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**London Borough of Barnet**  
**(West Hendon Regeneration Area) Compulsory**  
**Purchase Order No 1 2014**  
**Proof of Evidence**

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GVA Grimley Limited

19/12/14

**PLANNING INSPECTORATE REF: [APP/NPCU/CPO/N5090/74016]**

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## 1. Introduction

- 1.1 My name is Virginia Heloise Blackman. I hold a BSc(Hons) Rural Estate 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 Director and Head of the Compulsory Purchase team at GVA.
- 1.2 GVA, a Bilfinger Real Estate Company, 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. GVA currently comprises 700 fee earning staff with an annual turnover in excess of £125,000,000.
- 1.3 The firm offers a wide range of property advisory services including property and asset management, transactional services, professional and consultancy advice. The compulsory purchase team forms part of the Planning, Development & Regeneration Division, and is involved in a number of significant development, regeneration and infrastructure schemes using compulsory purchase powers.
- 1.4 I have advised and am currently advising acquiring authorities and developers involved in a number of mixed use and town centre developments including Olympic Park, Stratford, Northern Quarter Portsmouth, Chester Northgate, Highcross Leicester, Liverpool One, Warrington Golden Square, The Landing Maidenhead, Kingston town centre, Brentford Football Club and Southall Gateway. My team is currently advising acquiring authorities and developers on housing led projects across London, including West Hendon, which will deliver over 10,500 houses.
- 1.5 GVA has been instructed by Barratt Metropolitan Limited Liability Partnership (the Developer) to provide advice in respect of site assembly including compulsory purchase for the Scheme. My evidence, however, is given on behalf of the Council and the Developer.
- 1.6 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". This is included at the end of my evidence.

## 2. Scope of Evidence

2.1 In my evidence I will:-

- Describe the Open Space within the Order Land and how the impact of the Order on the Open Space has been minimised
- Justify the acquisition of the Open Space and rights over the Open Space with reference to the statutory provisions
- Describe the Statutory Undertakers' land and interests within the Order, and how the impact of the Order on their Statutory Undertaking has been minimised
- Demonstrate the need for all relevant land and rights within the Order
- Respond to Objections to the Order where their objection relates to the subject of my evidence.

### 3. Open Space

3.1 In making the Order, the Council has included land and rights over land which is identified as Open Space. I therefore set out below the background and context to this, describe the land affected, and confirm how the impact on the open space of the acquisition of this land and rights is minimised and mitigated.

#### Context

3.2 The existing vehicular bridge at Cool Oak Lane lies to the south of the main Order Land and land adjoining it is included within the Order in order to deliver a new pedestrian and cycle crossing. The bridge itself is not included in the Order.

3.3 The bridge was built in 1835 (at the point of the damming of the River Brent) of brown brick laid in English bond. The bridge was listed (Grade II) on 16 August 2000.

3.4 At present the bridge allows for both vehicular and pedestrian crossing. However, in order to facilitate this, both users have to share the same narrow carriageway with bridge crossing controlled by traffic signals, which is far from ideal.

3.5 The Scheme includes a new additional pedestrian and cycle bridge (secured through a planning obligation in the Section 106 agreement (**CDB.36 page 57**), the design of which will be approved as part of a future application once the design is complete.) A new pedestrian / cycle bridge at this location will enhance the wider connectivity of the new development and its locality. It will also provide greater access to the Woodfield Park Sports Ground and the Welsh Harp open space.

3.6 The new pedestrian and cycle bridge will not directly abut the listed bridge and the existing listed bridge will remain in situ. The Order Land includes land to be acquired for the construction of landing strips for the new bridge as well as the creation of new rights over land required to facilitate the construction, maintenance and public use of the enhanced pedestrian / cycle crossing.

3.7 Including land and new rights over land immediately adjacent to the existing bridge within the Order Land is necessary in order to ensure the delivery of improved

pedestrian and cycle access for the scheme and the wider West Hendon regeneration.

