occupying premises in this way represented a license rather than a tenancy and, as such, under the current franchise arrangements, clients would not be eligible to register. Noting that to change the current franchise

arrangements would require primary legislation, in light of the timescale and risks associated with that route at the present time the Policy and Resources Committee had not supported this course of action. It was therefore **recommended** that the decision not to take action to seek primary legislation to amend the City's franchise be endorsed and this new category of constituent, who whilst not eligible to register and vote, should be engaged with.

Resolved – That the decision not to take action to seek primary legislation to amend the City's franchise be endorsed.

17 November 2016

(C) Strengthening the City Corporation's Representative and Promotional Work in Asia

The Court considered a proposal to enhance the City Corporation's international engagement through the creation of a new Special Representative for Asia, similar to the one that was currently in place for Europe. It was envisaged that this new post would engage senior officials and regulators in Asia to influence policies, developing long-term relationships for the City.

The Court was consequently **recommended** to approve the creation of a new fixed-term post of Special Representative to Asia, as well as the recruitment process for the post set out in the report.

Introducing the report, the Chairman noted that the additional resources required for the appointment of the Special Representative would be met from the £2.55m uplift that was granted for additional promotional work in July 2016. Given the high-profile nature of the role, it was considered that it would be necessary to "head-hunt" the ideal candidate, who would then be assessed by an interview panel.

A Member expressed concerns over the prospect of only interviewing a single candidate for a role of such importance. Given the marked difference between the China and India markets, it was also queried whether it would be appropriate for a single individual to cover both.

In response, the Chairman clarified that the role was anticipated to be more China-focused, but observed that both markets were very important and that there would be flexibility and resource to respond to need in both markets. With respect to the interviewing of a single candidate, he cautioned that there was a very limited pool of suitable candidates and that the availability of multiple candidates for such a role was likely to be limited. The panel would of course consider whether there were any other plausible candidates to approach and there would be no question of the panel appointing any individual who was not considered fully capable of undertaking the role.

Resolved – that approval be given to the creation of a new fixed-term post of Special Representative to Asia and the recruitment process for the post set out in the report.

17 November 2016

(D) IT Division Budget

Work undertaken by the IT Division to understand the current state of the IT infrastructure had identified the need for a significant increase in resources. The IT Division had therefore requested an in-year uplift of £2.8m to enable all commitments to be met and additional work to stabilise infrastructure and lower risk. Such an in-year uplift required the consent of the Court and the proposal was supported by the Finance Committee and members of its IT Sub-Committee, as well as the Policy and Resources Committee.

It was consequently **recommended** that Members approve an uplift of £2.8m to the IT Division budget in 2016/17.

Resolved – That an uplift of £2.8m to the IT Division budget in 2016/17 be approved.

18. **HOSPITALITY WORKING PARTY OF THE POLICY AND RESOURCES COMMITTEE**

(Michael Welbank, M.B.E., Chief Commoner)

9 November 2016

Applications for the Use of Guildhall

In accordance with the arrangements approved by the Court on 21 June 2001 for the approval of applications for the use of Guildhall, the Court was informed of the following applications which had been agreed to:-

<u>Name</u>	<u>Date</u>	<u>Function</u>
China Unicom (Europe) Operations Limited	Friday 2 December 2016	Dinner
Hospitality Line	Friday 16 December 2016	Dinner
Global Capital	Wednesday 8 February 2017	Dinner
Institute of Marine Engineering Science and Technology	Friday 17 March 2017	Dinner
Macquarie Bank Limited	Monday 22 May 2017	Meeting
William Reed	Tuesday 13 June 2017	Dinner
The London Institute of Banking and Finance	Friday 8 September 2017	Ceremony
Royal Life Saving Society UK	Saturday 30 September 2017	Awards Ceremony
The Royal Marines Charity	Thursday 19 October 2017	Dinner
City of London Pensioners' Reunion Committee	Monday 30 October 2017	Lunch
The Worshipful Company of Bankers	Tuesday 27 February 2018	Dinner

2B UK	Monday 16 April 2018	Dinner
Royal Navy Engineers' Benevolent Society	Saturday 19 May 2018	Dinner

Resolved – That the several applications be noted.

19. **FINANCE COMMITTEE**

(Jeremy Paul Mayhew)

15 November 2016

**CITY'S CASH, BRIDGE HOUSE ESTATES, CITY'S CASH TRUST FUNDS AND
SUNDRY TRUST FUNDS ANNUAL REPORTS AND FINANCIAL STATEMENTS
2015/16**

On 23 May 1996, the Court authorised the Finance Committee to approve, amongst other things, the Annual Reports and Financial Statements for City's Cash, Bridge House Estates and the Charitable Trusts.

