

Statement of Evidence

## The Chichester District Council (Access Track Off Crooked Lane, Birdham) Compulsory Purchase Order, 2023

#### Planning Inspectorate Reference: APP/PCU/CPOPF5540/3326950

15 July 2024

Statement of Evidence Access Track off Crooked Lane, Birdham

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**Report title:** Statement of Evidence **Prepared by:** Virginia Blackman **Status:** Final

**Draft date:** 9 July 2024

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# **Introduction**

* 1. My name is Virginia Heloise Blackman. I hold a BSc (Hons) in Rural Enterprise and Land Management. I have been a Member of the Royal Institution of Chartered Surveyors since November 2000 and am a Registered Valuer. I am a Principal and National Head of the Site Assembly and Compulsory Purchase team at Avison Young.
  2. Avison Young is one of the leading property consultants in the UK with offices in London, Birmingham, Bristol, Cardiff, Edinburgh, Glasgow, Dublin, Belfast, Leeds, Newcastle, Liverpool and Manchester. Avison Young currently comprises 1,600 staff with an annual turnover in excess of £150,000,000 in the UK and over 5,500 staff worldwide.
  3. The firm offers a wide range of property advisory services including property and asset management, transactional services, professional and consultancy advice. The Site Assembly and Compulsory Purchase team forms part of the Place division, and is involved in a number of significant development, regeneration and infrastructure schemes using compulsory purchase powers.
  4. Avison Young has advised and is advising a range of clients including local authorities, developers and housing associations on the use of compulsory purchase to assemble their sites for redevelopment. This includes a range of schemes including town centre developments, residential and mixed use schemes. Key projects include; The Landing Maidenhead, High Road West Tottenham, Graham Park Barnet, Calverley Square Tunbridge Wells, West Hendon Barnet, Aylesbury Estate Southwark, Willenhall Walsall, Hartropp & Lannoy Point Hammersmith and Fulham, The Green Southall, Ealing and Exceat Bridge, East Sussex.
  5. I have advised on the promotion of over 40 compulsory purchase orders, the majority of which were under Town and Country Planning Act 1990 powers, which are being used in this case.
  6. Avison Young has been instructed by Chichester District Council (the Acquiring Authority) to provide advice in respect of site assembly including compulsory purchase for the Scheme since 2021.
  7. As a Chartered Surveyor acting as an Expert Witness in a Public Inquiry, I am required to include in my evidence a declaration that my evidence is produced in accordance with the Royal Institution of Chartered Surveyors’ Practice Statement on “Surveyors acting as Expert Witnesses (Fourth Edition) 2014 (Amended February 2023)”. This is included at the end of my evidence.

# **Scope of Evidence**

* 1. In my evidence, I will:
  2. Demonstrate the need for all relevant land and rights within the Order.
  3. Demonstrate that the correct process has been followed, in line with all relevant guidance and legislation.
  4. Demonstrate how reasonable efforts have been made to acquire remaining third-party interests within the Order Land.
  5. Respond to any objections made that relate to the areas covered in my evidence.

# **The Need for the Inclusion of All Land and Interests**

* 1. The need to acquire all of the land included in the Order arises from the Council’s objectives that seek to deliver new affordable and social rented homes on the Crooked Lane Site. On 14th October 2016, the Council granted planning permission (under reference BI/16/01809/FUL) to Martlet Homes Limited. The planning permission supports the provision of 15 affordable dwellings on the Site and associated external works.
  2. In respect of the Order Land, the Planning Permission includes permission for the construction of an access track from Crooked Lane to the north-eastern boundary of the Crooked Lane Site.
  3. The access road will comprise a 4.8 metres wide shared surface and include appropriate traffic calming measures and lighting. The track’s existing bell mouth, where it joins Crooked Lane, will be widened. The works will also include the provision of a new section of footway linking the northern side of the access to a new dropped kerb on both sides of Crooked Lane which will facilitate pedestrian crossing of Crooked Lane at this point.
  4. Appendix I provides an overlay plan, clearly setting out the extent of the Order Land edged blue and the Planning Permission edged red. It can be seen that the boundaries of the Planning permission and the Order Land closely follow each other within the Order Land.
  5. At the western end of the track there are small variations between the two boundaries. These have been checked by the highways engineers acting on behalf of Hyde and they have confirmed that these are not uncommon when the Order map (based on OS data) and the engineering and planning drawings (based on topographical data) are overlaid and will not affect the ability to deliver the new access track within the Order Land.
  6. The plan clearly demonstrates:
     1. All land and interests included within the Order Land are required to deliver the scheme in accordance with planning permission BI/16/01809/FUL.
     2. The Order Land makes provision for sufficient land to support delivery of the access track.

# **The Requirements of Government Guidance and Legislation**

#### Acquisition by Agreement

* 1. In July 2019, the Ministry of Housing, Communities and Local Government (MHCLG) published revised Guidance on the Compulsory Purchase Process and the Crichel Down Rules, (‘the Guidance’) **[CDA.8],** replacing the March 2018 Guidance on the same subject. In preparing and making the Order, the Council and the Developer have ensured that the Guidance has been followed.
  2. The Guidance includes policy advice in respect of attempts to acquire all third-party property and rights included within the Orders by agreement.
  3. Paragraph 17 of the Guidance states that the confirming authority will expect the acquiring authority to demonstrate that they have taken reasonable steps to acquire all of the land and rights included in the Order by agreement. It advises that Acquiring Authorities are expected to provide evidence that meaningful attempts at negotiation have been pursued except where land ownership is unknown or in question.
  4. Paragraph 3 of the Guidance states that when offering compensation in advance of a compulsory purchase order, they should consider the overall costs of the compulsory purchase process. Where land is being acquired by agreement in the shadow of a compulsory purchase order, compensation should be paid as if it has been compulsorily purchased, unless the land is already on offer on the open market.
  5. Paragraph 3 of the Guidance also states that in order to reach early settlements, public sector organisations should make reasonable initial offers and be prepared to engage constructively with claimants about relocation issues and mitigation and accommodation works where relevant.
  6. Section 19, amongst other matters, states that Acquiring Authorities should consider funding landowners’ reasonable costs of negotiation or other costs and expenses likely to be incurred in advance of the process of acquisition.
  7. In section 6 of my evidence, I set out further information on the overall approach and compensation principles underlying the negotiations undertaken, and in section 7, I have provided an update on these negotiations, together with the schedule at Appendix II. I demonstrate how the Guidance has been followed in preparing for and making the Orders.

#### CPO Process

* 1. The required CPO process is set out in Acquisition of Land Act 1981 and best practice guidance is set out in the Guidance.

The Acquisition of Land Act 1981

* 1. Section 11 of the Acquisition of Land Act, 1981, sets out requirements for notices in newspapers and public notices.
  2. The legislation details that the acquiring authority must publish a notice in the prescribed form in one or more local newspapers circulating in the locality in which the land comprised in the order is situated in two successive weeks. The acquiring authority must also publish a notice in the prescribed form on an appropriate website for at least 21 days.
  3. The notice / notices shall:
* state that the order has been made and is about to be submitted for confirmation;
* describe the land and state the purpose for which the land is required;
* name a place within the locality where a copy of the order and of the map referred to therein may be inspected, and;
* specify a website on which those copies may be viewed, and
* specify the time (not being less than twenty-one days from the first publication of the notice) within which, and the manner in which, objections to the order can be made.
* specify the final day for making objections to the order, and the manner in which objections can be made.
  1. In addition, the acquiring authority shall affix a notice in the prescribed form to a conspicuous object or objects on or near the land comprised in the order. The notice must:
* be addressed to persons occupying or having an interest in the land, and
* set out each of the matters mentioned above.
  1. The legislation also sets out requirements on notices to owners, lessees, occupiers and others. The acquiring authority must serve on every qualifying person a notice in the prescribed form. The notice / notices shall:
* state the effect of the order,
* state that it is about to be submitted for confirmation,
* name a place within the locality where a copy of the order and of the map referred to in it may be inspected,
* specify a website on which those copies may be viewed, and
* specify the time (not being less than twenty-one days from service of the notice) within which, and the manner in which, objections to the order can be made.
* specify the final day for making objections to the order, and the manner in which objections can be made.
  1. In section 5 below, I set out further information on the overall approach undertaken to support the making of notices and demonstrate that all guidance and legislation has been followed.

Guidance on the Compulsory Purchase Process and the Crichel Down Rules (2019)

* 1. Stage 3 of the Guidance provides a summary of steps that should be taken by the acquiring authority when preparing and making a compulsory purchase order.
  2. Paragraph 20 indicates that the confirming minister must be satisfied that the statutory procedures have been followed correctly, whether the compulsory purchase order is opposed or not. This means that the confirming department has to check that no one has been or will be substantially prejudiced as a result of:
* a defect in the compulsory purchase order; or
* by a failure to follow the correct procedures, such as the service of additional or amended personal notices.
  1. Paragraph 22 indicates that all qualifying persons must be notified of a compulsory purchase order. Qualifying persons include:
* An owner.
* An occupier.
* A tenant (whatever the period of the tenancy).
* A person to whom the acquiring authority would be required to give notice to treat if it was proceeding under section 5(1) of the Compulsory Purchase Act 1965.
* A person the acquiring authority thinks is likely to be entitled to make a claim for compensation under section 10 of the 1965 act (compensation for injurious affection) if the order is confirmed and the compulsory purchase takes place, so far as he is known to the acquiring authority after making diligent inquiry; this relates mainly, but not exclusively, to easements and restrictive covenants.
  1. Paragraph 22 goes on to state that the acquiring authority is expected to send to each one a copy of the authority’s statement of reasons for making the order. A copy of this statement should also be sent, where appropriate, to any applicant for planning permission in respect of the land. This statement of reasons, although non-statutory, should be as comprehensive as possible.
  2. The Guidance also stipulates that the general public should be notified through newspaper notices and site notices.

# **History and CPO Process**

* 1. As set out in the evidence of Ms Poulter at section 2.5 the Site was purchased by Martlet Homes in April 2013 subject to obtaining a satisfactory planning permission. As part of the usual investigations into title undertaken prior to purchase, Martlett Homes was informed that the access track (the Order Land) was unregistered and that it was not possible to ascertain the legal owner of the track despite investigations of historic and adjoining ownerships. The Site was claimed to enjoy a right of access over the track, but this was not documented and the Land Registry had determined that there was insufficient evidence to register the previous owner of the Site or his predecessor with title to the track. I understand that Mrs Evans has registered a caution against first registration over the land forming the access track.
  2. It is not uncommon for previously undeveloped land to be unregistered, particularly if it has not changed ownership for a long period of time, and it is similarly not unusual for a piece of land with a number of adjoining parcels and owners to have competing claims to ownership or access rights, and a purchaser may well still choose to proceed with a purchase. Having considered all of the information available to them, Martlet Homes decided to progress with the agreement to purchase the site and continue the title investigations.
  3. As per para 2.6 of Ms Poulter’s evidence, Martlet Homes obtained planning permission for development of the Site in November 2013 and in January 2014 ownership of the Site transferred to Martlet. No further documentary evidence had been obtained which clarified ownership or rights over the access track.
  4. Following this, as set out in para 2.8 of Ms Poulter’s evidence, neighbours had blocked Martlet Homes and their contractors from accessing the track by eg installing a locked gate, post and wire/barbed wire fencing etc.
  5. Later in 2014 and early 2015 solicitors acting on behalf of Martlet Homes contacted those adjoining and

access track as well as investigating alternative access routes into the Site (para 2.10 Ms Poulter). Further discussions took place in 2018 with some landowners but no agreement was reached with any adjoining or claimed owners or those with claimed rights in respect of the access track. Further details are set out at section 7 of my evidence.