## Open space affected

- 3.8 The Council considers that part of the land to the north west of the existing bridge which is required for the construction and maintenance of the new bridge is public open space within the meaning of section 19 of the 1981 Act. The land is predominantly grass covered and the current use of the land is as public amenity land and bank of the reservoir. A footpath runs across part of plots 42 and 43A, and the land is unfenced and used by the public for informal recreation. The photos at Appendix 2, page 15 of **CDA.09** show these plots.
- 3.9 For this reason the Council considers plot numbers 41A, 41B, 42, 43 and 43A constitute special category land.
- 3.10 The Council considers that Order Lands north east of the existing bridge (i.e. plot numbers 38, 38A, 39, 40, 40A, 41 and 44), do not constitute public open space within the meaning of section 19 of the 1981 Act for the following reasons:
- Plots 38, 38A, 39, 40, 40A, and 44 form part of the eastern boundary of the reservoir to the north of Cool Oak Lane, and are currently used as a Barratt sales office. This land has not historically been publicly accessible as Open Space, being previously used as a youth sailing base. The freeholder, now Canals & River Trust, (CRT) granted a lease to the Council on 26 October 1971 and at clause 3(6) of that lease the Council covenanted to “use that part of the demised premises situate on the north side of Cool Oak Lane [i.e. that part which includes plot 40] only as and for a Sailing Base for the training of young people by Youth Organisations ...”. The Council confirms that the aforementioned plots were exclusively occupied as a youth sailing base.
  - Since 2011 these plots have formed part of the land occupied for the Barratts sales information suite. This land has been fenced and is inaccessible to the public at large (see views 1-3 of Appendix 5 attached to letter of 8th September 2014 – **CDA.09 pages 21-22.**)
  - Plot 41 forms part of the Welsh Harp Reservoir. The reservoir is owned by the Canal and River Trust (CRT) who are the statutory successor to a part of the functions of

the British Waterways Board. CRT remain a Statutory Undertaker and holds the reservoir as part of its undertaking, functioning as a means of providing a consistent supply of water to the canal network. Accordingly the Council considers the reservoir does not constitute Open Space, instead forming part of CRT's statutory undertaking.

- Land falling within plot 44 is inaccessible to the public at large and in any event use of the land falling within this plot has always required the permission of the freeholder (under lease or licence)

3.11 In submitting the Order to the Secretary of State to confirm the Council also submitted an application ("The Certificate Application") in respect of the acquisition of land and new rights forming part of the open space. The area of Open Space subject to the Certificate Application falls within a larger area of open space. The whole extends to approximately 72 hectares and is indicated by yellow colouring on the plan at **CDA.09, page 5**.

3.12 As can be seen, the wider area of Open Space surrounds the western foreshore of the Welsh Harp Reservoir and extends to include Woodfield Park, West Hendon Playing Fields and Silver Jubilee Park. The open space is believed to be owned by a number of parties including London Borough of Barnet, London Borough of Brent and The Canal and River Trust. The entire area of Open Space is situated in the Boroughs of Barnet and Brent although the acquisition land falls entirely within Barnet.

3.13 The wider area of open space is severed by Cool Oak Lane. This is public highway and therefore not Open Space. The land adjoining the acquired land to the north of Cool Oak Lane extends to 45 hectares whilst the Open Space at the southern side of Cool Oak Lane extends to 27 hectares.

3.14 The remainder of the area of open space will remain unaffected and accessible by the public throughout construction and following completion of construction.

### Freehold acquisition of open space

3.15 Plot number 42 as shown coloured pink on the Order Map and in which all existing interests are to be acquired, equates to less than 250 square yards in extent; therefore the Secretary of State was requested to certify, in accordance with section 19(1)(b) 1981 Act, that the giving of exchange land is unnecessary.

- 3.16 On 8 October 2014, the Secretary of State notified the Council of its intention to issue the certificate in accordance with the relevant provisions (**CDA.23 page 1**). The Council gave notification of this on 23 and 30 October 2014 via site notice (**CDA.24 pages 3-5**) and newspaper advert (**CDA.25 pages 1-2**) and service of notice on CRT (**CDA.25 pages 1-5**).
- 3.17 The Council has reached agreement in principle with CRT on the acquisition of the land and rights required for the bridge, and further details are set out in the evidence of Mr Watling at page 16, para 4.7.40 & 41.

### Rights required over open space

- 3.18 In relation to the land constituting public open space over which rights only are to be acquired for the new bridge (plot numbers 41A, 41B, 43 and 43A) shown coloured blue on the Order Map, the Council considers that Schedule 3 paragraph 6 of the 1981 Act applies. (**CDE.03, page 1**) Therefore the Secretary of State is asked to certify, in accordance with paragraph 6(1)(a), that the land, when burdened with the proposed rights, will be no less advantageous to the landowner and the public.