The Committee had duly considered and approved the Annual Reports and Financial Statements for the year ending 31 March 2016 and now presented them to the Court for information, along with the management letter from Moore Stephens LLP on its audit of the funds. The Annual Reports and Financial Statements for City's Cash and Bridge House Estates, the Annual Report and Financial Statements and the management letter had also all been published on the City's website.

It was accordingly **recommended** that the Court receive the 2015/16 City's Cash, Bridge House Estates and Charitable Trusts Statement of Accounts.

Resolved – That the 2015/16 City's Cash, Bridge House Estates and Charitable Trusts Statement of Accounts.

20. **PLANNING AND TRANSPORTATION COMMITTEE**

(Christopher Michael Hayward)

17 November 2016

(A) Surplus Arising for On-Street Parking 2015/16 and Utilisation of Accrued Surplus

The City of London in common with other London authorities is required to report to the Mayor for London on action taken in respect of any deficit or surplus in its On-Street Parking Account for a particular financial year.

Members were advised that:

- the surplus arising from on-street parking activities in 2015/16 was £5.608m;
- a total of £3.366m, was applied in 2015/16 to fund approved projects; and
- the surplus remaining on the On-Street Parking Reserve at 31 March 2016 was £17.229m, which will be wholly allocated towards the funding of various highway improvements and other projects over the medium term.

The Court was **recommended** to note the contents of the report and approve its submission to the Mayor of London.

Resolved – That the report be approved for submission to the Mayor of London.

17 November 2016

(B) Rights of Lights Affecting Development

In 2011 the Court of Common Council adopted an approach to the exercise of planning powers in relation to rights of light, easements and other rights attached to land. This approach stated that, in appropriate cases, planning powers may be used to assist delivery of developments in the City which achieve public benefit by removing the risk of the construction of such developments being prevented by injunction.

Following a recent change to statutory provisions in Section 203 of the Housing and Planning Act 2016 ("S.203"), it was proposed that Members continue to support this approach and it was consequently **recommended** that the Court approve the continuation of the arrangements for exercising the Corporation's powers to override rights of light and over rights under the new statutory provisions in Section 203 of the Housing and Planning Act 2016 ("S.203").

Resolved - that the Court approve the continuation of the arrangements for exercising the Corporation's powers to override rights of light and over rights under the new statutory provisions in Section 203 of the Housing and Planning Act 2016 ("S.203") by resolving as follows:

- a) Acquisitions of interests in land under S.227 Town and Country Planning Act 1990 or appropriations for planning purposes, may be considered on a case by case basis in order to engage S.203 powers to allow developments to proceed (where they would otherwise be inhibited by injunctions or threats of injunctions prohibiting infringements of rights of light) subject to: (i) such development being in the public interest, such public interest being sufficient to justify interference with any private rights and proportionate; (ii) the relevant criteria being met (Appendix 1) (iii) all financial liabilities of the City being indemnified; and (iv) where feasible and appropriate in the circumstances of the case, prior consultation being carried out in accordance with paragraph 6 of the report.
- b) Where such acquisitions or appropriations are so considered on a case by case basis, the Planning and Transportation Committee be authorised to determine whether such acquisition or appropriation may be authorised.
- c) Where the Planning and Transportation Committee determine that such acquisition or appropriation be authorised they may delegate the determination of such matters as they see fit and the final decision to the Town Clerk, in consultation with the Chairman and Deputy Chairman of that Committee. The matters to be determined by the Town Clerk may include (i) whether adequate attempts have been made to remove injunction risks by negotiating the release of affected rights of light by agreement; (ii) whether those entitled to rights of light are prepared by agreement (on reasonable terms and within a reasonable time) to permit infringements of those rights and (iii) the terms on which the acquisition or appropriation is to proceed.

21. **PLANNING AND TRANSPORTATION COMMITTEE
PORT HEALTH AND ENVIRONMENTAL SERVICES COMMITTEE**

**(Christopher Michael Hayward)
(Wendy Mead O.B.E)**

28 November 2016

Update to the Scheme of Delegations

The Court of Common Council had previously delegated some of its functions to the Planning and Transportation and the Port Health and Environmental Services Committees and, to facilitate the administration of these functions, some of those matters relating to transportation and public realm, town planning, and building control had in turn been delegated by the Committees to the Director of the Built Environment and the District Surveyor, as set out in the Scheme of Delegations previously approved by the Court.

Minor modifications to relevant legislation and the responsibilities of the Director and District Surveyor having since taken place, the Court was now asked to approve amendments to the Scheme of Delegations to reflect these changes. These had been summarised in the table of proposed revisions attached at Appendix A to the report and were reflected in the revised Scheme at Appendix B, and it was **recommended** that the revised delegations as set out be approved accordingly.

