

Record of operational decision

Decision title:	Decision to extend the standstill agreement with Edgar Street Filling Station Limited, Lincoln Properties and Arrow Wholesale (Midlands) Limited to 28 February 2022 to further extend the limitation period for making such reference to the Upper Tribunal (Lands Chamber) on final compensation claim payments in respect of the Hereford City Centre Transport Package (HCCTP).
Date of decision:	16 November 2021
Decision maker:	Interim Director for Economy and Place
Authority for delegated decision:	<p>Cabinet member decision dated 22nd January 2021: Hereford City centre transport package (HCCTP)</p> <p>That:</p> <p>the director for economy and place in consultation with the section 151 officer is authorised to take all operational decisions necessary to make the remaining city link road land acquisition payments.</p> <p>https://councillors.herefordshire.gov.uk/ieDecisionDetails.aspx?ID=7545</p>
Ward:	Widemarsh
Consultation:	The section 151 officer and legal services have been consulted on the decision. The cabinet member for Infrastructure and Transport has been consulted about this decision.
Decision made:	To agree to an extension of time to the standstill agreement with Edgar Street Filling Station Limited, Lincoln Properties and Arrow Wholesale (Midlands) Limited to 28 February 2022 to further extend the limitation period for making such reference to the Upper Tribunal (Lands Chamber) on final compensation claim payments so both parties' agents and legal advisors can look to resolve outstanding compensation matters before it is referred to the lands tribunal.
Reasons for decision:	<p>A Compulsory Purchase Order (CPO) and Side Roads Order (SRO) were made on the 23 August 2013, to enable the delivery of the Link Road and following a public inquiry on 23 September 2014 both the CPO and SRO were confirmed by the Secretary of State for Communities and the Local Government and the Secretary of State for Transport respectively.</p> <p>This is statutory compensation due under s52 Land Compensation Act 1973.</p> <p>The claimant had already appointed legal representation in preparation to take this matter to the Upper Tribunal if a settlement cannot be reached. The deadline for referrals is the 15 June 2021 (6 years after vesting) in order to protect their claim.</p> <p>On 24th May 2021 the Director for Economy & Place took a decision to extend the amount of time regarding the payment of compensation and referral to the Upper Tribunal (Lands Chamber) in respect of the Hereford City centre transport package from 15 June 2021 to 13 December 2021 to give the council's appointed agents time to try and settle this matter before the claim can be referred to the Upper Tribunal (Lands Chamber). The Council is represented by Lambert Smith Hampton together with Barber Wadlow as a specialist agent in the claimant's property. The claimant's agent and Barber Wadlow have differing views on the Land Value.</p> <p>Following this further specialist legal, planning and forensic accountant support has been commissioned to consider details of the claim and to support</p>

	<p>assessment and valuation. These commissions are detailed in the following Record of Officer Decisions:</p> <p>Record of officer decision (herefordshire.gov.uk)</p> <p>Record of officer decision (herefordshire.gov.uk)</p> <p>Given the complex nature of the claim and the input required from agents and advisors it is necessary that a further extension of the standstill period is agreed which will give sufficient time to confirm points of agreement and to ensure that any reference to the Upper Tribunal (Lands Chamber), should it become necessary, is well informed, correctly framed and focused on any remaining points of dispute.</p> <p>This in turn will help to minimise costs and the use of the Upper Tribunal (Lands Chamber)'s time, in accordance with the protocol.</p> <p>It is proposed to extend the standstill period to the 28 February 2022.</p>
Highlight any associated risks/finance/legal/equality considerations:	<p>Risks</p> <p>If matters cannot be settled during this further extension of time, the matter will be referred to the Upper Tribunal (Lands Chamber). Such preparation costs are likely to be presented as a further claim against the council</p> <p>Financial</p> <p>The budget assigned to land acquisition in November 2015 was £11,023,000. As the scheme progressed, land costs have increased and the Cabinet Member decision in November 2017 increased the HCCTP programme budget to £14,873,000.</p> <p>The decision dated the 22 January 2021 increased the land acquisition budget to £16.25 million. Spend to date on land acquisition is £14,727,806. There is currently provision in the land budget for pre-tribunal fees. This will continue to be monitored to ensure spend within budget.</p> <p>Legal</p> <p>The council's legal service teams and Pinsent Masons are engaged to support this matter.</p> <p>Equality</p> <p>There are no identified equality issues.</p>
Details of any alternative options considered and rejected:	<p>Not to extend the standstill agreement – this is not recommended as further time is needed to ensure that any reference to the Upper Tribunal (Lands Chamber), should it become necessary, is well informed, correctly framed and focused on any remaining points of dispute. This in turn will help to minimise costs and the use of the Upper Tribunal (Land Chamber)'s time, in accordance with the protocol.</p>
Details of any declarations of interest made:	<p>None</p>

Signed..... Date: