

Ref: 19433/jr

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12th September 2023

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Care of: Tim Cutter of Avison Young

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Private and confidential

Dear Tim,

**Rights of light progress to date considering the redevelopment of Salisbury Square
Planning reference: 20/00997/FULEIA**

Delva Patman Redler LLP (DPR) have been commissioned to conduct a comprehensive review and assessment of the potential light loss that could arise from the consented Salisbury Square development, particularly concerning its impact on adjacent properties.

Following the identification of 20 potentially impacted properties, DPR has been further instructed to engage with the relevant neighbouring owners with a view to cultivating an amicable resolution in the form of a deed of release and appropriate compensation.

Initial letters went to 21 relevant neighbouring owners on the 17th January 2022. Following which, all owners have since appointed an advisor to act and advise on their behalf. All technical assessments have been updated based on the agreed layouts from the respective internal surveys. These updated technical assessments have since been agreed upon with the respective advisors for each of the properties considered.

Where the updated analysis shows no material loss, a letter has been sent to the neighbour's advisors to confirm that no infringement will occur, and the matter is, therefore, closed. There have been no objections to these letters to date, and none are expected in the future. There were also results that show a likely material reduction in light in the post-development scenario. It was and remains DPR's recommendation to seek a deed of release from the relevant owners of these properties. Subsequently, an offer of compensation and request for a deed of release entered into was made to those owners between October and December 2022.

A small percentage of owners have accepted the compensation offer made, demonstrating the reasonable nature of these. These are in the process of being finalised by way of the deed of release.

However, there are a number of properties where we have not yet concluded matters, and these remain outstanding. Based on comments from the neighbouring owner's surveyors and the lack of any meaningful response to any offers, it is DPR's understanding that there is a desire from neighbouring owners to wait to progress any further discussions until they receive clarity on whether the development site will be appropriated in accordance with Section 203 of the Housing and Planning Act 2016 (s203).

In many instances, it has been communicated that there is an assumption that this will be adopted. Therefore, from the neighbouring owners' perspective, clarity of this is key before their respective advisors assist them in making a decision on the next steps. A single response from a neighbouring owner's representative has been received. It has been clearly communicated that no settlement will be achieved unless a revised offer of at least x33 of the book value is made. This is beyond the scope of what could be considered a reasonable offer, and therefore, DPR has concluded they cannot recommend this is accepted.

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Although it is the intended strategy to continue discussions with the relevant neighbours to reach amicable conclusions, there is a risk that a neighbour may seek an injunction. It is understood that in this worst-case outcome, there is a negative and potentially costly impact on the successful completion of the development. By seeking the protective powers of s203, the development may proceed as planned, allowing for the public benefit to be realised with no undue delay caused by outstanding rights of light discussions. In parallel, the discussions with the relevant neighbours can proceed in a fair and reasonable manner unhindered by time constraints and focusing the discussions on reasonable compensation offers and terms on which any deed of release will be based.

It is hoped this letter provides clarity on the matter to date and DPR's view on the application for S203.

Yours sincerely

Delva Patman Redler

Delva Patman Redler LLP