Resolved – That the revised Delegations to the Director of the Built Environment and the District Surveyor, including the addition of the functions under the Party Wall etc. Act 1996 to be delegated to the District Surveyor, be approved by the Court of Common Council.

22. **COMMUNITY AND CHILDREN'S SERVICES COMMITTEE**

(Dhruv Patel)

14 October 2016

Outcomes of recent Ofsted Inspections

The Court received a report providing Members with a summary of the outcome of the Ofsted inspections of adult community learning and skills in May 2016, and the services for children in need of help and protection, children looked after and care leavers, in July 2016. It also provided Members with a summary of the outcome of the recent Ofsted review of the effectiveness of the City and Hackney Safeguarding Children Board (CHSCB), carried out separately but concurrently to the said inspection of the effectiveness of the City of London's services for children in need of help, protection, looked after children and care leavers.

The Court was **recommended** to receive the report outlining the results of the Ofsted inspections.

In introducing the report, the Chairman took the opportunity to express his gratitude to Professor John Lumley, who was interviewed as part of the Adult Education inspection as the Lead Member for Adults, as well as the Deputy Chairman Gareth Moore, who was interviewed as part of the Children's social services inspection and received particular praise for his direct approach in getting to the heart of critical

issues. Jim Gamble QPM, Chairman of the Safeguarding Children's Board, was also thanked for his hard work in steering the Board to become the first in the country to be assessed as "outstanding".

The Chairman also took the opportunity to thank the outgoing Director of Community & Children's Services, Ade Adetosoye O.B.E., for his service and the transformational impact he had had on the Department, which had been instrumental in delivering these excellent results. On behalf of the Court, he wished Mr Adetosoye well in his new role as Deputy Chief Executive at the London Borough of Bromley.

Resolved – That the contents of the report be noted.

23. ESTABLISHMENT COMMITTEE

(The Revd. Stephen Decatur Haines, Deputy)

25 October 2016

Amendment to Protocol on Member/Officer Relations

Following discussion at the July meeting of the Court concerning training around the Protocol on Member/Officer Relations, the Establishment Committee and Standards Committee subsequently considered this matter and noted that the Protocol would henceforth feature as part of the induction programme for all employees. The Standards Committee also recommended that it would be appropriate to align the Protocol with the corporate commitment to equality, diversity and inclusion by including specific references. This would also reflect the wider commitments that had been made to developing and embedding equality and inclusion in the workplace and in service delivery. It was therefore **recommended** that the Court approve the amendments to the Protocol on Member/Officer Relations as set out at Appendix 1 to the report.

A Member queried the inclusion of these amendments within the Protocol, noting that they were already present within the relevant policies and suggesting that it was unnecessary and incongruous for them to be included here too. In reply, the Chairman advised that their inclusion here would be helpful in improving visibility and clarity for both Members and Officers.

Resolved – That the amendments to the Protocol on Member/Officer Relations be approved as set out at Appendix 1 to the report.

24. AUDIT AND RISK MANAGEMENT COMMITTEE

(Nicholas John Anstee, Alderman)

8 November 2016

Re-appointment of External Member for a Third Term

At its meeting on 9 September 2011, the Court agreed a procedure for appointing External (Independent) Members to the Audit and Risk Management Committee. Subsequent to this, on 16 January 2014

One of the current External Members of the Audit and Risk Management Committee, Mr Kenneth Ludlam, had served on the Audit and Risk Management Committee since its inception in 2011 and was now coming to the end of his

second term. His contributions to both the Committee and the Police Performance and Resource Management Sub Committee, on which he also serves, had been invaluable and Mr Ludlam had expressed a wish to serve for a third term.

The Court had previously agreed that existing External Members to this Committee might be appointed for two terms and, therefore, the Court was **recommended** to agree that in this instance the External Member in question might also be appointed for a third term.

Resolved – That Mr Kenneth Ludlam be appointed to the Audit and Risk Management Committee for a third term of three years, expiring in 2020.

25. *Resolved* – That the public be excluded from the meeting for the following items of business below on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act, 1972.

Summary of exempt items considered whilst the public were excluded:-

26. Non-Public Minutes *Resolved* – That the non-public Minutes of the last Court are correctly recorded.

27. **Policy and Resources Committee**
The Court approved a proposal concerning the proposed relocation of the Museum of London.

28. **Finance Committee**
The Court:-
- (A) approved the award of two contracts relating to property insurance;
 - (B) approved the extension of a contract for Highways Repair and Maintenance and
 - (C) noted action taken under urgency procedures in approving the award of a contract for the City's Wireless Concession.