* 1. Following receipt of the request from Hyde in early 2016 (para 2.11 Ms Poulter’s evidence) the Council commenced consideration of the use of their compulsory purchase powers. The chronology of decision making to progress this is set out at section 5 of the evidence of Mr Bristow.
  2. In April 2019, the Council instructed specialist land referencers at Dalcour Maclaren to undertake a requisition of information and land referencing exercise in respect of the Order Land utilising public sources of information including Land Registry and direct requests for information from landowners. This was updated in 2022 producing a draft CPO Map and Schedule, and further updated and finalised CPO documents produced in early 2023.
  3. As set out at para 1.3 of the Statement of Case, on 2 May 2023, Chichester District Council made the Order.
  4. A notice was served on all qualifying persons by post on 17 May 2023. A notice was placed within the Chichester Observer on 18 and 25 May 2023. Notices were also placed on site.
  5. These notices provided details of the order, the length of the objection period, how to submit an objection, and the circumstances that would need to arise give rise to a public inquiry.
  6. Notices made clear that electronic copies of the order, the order map and the Statement of Reasons were to be provided on request, with an email address provided.
  7. The notices provided contact details for the planning case work unit, with an email address to which objections could be submitted. Following service of notices, an affected party informed the Council that an incorrect email address had been provided on the notices for the submission of any objections.
  8. The Council emailed all affected parties on 1 June 2023 to inform them and provide the correct email address. Further site notices were placed around the area and the objection period was extended to 30 June 2023.
  9. A copy of the order and of the map referred to therein were deposited at the Council's offices at East Pallant House, Chichester, West Sussex, PO19 1TY. Documents were available to view between the hours of 9.30am and 4.00 pm Monday to Friday during the objection period.
  10. An online copy of the order and the accompanying map were made available on the Council’s website at the following link:- [www.chichester.gov.uk/birdhamCPO.](https://protect-us.mimecast.com/s/WsGYCo2X64frnYxjkF1h1FE?domain=chichester.gov.uk)
  11. The Council received electronic copies of 25 objections to the Order via email on 18 September 2023 from the Casework Unit and Avison Young summarised the contents of these objections into a schedule which is attached to the Statement of Case.
  12. Following service of the Statement of Case on all objectors on 6 March 2024 Mr Tony Corkett contacted Avison Young to query why his objection had not been referenced in the summary objection schedule. Avison Young and the Council checked the objections received from the Casework Unit and confirmed that no copy of an objection from Mr Corkett had been received by the Council.
  13. Avison Young requested a copy of the objection from Mr Corkett in order to review his objection and this was received on 7 March 2024. Avison Young forwarded this objection to the Casework Unit to ensure it had been safely received.
  14. Avison Young the reviewed the objection and updated the summary objection schedule, and the objection from Mr Corkett is dealt with in the evidence of Mr Bristow at para 16.47 and below at para 8.9.
  15. I am satisfied that the statutory CPO process set out in legislation (and summarised within section 4 of my evidence) was followed and that all necessary notices and adverts were placed. I am content that the CPO process has been carried out properly and effectively, and that all affected parties have had reasonable time to consider the impact on them or their property, and to make an objection if they chose to do so.

# **Principles and the Framework for Undertaking Negotiations**

* 1. The Statutory Compensation Code (the Code) provides the framework by which compensation is assessed to ensure the right compensation is paid to those affected. The Code is made up of legislation and case law which has developed over the preceding 150 years or so. The Code provides a set of legal principles which ensures a consistent and fair approach is taken to the assessment of losses.
  2. The key overarching principle of the Code is that the claimant should be put in the position they were prior to the acquisition, so far as money can. This involves determining what losses are attributable to the scheme and what would be likely to have happened if the scheme did not go ahead. In summary the Code provides for several different types of compensation:
* Market value of the property or land acquired;
* A statutory loss payment linked to the value of the land or size of the building;
* Any disturbance costs resulting from the acquisition e.g., the reasonable costs of moving home or a business and reinvestment costs for purchasing a new property; and
* Reimbursement of reasonable professional fees.
  1. Statutory compensation therefore constitutes a key aspect of ensuring a fair balance has been struck between the competing interests of the individual and of the community as a whole.