### The need for the rights

- 3.19 As is set out above, Cool Oak Lane forms a key link between the West Hendon regeneration area and the large area of open space to the west of the Welsh Harp reservoir, and the current bridge creates an impediment to the better use of the open space.
- 3.20 Creating better linkages between the two is fundamental to achieving more sustainable patterns of movement, improving the wellbeing of the area and encouraging greater use of the open space.

### Impact of the acquisition and rights on the open space

- 3.21 In carefully considering the land and rights required to deliver the Scheme, the Council is satisfied that they have minimised the amount of land to be acquired, and that the rights set out in the schedule to the Order are sufficient rather than acquisition of all land.



- 3.22 The Council considers that the proposed acquisition of land and rights to enable construction of the bridge causes minimal detriment to both the landowner and the public. They consider that this minimal detriment is significantly outweighed by the wide ranging benefits of providing greater accessibility to the open space.

### Impact during construction

- 3.23 The Council and the Developer confirm that the impact on both landowner and the public during construction will be minimised.
- 3.24 The Developer has confirmed (in Mr Calladine's evidence at page 16, para 6.7) that the construction period for the bridge is not expected to exceed 9 months. Construction is presently programmed to coincide with phase 3C of the Scheme and it is therefore likely that construction will commence in late 2018.
- 3.25 The construction methodology will depend upon by the design and any reasonable requirements of the Environment Agency and CRT. Within the 2013 Permission, detailed design and resultant construction methodology are required as part of the reserved matters planning application for each phase. These details were approved for phase 3a, currently in construction on site, have been set out in respect of phase 3b & 3c in the reserved application submitted 15 December 2014, and will be set out in the application relating to reserved matters for the bridge. The methodology will also ensure the impacts on the Open Space and the adjoining landowner are minimised.
- 3.26 For health, safety and environmental reasons it will be necessary to exclude people from a limited area of open space whilst construction is undertaken. This means that the public will temporarily be deprived of the use of 497 square metres of open space identified as plots 41A, 41B, 42, 43 and 43A in the Order Schedule. The temporary exclusion will not prohibit the access or use of the remaining 72 hectares of open space.
- 3.27 Plot 42 also includes part of a foot/cycleway, the route of which is indicated by the yellow dotted line on the photograph at appendix 3 of **CDA.09, page 16**. This path is not on the Definitive Plan and the Council considers it is a permissive path. The path forms an access route to the adjoining extent of open space from Cool Oak Lane. This path or a suitable alternative route will remain open during the construction period so that the public have continued use of the route.

### Impact following construction

- 3.28 Once construction of the bridge is complete the plots of open space acquired and subject to the new rights will once again be accessible to the public (with the limited exception of the constructed bridge abutment). The new bridge will provide increased access to the wider open space to the west of Cool Oak Bridge, both north and south of Cool Oak Lane. If the whole of plot 42 is not required permanently for the purpose of the bridge abutment, the Council confirms the remaining land will be offered back to the landowner, and would remain available for use as open space.
- 3.29 Once the bridge is complete the route over the bridge will intersect with and link to the existing permissive path through the open space and the footway adjoining Cool Oak Lane creating better access to the open space.
- 3.30 The Council therefore considers that the impact of the acquisition post construction will be minimal, and will not materially affect use and enjoyment of the open space.