29. **Property Investment Board**
The Court approved the award of an airspace lease.

The meeting commenced at 1.00 pm and ended at 3.00 pm

BARRADELL.

Report – Planning and Transportation Committee

Rights of Light Issues Affecting Development

To be presented on Thursday, 8 December 2016

*To the Right Honourable The Lord Mayor, Aldermen and Commons
of the City of London in Common Council assembled.*

SUMMARY

In 2011 the Court of Common Council adopted an approach to the exercise of planning powers in relation to rights of light, easements and other rights attached to land. This approach stated that, in appropriate cases, planning powers may be used to assist delivery of developments in the City which achieve public benefit by removing the risk of the construction of such developments being prevented by injunction. Following a recent change to statutory provisions in Section 203 of the Housing and Planning Act 2016 (“S.203”), it is proposed that Members continue to support this approach.

The recommendation was supported by your Planning and Transportation Committee on 28 November 2016.

RECOMMENDATION

That Members approve the continuation of the arrangements for exercising the Corporation’s powers to override rights of light and over rights under the new statutory provisions in Section 203 of the Housing and Planning Act 2016 (“S.203”) by resolving as follows:

- a) Acquisitions of interests in land under S.227 Town and Country Planning Act 1990 or appropriations for planning purposes, may be considered on a case by case basis in order to engage S.203 powers to allow developments to proceed (where they would otherwise be inhibited by injunctions or threats of injunctions prohibiting infringements of rights of light) subject to: (i) such development being in the public interest, such public interest being sufficient to justify interference with any private rights and proportionate; (ii) the relevant criteria being met (Appendix 1) (iii) all financial liabilities of the City being indemnified; and (iv) where feasible and appropriate in the circumstances of the case, prior consultation being carried out in accordance with paragraph 6 of this report.
- b) Where such acquisitions or appropriations are so considered on a case by case basis, the Planning and Transportation Committee be authorised to determine whether such acquisition or appropriation may be authorised.
- c) Where the Planning and Transportation Committee determine that such acquisition or appropriation be authorised they may delegate the determination of such matters as they see fit and the final decision to the Town Clerk, in consultation with the Chairman and Deputy Chairman of that

Committee. The matters to be determined by the Town Clerk may include (i) whether adequate attempts have been made to remove injunction risks by negotiating the release of affected rights of light by agreement; (ii) whether those entitled to rights of light are prepared by agreement (on reasonable terms and within a reasonable time) to permit infringements of those rights and (iii) the terms on which the acquisition or appropriation is to proceed.

MAIN REPORT

1. Due to the dense built form in the City and planning policy advocating efficient use of scarce land resources, developments and redevelopments within the Square Mile sometimes involve infringements of rights of light, and other rights.
2. Prior to 2010, injunctions were often avoided through developers agreeing with affected neighbours for the release of rights of light upon payment of compensation, allowing development to proceed. However, a court ruling in 2010 increased the risks of development being impeded due to Rights of Light infringements. In June 2011 the Court of Common Council agreed an approach towards assisting in the delivery of development using Section 237 of the Town and Country Planning Act 1990 ("S.237") in appropriate cases and delegated decisions on whether to engage S.237 to the Planning and Transportation Committee and the Policy and Resources Committee. In December 2011 the Court of Common Council delegated decisions whether to engage S.237 to Planning and Transportation Committee alone, on the recommendation of the Policy and Resources Committee.
3. In July 2016, S.237 was repealed and a new, similar power was introduced in Section 203 of the Housing and Planning Act 2016 (S.203), aimed at addressing some minor issues/ambiguities about S.237, but not implementing any substantive change. Changes between S.237 and S.203 include: (i) S.203 is engaged where land is held by other public bodies (in addition to planning authorities); (ii) a previous exclusion for statutory undertakers is removed; (iii) an exclusion is provided for the National Trust/ National Trust land; (iv) S.203 is only engaged in circumstances where the authority "could acquire the land compulsorily" for the purposes of the building or maintenance work which is to be carried out; and (v) the S.203 powers are specifically limited to situations where the interference relates to the purpose for which the land was acquired/appropriated.
4. Given the introduction of new legislation, the 2011 resolutions relating to S.237 should be updated to cover the new provisions in S.203, if the City wishes to continue the general approach adopted in 2011.
5. In recognition of the City's local planning authority role in helping deliver development which meets planning objectives, it is considered appropriate that requests to implement land acquisition or appropriation arrangements which engage S.203 powers should continue to be considered on a case by case basis. It is expected that such requests should be supported by a full analysis which explains why exercise of the City's powers to acquire or appropriate are

necessary, and why there is a compelling case in the public interest to do so. It is expected that such requests will address the criteria developed to evaluate applications (Appendix 1). It is proposed that such requests should continue to be reported to Planning and Transportation Committee for decision, where it is considered in the public interest, such public interest being sufficient to justify interference with any private rights and proportionate, adopting the criteria and tests which have been in place since 2011.

