

NCC/NB/1/SUMMARY

THE HIGHWAYS ACT 1980

AND

THE ACQUISITION OF LAND ACT 1981

THE NOTTINGHAMSHIRE COUNTY COUNCIL (A614 / A6097 JUNCTIONS IMPROVEMENTS
SCHEME) (SIDE ROADS) ORDER 2022

THE NOTTINGHAMSHIRE COUNTY COUNCIL (A614 / A6097) COMPULSORY PURCHASE
ORDER 2022

SUMMARY PROOF OF EVIDENCE

OF

NIGEL BILLINGSLEY BSc MRICS Pg Dip MCIWM OF BRUTON KNOWLES

ON BEHALF OF THE ACQUIRING AUTHORITY

1. QUALIFICATIONS AND EXPERIENCE

1.1 My full name is Nigel Billingsley. I am an equity partner at Bruton Knowles where I lead the CPO team in the midlands and north.

1.2 I am a member of RICS , and a member of the Compulsory Purchase Association, I hold a BSc in Minerals and Estate Management.

2. INVOLVEMENT WITH THE A614 UPGRADE PROJECT

2.1 Bruton Knowles have been working as land agents on this project since 2018. I have been directly involved in the project since November 2022. I am aware of the Scheme through study of relevant documentation, and attendance at project meetings along with speaking to my staff who have been working on the project.

3. SCOPE OF EVIDENCE

3.1 My evidence will address the following points;

3.1.1 Approach and justification for the acquisition of land.

3.1.2 The scope and requirement for the acquisition powers sought under the CPO.

3.1.3 Description of objections and negotiations with objectors.

3.2 I consider the four statutory objectors.

- 3.2.1
1. Mr & Mrs Harman
 2. Motor Fuel Group Limited (MFGL)
 3. National Grid Electricity Distribution (East Midlands) PLC (NGED)
 4. Mr & Mrs Orr-Palladino

4. ACQUIRING AUTHORITY'S APPROACH TO LAND ACQUISITION

4.1 NCC, has had due regard to paragraphs 12 to 15 of the Department for Communities and Local Government (DCLG) Guidance on the Compulsory Purchase process and the Crichel Down Rules (the DCLG Guidance).

4.2 NCC, has sought to minimise the land and rights to be acquired to those necessary to deliver the Scheme. NCC engaged with stakeholders and took their concerns into account where reasonably possible.

4.3 All affected land interest holders or their agents have been contacted by NCC with a view to seeking a negotiated agreement for the acquisition of their land.

4.4 Confirmation of the CPO would provide certainty that NCC will be able to deliver the Scheme.

5. LAND INTEREST HOLDERS AFFECTED BY COMPULSORY ACQUISITION

5.1 Some 96 separate interest owners are included in the Book of Reference There is currently one outstanding objection to the Order, three other objections were also received which have been withdrawn.

6. ANALYSIS OF OBJECTIONS

6.2 Mr and Mrs Harman – Objection 01

6.2.1 Mr and Mrs Harman submitted an objection dated 14 November 2022 (CD15.1.1), whilst they do support the new scheme they had concerns regarding the location of a registered Public Right Of Way (PROW). The physical location of the PROW had changed from the PROW that is formally registered, NCC have put in place a mechanism for resolving Mr & Mrs Harmans concerned and following documentation of this the objection was withdrawn via e mail dated 4th June 2023.

6.3 Motor Fuel Group Limited (MFGL)– Objector 02

6.3.1 Barber Wadlow submitted an objection on behalf of Motor Fuel Group Limited dated 14 November 2022 (CD15.2.1) on the basis that the exact impact the scheme will have on the operational petrol filling station is uncertain, appearing to reduce the width of the access, with the potential to have a detrimental impact on trading.

6.3.2 Via EM responded to the objection by letter on 22 December 2022 (CD15.2.2). In this response Via EM explained that following discussions it was MFGL preference to be served statutory notice to protect their position and to ensure there is a clear route to compensation. Via EM clarified that access to the site will be maintained at all times, they will endeavour to minimise disruptions, confirmed that the land is only required temporarily, specified the works required at plot 9 and provided further information on the approximate duration of works as well as an updated programme for works at the Ollerton Junction.