## 4. Statutory Undertaker's land

### Impact on the Statutory Undertaking of Canal and River Trust

- 4.1 The Canal and River Trust (CRT) are the freehold proprietors of plot numbers 38 to 43A inclusive.
- 4.2 The statutory powers and duties underpinning CRT's management of waterways in England and Wales were transferred to it from the British Waterways Board on 2nd July 2012, under The British Waterways Board (Transfer of Functions) Order 2012 ("the Transfer Order").
- 4.3 The Brent Reservoir (also known as the Welsh Harp) over which the new pedestrian / cycle bridge is to be constructed, feeds the Paddington Arm of the Grand Union Canal and the Council therefore considers that the management of these waters (plots 41, 41A & 41B) is likely to fall within CRT's statutory functions
- 4.4 The bridge will be constructed and maintained by the Developer. It will be constructed to an adoptable standard to allow it to be dedicated as public foot and cycleway in the future if appropriate. The Section 106 Agreement (**CDB.36 page 57**) entered into between the Council and the Developer includes an option for both the surface and structure to ultimately be vested in the Council in its capacity as Highway Authority. CRT will have no liability for on-going maintenance of the bridge.
- 4.5 The bridge will have a design life of 125 years and will be constructed so that future maintenance requirements are minimised.
- 4.6 The bridge will be constructed to a width suitable for both pedestrians and cycles to pass and will accord with published guidance on the design of paths, bridges and highways.
- 4.7 Access will be maintained to the reservoir both during and post construction of the bridge to allow CRT to carry out its statutory functions.
- 4.8 The Council considers that the new rights acquired (and subsequent bridge construction) will not adversely affect CRT's statutory function, either during construction or following completion of the bridge.

- 4.9 The Council is satisfied that the acquisition of new rights over land required for the construction and maintenance of the new pedestrian / cycle bridge at Cool Oak Lane can be undertaken without material detriment to CRT's Undertaking.
- 4.10 During their assessment of the Certificate Application process, DCLG raised concerns over CRT's ability to maintain the existing bridge due to the limited headroom shown between the proposed bridge and land at plot 43 on the indicative design. The proposed bridge is to be constructed 3 metres away from the existing bridge which is considered to provide the landowner with sufficient access to carry out any future maintenance on the existing bridge.
- 4.11 The proposed bridge will be constructed so that there is no less headroom over the water than beneath the existing listed Cool Oak Bridge.
- 4.12 It will be possible for CRT to maintain the land at plot 43 from either side of the proposed bridge or from the water beneath the bridge.
- 4.13 As set out in the Council's response to DCLG queries at **CDA.09 Page 26 -27**, the Council and the Developer have carefully balanced the need for sufficient headroom and space for maintenance requirements and mitigating the impact of the proposed bridge on the existing listed bridge and the open space.

## Impact on the Statutory Undertaking of Eastern Power Networks

- 4.14 Eastern Power Networks are the leasehold proprietor of part of plot number 14, forming an electricity sub-station, and is the owner of all associated infrastructure. The electrical sub-station and associated infrastructure will be acquired and removed to deliver the scheme. As part of the overall design and construction phasing for the Scheme, a new electricity sub-station will be provided to provide electrical power to the Scheme.
- 4.15 The Council and the Developer confirm that a new sub-station and required connections will be provided to Eastern Power Networks before the existing sub-station is acquired and decommissioned, thereby providing continuity of supply.

- 4.16 The Developer has been in negotiation with Eastern Power Networks since April 2014 and both the Council and BM LLP have agreed to enter into an undertaking with Eastern Power Networks to resolve their objection. The Council and Developer therefore do not consider that the acquisition of the land will have an adverse material impact on the statutory undertaking of Eastern Power Networks.
- 4.17 The Council and the Developer expect the undertaking to be signed shortly and the objection to be removed prior to the Public Inquiry.

## 5. The need for the inclusion of all of the land & interests

- 5.1 The need for the Order Land arises from the Council's objectives and policies that seek the comprehensive redevelopment of the area known as West Hendon Estate and West Hendon Broadway. The detail of such policies and objectives are dealt with by Mr Wyld in his proof of evidence at section 4, page 8 onwards. The Order Land and new rights identified are required to secure the delivery of the Scheme.
- 5.2 As part of the process to deliver the Scheme the Developer submitted a hybrid planning application in March 2013. The Scheme is described in the evidence of Mr Heyns. Planning Permission (**CD 37**) was granted on 20 November 2013 following the completion of a Section 106 Agreement, (**CD 36**).
- 5.3 The Council and the Developer own the freehold interest in a significant part of the Order Land. Currently I estimate this to represent approximately 85% of the Order Land. I include a plan at **Appendix 1** which shows the Council's freehold ownership shaded blue with freehold and leasehold interests in land owned by the developer shaded yellow and hatched green.
- 5.4 However, there are a significant number of third party interests identified in the Order Schedule (over 100 third parties who own a freehold or leasehold interest as well as tenants and occupiers). The Council has identified a further seven other interests in respect of which the acquisition of new rights is sought in order to facilitate the Scheme, and six plots within the Order contain unknown interests. In the light of the number of interests required I believe that it is unlikely that the Developer or the Council will be able to acquire all the necessary interests by agreement, within a reasonable timescale, without the exercise of compulsory purchase powers.
- 5.5 The extent of the land and new rights required for the Scheme has been a product of careful consideration by the Council, the Developer and both parties' professional teams. There has been a process of refining the extent of the land and rights necessary which has included a series of meetings and site visits to ensure that only such land and rights as are necessary for the delivery of the Scheme have been included in the Order.

