



Summary Statement of Evidence – Virginia Blackman

The London Borough of Ealing (The Green, Southall) Compulsory Purchase
Order 2021

18 September 2022

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Report title: Summary Statement of Evidence

Prepared by: Virginia Blackman

Status: Final

Draft date: 18 September 2022

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. I have advised on the promotion of over 40 compulsory purchase orders, the majority of which were under Town and Country Planning Act 1990 powers, which are being used in this case.
- 1.2 Avison Young has been instructed by Peabody (the Developer) to provide advice in respect of site assembly including compulsory purchase for the Scheme since 2018. Avison Young also owes The London Borough of Ealing 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 will:-
- 2.2 Demonstrate the need for all relevant land and rights within the Order.
- 2.3 Demonstrate how reasonable efforts have been made to acquire remaining third-party interests within the Order Land.
- 2.4 Respond to any objections made that relate to the areas covered in my evidence.

3. The Need for the Inclusion of All Land and 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 The Green, Southall. Which I refer to as the Scheme.
- 3.2 There are a significant number of third-party interests identified in the Order Schedule – with 71 parties who own a freehold or leasehold interest, or are tenants and occupiers, or where the acquisition of new rights is required.
- 3.3 I have illustrated the need for all the Order Land on the plan at Appendix 1. This illustrates that in order for the Scheme to deliver its objectives, all interests identified in the Order are required to facilitate its implementation.

4. The Requirements of Government Guidance

- 4.1 In July 2019, the Ministry of Housing, Communities and Local Government (MHCLG) published revised Guidance on the Compulsory Purchase Process and the Crichel Down Rules, ('the Guidance') [CDB. 1], replacing the March 2018 Guidance on the same subject. In preparing and making the Order, the Council and the Developer have ensured that the Guidance has been followed.

5. Compensation Principles and the Framework for Undertaking Negotiations

- 5.1 The Statutory Compensation Code (the Code) provides the framework by which compensation is assessed to ensure the right compensation is paid to those affected.
- 5.2 The key overarching principle of the Code is that the claimant should be put in the position they were prior to the acquisition, so far as money can.
- 5.3 Statutory compensation therefore constitutes a key aspect of ensuring a fair balance has been struck between the competing interests of the individual and of the community as a whole.
- 5.4 The negotiations and offers to acquire which have been made to those with interests within the Order Land reflect the Compulsory Purchase Code.

6. Undertaking Negotiations

6.1 Avison Young was instructed to commence negotiations to acquire third party interests required to deliver the scheme in April 2019. Since that date, on behalf of the Developer and the Council, we have undertaken substantive negotiations to acquire properties by agreement.

Chronology

6.2 Peabody was selected as the Council's preferred development partner in 2018. Avison Young was instructed in 2019, and initial contact was made with all third-party interests in February 2019 and April 2019. More detailed letters were sent to all registered interest in June 2019 and September 2019 informing of the planning consultation and again seeking to open negotiations to acquire each third-party interest by agreement. There was then a period of time during the pandemic and a redesign of the Scheme excluding the Tudor Rose when no proactive negotiations to acquire were undertaken.

6.3 Peabody then wrote to all known third party interests in February 2021 explaining the likely date of the submission of the planning application.

6.4 The most recent general contact from Avison Young to all registered interests was in June 2021 providing an update on the submission of the planning application and seeking to acquire each third-party interest by agreement.

6.5 In parallel with the above, since February 2019 Avison Young has continued to engage with affected parties and their appointed surveyors on an individual basis to progress negotiations. A more detailed schedule of negotiations has been provided at Appendix 2.

Summary

6.6 Avison Young has contacted all owners within the Order Land, excluding land owned by the Council. We have received responses from 90% of those contacted. Negotiations have progressed since 2019 with 13 parties appointing a specialist surveyor to act on their behalf and in many cases, negotiations are continuing to progress. Avison Young has met with c 84% of the owners to discuss and understand their property interests and for the occupational interests to understand their relocation property needs.

6.7 Via Avison Young, the Developer has made financial offers to acquire 74% of the registered freehold and long leasehold interests, where sufficient information has been available to enable a reasonable assessment of value.

7. Responses to Objections

7.1 The Secretary of State has received sixty-three objections against the confirmation of the Orders. A summary of objectors has been provided at CDA8. These include 39 non-statutory and 24 statutory objections.

A summary of key objection themes within the scope of my evidence, and the Council's response is provided below.

7.2 Relevant objections relate to the following themes:

7.3 CPO defective and/or flawed

7.4 Subject land has alternative development opportunity

7.5 Impact on Access

-
- 7.6 Concerns about the impact on existing economy
- 7.7 Concern about relocation options
- 7.8 Object on the grounds of inadequate Negotiation
- 7.9 Within my main Statement of Evidence, I provide detailed response to each of these objection themes.
- 7.10 I have carefully considered the objections received in relation to the Order which fall within the scope of my evidence. Based on my experience of similar compulsory purchase orders elsewhere, I do not consider any of these objections should prevent the confirmation of the Order in respect The Green, Southall.

8. Conclusion

- 8.1 In conclusion,
- 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 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,
 - 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.

9. Statement of Truth and Declaration

- 9.1 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.
- 9.2 The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.
- 9.3 I confirm that my report has drawn attention to all material facts which are relevant and have affected my professional opinion.
- 9.4 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.
- 9.5 I confirm that I am not instructed under any conditional or other success-based fee arrangement.
- 9.6 I confirm that I have no conflicts of interest.

- 9.7 I confirm that I am aware of and have complied with the requirements of the rules, protocols and directions of the Public Inquiry.
- 9.8 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’.

A handwritten signature in black ink, appearing to read 'V Blackman', followed by a long horizontal line extending to the right.

Signed:

Virginia Blackman BSc (Hons) MRICS

Dated: 18 September 2022

Appendix I

Overlay Plan

Appendix II

Summary of Negotiations

Avison Young

65 Gresham Street, London EC2V 7NQ

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