

**FIRST CLASS POST / SPECIAL DELIVERY**

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5 December 2016

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**WITHOUT PREJUDICE SAVE AS TO COSTS**  
**SUBJECT TO CONTRACT**

Dear Sir and Madam

**Parking rights at The Martlets shopping Centre, Burgess Hill, West Sussex**

**Your leasehold Title Number: [                 ]**

We are writing to you on behalf of both NewRiver Retail (GP3) Ltd and Mid Sussex District Council, with regard to parking rights that attach to your leasehold property at Church Walk.

As you may be aware, your leasehold title includes reference to a Deed dated 8 February 1982 made between (1) Mid Sussex District Council and (2) USF Nominees Limited (the "Deed") which appears to include the right to park in the positions shown marked red on the enclosed **Plan 1**.

The red parking spaces are situated on land which is owned by the freeholder, Mid Sussex District Council and over which NewRiver Retail (GP3) Ltd has a leasehold interest. The land has also been granted planning consent for the redevelopment of the Martlets shopping centre.

In order to undertake the development of the Martlets shopping centre it would therefore be necessary to relocate these parking spaces. Mid Sussex District Council, as freeholder of the land on which the spaces are located, is offering an alternative parking location in their Cyprus Road carpark, and the proposed location for the spaces is shown on the enclosed **Plan 2** with this letter.

In proposing the relocation of these parking spaces there is also the opportunity to clarify the rights of each of the various leaseholders, which appear to have multiplied since the Deed was first granted in 1982. At that time, the Deed conferred the parking rights upon 93 – 107 Church Walk, which was then a single freehold title. Since then 93 – 107 Church Walk has been subdivided into 6 different freehold titles, and those 6 freehold

titles have been further subdivided into 13 different leasehold titles, and in most cases the 1982 Deed conferring parking rights has been replicated, so that there are now 17 legal interests claiming parking rights over the same area.

Mid Sussex Council is proposing that in recognition of the rights originally granted under the 1982 Deed, the alternative spaces in the Cyprus Road carpark would be transferred by deed, and in perpetuity. Furthermore the Cyprus Road spaces would be allocated specifically by property in order to overcome the random space sharing that currently exists.

Each property would be allocated two parking spaces, to be granted by deed against the registered titles at that address.

In respect of your property at [ ] Church Walk, Burgess Hill, West Sussex [Postcode], the proposal would be to allocate [ ] space to you against the your leasehold title number: [ ], which is registered against the [ ] title for [ ] Church Walk and [ ] space to the other [ ] title [(in respect of the Sub-Lease)] with title number [ ] which is registered against your [freehold/leasehold] title of [ ] Church Walk. [There will be no spaces allocated against the freehold title.]

The relocation of these parking rights is fundamental to the redevelopment of the Martlets Shopping Centre, which is essential to the regeneration of the Burgess Hill town centre. The proposal to relocate the parking rights to Cyprus Road is intended to provide a better alternative than currently exists, as it provides more certainty in terms of space availability, a better quality of defined parking space and potentially an increased value to the registered title.

If in the event, you do not or no longer require the parking space, and would prefer to relinquish the parking right in its entirety, then a surrender payment can be offered to you as an alternative.

It is important to make clear that Mid Sussex District Council, as freeholder of the land, and NewRiver as developer, are keen to agree a relocation that works to everyones benefit, such is the importance of the redevelopment of the Martlets shopping centre to the regeneration of Burgess Hill. An agreed relocation of the parking area between you, Mid Sussex Council and NewRiver is the primary and preferred solution. However, the Council does have the ultimate authority to appropriate the land on which the parking spaces are situated pursuant to Section 237 of the Town and Country Planning Act 1990. If an agreement cannot be reached to relocate to an alternative parking location, the Council can and will exercise their statutory powers to acquire the land to enable the development of the Martlets Shopping Centre to proceed. In this event, you will be entitled to recover statutory compensation for the compulsory acquisition of the land. However, the ability to relocate the parking rights would be lost, and this would not be the preferred outcome as far as Mid Sussex District Council and NewRiver are concerned.

We recommend that you seek independent professional advice when considering the proposal as set out in this letter, and NewRiver are prepared to make a contribution of £1000 towards your initial costs of that professional advice.

We would be grateful if you could respond to this letter as soon as possible with your response to the Council's proposed relocation option, but in any event, and in order to ensure that the proposed redevelopment can progress, a response is required by **no later than the 31<sup>st</sup> January 2017.**

Yours faithfully,

**DWF LLP**

Encs.