- 5.6 I have illustrated the need for all the Order Land and new rights by a plan in **Appendix 2**. This shows the 2013 permission boundary (edged red), the Phase 3 boundary edged orange, and the Order Land shaded blue. It illustrates that in order for phase 3 of the Scheme to be delivered as permitted in the 2013 permission, all interests and new rights identified in the Order are required to facilitate its implementation. Accordingly confirmation of this Order is necessary to ensure that the Scheme can be delivered. Other witnesses will also demonstrate the need for the Order Land and rights in the context of planning policy, Scheme design and highways requirements.
- 5.7 An 'envelope' in which to deliver the new Cool Oak Lane Bridge was included in the outline element of the 2013 Permission. The Developer is currently preparing detailed designs for the new bridge, and reserved matters approval or detailed planning permission will be sought once the design is finalised. Due to the various constraints on this, including the listed existing bridge, the Welsh Harp SSSI and the statutory undertaker's land, it is possible that a small part of the new bridge will lie outside the bridge 'envelope' included in the 2013 Permission. However, since the 2013 Permission approves the principle of constructing a new bridge adjacent to and on the north side of the existing bridge, even if application has to be made for detailed planning permission I do not envisage that this is likely to constitute an impediment to the delivery of the bridge.
- 5.8 The Council also consider that the public interest that is to be served by the Scheme and the wider social, environmental and economic benefits to be realised as a result of the regeneration proposals outweigh the necessary interference with the human rights of those with interests in and rights over the Order Land. This is considered in further detail in the evidence of Mr Cowie, at para 7.10, page 10.
- 5.9 In conclusion, the Council has considered carefully the exercise of its compulsory purchase powers and has determined that this is necessary and justifiable in the public interest to enable the Scheme to be delivered as a comprehensive whole and in accordance with their policies and aspirations. I endorse this view. In my experience the assembly of large sites within existing residential areas where there are many and complex ownerships can only be resolved satisfactorily by the use of compulsory purchase powers.

5.10 The Council therefore, believes that a fair and proportionate balance has been struck between the interests of those whose rights will be affected and the community as a whole.



## 6. Responses to objections

- 6.1 The Council made the Order on 17 June 2014, it was submitted to the Secretary of State on 4 July 2014, and following notification of all parties within Tables 1&2 of the Order, the objection period closed on 18 July 2014.
- 6.2 95 Objections were received. These objections are summarised at **CDD.05** The Council considers that 79 of these objectors are within the Order and are therefore Remaining Objectors whilst 16 are not within the Order and are considered Non-Remaining Objectors. This is also identified within **CDD.05**.
- 6.3 The Council and the Developer have sought to ensure that any concerns raised or queries made within objections were addressed. They therefore entered into correspondence and discussions with all objectors, and the summary of these efforts and the Council's latest position is within **CDD.05** This schedule also sets out which Council witness deals with each point of objection raised.
- 6.4 A number of objections received raised similar issues, and so for convenience, the objections have been grouped by theme in **CDD.06**
- 6.5 The latest draft of the schedule at **CDD.05** was provided to the Inspector at the Pre-Inquiry Meeting and further updated versions will be provided on both the first and last days of the Inquiry.
- 6.6 I have set out below a bullet point summary of the issues raised in objections made to the Order that I have addressed in this proof:
- the inclusion of open space within the Order and the impact of this inclusion,
  - the inclusion of statutory undertaker's land within the Order and the impact of this inclusion,
  - the assertion that an objector's particular property interest is not required for the Scheme,
  - general and non- specific objections,
- 6.7 I have dealt with each of the specific points made by the individual objectors that relate to the issues identified above. Other points made by the same objector that do not fall within the context of the issues outlined above have been dealt with by other Council witnesses as set out in **CDD.06**.

