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## Access Track off Crooked Lane Birdham Compulsory Purchase Order 2023

REBUTTAL EVIDENCE 29 July 2024

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Notice Pack

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**Report title:** Rebuttal Evidence **Prepared by:** Virginia Blackman **Contributors:**

**Status:** Final

**Date:** 29 July 2024

###### For and on behalf of Avison Young (UK) Limited

# Introduction

* 1. I have prepared this rebuttal evidence following receipt of evidence from objectors. It should be read in conjunction with my Statement of Evidence and Summary Statement of Evidence.
	2. In my rebuttal evidence I have only dealt with factual information and key matters within the scope of my evidence which I consider would be helpful to bring to the attention of the Inquiry.
	3. Where I have not dealt with matters raised by objectors in evidence, this is not an indication of agreement with those matters.

# Evidence of Mr Corkett.

 Access to Copperfields

* 1. At section 12 of his June 2023 objection Mr Corkett raised a concern over the impact of the works on the driveway entrance to Copperfields, and further on that page, at para d) under the subheading ‘Lack of Information’ he stated that there is no view from Copperfields driveway along the track and so exiting Copperfields will be dangerous.
	2. At paragraph 9.13 of his Statement of Case **(CD F.6)** Mr Corkett raises concerns about the safety of the access from Copperfields onto Crooked Lane and at para 10.5 raises concerns about the ability of Hyde and the Council to provide access to Copperfields during construction. He confirmsthat he requires 24hr access to his property.
	3. In a letter dated 29 July 2024 I confirmed to Mr Corkett on behalf of the Council that access will be retained to his property following completion of these works once the new affordable homes are occupied. I also confirmed that access will be maintained during the construction period as far as is reasonably possible, but there may be short periods of time when access could be disrupted. Once the detailed design works have been carried out and construction methodology has been finalised, I confirmed that the project team would discuss this directly with Mr Corkett to minimise the impact of any short periods of access disruption.
	4. In my letter I also directed Mr Corkett to condition 18 of the 2013 planning permission which requires a visibility splay to be completed prior to the use of the access track which will increase the safety of the access to both Copperfields and the new affordable homes.
	5. Service of Notices – Plot 2
	6. In Mr Corkett’s email of 15 July 2024 **(CD F.6)** to Mr N Bennett of Chichester District Council he raised concerns over whether notices have been served correctly in respect of Plot 2 of the Order. I have set out the Council’s CPO process in section 5 of my evidence.
	7. At para 5.9 I of my evidence I confirm that notices were served by post on all affected parties on 17 May 2023. I attach a copy of the notice pack which was sent to Mr Corkett at **Appendix 1** to this rebuttal, and it can be seen that it includes a copy of a Form 8 notice, the CPO Map and Schedule, which identify Plot 2 and identifies within the Schedule Mr Corkett’s interest in that plot.
	8. I confirmed this to Mr Corkett in my letter of 29 July 2024 and in that letter confirmed that I am not aware of any other notice which the Council should have served on Mr Corkett in respect of plot 2, and do not consider there has been any procedural issue in respect of plot 2 or any other part of the Order.
	9. I set out at section 3 of my evidence and in the plan at Appendix 1 why all of the land within the Order is required, and explain at para 3.5 why there are small variations between the two boundaries of the planning permission and the Order.
	10. In my opinion there is no requirement for separate justification for the inclusion of plot 2 within the Order or a separate Order in relation to this plot. I confirmed to Mr Corkett that I do not consider that plot 2 should be removed from the Order, and remain convinced that plot 2 is required in order to deliver the access track, providing safe access onto Crooked Lane.
	11. Service of notices – planning application
	12. In his email to Mr Bennett of Chichester District Council dated 15 July 2024, Mr Corkett raises concerns over whether plot 2 has planning permission and whether notices were correctly served in respect of the planning application for Plot 2. Plot 2 is within the planning permission for the scheme.
	13. I understand that Mr & Mrs Corkett bought Copperfields in November or December 2014. The former owners of the property, Mr & Mrs Buckley, objected to the 2013 planning application in October 2013, (Appendix 9 to Mr Corkett’s Statement of Evidence) and so I am surprised that this was not mentioned by them or their solicitors or identified by Mr & Mrs Corkett’s solicitors in the process of conveying the property to them.
	14. At **Appendix 2** of this rebuttal I attach a copy of a letter sent by solicitors acting on behalf of Hyde to Mr & Mrs Buckley on 28 October 2014, providing a update on the scheme and making an offer to purchase any land or rights held by Mr & Mrs Buckley in the access track. In December 2014, following Mr & Mrs Corkett’s purchase of the property, DACB wrote to the new owners of Copperfields, enclosing a copy of the letter of 28 October 2014, and asking them to contact DACB to discuss the matter. This is attached at **Appendix 3** to this rebuttal.
	15. From the evidence of the attached documents, it appears that the former owners of Copperfields were aware of the planning application for the Scheme including the use of the access adjacent to Copperfields, and it is unlikely that Mr & Mrs Corkett were unaware of the planning permission in place adjacent to the property when they bought Copperfields.

# 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: 29 July 2024



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