

Town and Country Planning Act 1990 and

The Acquisition of Land Act 1981

Public Local Inquiry into:

THREE RIVERS DISTRICT COUNCIL (LAND AT HENBURY WAY, OXHEY DRIVE, BRIDLINGTON ROAD, ST ANDREWS ROAD, THE PARADE, PRESTWICK ROAD, FAIRFIELD AVENUE AND STATION APPROACH, SOUTH OXHEY) COMPULSORY PURCHASE ORDER 2016

Summary Proof of Evidence

Pursuant to Rule 15 of

The Compulsory Purchase (Inquiries Procedure) Rules 2007

of

Graeme Lawes BSc (Hons) MRICS

On behalf of Three Rivers District Council

On matters relating to compulsory purchase

28 October 2016

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1. **INTRODUCTION**

1.1 I, Graeme Lawes, have been a Member of the Royal Institution of Chartered Surveyors (RICS) since qualification in 2000. In addition I hold a Bachelor of Science Degree in Land Management from the University of Reading and have been a member of the Compulsory Purchase Association since its inception in 2002.

1.2 I am currently a Director in the Real Estate team at Deloitte LLP, where I continue to advise numerous acquiring authorities, developers and claimants in respect of matters relating to compulsory purchase process and compensation.

1.3 I have submitted evidence on matters relating to compulsory purchase to various public inquiries, including regeneration schemes in Dover, and the London Boroughs of Ealing and Tower Hamlets. I also have experience of other similar projects that have required the use of compulsory purchase, including the regeneration of Southall Gasworks, and town centre regeneration schemes in Newbury and Bristol.

1.6 Deloitte has been advising the Council in respect of various property matters since April 2012. My role, which commenced in April 2015, has been to advise on matters relating to compulsory purchase and compensation, and specifically on matters relating to the exercise of compulsory purchase powers by the Council.

1.7 My instructions have involved working with the Council and their development partners, and my advice has included: establishing the CPO boundary; advising on procedural arrangements; engaging with landowners; and, considering responses to objections.

1.8 My evidence primarily relates to the need for a compulsory purchase order to assemble the land to enable the development to proceed, together with the negotiations carried out with affected landowners. My main Proof also summarises the objections to the CPO and the responses of the Council.

2. THE LAND INCLUDED IN THE COMPULSORY PURCHASE ORDER

- 2.1 The CPO has been made to enable assembly of the land required for the phased comprehensive development of land at South Oxhey Central, and three “Satellite Sites” at Maylands Road, Hayling Road and Hallowes Crescent.
- 2.2 The boundary of the Order Land was drawn to create a site that is necessary for the construction and use of the Scheme.
- 2.3 The Scheme comprises six separate areas: the Core Site; the Station Approach area; Henbury Gardens; and three “Satellite Sites” at Maylands Road, Hayling Road and Hallowes Crescent. The land at Henbury Gardens and the three Satellite Sites are owned by the Council and are excluded from the Order Land. The Order Land therefore comprises the Core Site and the Station Approach area.
- 2.4 The Order Land principally comprises residential and commercial uses.
- 2.5 There are 123 residential units, of which 96 are occupied by tenants of Thrive Homes and 27 are owned by long leaseholders. There are also three units additional dwellings owned by the Council and let with retail units, and one of the residential units has been sub-divided by the owner to provide an additional unit. This brings the total number of residential dwellings to 127.
- 2.6 The Order Land also provides 77 commercial units (some of which are vacant), an electricity sub-station and a Scout Hall. The Order Land is all permanently required and the acquisition of new rights is not necessary.

3. **THE NEED FOR THE USE OF COMPULSORY PURCHASE POWERS**

3.1 The purpose of the CPO is to secure the assembly of all the outstanding interests in the Order Land. The Order Land will then be used to enable the development of the Scheme. Thus, the Council's objective in making the CPO is to bring all of the Order Land into a single ownership and to obtain vacant possession of it to ensure delivery of the Scheme.

3.2 There are 247 plots in the Order Land, as shown in the Order Plans (CD1.2), over ground and three upper levels. Of these, 237 plots are owned by the Council and the remaining 10 plots are owned by Thrive Homes Ltd. Aside from the 10 plots owned by Thrive, the CPO is required to acquire the lessee and occupier interests in each plot, and to assemble the necessary land with clean title.

3.3 The CPO has been made pursuant to section 226(1)(a) of the Town and Country Planning Act 1990 (the 1990 Act) (CD4.1). In preparing and making the CPO, the Council has been mindful of the provisions of the 1990 Act together with the October 2015 Guidance (CD4.5).

In deciding to make the CPO, the Council has considered whether they think that acquisition of the Order Land will facilitate a re-development on it, and whether such redevelopment is likely to contribute to achieving the promotion or improvement of the economic, social and environmental well-being of their area. They have concluded that acquisition of the Order Land will secure the delivery of the Scheme that will satisfy those well-being objectives.