**i) Open Space (Objection Theme 42)**

6.8 The following objector has submitted an objection in relation to the impact of the Order on Open Space.

Objector Number	Plot	Objector	Remaining/ Non-Remaining
6	41A, 41B, 42, 43, 43A	Canal & River Trust	Remaining

6.9 **Response:-** As set out in para 11.9 at page 51 of the Statement of Case and para 3.15, page 7 of my evidence, the Council confirms that the open space acquired is less than 250 sq yards, and the Secretary of State is requested to certify under s.19 & 28 Acquisition of Land Act 1981 that the giving of exchange land is unnecessary. On 8 October 2014, the Secretary of State notified the Council of its intention to issue the certificate in accordance with the provisions. The Council gave notification of this on 23 and 30 October 2014 via site notice and newspaper advert (**CDA.23 & CDA.24**).

6.10 As explained above at pages 8-10, paras 3.21-3.30 the Council is satisfied that following the acquisition of land and rights required, the open space will be no less advantageous to either the owner of the land or the public using the open space.

**ii) Statutory Undertaker (Objection Themes 30 & 40)**

6.11 The following objectors have submitted objections in relation to the impact on their statutory undertaking.

Objector Number	Plot	Objector	Remaining/ Non-Remaining
3	14	Eastern Power Networks	Remaining
6	38, 38A, 39, 40, 40a, 41, 41A, 41B, 42, 43, 43A & 44	Canals & River Trust	Remaining

6.12 **Response:-** Agreement in principle has been reached with Eastern Power Networks in relation to their property interest and equipment, and we expect the documentation to be completed shortly.

6.13 The Council considers that only plot 41, 41A & 41B form part of Canal & River Trust's statutory undertaking. Further details are set out at page 11, para 4.3 of my evidence. As set out at page 11, para 4.8-4.9 the Council considers the rights required over this and the surrounding plots will not materially affect CRT's statutory undertaking.

**iii) Property not required (Objection Theme 1)**

6.14 The following objectors have submitted objections stating that their property along West Hendon Broadway is not required to deliver the Scheme.

<b>Objector Number</b>	<b>Plot</b>	<b>Objector</b>	<b>Remaining/ Non-Remaining</b>
1	33	A Keller & Sons	Remaining
5	27	Mr B Gordhanbhai Patel, Mrs V Babubhai Patel, Mr B Patel, Mr H Patel	Remaining

6.15 **Response:-** The land and the new rights within the Order have been included in the Order Schedule following careful consideration by Council and the Developer. Properties along The Broadway are required to provide visual and physical connections between the town centre and the new development. The acquisition of properties fronting The Broadway will also provide a pedestrian corridor on a key route accessing Hendon railway station. The Council and Developer are satisfied that all land and rights included within the Order are necessary to deliver the Scheme.

6.16 The majority of the properties fronting The Broadway will not be physically affected with selective demolition taking place as necessary in order to create links between the Scheme and the adjoining area. This approach allows the majority of the Broadway to regenerate naturally. The commercial space will evolve in response to improved commercial conditions creating a more integrated and successful Broadway. Consequently the extent of the proposed acquisition provides a proportionate balance between the need to link the areas and encourage wider

regeneration, whilst allowing much of the Broadway to regenerate through the market as a consequence of the wider benefits resulting from the Scheme.

**iv) The acquisition of Broadway properties will bring no benefits (Objection Theme 5)**

6.17 The following objectors have submitted objections stating that the acquisition of properties on the Broadway will result in the loss of residential dwellings (which are in good condition) and commercial premises dispossessing the relevant occupiers and no additional housing will be provided.

Objector Number	Plot	Objector	Remaining/ Non-Remaining
1	33	A Keller & Sons	Remaining
5	27	Mr B Gordhanbhai Patel, Mrs V Babubhai Patel, Mr B Patel, Mr H Patel	Remaining

6.18 **Response:-** As set out in para 13.34 of the Statement of Case, and at para 5.5 of my evidence, the Council has already identified that the land and rights within the Order are necessary to the delivery of the Scheme. Those persons having a qualifying interest in the Order Land will be entitled to compensation upon the acquisition of their interests. Later phases of the Scheme will offer commercial units for sale and should an objector wish to explore such opportunities they may contact the Council's surveyor.

6.19 Blocks G5, G4 & H4 will have flats that face the Broadway and overall the Scheme will deliver 2000 residential units.

