

**PERFORMING ARTS & CONFERENCE CENTRE, RUTLAND STREET,
LEICESTER – LAND INTERESTS AND COMPENSATION CONSEQUENT
UPON APPROPRIATION UNDER S.237 OF THE TOWN & COUNTRY
PLANNING ACT 1990**

Where land is appropriated pursuant to S.237 TCPA 'any easement, liberty, privilege, right or advantage annexed to land and adversely affecting other land, including any natural right of support' is overreached and converted to a right to compensation as prescribed under SS. 237(4).

The Council's site is now registered at H.M. Land Registry under a single Title Number LT333828 and any interests registered against the freehold of the site are set forth in the title, including those relating to the adjoining multi-storey car park. A copy of the original title report relating to the site is attached for ease of reference and, as will be noted, various parts of the site are affected by different potential interests. There will, however, be other interests or claims which are not registered against the title nor identifiable by Land Registry or Land Charges Searches. It is nevertheless essential that notice of the appropriation is given to as wide a group of potential interests as possible. When the appropriation has been made, therefore, upto date Land Registry, Land Charges Registry and Company Searches should be undertaken against the land, individuals and companies which can be readily identified. Notices of the appropriation and details of where any intending claimant should apply must also be posted clearly at the site.

At this time the following potential interests can be identified and need to be notified of the appropriation:-

1. Bishopsgate Parking Limited as registered freehold owner of the Rutland Centre
2. Any mortgagee with a fixed or floating charge or debenture against the company's assets
3. National Car Parks Limited as registered leaseholder of the Rutland Centre
4. Any mortgagee with a fixed or floating charge or debenture against the company's assets
5. Department of Work & Pensions as lessee of a part of the Rutland Centre
6. Any sub-lessee or sub-tenant of DWP
7. Any lessee of other offices at the Rutland Centre
8. The tenant or tenants of the ground floor retail unit or units at the Rutland Centre
9. Martin Owen as registered freehold owner of 78/80 Rutland Street
10. The freehold and leasehold owners of any property adjoining the PACC site which would enjoy a right of support, whether natural or by express grant from the Council's land
11. Any person or body claiming the benefit of the covenants contained in the Conveyance of 15 April 1897 relating to that part of the site coloured brown on the Land Registry Title Plan or any other benefit under that deed

12. Any person or body claiming the benefit of any rights or easements mentioned in a Conveyance of 16 February 1965 relating to that part of the site coloured brown on the Land Registry Title Plan
13. Any person or body claiming the benefit of any rights or easements mentioned in a Conveyance of 3 March 1952 relating to that part of the site coloured mauve on the Land Registry Title Plan
14. Any person or body claiming the benefit of any rights or easements mentioned in a Conveyance of 31 March 1952 relating to that part of the site hatched blue on the Land Registry Title Plan
15. Any person or body claiming the benefit of any rights or easements mentioned in a Conveyance of 11 November 1963 relating to that part of the site coloured blue on the Land Registry Title Plan
16. Any person or body claiming the benefit of any covenants mentioned in a Conveyance of 21 July 1919 relating to that part of the site coloured yellow on the Land Registry Title Plan
17. Any other person or body claiming an interest whether by deed or arising by prescription and the mortgagees, receivers, liquidators or administrators or personal representatives of any person or body claiming an interest under 1-16 above

The above list is not necessarily exhaustive but based upon those records to which Legal Services has access. The site has been managed for many years by Property Services and that Department's records must be consulted to ascertain any additional information or possible interests. A potential difficulty in this case is the unknown amount of unregistered interests, e.g. unregistered leases, which may exist and which may become known only when notice has been served and published.

In order to ensure the widest possible notification, it would be advisable to publish the appropriation in the public notices section of the 'Leicester Mercury' for two consecutive weeks, in much the same way that open space disposals are advertised. Whilst this is not a statutory requirement in the case of an appropriation, it would be good practice in such a high-profile matter.

It should be borne in mind that it is for the person or body claiming compensation to establish their entitlement under the legislation. If the right or covenant in question is not being breached, e.g. pigs are not to be kept or fed on the land, then it is arguable that no compensatable interest arises. The owner of the benefit may, however, claim that his right to bring an action for breach is overreached and that compensation arises in consequence. Once compensation has been paid and accepted in respect of any interest then that interest cannot form a subsequent ground of action.