#### Quantum of Compensation

* 1. Whilst the quantum of compensation offered is not a matter for the Inquiry, the Guidance requires substantive attempts to be made to acquire land interests by agreement.
  2. It is not necessary and would not be reasonable to expect the promoter to offer a level of compensation in excess of that provided by the Code. Instead, the Code provides a framework for the assessment of compensation which can also be used to guide negotiations. The negotiations and offers to acquire which have been made to the outstanding interests within the Order Land reflect the statutory compensation payable under compulsory purchase.

# **Undertaking Negotiations**

* 1. Avison Young was instructed to commence negotiations to acquire third party interests required to deliver the scheme in 2021. Prior to our instruction, Martlett Homes had been negotiating to acquire the property interests required, and we have been provided with copies of the correspondence demonstrating these attempts to negotiate.
  2. In autumn 2014, solicitors acting on behalf of Hyde contacted solicitors acting for those landowners with claimed ownership or rights over the access track in an effort to open negotiations to secure the access

track to the Site. An offer to acquire the claimed ownership and rights in the track was made in October 2014 to those landowners whose property adjoined the track, and the offer was on a ‘without prejudice’ basis. In December 2014, the solicitors acting on behalf of Hyde became aware that Copperfields had been sold, and so they sent a copy of the offer to the new owners of Copperfields.

* 1. In May 2015, they resent a copy of the letter to the named new owners of Copperfields, Mr & Mrs Corkett, and the solicitor acting for Mrs Evans and Mr & Mrs Stokes stating that Hyde had reached agreement in principle with another property owner to provide access to the Site, but that their preferred access remained the access track within the Order Land, and so the offer remained open until a deal for the alternative access had been completed. Discussions were also undertaken with Mr Pick. In 2016, Hyde discussed access to the Site to allow works to be carried out with Mr Pick and his agent but no agreement was reached.
  2. In 2018, there were further without prejudice discussions between the solicitor acting for Mrs Evans and the solicitor acting for Hyde, including arrangements for a surveyor named Julian Mann of David Powell Surveys to attend site on 7 January 2019 to peg out Mrs Evans’ boundary.
  3. In 2020 there were further without prejudice discussions between an agent acting for Mrs Evans and solicitors acting for Hyde. No agreement was reached with any of the adjoining landowners following these discussions.
  4. Since 2021, on behalf of the Council, Avison Young has undertaken substantive negotiations to acquire interests by agreement.
  5. My team is currently undertaking negotiations to acquire interests within the Order Land and has agreed Heads of Terms with three (60%) of the affected landowners. As outlined in section 6, these negotiations are guided by the principles of the Code. An overview of negotiations, followed by a summary of engagement with each landowner has been provided below.

#### Overview

* 1. In February 2022 Avison Young wrote to all third-party adjoining owners and reputed owners of land and rights within the Order Land making an offer on behalf of the Council to purchase the land or rights that they held or claimed to hold.
  2. The offers made were based on the compensation to which owners would be entitled were the Council to progress a purchase via compulsory purchase, and included market value, severance and injurious affection (where appropriate) and a contribution towards professional adviser fees. In the case of reputed owners, the offers made were based on market values if good title could be demonstrated. This an effort to reach agreement in advance of the use of compulsory purchase powers and is consistent with the Guidance.
  3. In addition, the offers reflected paragraph 3 of the Guidance, taking into account the overall benefits to the project of reaching agreement on acquisitions in advance of the CPO process.

