

A Bilfinger Real Estate
company



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

Virginia Blackman

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 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.
- 1.3 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.
- 1.4 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 The Order includes land, and rights over land, which is identified as Open Space. I set out the background and context to this, describe the land affected and confirm how the acquisition of this land and rights is minimised and mitigated.

Context

- 3.2 I describe the existing vehicular bridge at Cool Oak Lane, its location and the requirement for a new pedestrian and cycle crossing.

Open space affected

- 3.3 I describe the open space affected (plots 41A, 41B, 42, 43 and 43A), its current use as public amenity land, and why the Council considers this to be Open Space. I then confirm why the Council considers plots 38, 39, 40, 41 and 44 do not constitute public open space.
- 3.4 I confirm that the remainder of the Open Space will remain unaffected and accessible by the public throughout construction and following completion of construction.

Freehold acquisition of open space

- 3.5 Plot 42 is the only Open Space to be acquired, and equates to less than 250 yards in extent. The Secretary of State was therefore requested to certify, in accordance with section 19(1)(b) 1981 Act that the giving of exchange land is unnecessary.
- 3.6 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**).

- 3.7 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

- 3.8 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

- 3.9 I set out the need for the rights to be acquired.

Impact of the acquisition and rights on the open space

- 3.10 I describe the impact of the acquisition and rights on the open space, both during construction and following construction, and how these impacts will be mitigated.
- 3.11 I confirm the impact on both landowner and the public during construction will be minimised.
- 3.12 I confirm 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 I confirm that the Council considers plots 41, 41A and 41B are likely to fall within CRT's statutory undertaking. I describe the impact on these plots and confirm that the new rights required and subsequent bridge construction will not adversely affect CRT's statutory function.

Impact on the Statutory Undertaking of Eastern Power Networks

- 4.2 I confirm that the Council considers that part of plot 14 falls within Eastern Power Network's statutory undertaking, forming an electricity sub-station. I confirm that a new sub-station and required connections will be provided before the existing sub-station is acquired and decommissioned.
- 4.3 The Council and the Developer have been in negotiation with Eastern Power Networks since April 2014, have reached agreement in principle, and expect an undertaking to be signed shortly. Following this, I expect the objection to be withdrawn prior to the Public Inquiry.

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

- 5.1 I set out the need for the Order Land and rights, arising from the Council's policy and objectives.
- 5.2 I confirm the current freehold and leasehold interests in the Order Land owned by the Council and Developer by reference to a plan at **Appendix 1**.
- 5.3 I describe the process of refining the land and rights required for the Scheme, and provide a plan at **Appendix 2** which overlays the Order Land onto both the 2013 Permission and the boundary of Phase 3.
- 5.4 I conclude that the Council has carefully considered the exercise of its compulsory purchase powers and has determined that this is necessary and justifiable in the public interest to enable to Scheme to be comprehensively delivered in accordance with its policies and aspirations.
- 5.5 I confirm that in my experience, the assembly of large sites within existing residential areas can only be resolved satisfactorily by the use of compulsory purchase powers.

6. Responses to objections

- 6.1 95 Objections were received to the Order. 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**.
- 6.2 A number of objections received raised similar issues, and so for convenience, the objections have been grouped by theme in **CDD.06**
- 6.3 I have set out below a table identifying the Objection Themes covered in my proof.

| Objection Theme | Description |
|-----------------|---|
| 42 | Open Space |
| 30 & 40 | Statutory Undertaker |
| 1 | Property not required |
| 5 | The acquisition of Broadway properties will bring no benefits |
| 6 | March 2017 vacant possession date for the Broadway properties is unreasonable |
| 22 | Loss of access and sheds |
| 43 & 47 | Lack of information on property required |
| 48 | Lack of information relating to acquisition of rights of access |
| 50 | Inability to understand / inaccuracies within the Statement of Reasons |
| 52 | Issue of blight in respect of properties outside the Order |
| 53 | Property blighted due to continual changes to the scheme |

7. Conclusion

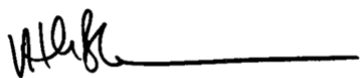
7.1 In conclusion,

- 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