6. It is also proposed that the policies developed for applications under S.237 in relation to compensation and consultation be continued under S.203, namely;

Compensation – The Upper Tribunal (Land Courts) to determine disputes in “diminution in value” payments. The City must however be satisfied prior to engaging S.237 (S.203) that adequate attempts have been made by the developer to remove injunction risks by negotiation.

Consultation –Wherever feasible and appropriate in the circumstances of the case the developer will be expected to demonstrate that rights holders have been appropriately advised of the proposed resolution, made aware of any report, and provided with a contact at the City to whom they can direct comments.

7. It is likely that agreement on the detailed terms on which an acquisition or appropriation should proceed would continue to be delegated by the Planning and Transportation Committee to the Town Clerk in consultation the Chairman and Deputy Chairman of the Planning and Transportation Committee. On occasion, decisions as to whether adequate steps have first been taken by the developer to remove the injunction risks by negotiation may also be delegated to the Town Clerk in consultation with the Chairman and Deputy Chairman. This reflects some of the past resolutions.
8. The recommended action is proposed in order to achieve planning purposes as expressed in local and national policy (see Appendix 2).

Appendices

Appendix 1: Criteria for acquisition/appropriation for the purpose of engaging SS.227/203

Appendix 2: Planning Policies

All of which we submit to the judgement of this Honourable Court.

DATED this 17th November 2016.

SIGNED on behalf of the Committee.

Christopher Michael Hayward
Chairman, Planning and Transportation Committee

APPENDIX 1

CRITERIA

Introduction

It is recognised that the acquisition or appropriation of land to engage S.203 involve interference with human rights: namely, the right to peaceful enjoyment of possessions and, in the case of affected residential property, the right to respect for private and family life and home. This is the case notwithstanding that where such powers are exercised, compensation is payable. Therefore, such powers should not be exercised unless a number of criteria are satisfied and S.203 specifically provides that the authority to interfere with rights or breach restrictions conferred by the section will only apply in cases where the authority could acquire the land compulsorily for the purposes of the building or maintenance work. Whether the relevant criteria are satisfied will depend upon the site specific circumstances. The criteria, which must be carefully considered and weighed in each case, are set out at 1 – 2 below. They broadly require that the local planning authority be satisfied that there is a compelling case in the public interest for the exercise of the powers and interference with property rights and that the public interest to be achieved is proportionate to the interference with private rights which would result.

Criteria

1. There is a compelling case in the public interest that the powers conferred by section 203 of the Housing and Planning Act 2016 be engaged in order that the building or maintenance work or use proposed can be carried out within a reasonable time, and in particular, that:
 - (i) There is planning consent for the proposed development;
 - (ii) Acquisition or appropriation and consequent engagement of section 203 of the Housing and Planning Act 2016 will facilitate the carrying out of development, redevelopment or improvement on or in relation to land, and in particular the proposed development for which planning consent has been obtained, or similar development;
 - (iii) The development, redevelopment or improvement will contribute to the promotion or improvement of the economic, social or environmental wellbeing of the authority's area and those benefits could not be achieved without giving rise to all of some of the infringements - therefore it is in the public interest that the land be acquired by the City or appropriated by them for planning purposes, so as to facilitate the development proposed or similar development.
 - (iv) There will be infringements of one or more relevant rights or interests as defined in section 205(1) of the Housing and Planning Act 2016 or breach of a restriction as to user of land which cannot reasonably be avoided;
 - (v) The easements to be interfered with cannot reasonably be released by agreement with affected owners within a reasonable time (and adequate evidence of satisfactory engagement, and where appropriate negotiation, has been provided to the City) ;
 - (vi) The ability to carry out the development, including for financial or viability reasons, is prejudiced due to the risk of injunction, and adequate attempts have been made to remove the injunction risks;
 - (vii) A decision to acquire or appropriate in order to engage section 203 of the Housing and Planning Act 2016 would be broadly consistent with advice given in the DCLG

Guidance on Compulsory Purchase (2015) (and any replacement thereof) so far as relevant.