#### Mr Pick and Mrs Humphries (et al)

* 1. Avison Young received responses from an agent acting on behalf of Mr Pick, and Mrs P Humphries on behalf of herself and 3 other owners of land at the rear of Copperfields. No other responses were received at that time.
  2. Both Mr Pick’s agent and Mrs Humphries expressed willingness to sell their claimed interests if agreement could be reached on price.
  3. On 8 March 2022, Avison Young met the agent acting on behalf of Mr Pick and discussed the purchase by agreement of his interest (if any) in the Order Land. Subsequently Mrs Humphries and her co-owners have instructed the same agent as Mr Pick to act on their behalf.
  4. Heads of Terms have now been agreed with the agent acting on behalf of Mr Pick and Mrs P Humphries et al. The Heads of Terms include the acquisition of any existing ownership or rights and make provision for new rights of access to be granted for the benefit of the adjoining land along the access track following construction.
  5. Heads of Terms have been passed to solicitors and the necessary agreements are being drafted. We expect these to be completed in advance of the Inquiry.

#### Mr Way

* 1. Heads of Terms have now been agreed with Mr Way. The Heads of Terms include the acquisition of any existing ownership or rights and make provision for new rights of access to be granted for the benefit of the adjoining land along the access track following construction.

#### Mr & Mrs Corkett

* 1. In April 2022, Avison Young was contacted by a surveyor who had been instructed by Mr & Mrs Corkett to advise in respect of the February 2022 offer made by Avison Young. He requested an undertaking for professional fees. Avison Young responded to state that the principle of reimbursement of professional fees was accepted by the Council and suggesting a telephone call to discuss.
  2. Shortly afterwards, the surveyor responded to Avison Young that he was no longer instructed and therefore a call would not be required.
  3. Avison Young followed up via email with Mr & Mrs Corkett directly, suggesting a meeting to discuss acquisition of the ownership and rights and claimed ownership and rights held by Mr & Mrs Corkett. Mr and Mrs Corkett confirmed via email in April 2022 that they were not interested in a meeting or discussion of the February 2022 offer made by Avison Young.
  4. Avison Young will confirm to Mr & Mrs Corkett that the Council still wished to discuss an acquisition by agreement and respond to concerns raised in the objection from Mr Corkett (para 8.9 below).

#### Mrs Evans

* 1. Avison Young sent a follow up letter to Mrs Evans in April 2022 suggesting meeting to discuss a purchase by agreement of any ownership and rights or claimed ownership and rights within the Order land. Mrs Evans responded via email in April 2022 to state that she did not wish to meet as she had nothing to discuss with Avison Young. This followed correspondence from Mrs Evans to senior politicians in the Council when she again advised she did not wish to even discuss any offer of purchase by agreement.
  2. Avison Young will confirm to Mrs Evans that the Council still wishes to discuss an acquisition by agreement.

#### Summary

* 1. In accordance with the Guidance, the Council and Avison Young has attempted to acquire the land and rights required by agreement in parallel with all stages of the compulsory purchase process. The Council has now secured Heads of Terms for agreement with 50% of those who have ownership or rights or claim ownership or rights within the Order Land.
  2. The Council remains committed to acquiring all interests by agreement. Discussions with affected

number of interests that need to be acquired compulsorily. I am content that efforts to acquire by agreement meet all requirements set out within the Guidance.

# **Responses to Objections**

* 1. The Secretary of State has received twenty-six objections against the confirmation of the Orders. A summary of objectors has been provided at CDA.10. These include 21 non-statutory and 5 statutory objections. A summary of the key objection themes that fall within the scope of my evidence and the Council’s response is provided below:

#### CPO Process Theme 10 (Objections 10, 15, 16, 18, 23, 24, 25, 26)

* 1. Objectors raised concerns regarding the CPO process.
  2. Following service of notices, an affected party informed the Council that an incorrect email address had been provided on the notices for the submission of any objections.
  3. On behalf of the Council, Avison Young emailed all affected parties on 1 June 2023 to inform them and provide the correct email address. Further site notices were placed around the area on 5 June 2023 and the objection period was extended to 30 June 2023. Copies of the documents were available within the Council's offices at East Pallant House, Chichester, West Sussex, PO19 1TY. In addition, documents were made available online at [www.chichester.gov.uk/birdhamCPO.](http://www.chichester.gov.uk/birdhamCPO)
  4. As set out in para 5.20 above I am content that the CPO process has been carried out properly and effectively, and that all affected parties have had reasonable time to consider the impact on them or their property, and to make an objection if they chose to do so.

