

PROPOSED REDEVELOPMENT OF THE WHIGIFT CENTRE AND SURROUNDING LAND

SUMMARY OF EVENTS 2013 – 2022

Main abbreviations and parties:

The CPO: The London Borough of Croydon (Whitgift Centre and Surrounding Land bounded by and including parts of Poplar Walk, Wellesley Road, George Street and North End) Compulsory Purchase Order 2014

CLP: Croydon Limited Partnership (current “ultimate parent companies” : Unibail-Rodamco-Westfield (**URW**) and Hammerson UK Properties plc)

WLP: Whitgift Limited Partnership – CLP’s “property owning arm” – holds a long leasehold interest in the Whitgift Centre, subject to a number of sub-leases

ILTA: CPO Indemnity and Land Transfer Agreement between the Council, CLP, WLP and the Sureties which provides for the assembly of land for the redevelopment of the Whitgift Centre and surrounding land and CLP to indemnify the Council. The ILTA has been supplemented as explained below. The sureties are currently: Westfield Corporation Limited and Hammerson UK Properties plc

SoS: Secretary of State

SUO: Stopping up Order

NoE: Notice of Entry

NTT: Notice to Treat

GVD: General Vesting Declaration

WF: Whitgift Foundation – the freehold owner of the majority of the CPO land, most of whose interests were excluded from the CPO

Date	Event
January 2013	The Mayor of London adopted the Croydon Opportunity Area Planning Framework (OAPF) as supplementary planning guidance, indicating that major development was needed to deliver successful regeneration of Croydon’s retail core. The OAPF was adopted by the Council as a supplementary planning document in April 2013.
5 February 2014	Outline planning permission and conservation area consent granted: refs 12/02542/P and 12/12543/CA for a mixed use retail-led scheme, providing for comprehensive redevelopment of the Whitgift Centre and surrounding land. Related s106 agreement entered into.
7 April 2014	Cabinet resolved to make a CPO to assemble the land needed to facilitate the comprehensive redevelopment of the Whitgift Centre and surrounding land and gave authority to enter into contractual arrangements with CLP and related parties in relation to the scheme. Delegated authority was given to specified officers to take all necessary steps to promote the CPO, acquire land and rights by agreement or under the CPO and to complete the contractual arrangements with CLP.

15 April 2014	The Council entered into the ILTA (see above). The CPO was made by the Council and submitted to the SoS.
18 April 2014	First publication of the making of the CPO.
10 November 2014	Judicial review claim brought by the Whitgift Trust in respect of the outline planning permission dismissed by the Court.
24 December 2014	Detailed planning permission granted for a small part of the site (Chapel Walk) 14/02824/P.
28 January 2015	Non-material amendment of outline planning permission 12/02542/P approved.
4 February 2015	Supplemental and novation agreement to ILTA entered into and a related "Access Management and Maintenance Agreement" re land in Dingwall Avenue proposed to be stopped up (proposed frontage to a new John Lewis store).
February – March 2015	Public Inquiry: CPO & SUO (SUO for part of Dingwall Avenue).
25 September 2015	First publication of notice of confirmation of CPO (but "Confirmation Date" in ILTA is specially defined as 23.02.16).
16 February 2016	Statutory challenge to confirmation of the CPO withdrawn by consent WLP completes purchase of long leasehold interests in the Whitgift car park and the Alders car park.
16 December 2016	Dingwall Avenue SUO published (but not implemented).
20 April 2018	Second outline planning permission for larger retail and housing scheme granted ref: 16/05418/OUT and s106 agreement completed.
8 June 2018	Takeover of Westfield Corporation Limited, one of the participants in CLP, by Unibail-Rodamco SE. Unibail-Rodamco-Westfield SE formed (URW).
11 June 2018	Cabinet considered a report regarding CLP's "reasonable prospects of delivery" of the scheme and the implications of the revised planning permission, authorised execution of GVD(s) and service of NTTs (subject to relevant notices being served by CLP under ILTA) and amendment of the ILTA re Second Planning Permission. Cabinet authorised officers to take all necessary steps to implement the CPO and in relation to the Council's obligations under the ILTA.
4 July 2018	Second Supplemental Agreement to ILTA in light of Second Planning Permission and amended timescales. Escrow Agreement entered into on the same date.
18 July 2018	Second Dingwall Avenue and Poplar Walk SUOs published (again not implemented).
17 August 2018	CLP served "Drawdown Notice" and "RFD Notice" under the ILTA requesting service of notices/ execution of GVDs to implement CPO in

	specified ways in respect of individual plots. The RFD Notice confirmed that the Third Party Interests and New Rights proposed by CLP were required for the purposes of the Development (as then envisaged).
17 August 2018	Third Supplemental Agreement to ILTA and “Standstill Agreement” with Marks & Spencer PLC entered into (in connection with CLP’s proposed agreement with M&S).
September 2018	CLP paid estimated CPO compensation into an Escrow Account. 3 GVDs were executed by the Council and Notices of GVDs and NTTs were served (+ NoEs in limited circumstances). The service exercise began on 5 September 2018 and the majority of NTTs were served on 6 September 2018. Service of notice of each of the GVDs was completed on 6, 10 and 12 September 2018.
February 2019	Most of the site vested in LBC pursuant to the 3 GVDs. <u>Exceptions</u> included interests held by: WF WLP M&S – where NTTs served Occupational tenants – mainly in the Whitgift Centre – where NTTs served Possession of the GVD land was taken on the GVD vesting dates: GVD1: 5 February 2019, GVD2: 1 February 2019 (referred to as “the L&G Land”) GVD3: 7 February 2019 – with the exception of the Optima interest in the former Alders Store (see further 16 July 2019 below)
14 February 2019	Evening Standard reports that “Westfield’s £1.4bn Croydon development is ‘under review due to Brexit and structural changes on the high street”
16 July 2019	Possession of the former Alders Building taken pursuant to warrants issued to High Court Enforcement Officers. VP against Optima and concessionaires obtained. Some concessionaires relocated by CLP
12 February 2020	URW publishes 2019 Full Year results stating that Croydon has been removed from its development pipeline
June/July 2020	CLP “Vacant Possession Strategy” for the Whitgift site – CLP considering allowing occupational tenants to remain in situ beyond the life of the NTTs
23 February 2021	“Remedies – Retail Component” provisions in clause 11 of the ILTA came into effect – providing for a 12 month period of discussion about the best option going forward – or failing agreement allowing CLP to dispose of its interests or failing that for CLP to pay for or undertake improvements to North End (£4m indexed) and initiate a programme of asset management initiatives at the Whitgift Centre
20 April 2021	Second Planning Permission lapsed

21 May 2021	NoEs served in respect of 3 new rights plots to enable the separation of property formerly wholly owned by L&G (now part owned by its L&G's successor ReAssure Ltd)
16 August 2021	Cabinet considered a report on Post Covid Vision for the Town Centre
September 2021	Most NTTs lapsed and notice of expiry given
22 February 2022	12 month period for discussion between Council and CLP regarding best option as to how to proceed (under clause 11.1 (a) ILTA) ends without agreement having been reached or CLP having given notice that it intends to dispose of its interests.
Upcoming 21 February 2023	End date for service of notice by the Council requiring CLP to pay for or undertake improvements to North End (£4m indexed) and initiate a programme of asset management initiatives at the Whitgift Centre