- (viii) The use of the powers is proportionate in that the public benefits to be achieved so as to outweigh the infringement of human rights;
 - (ix) The developer has consulted with rights holders regarding the engagement of section 203 wherever feasible and appropriate in the circumstances of the case.
2. The authority could acquire the land compulsorily for the purposes of the building or maintenance work or the use of the land (and where the land in issue is currently owned by the authority it is to be treated for these purposes as not currently owned by the authority);

APPENDIX 2

PLANNING POLICIES

The London Plan includes the following relevant policies:

- i) **Policy 2.10 “Central Activities Zone – Strategic Priorities”** which says that the Mayor will and boroughs should sustain and enhance the City of London as a strategically important globally-oriented financial and business services centre
- ii) **Policy 2.11 “Central Activities Zone – Strategic Functions”** which says the Mayor will and boroughs should secure completion of essential new transport schemes necessary to support the roles of CAZ, including Crossrail, and realise resultant uplifts in development capacity to extend and improve the attractions of the Zone
- iii) **Policy 4.2 “Offices”** which says that the Mayor will, and boroughs should recognise and address strategic as well as local differences in implementing this policy to meet the needs of the central London office market by sustaining and developing its unique and dynamic clusters of “world city” functions and by encouraging renewal and modernisation of the existing office stock in viable locations to improve its quality and flexibility

1 The City of London Local Plan includes the following policies:

- i) Under Implementation And Delivery it states that the City Corporation will, where necessary, use its land and property ownership to assist with site assembly and use its compulsory purchase powers to enable the high quality development the City needs; and
- ii) Strategic Objective 1 which is “to maintain the City’s position as the world’s leading international and financial and business centre”
- iii) Core Strategy Policy CS1 which is: “To ensure the City of London provides additional office development of the highest quality to meet demand from long term employment growth and strengthen the beneficial cluster of activities found in and near the City that contribute to London’s role as the world’s leading international financial and business centre, by:
 - Increasing the City’s office floorspace stock by 1,150,000 m2 gross during the period 2011 – 2026 to meet the needs of projected long term economic and employment growth, phased as follows:
 - 2011 – 2016:650,000 m2
 - 2016 – 2021:250,000 m2
 - 2021 – 2026:250,000 m2

A pipeline of at least 750,000 m² gross office floorspace with planning permission but not yet commenced will be maintained to provide office occupier choice.

- Encouraging the assembly and development of large sites, where appropriate, to meet the accommodation needs of the City's biggest occupiers, protecting potential large office sites from piecemeal development and resisting development that would jeopardise the future assembly and delivery of large sites.
 - Encouraging the supply of a range of high quality office accommodation to meet the varied needs of City office occupiers.
- iv) Policy DM 1.2 which is "To promote the assembly and development of large office schemes in appropriate locations".
- v) Policy DM 1.3 which is "To promote small and medium sized businesses in the City".
- vi) Policy DM 1.5 which is "To encourage a mix of commercial uses within office developments which contribute to the City's economy and character and provide support services..."

Policy DM 10.7

- 1) To resist development which would reduce noticeably the daylight and sunlight available to nearby dwellings and open spaces to unacceptable levels, taking account of the Building Research Establishment's guidelines
- 2) The design of new developments should allow for the lighting needs of intended occupiers and provide acceptable levels of daylight and sunlight

Supporting text paragraph 3.10.42 states that 'If a development is considered acceptable in planning terms and has planning permission, but it not proceeding due to rights to light issues, the City Corporation may consider acquiring interests in land or appropriating land for planning purposes to enable development to proceed.'

Policy DM 10.8

To achieve an environment that meets the highest standards of accessibility and inclusive design in all developments (both new and refurbished), open spaces and streets, ensuring that the City of London is:

- Inclusive and safe for all who wish to use it, regardless of disability, age, gender, ethnicity, faith or economic circumstance;
- Convenient and welcoming with no disabling barriers, ensuring that everyone can experience independence without undue effort, separation or special treatment;
- Responsive to the needs of all users who visit, work or live in the City, whilst recognising that one solution might not work for all.

CABINET - 15TH JANUARY 2018

AGENDA ITEM 17 - ACQUISITION OF AN INTEREST IN LAND FOR PLANNING PURPOSES (STAMFORD BRIDGE GROUNDS, SW6), IN ORDER TO ENGAGE SECTION 203 OF THE HOUSING & PLANNING ACT 2016

Officers' response to a letter dated 12th January 2018 from Pinsent Masons Solicitors, representing the Crosthwaite family.

Following receipt of a letter dated 12th January 2018 from Pinsent Masons Solicitors, representing the Crosswaithe family ("Owners") officers considered that it would be appropriate to prepare a supplementary paper for Cabinet to address the issues raised.

