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# Summary Proof of Evidence

Virginia Blackman

Avison Young

June 2019

THE LONDON BOROUGH OF BARNET (WEST HENDON REGENERATION AREA) COMPULSORY PURCHASE

ORDER (No 3) 2018

REFERENCE: APP/PCU/CPOH/N5090/3218378

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**Prepared By: Virginia Blackman**

Status: Final

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For and on behalf of GVA Grimley Limited t/a Avison Young

## 1. Introduction

- 1.1 My name is Virginia Heloise Blackman. I hold a BSc(Hons) in 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 Principal and National Head of the Site Assembly and Compulsory Purchase team at Avison Young. Further information on Avison Young and my experience is set out in my evidence.
- 1.2 Avison Young 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. Avison Young also owes LB Barnet a duty of care in undertaking negotiations to acquire property interests and they are able to rely on our advice in this matter. My evidence, therefore, is given on behalf of both the Council and the Developer.
- 1.3 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". This is included at the end of my evidence.

## 2. Scope of Evidence

- 2.1 In my evidence I :-
- 2.2 Demonstrate the need for all relevant land and rights within the Order.
- 2.3 Provide an overview of the Statutory Compensation Code and how the statutory framework operates to compensate affected parties.
- 2.4 Describe aspects of the resident offer which fall outside of the Statutory Compensation Code.
- 2.5 Provide an overview of interests which have been acquired by agreement.
- 2.6 Demonstrate how reasonable efforts have been made to acquire remaining third party interests within the CPO.
- 2.7 Explain the acquisition of rights over open space in Plot 3, and why no replacement land is required.
- 2.8 Respond to any objections made that relate to the areas covered in my evidence.

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

- 3.1 The need to acquire all of the land included in the Order 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 which I refer to as the Regeneration Project.

- 3.2 I have illustrated the need for all the Order Land and new rights by Plan 15 within the Book of Plans.
- 3.3 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 Regeneration Project 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.

## 4. The Requirements of Government Guidance

- 4.1 In March 2018, the Ministry of Housing, Communities and Local Government (MHCLG) published revised Guidance on the Compulsory Purchase Process and the Crichel Down Rules, ('the 2018 Guidance'), replacing the October 2015 Guidance on the same subject published by DCLG. In preparing and making the Order, the Council and the Developer have ensured that the 2018 Guidance has been followed.
- 4.2 In my evidence I demonstrate how the Guidance has been followed in preparing for and making these Orders.

## 5. Compensation principles and the framework for undertaking regulations

### Human Rights and the Statutory Compensation Code

- 5.1 The Human Rights Act 1998 ("the Act") incorporated into the UK domestic law the European Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention rights"). A number of Convention rights are engaged in the context of a compulsory purchase because compulsory purchase involves appropriating someone's private property rights.
- 5.2 Providing those with land taken or affected with the appropriate compensation for their losses constitutes a key aspect of ensuring a fair balance has been struck.

### Quantum of compensation

- 5.3 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.
- 5.4 I set out in my evidence the approach taken to assessing market value of the properties to be acquired.

### Shared equity

- 5.5 The Council and Developer have created a shared equity scheme, the structure of which is bespoke to this scheme, and which falls outside the statutory compensation code. It was designed to allow eligible residents

to remain in the area and to be affordable for residents and has proved popular with residents who have relocated. I set out further information on the shared equity scheme in my evidence, as well as other options, such as reversion to Council tenancy, available to eligible leaseholders.

## 6. Undertaking negotiations

- 6.1 Avison Young was instructed to commence negotiations to acquire third party interests required to deliver phases 5 & 6 in March 2017. Since that date, on behalf of the Developer and the Council, we have undertaken substantial negotiations to acquire properties by agreement prior to making the CPO and details are set out in Appendix 1 to my evidence.