6.3.3 At the time of writing this Statement and following negotiations between the objectors and NCC, a formal agreement has been reached with MFGL and their agent have withdrawn the objection by email dated 5th September.

6.4 National Grid Electricity Distribution – Objector 03

6.4.1 Geldards LLP submitted an objection on behalf of National Grid Electricity Distribution (East Midlands) Plc dated 17 November 2022 (CD15.3.1). Following further negotiations and agreement has been reached with NGED and Geldards LLP have withdrawn the objection on their behalf via letter dated 1st September 2023.

6.5 Mr and Mrs Orr-Palladino – Objector 04

6.5.1 Kirkland & Lane submitted an objection on behalf of Mr and Mrs Orr-Palladino dated 16 November 2022 (CD15.4.1). their concerns related to the accuracy of the plan, highways safety and impact on property value.

6.5.2 Following discussions, Mr and Mrs Orr-Palladino's concerns have been satisfied , and Kirkland & Lane have withdrawn the objection on their behalf via email dated 29th August 2023.

7. SCOPE OF ACQUISITION

7.1 The CPO, if approved, will grant NCC the powers to permanently acquire the land, or rights over land, needed to construct, operate and maintain the Scheme. NCC seeks compulsory purchase powers to acquire no more land than is reasonably required in order to construct, operate and maintain the Scheme in a safe, timely and economically efficient manner.

8. COMPULSORY PURCHASE AND THE COMPENSATION CODE

8.1 The powers sought within the CPO will enable NCC, upon the service of appropriate notices, to enter on and take possession of the numbered land plots within the Order plans in order to carry out the works required to construct the Scheme.

8.2 The CPO powers would enable NCC to take possession of land within the order limits without the landowner's consent.

- 8.3 Affected landowners are able to recover compensation from NCC for reasonable loss arising from the exercise of the powers set out within the CPO. The mechanism for calculation loss is set out in legislation and case law which together are known as the compensation code.
- 8.4 The code provides for the recovery of loss of the value of the interest taken, severance and injurious affection and disturbance losses where they can be proven. In addition, the code provides for the advance payment of compensation thereby ensuring the interest holder is not out of pocket in the event land interests are acquired.
- 8.5 Where there is a disputed claim both parties may choose to make a joint reference via the Alternative Dispute Resolution process, or one or both parties can make a reference to the Lands Chamber of the Upper Tribunal.

9. HUMAN RIGHTS

- 9.1 In summary Article 1 of the First Protocol to the European Convention on Human Rights protects the right to peaceful enjoyment of a legal entities possessions. It provides that this shall only be overridden by the state where to do so would be in the public interest.
- 9.2 Through UK legislation it is established that the taking of land for highway purposes is in the public interest. Furthermore to balance the compulsory acquisition of the land interest a mechanism for compensating the affected party should be in place, as set out in section

8 above the compensation code provides for compensation to be paid and there is recourse to appeal if there is no agreement on the level of compensation.

9.3 In this case the Draft Order, strikes a fair and proportionate balance between the private interests of the landowners and the public interest in securing the benefits of the Scheme to the counties road network. Therefore, the interference with Convention Rights is compellingly justified in the public interest.

10. SUMMARY

10.1 At the date of this evidence, three of the four statutory objections have been withdrawn and an agreement has been reached with eth fourth objector and I anticipate that will be completed prior to the Public Inquiry.

11. WITNESS DECLARATION & STATEMENT OF TRUTH

11.1 Statement of declaration

Hereby declare as follows:

11.2 This proof of evidence includes all facts which I regard as being relevant to the professional opinion which I have expressed, and I have drawn the inquiry's attention to any matter which would affect the validity of that opinion.

11.3 I confirm that I am able to give evidence in light of my relevant experience as summarised above. I can confirm that the evidence I prepared is in accordance with the guidance of my professional institution and that the opinions given are my true professional opinions.

11.4 I believe the facts which I have stated in this proof of evidence are true and that the opinions are correct.

11.5 I understand my duty to the Inquiry to help it with the matters within my expertise and I believe I have complied with that duty.

Signature & Date

A handwritten signature in black ink, appearing to read 'Nigel Billingsley', written in a cursive style.

Nigel Billingsley
5th September 2023