I consider it highly unlikely that the development of the Scheme to achieve those objectives would be achieved solely by negotiations without the availability of compulsory purchase powers over the Order Land. In my opinion, without the CPO, it is highly unlikely that the Scheme could proceed within a reasonable timetable.

3.4 A summary of the key milestone dates in the compulsory purchase process to date is set out in my main Proof.

4. **NEGOTIATIONS TO ACQUIRE INTERESTS AND RIGHTS**

- 4.1 The October 2015 Guidance (CD4.5) advises that reasonable steps should be taken to acquire land and interests by agreement. Through a managed collaborative effort, the Council has been seeking to achieve this.
- 4.2 With assistance from Deloitte, and wherever practicable to do so, the Council has sought to pursue negotiations for the acquisition by agreement with all owners and occupiers in the CPO. These negotiations commenced in mid-2015 and have been ongoing ever since.
- 4.3 To monitor the conduct and progress of negotiations, the Council has established a Land Assembly Group ("LAG"). The LAG, which meets on a regular basis is a group comprising internal property and legal representatives of the Council and the Developer.
- 4.4 The tasks undertaken by the LAG include: considering the appropriate nature and basis for engagement with different categories of property interests (as considered in more detail below); monitoring and recording landowner engagement; agreeing and allocating action on individual cases; considering action and issues raised at consultation events and meetings with the local shopkeepers forum; reviewing interest from existing retailers to relocate into the completed development, and other matters relating to the acquisition of property interests required.
- 4.5 Appendix 9a of the Development Agreement between the Council and the Developer (CD6.4) sets out the land acquisition strategy and identifies the process for dealing with all the different types of property interests contained in the Order Land.
- 4.6 I consider that the acquisition strategy being employed by the Council, for all the types of property interests in the Order Land, is consistent with the best practice and policies set out in the October 2015 Guidance (CD4.5).
- 4.7 A commentary on approach, strategy and progress made with the various categories of property interests within the Order Land is set out in my main Proof.
- 4.8 The schedule at Appendix GL1 of my main Proof provides copies of correspondence sent to all commercial occupiers and residential owners, and the schedule at Appendix GL2 provides a chronology of specific engagement by Deloitte in respect of interests owned by objectors to the CPO. This engagement is continuing in parallel with the CPO process.

5 OBJECTIONS TO THE COMPULSORY PURCHASE ORDER

5.1 The Secretary of State received 12 objections to the CPO.

5.2 On receipt of the objections from the National Planning Casework Unit, a representative from the Council wrote to each objector suggesting an approach to progressing discussions and inviting direct contact. A representative from the Council team has then sought to pursue discussions with each objector or their agents.

5.3 My main Proof provides a summary of the objections and, where appropriate, my response. Appendix GL3 sets out a summary of each ground of objection made by each objector and the author of the proof that provides a response to this.

6 CONCLUSIONS

6.1 My conclusions on the CPO are that:

- (i) the CPO satisfies the requirements of s. 226 (1)(a) of the 1990 Act;
- (ii) the interests and rights included within the boundary of the CPO are required in connection with the carrying out of the Scheme in accordance with the objectives of the Acquiring Authority;
- (iii) without the CPO, there is no reasonable prospect that the required interests and rights could be assembled within an acceptable timescale;
- (iv) therefore without the CPO, the Developer will not be able to deliver the Scheme;
- (v) reasonable steps to acquire land and interests by agreement have been taken and continue to be taken;
- (vi) the objections made have been fully considered. The Council and the Developer have sought to address the concerns raised where it is practicable to do so without prejudicing the development proposed; and
- (vii) none of the objections made amounts to a good reason to modify or reject the CPO.

6.2 In my opinion the CPO is demonstrably in the public interest and should be confirmed.

7 DECLARATION AND STATEMENT OF TRUTH

7.1 In preparing this Proof of Evidence, I confirm that:

- i. Insofar as the facts stated in this Proof are within my own knowledge, I have made clear which they are and I believe them to be true, and that the opinions I have expressed represent my true and complete professional opinion;
- ii. My Proof includes all facts which I regard as being relevant to the opinions which I have expressed and that attention has been drawn to any matter which would affect the validity of those opinions;
- iii. My duty to the Inquiry as an Expert Witness overrides any duty to those instructing or paying me, that I have understood this duty and complied with it in preparing my evidence impartially and objectively, and I will continue to comply with that duty as required;
- iv. I am not instructed under any conditional fee arrangement; and
- v. This evidence complies with the requirements of the Royal Institution of Chartered Surveyors Practice Statement and Guidance Notes set out in the publication "Surveyors acting as expert witnesses" (4th edition).



Graeme Lawes

28 October 2016