The Cabinet is asked to take into account this supplementary paper in making its decision. For ease of reference officers have considered the issues raised by Pinsent Mason in the above mentioned letter and the response follows the paragraph numbers as set out in the letter:

Paragraph 1.1 that the club has wilfully and repeatedly refused to amend its design

- The Council is aware that over the design life of the stadium, there have been seven amendments to the massing of the building between August 2014 and the scheme approved by the Council's Planning Committee. The 264 piers that make up the envelope of the stadium have been individually angled to minimise the impacts of rights to light to as many residents as possible, whilst maintaining the financial viability of the project. Despite what is represented by Pinsent Mason, this demonstrates the Club's willingness to work with neighbours and make reasonable changes. Any further changes to the approved scheme will mean the economic viability of the stadium will be prejudiced as would the unique overall design and development concept which was one of the reason for the Council granting planning permission to the scheme.

Other design changes undertaken by the Club that have improved the situation for 1-2 Stamford Cottages are:

- Lowering the shoulder line of the stadium façade directly adjacent to the property
- Amending the bowl from 3.5 tiers to 3 which reduces the height
- Negotiating a reduced operational height over the rail so that the deck could be lowered directly adjacent to the property
- Lowering the whole stadium by 5m (via excavation) to keep the high point of the roof consistent with the current stadium

Paragraph 1.9 that insufficient consultation was given of intention to engage S.203 and insufficient negotiations

- The Owners have been aware of the proposed acquisition under s.203 for a significant period of time. Indeed, Pinsent Masons wrote to the Council on 16 July 2017 setting out their concerns about the Council exercising their powers under section 203, this letter was specifically considered and responded to. The Owners have had the required notice in respect of the officers' report and their views will be considered before the Council take a decision.
- Details of negotiations are set out in the exempt Appendices 7 and 8 to the Cabinet Report
- In addition, the points raised in the letter 12 January have been carefully considered by officers and this paper provides detailed response to the issues for the benefit of members. The Council has to take into account all relevant considerations in reaching its decision including competing interests and the impact of delay on the benefits of the scheme.

Paragraph 2.1 Council acting Wednesbury unreasonably

- Officers are aware of the extensive negotiations, the active injunction proceedings and the position adopted by the Owners since early 2015. Officers are therefore of the view that the Council would be acting reasonably in forming the view that there is a real danger that the proposed scheme, and the public benefits which it delivers, will not materialise as a result of the potential conflict with the rights subject to the Owners' claim.

Paragraph 2.4

- Officers have concluded that there is potentially an actionable breach of these rights for the reasons set out in appendix 2 to the report. The test is set out in A2.10 whether there would be a loss of light causing a substantial interference with the ordinary use and enjoyment of the property. As explained in paragraphs A2.11 and A2.12, the table of Waldram results set out in the table in Appendix 6 to the Report shows prima facie grounds to support an actionable breach in the loss of light to four of the rooms in the two properties. Therefore, it is appropriate for the Council to exercise its powers under section 203.

Paras 2.11/12 Valuation Methodology

- Officers are satisfied that the Club has adopted the correct approach and has offered in excess of what a court would award. The offers made are in excess of those made in many other schemes where s.203 has been engaged, including those endorsed by the City of London, which Pinsent Mason refer to in their letter (2.21). For example, with regard to 22 Bishopsgate, the developer used the book value approach which generated a lower figure than the offer made to the Owners. However, the Owners' principal claim is for an injunction to stop the scheme going ahead.
- However, in considering proportionality and the exercise of discretion members should be aware that, while engaging S.203 would, where appropriate result, in the Owners being entitled to statutory compensation for overriding their rights, the measure of compensation could well not match the value that might be negotiated as part of a commercial agreement, as it would be based on loss caused to the owner's property. It would still be open to the owners to reach a negotiated settlement if the Cabinet were to resolve tonight to exercise the Council's power to acquire under section 203.

Paragraph 2.8 likelihood of injunction being issued

- Officers are satisfied that the Club is taking all reasonable steps to deliver the scheme and that the Club will therefore defend any proceedings brought by the Owners. However, it is incorrect to claim that the Council has to establish with any degree of certainty that an actionable right exists before asking an authority to enter into an arrangement to allow s.203 to apply. It is acceptable to engage it where there is this uncertainty. It is reasonable and appropriate for the Club to have made this request to the Council. Most s.203 or s.237 resolutions are made where there are no actual claims. Here there are active proceedings which demonstrate the real risk to the scheme's deliverability. The Owners themselves, in their claim for an injunction, have taken the view that an injunction should be granted.

Paragraph 2.9 negotiations with Network Rail

- Officers are advised that the agreement with Network Rail is predicated on the Council having agreed to use s.203 powers. It is therefore reasonable to conclude that, if the Council resolve to enter into an arrangement to enable s.203 to be relied upon the proposed agreement with Network Rail will become effective.