**v) March 2017 vacant possession date for the Broadway properties is unreasonable (Objection Theme 6)**

6.20 The following objector has submitted an objection stating that the proposed March 2017 date for vacant possession of the Broadway properties is unreasonable.

Objector Number	Plot	Objector	Remaining/ Non-Remaining
1	33	A Keller & Sons	Remaining

- 6.21 **Response:-** The Broadway properties are required for the delivery of Phase 3c and the current estimated vacant possession date is March 2017. Given the large and complex nature of the Scheme the indicated dates may change as the Scheme progresses; those affected by any changes to the vacant possession dates will be notified at the earliest opportunity. Should the Secretary of State confirm the Order the Council will have 3 years in which to exercise these powers.. All of the land and rights within the Order are required to deliver phases 3b & 3c of the Scheme, and this is why these properties have been included within the Order.
- 6.22 The Council remains committed to negotiating the acquisition of The Broadway properties and those with interests in these properties are encouraged to engage with the Council's surveyor whose contact details are set out in the Statement of Reasons **(CDA.05 page 50, para 14.20)**. The Developer has already acquired a number of properties and will acquire other properties in advance of the proposed possession date where agreement can be reached. Should occupiers of the Broadway units secure suitable alternative properties in advance of the vacant possession date the Council and Developer will support the occupiers' relocation at that stage.
- 6.23 The Council and Developer are committed to working with the occupiers of the Broadway to minimise the impact of the Order.

**vi) Loss of access and sheds (Objection Theme 22)**

- 6.24 The following objectors have submitted objections relating to the loss of access to premises, and the loss of sheds related to the retained properties.

Objector Number	Plot	Objector	Remaining/ Non-Remaining
9	Table 2 - 20	Dulcie Manage	Remaining
10	Table 2 - 20	M Manage	Remaining
11	Table 2 - 20	Mr P Manage	Remaining

6.25 **Response:-** The Council’s Surveyor has confirmed to all those within Table 2 whose access may be affected that access will be maintained to all properties within the estate both during construction and following completion of construction. Further details are provided within the evidence of Mr Watling at page 17 para 5.1-5.7.

6.26 As set out in para 13.34, page 63 of the Statement of Case, and at page 14, para 5.5 of my evidence, the Council has identified that the land and rights within the Order are necessary to the delivery of the Scheme. Those persons having a qualifying interest in the Order Land will be entitled to compensation upon the acquisition of their interests.

**vii) Lack of information on property required (Objection Themes 43 & 47)**

6.27 The following objectors have submitted objections relating to the lack of information on the land and rights required by the Order.

Objector Number	Plot	Objector	Remaining/ Non-Remaining
6	38, 38A, 39, 40, 40a, 41, 41A, 41B, 42, 43, 43A & 44	Canals & River Trust	Remaining

6.28 **Response:-** As set out at page 14, para 5.5 of my evidence, the Council and Developer have carefully considered the land and rights required to deliver the Scheme. Tables 1 and 2 of the Order Schedule set out the full details (including measured extents) of the land and new rights to be acquired.

6.29 In my view, therefore, the information provided on the land and rights required by the Order is sufficient.

**viii) Lack of information relating to acquisition of rights of access (Objection Theme 48)**

6.30 The following objectors have submitted objections relating to the lack of information provided on the rights of access affected within the scheme.

Objector Number	Plot	Objector	Remaining/ Non-Remaining
21	Table 2 – 20	M Guimaraes	Remaining

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22	Table 2 – 20	M & A Thoumine	Remaining
23	Table 2 – 20	J 7 M Benham	Remaining
24	Table 2 – 20	M N Siddiqui	Remaining
25	Table 2 – 20	S Ahmed	Remaining
26	Table 2 – 20	A & A Variava	Remaining
27	Table 2 – 20	A & A Okekunie	Remaining
28	Table 2 – 20	P & D Patel	Remaining
29	Table 2 – 20	M Olubi	Remaining
41	Table 2 – 20	P Wicker	Remaining
42	Table 2 – 20	A Rahimian	Remaining
43	Table 2 – 20	K Merrell & B Pajevic	Remaining

- 6.31 **Response:-** As set out at page 14, para 5.5 of my evidence, the Council and Developer have carefully considered the land and rights required to deliver the Scheme. Tables 1 and 2 of the Order Schedule set out the full details (including measured extents) of the land and new rights to be acquired.
- 6.32 The Council's Surveyor wrote to all those who were identified in Table 2 of the Order Schedule as having rights affected by the Scheme on 10 July 2014, providing further information and offering to discuss any further queries or concerns. Following that letter, the Council's Surveyor has provided further information to the surveyor acting for a number of affected parties. Further information is set out at page 17, para 5.1-5.7 of Mr Watling's proof.
- 6.33 In my view, therefore, the information provided on the land and rights required by the Order is sufficient.

