

Summary 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

**Contents**

1. [Introduction 3](#_TOC_250009)
2. [Scope of Evidence 3](#_TOC_250008)
3. [The Need for the Inclusion of All Land and Interests 4](#_TOC_250007)
4. [The Requirements of Government Guidance and Legislation 5](#_TOC_250006)
5. [History and CPO Process 5](#_TOC_250005)
6. [Principles and the Framework for Undertaking Negotiations 6](#_TOC_250004)
7. [Undertaking Negotiations 6](#_TOC_250003)
8. [Responses to Objections 6](#_TOC_250002)
9. [Conclusion 7](#_TOC_250001)
10. [Statement of Truth and Declaration 8](#_TOC_250000)

### **Appendices**





[Overlay Plan](#_bookmark0)

[Summary of Negotiations](#_bookmark1)

**Report title: Summary** Statement of Evidence

**Prepared by:** Virginia Blackman

**Status:** Final

**Draft date:** 9 July 2024

18 September 2022 Page 2

# **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 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.
	3. 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.
	2. 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.
	3. 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, with particular attention paid to paras 3 and 17 in respect of acquisitions in advance of the Order.

#### 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. I summarise key areas of legislation and guidance, specifically the notice requirements, and confirm that the these have been followed.

# **History and CPO Process**

* 1. I set out the history of the site ownership and attempts to secure documentary evidence of the ownership of the access track, and the decision of the Land Registry that insufficient evidence was available to register ownership of the track.
	2. In January 2014 ownership of the Site transferred to Martlet.
	3. Between 2014 and 2020, solicitors acting on behalf of Hyde and Hyde themselves contacted those adjoining and claimed owners in an attempt to secure the access track as well as investigating alternative access routes into the Site. This continued through 2018 and into 2020.
	4. In 2016, the Council commenced preparation for use of their compulsory purchase powers (section 5 of the evidence of Mr Bristow).
	5. In April 2019, specialist land referencers Dalcour Maclaren undertook a land referencing exercise which was further updated in 2022 and finalised CPO documents produced in early 2023.
	6. On 2 May 2023, Chichester District Council made the Order.
	7. A notice was served on all qualifying persons by post, a notice was placed within the Chichester Observer and notices were also placed on site.
	8. An affected party informed the Council that an incorrect email address had been provided on the notices for the submission of any objections.
	9. 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.
	10. The Council received electronic copies of 25 objections to the Order via email on 18 September 2023 from the Casework Unit and a summary schedule is attached to the Statement of Case.
	11. Following service of the Statement of Case, on 6 March 2024 Mr Tony Corkett contacted Avison Young to query why his objection had not been referenced in the summary objection schedule.
	12. Avison Young received a copy of the objection on 7 March 2024. Avison Young forwarded this objection to the Casework Unit to ensure it had been safely received.
	13. 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.
	14. I am satisfied that the statutory CPO process set out in legislation 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. I set out the basis of compulsory purchase compensation and confirm that the negotiations by Avison Young on behalf of the Council reflect the statutory compensation framework.

# **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, Hyde, Martlett Homes and their solicitors had been negotiating to acquire the property interests required in the time period 2014-2020, and we have been provided with copies of the correspondence demonstrating these attempts to negotiate, which is summarised in my evidence.
	2. No agreement was reached with any of the adjoining landowners following these discussions.
	3. Since 2021, on behalf of the Council, Avison Young has undertaken substantive negotiations to acquire interests by agreement.
	4. 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 (Pick, Humphries et al, Way). I summarise the negotiations in my evidence and confirm that the Council still wishes to acquire the interests of the remaining landowners (Evans & Corkett) by agreement. I set out how the Council will address concerns raised by Mr and Mrs Corkett.
	5. 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. As set out in para 5.20 of my evidence 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 of my evidence, Appendix I provides an overlay plan, clearly setting out that all land and interests included within the Order Land are necessary to deliver the Scheme 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.
	3. 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



Overlay Plan



Summary of Negotiations

**Avison Young**

65 Gresham Street, London EC2V 7NQ

Copyright © 2022. Avison Young. Information contained in this report was obtained from sources deemed reliable and, while thought to be correct, have not been verified. Avison Young does not guarantee the accuracy or completeness of the information presented, nor assumes any responsibility or liability for any errors or omissions therein. All opinions expressed and data provided herein are subject to change without notice. This report cannot be reproduced, in part or in full, in any format, without the prior written consent of