Paragraph 2.15 continued attempts to negotiate

- There is no contradiction between the Club saying it will continue to seek a negotiated settlement whilst saying that there is no realistic prospect of agreement being reached. It is reasonable for the Council to have reached the view that settlement is not realistic and engagement of S.203 is required to bring certainty to the development programme for the scheme, based on the contact and discussions to date.

Summary:

- There is nothing in the Pinsent Mason's letter that should prevent the Council from taking a decision to engage s.203 on 15 January 2018.
- The Council has obtained advice from Leading Counsel, experienced in rights to light and the s.203 process.
- The steps proposed are proportionate and are deliberately designed to have as little impact on the surrounding residents and businesses as possible.
- The Council is not proposing to do anything out of the ordinary in such circumstances. The Council has had regard to similar schemes. Tottenham Hotspur required the full site to be acquired pursuant to s.237 (s.203's predecessor), with other parts being CPO'd and both Wembley and the Emirates Stadium went further and required a CPO of much more land and interests. All three stadiums adopted approaches which impacted on numerous different people and companies. We have set out a few more recent examples overleaf of other schemes where councils have stepped in to override numerous rights.
- The Council has received an indemnity from Fordstam for its costs in this matter and any litigation arising therefrom but the Council is aware of its duty to exercise its duty in a fair and reasonable manner without reliance on such indemnity.

From: Nicholas E. J. H. Reed-Clarke [mailto:nickrc84@hotmail.com]
Sent: 15 January 2018 14:48
To: Adewumi Kayode: H&F <Kayode.Adewumi@lbhf.gov.uk>
Subject: URGENT/OFFICIAL: CHELSEA FC REDEVELOPMENT / FINLAYSON REPORT

Dear LBHF;

Re Chelsea Football Ground / John Finlayson report / compulsorily acquired land by the council & today's meeting - with thanks

Geographically, Wandon Road SW6 sits right next to the Chelsea Football Ground.

As Chair of the Wandon Road Residents Association SW6, I write to you with regards to the future of Chelsea Football Ground and your LBHF meeting today.

Wandon Road SW6 trust that you will fully take into account LBHF local residents views, encapsulated within this email, as we, Residents and local voters, live right by the Chelsea football ground and have a vested interest in any decisions made by you.

To date we feel you have not listened to our concerns with regard to Chelsea FC redevelopment.

Our Residents Association accepts that LBHF compulsorily acquiring local land should ****only** be done where necessary to allow beneficial regeneration to take place******.

As such, we feel LBHF should negotiate ****better terms**** for LBHF residents from Chelsea FC than you have done already, for you then to be able to reach the level required to justify such a compulsorily purchase.

*******To achieve a high enough bench mark to justify a compulsorily purchase, local residents and LBHF voters ask you further require Chelsea FC to pay for an overland train station stop, situated within Chelsea's grounds, to mitigate the increase of sixty thousands visitors per match.******* Even with the current planned transport and Infrastructure improvements LBHF have already negotiated with Chelsea FC, it ***does not go far enough*** and you do not reach a high enough bench mark to justify a compulsorily purchase via beneficial regeneration reasoning.

Securing a overland train stop on Chelsea FC land would allow you to reach such a bench mark - and allow a compulsorily purchase to go ahead legally unchallenged.

Given a railway track is right by Chelsea FC, and Chelsea FC is at your mercy today to achieve their redevelopment plans, it is only reasonable you ask Chelsea FC to develop an overland train station on site to mitigate the 20,000 extra fans they want visiting the local area - to a total of sixty thousand fans!

If you, LBHF were able to increase funding from Chelsea FC towards local transport networks to mitigate and dissipate match day crowds, and also secure an overland station, we would then support Finlayson's recommendation that the council buys the land (owned by Chelsea and Network Rail) and leases it back to the club so that development can go ahead.

As it stands, the club "will not be able to implement the development or secure any necessary development financing whilst there remains a risk that the existing injunctive proceedings might succeed", the Finlayson report warns.

If LBHF do not secure any more transport and Infrastructure funding from Chelsea FC than you already have to date, our lawyers say you will not have reached a high enough bar to justify a compulsory purchase and Wandon Road will contact the Crosthwaite family in RBKC, to see how we can help with their objections to Chelsea FC development.

Please get a better deal for local LBHF residents affected by match day crowds, by having more ambitious transport Infrastructure spending from Chelsea FC secured, and then and only then would we be able to support any compulsory purchase by LBHF to help Chelsea FC with their development.

Today presents a new opportunity. Please use it wisely for local Residents benefits.

Kind regards and with best wishes;

Nicholas Reed-Clarke

Chair, Wandon Road Residents Association SW6 (Neighbouring Chelsea FC