**ix) Inability to understand / inaccuracies within the Statement of Reasons (Objection theme 50)**

6.34 The following objectors have submitted objections raising concerns over the length and complexity of the Statement of Reasons, and stating that it contained inaccuracies.

Objector Number	Plot	Objector	Remaining/ Non-Remaining
8.01-8.42	Various	Various	13 Non-Remaining & 29 Remaining

6.35 **Response:-** Section 14, page 50 of the Statement of Reasons (**CDA.05**) contained a list of relevant persons who could be contacted to provide an explanation and/or more information on the CPO process. A link to the RICS Compulsory Purchase Helpline was also provided. The Council and the Developer also held CPO surgeries on the Estate(Statement of Case page 11, para 2.16).

**x) Issue of blight raised in respect of properties outside the Order (Objection Theme 52)**

6.36 The objector has submitted an objection related to the alleged blighting of 11,12,14,25,46 & 59 Warner Close and 2,4,11,124,161,164 and 229 Marsh Drive, all of which are outside the Order.

Objector Number	Plot	Objector	Remaining/ Non-Remaining
44	N/A	Objection by Sawyer Fielding Ltd on behalf of leaseholders of properties	Non-Remaining

6.37 **Response:-** As set out in para 13.35, page 64 of the Statement of Case, the properties listed above do not fall within the Order Land. The 1990 Act sets out the relevant statutory criteria with regard to blight notices, and the Council considers that these properties do not comply with the criteria.



**xi) Property blighted due to continual changes to the scheme (Objection Theme 53)**

6.38 The following objectors have submitted objections stating that their properties are blighted due to the continual changes to the proposed scheme.

<b>Objector Number</b>	<b>Plot</b>	<b>Objector</b>	<b>Remaining/ Non-Remaining</b>
5	27	Mr B Gordhanbhai Patel, Mrs V Babubhai Patel, Mr B Patel, Mr H Patel	Remaining
12	26	Mr Patel	Remaining
13	26	Mr & Mrs Ahmed	Remaining
14	14	D & M Forte	Remaining
15	20	V Payne	Remaining
16	26	B Patel	Remaining

6.39 **Response:-** The above plots fall within the Order which was made on 17 June 2014. The 1990 Act sets out the relevant statutory criteria with regard to blight notices, and the Council does not consider that any of these properties could fall within the statutory criteria prior to that date.

6.40 The Council's Surveyor has made contact with all affected parties to commence negotiations for acquisition of the required interest. The Council's Surveyor has been in contact with the agent acting on behalf of the objectors, and further details are provided in Mr Watling's evidence at para 6.5, page 18. The Council remains committed to acquiring the relevant interests by private treaty negotiation but is seeking confirmation of the Order as a last resort in the event that it is unable to achieve this.

## 7. Conclusion

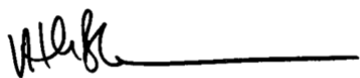
7.1 In conclusion,

- I have described the Open Space within the Order Land and explained how the impact of the Order on the Open Space has been minimised.
- My evidence has justified the acquisition of the Open Space and rights over the Open Space with reference to the statutory provisions
- I have described the Statutory Undertakers' land and interests within the Order, and how the impact of the Order on their Statutory Undertaking has been minimised
- My evidence has demonstrated the need for all relevant land and rights within the Order
- I have set out the Council's and Developer'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.

## 8. Statement of Truth & Declaration

- 8.1 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.
- 8.2 The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.
- 8.3 I confirm that my report has drawn attention to all material facts which are relevant and have affected my professional opinion.
- 8.4 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.
- 8.5 I confirm that I am not instructed under any conditional or other success-based fee arrangement.
- 8.6 I confirm that I have no conflicts of interest.
- 8.7 I confirm that I am aware of and have complied with the requirements of the rules, protocols and directions of the Public Inquiry.
- 8.8 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: 19 December 2014