#### Not all Land Required is within the Order (Objection 26)

* 1. One objector raised a concern that not all the land required to deliver the access is included within the Order Land.
  2. As set out at para 3.4 above, Appendix I provides an overlay plan, clearly setting out the extent of the Order Land and the Planning Permission red-line area. As detailed within the plan, all land and interests included within the Order Land are necessary to deliver the Scheme in accordance with planning permission BI/16/01809/FUL and all land required to deliver the Scheme is included within the Order Land.

#### Individual Objections

* 1. We also received a number of specific objections that did not fit within the key themes. I consider one of these falls within the scope of my evidence.

#### Mrs L Corkett & Mr T Corkett – Objection 1 and 26

* 1. Mrs & Mr Corkett, the owners of Copperfields, raised a specific concern that access may not be maintained safely during construction and following completion of the works.
  2. On behalf of the Council, Avison Young will confirm to Mrs & Mr Corkett that access will be maintained to their property both during construction and following completion of the works, and that the Council still wishes to discuss an acquisition by agreement. The Council will provide Mrs & Mr Corkett with further information in respect of the works required to the highway adjoining their driveway once the detailed design work is completed.

#### Conclusion

* 1. I have carefully considered the objections received in relation to the Order which fall within the scope of my evidence. Based on my experience of similar compulsory purchase orders elsewhere, I do not consider any of these objections should prevent the confirmation of the Order in respect of the access track off Crooked Lane, Birdham.

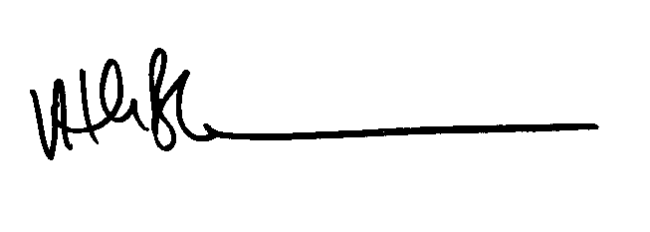
# **Conclusion**

* 1. In conclusion,
* I have demonstrated the need for all relevant land and rights within the Order. I am content that the land included within the Order is sufficient to deliver the consented scheme.
* I have set out the history of attempts to identify documentary proof of the ownership or rights over the Order Land and demonstrated that the correct CPO process has been followed, in line with all relevant guidance and legislation.
* I have demonstrated that reasonable efforts have been made to acquire remaining third-party interests within the Order Land.
* I have set out the Council’s response to objections to the Order where the objection relates to the subject of my evidence. In my opinion, none of the objections submitted outweigh the benefits created by the scheme.

# **Statement of Truth and Declaration**

* 1. I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true.
  2. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.
  3. I confirm that my report has drawn attention to all material facts which are relevant and have affected my professional opinion.
  4. I confirm that I understand and have complied with my duty to the Public Inquiry as an expert witness which overrides any duty to those instructing or paying me, that I have given my evidence impartially and objectively, and that I will continue to comply with that duty as required.
  5. I confirm that I am not instructed under any conditional or other success-based fee arrangement.
  6. I confirm that I have no conflicts of interest.
  7. I confirm that I am aware of and have complied with the requirements of the rules, protocols and directions of the Public Inquiry.
  8. I confirm that my report complies with the requirements of RICS – Royal Institution of Chartered Surveyors, as set down in the RICS practice statement ‘Surveyors acting as Expert Witnesses’.

Signed:



Virginia Blackman BSc (Hons) MRICS Dated: 15 July 2024

Appendix 1

Overlay Plan

Appendix 2

Summary of Negotiations

**Avison Young**

65 Gresham Street, London EC2V 7NQ

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