## 7. Update on negotiations

### Estate residential properties

- 7.1 Metropolitan and Thames Valley Housing Trust (MVHT) sent letters in April 2016 to all the properties on the estate that were in Phases 5 & 6 asking the owners whether they wanted to dispose of their properties early. 15 initially accepted the offer and Avison Young commenced discussions with these parties in May 2017.
- 7.2 In September 2018, Avison Young wrote to all freeholders and leaseholders on the estate advising that preparations for making CPO3 were being undertaken and inviting freeholders and leaseholders to contact Avison Young to arrange an inspection to assess the market value of the property. On 6 February 2019, Avison Young sent a letter to all freeholders and leaseholders inviting them to contact Avison Young to discuss the acquisition of their property. This was followed up by a door-knocking exercise on the 11 March 2019.
- 7.3 We have written to all known addresses but to date we have 14 parties with whom we have not commenced negotiations.
- 7.4 Since opening negotiations 10 properties have been acquired with agreement reached on a further 11 properties. Of these 7 owner occupiers have agreed to acquire or already moved to surplus CPO2 shared equity homes.
- 7.5 Negotiations to acquire the remainder of the estate residential units continue.

### Canals and River Trust Plots 2,3,4,5, 89

- 7.6 Land and rights are required adjacent to and over the Silk Stream to the north of the Welsh Harp to enable the construction of the bridge across the Silk Stream to connect the estate with the West Hendon Playing fields and open space to the West of the Welsh Harp, as well as land adjacent to Cool Oak Lane. Negotiations have been undertaken to acquire the land and rights by agreement. Heads of terms have been agreed and passed to lawyers for documentation.
- 7.7 Following this, we expect the objection to be withdrawn prior to the opening of the Inquiry.

## 8. Open Space

- 8.1 Part of the land required for the construction and maintenance of the new bridge is within the area designated as the Silk Stream, a part of the Welsh Harp Reservoir, and the public may have access over the area of the water. Plot 3 may therefore be considered as public open space, although any public access may be constrained by the existing Cool Oak Lane Bridge, lack of access via Silk Stream Bridge at the northern end of the reservoir, and the management of the SSSI.
- 8.2 Rights only are required over this plot of land coloured blue on the Order Plan and Schedule 3 paragraph 6 ALA 1981 applies. Therefore the Secretary of State will be 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.
- 8.3 As only rights will be acquired, no replacement land will be required.

## 9. Responses to objections

- 9.1 The Secretary of State has received three objections against the confirmation of the Orders and copies of these are at CDD.01. I set out in my evidence my response to these objections where the objections fall within the areas covered by my evidence.
- 9.2 I have carefully considered the objections received in relation to the Order, both those which fall within the scope of my evidence, and where they fall within the evidence of other Council witnesses. Based on my experience of the previous CPOs in respect of this scheme and similar compulsory purchase orders elsewhere, I do not consider any of these objections should prevent the confirmation of the Order and the granting of a certificate in respect of plot 3.

## 10. Conclusion

- 10.1 In conclusion within my evidence,
- I have demonstrated how all the land included within the Orders is required to enable delivery of the scheme.
  - I have explained how the Statutory Compensation Code provides for affected parties to be compensated for their loss and how the statutory framework is designed to mitigate the impact of compulsory acquisition on the rights of affected parties.
  - I have explained how the Council and Developer's offer to residents exceeds the statutory requirements and has been prepared to further mitigate the impact of the scheme on residents.
  - I have demonstrated that the Council and Developer have undertaken reasonable negotiations to acquire in advance of the Order, as required by section 2 of the Guidance, and have offered advice and assistance to affected occupiers in respect of their relocation as required by section 18 of the Guidance.

- I have explained why the rights required over Open Space at Plot 3 do not materially damage the public's use and enjoyment of the space, and that given only rights will be acquired, no replacement land is required.
- 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.

## 11. Statement of Truth & Declaration

- 11.1 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.
- 11.2 The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.
- 11.3 I confirm that my report has drawn attention to all material facts which are relevant and have affected my professional opinion.
- 11.4 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.
- 11.5 I confirm that I am not instructed under any conditional or other success-based fee arrangement.
- 11.6 I confirm that I have no conflicts of interest.
- 11.7 I confirm that I am aware of and have complied with the requirements of the rules, protocols and directions of the Public Inquiry.
- 11.8 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: 3 July 2019