

**TO OWNERS, OCCUPIERS, OR ANY PERSONS HAVING AN INTEREST IN THE LAND
DESCRIBED BELOW**

**NOTICE OF CONFIRMATION BY AN ACQUIRING AUTHORITY OF A COMPULSORY PURCHASE
ORDER**

**THE LONDON BOROUGH OF MERTON (HIGH PATH NO.1) COMPULSORY PURCHASE ORDER
2022**

**The Town and Country Planning Act 1990
The Local Government (Miscellaneous Provisions) Act 1976
The Housing and Planning Act 2016
The Acquisition of Land Act 1981**

1. Notice is hereby given that the Secretary of State for Levelling Up, Housing and Communities in exercise of his powers under the above Acts, on 25 March 2024 confirmed with modifications the London Borough of Merton (High Path No.1) Compulsory Purchase Order 2022 submitted by the London Borough of Merton.
2. The order as confirmed provides for the purchase for the purposes of facilitating the carrying out of development, redevelopment or improvement of land which the London Borough of Merton considers will contribute to the achievement of the promotion and/ or improvement of the economic, social or environmental well-being of the London Borough of Merton's area by enabling the delivery of residential-led development including affordable and market dwellings, commercial floorspace, re-provision of recreational spaces, replacement community centre, new public realm and amenity spaces, landscaping, lighting, cycle parking, car parking and associated highway, energy centre and other infrastructure, drainage, servicing and works of the land and the new rights described in Schedule 1 hereto.
3. A copy of the order as confirmed by the Secretary of State for Levelling Up, Housing and Communities and of the map referred to therein have been deposited at Merton Civic Centre, London Road, Morden SM4 5DX and may be seen at all reasonable hours. A redacted copy of the order and map is also available online via: www.merton.gov.uk/compulsory-purchase-orders.
4. The order as confirmed becomes operative on the date on which this notice is first published. A person aggrieved by the order may, by application to the High Court within 6 weeks from that date, challenge its validity under section 23 of the Acquisition of Land Act 1981. The grounds for challenge can be that the authorisation granted by the order is not empowered to be granted or that there has been a failure to comply with any relevant statutory requirement relating to the order.
5. Once the order has become operative, the London Borough of Merton may acquire any of the land described in Schedule 1 hereto by executing a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981. A statement on the effect of Parts 2 and 3 of that Act is set out in Schedule 2 below.
6. Every person who, if a general vesting declaration were executed under section 4 of that Act in respect of the land comprised in the order (other than land in respect of which notice to treat has been given), would be entitled to claim compensation in respect of any such land, is invited

to give information to the London Borough of Merton, to **James McGinlay, Director of Regeneration and Sustainable Development, London Borough of Merton, Civic Centre, London Road, Morden SM4 5DX** about the person's name, address and interest in land, using a prescribed form. The relevant prescribed form is set out in Schedule 3 below.

SCHEDULE 1

LAND AND THE NEW RIGHTS COMPRISED IN THE ORDER AS CONFIRMED

Land and buildings located within the area comprising part of the High Path Estate which is bound by Merton High Street (A238) to the north, Abbey Road to the east, High Path to the south and Morden Road (A219) to the west.

The new rights to be purchased compulsorily over land described above will comprise crane oversailing.

SCHEDULE 2

Power to execute a general vesting declaration

- 1 Once the London Borough of Merton (High Path No.1) Compulsory Purchase Order 2022 has become operative, the London Borough of Merton (hereinafter called the "Acquiring Authority") may acquire any of the land described in Schedule 1 above by executing a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 ("the Act"). This has the effect, subject to paragraphs 3 and 5 below, of vesting the land in the Acquiring Authority at the end of the period mentioned in paragraph 2 below.

Notices concerning general vesting declaration

- 2 As soon as may be after the Acquiring Authority execute a general vesting declaration, they must serve notice of it on every occupier of any of the land specified in the declaration (except land where there is one of the tenancies described in paragraph 4) and on every person who gives them information relating to the land in pursuance of the invitation contained in the confirmation notice of the order. When the service of notices of the general vesting declaration is completed, a period specified in the declaration, of not less than three months, will begin to run. On the first day after the end of this period the land described in the declaration will, subject to what is said in paragraphs 3 and 5, vest in the Acquiring Authority together with the right to enter on the land and take possession of it. Every person on whom the Acquiring Authority could have served a notice to treat in respect of his interest in the land (other than a tenant under one of the tenancies described in paragraph 4) will be entitled to claim compensation for the acquisition of his interest in the land, with interest on the compensation from the vesting date.
- 3 The "vesting date" for any land specified in a declaration will be the first day after the end of the period mentioned in paragraph 2 above, unless a counter-notice is served under Schedule A1 to the Act within that period. In such circumstances, the vesting date for the land which is the subject of the counter-notice will be determined in accordance with Schedule A1.

Modifications with respect to certain tenancies

- 4 In the case of certain tenancies, the position stated above is subject to modifications. The modifications apply where the tenancy is either a "minor tenancy", i.e. a tenancy for a year or a yearly tenancy or a lesser interest, or "a long tenancy which is about to expire". The latter expression means a tenancy granted for an interest greater than a minor tenancy but having on the vesting date a period still to run which is not more than the period specified in the declaration for this purpose (which must be more than a year). In calculating how long a tenancy has still to run, where any option to renew or to terminate it is available to either party, it shall be assumed that the landlord will take every opportunity open to him to terminate the tenancy while the tenant will use every opportunity to retain or renew his interest.
- 5 The modifications are that the Acquiring Authority may not exercise the right of entry referred to in paragraph 2 in respect of land subject to a tenancy described in paragraph 4 unless they first serve notice to treat in respect of the tenancy and then serve every occupier of the land with a notice of their intention to enter and take possession after the period (not less than three months from the service of the notice) specified in the notice. The right of entry

will be exercisable at the end of that period. The vesting of the land will be subject to the tenancy until the end of that period or until the tenancy comes to an end, whichever happens first.

SCHEDULE 3

FORM FOR GIVING INFORMATION

The London Borough of Merton (High Path No.1) Compulsory Purchase Order 2022

To: James McGinlay
Director of Regeneration and Sustainable Development
London Borough of Merton
Civic Centre
London Road
Morden
SM4 5DX

(I) (We) being (a person) (persons) who, if a general vesting declaration were executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 in respect of all the land comprised in the compulsory purchase order cited above in respect of which notice to treat has not been given, would be entitled to claim compensation in respect of (all) (part of) that land, give you the following information, pursuant to the provisions of section 15 of, or paragraph 6 of Schedule 1, to the Acquisition of Land Act 1981.

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

Signed

(on behalf of)

Date

Notes:

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

Dated this 25th day of April 2024

John Scarborough

John Scarborough
Managing Director
South London Legal Partnership