

THE HIGHWAYS ACT 1980

AND

THE ACQUISITION OF LAND ACT 1981

THE NOTTINGHAMSHIRE COUNTY COUNCIL (B684 TO A612 LINK ROAD) A6211 GEDLING ACCESS
ROAD (SIDE ROADS) ORDER 2018

THE NOTTINGHAMSHIRE COUNTY COUNCIL (GEDLING ACCESS ROAD) COMPULSORY PURCHASE
ORDER 2018

SUMMARY PROOF OF EVIDENCE

OF

ANDREW WILLIAM PROWSE OF BRUTON KNOWLES

ON BEHALF OF THE ACQUIRING AUTHORITY

1. QUALIFICATIONS AND EXPERIENCE

- 1.1. My name is Andrew William Prowse, I am a Partner at Bruton Knowles, a firm of Chartered Surveyors. The firm operates from 12 offices throughout England and Wales and I am based in the Nottingham office. The practice deals with all major aspects of property consultancy, including valuation, landlord and tenant advice, regeneration, insolvency, acquisition, disposal, agency, development, investment, strategic land assembly and Compulsory Purchase Orders (“CPOs”) I am a member of the Royal institution of Chartered Surveyors (“RICS”) and an RICS Registered Valuer.

2. INVOLVEMENT WITH THE GEDLING ACCESS ROAD

- 2.1. I was first instructed by Nottinghamshire County Council (“NCC”) to provide advice in relation to compensation arising as a result of The Nottinghamshire County Council (Gedling Access Road) Compulsory Purchase Order 2018 (“CPO”) [CD3.1] on 2 February 2018.
- 2.2. I, together with my colleagues and members of VIA East Midlands’ project team, have been responsible for negotiations with landowners affected by the CPO on behalf of NCC.

3. SCOPE OF EVIDENCE

- 3.1. This Proof of Evidence focuses on the approach of NCC, being the acquiring authority, to the acquisition of the Order Land. In particular, addressing the objections that have been received from affected part
- 3.2. All other matters, such as the background to the Scheme and the justification for the use of CPO powers are addressed in evidence provided by others.

4. ACQUIRING AUTHORITY’S APPROACH TO LAND ACQUISITION

- 4.1. By the exercise of the powers under the CPO, NCC seek:
- To acquire the Order Land / rights over the Order Land, being those that are reasonably required in order to construct and operate the Scheme in a safe, timely and economically efficient manner; and
 - To ensure that all of the land required for the Scheme can be acquired within a realistic timescale and to ensure that no individual landowner is able to hold up the Scheme through a refusal to sell or license their interest and further that no adverse interests prevent the Scheme from going ahead.

5. ANALYSIS OF OBJECTIONS

5.1. Nine objections to the Scheme have been raised. Of these, one objection has been withdrawn at the date of this evidence. This leaves eight outstanding objections as summarised here -

5.2. **Cadent Gas Limited (“Cadent”)**

5.2.1 Cadent submitted an objection [CD12.2] on the basis that that they have existing apparatus within the CPO limits that will need to be protected. The letter of objection confirms that the objection will be maintained until such time as an Asset Protection Agreement (“APA”) is in place.

5.2.2 An APA has been entered into by both parties and Cadent’s objection should be withdrawn within 24 hours of the date that this Evidence is filed in line with the terms of the agreed APA.

5.3. **Western Power Distribution (“WPD”)**

5.3.1 Osbourne Clarke submitted a holding objection [CD12.1] on behalf of WPD on the basis that that they were unable to determine the impact of the CPO on its electricity network.

5.3.2 The letter of objection confirms that WPD would expect to withdraw their objection following further negotiation regarding the protection of WPD’s apparatus and the completion of an APA.

5.3.3 A draft APA was provided by Osborne Clarke, solicitors for WPD and NCC have provided comments on this draft. The document is in agreed form however NCC are advised that completion has been delayed due to administrative issues at WPD. It is expected that this objection will be withdrawn imminently.

5.4. **Midlands Land Portfolio Limited (“MLP”)**

5.4.1 MLP submitted an objection [CD12.4] on the basis that, whilst they were supportive of the Scheme, it did not consider that NCC had followed Government guidance on the use of CPOs.

5.4.2 NCC responded to this objection by letter on 31 January 2019 addressing each of the above-mentioned objections. In respect of design, NCC explained that the Scheme had been designed using detailed traffic modelling so that it could be connected to and integrate with other local roads including Burton Road and the Nottingham Road service road. NCC also explained that land was required from MLP to provide storage and attenuation for highway drainage.

5.4.3 At the date of this evidence NCC and MLP have reached agreement in principle whereby MLP's objection can be withdrawn. NCC are advised that the documentation of an agreement has been delayed due to the availability of MLP's solicitors. It is expected that the objection will be withdrawn imminently.

5.5. Jigsaw Homes Limited ("Jigsaw")

5.5.1 Jigsaw submitted an objection [CD12.5] on the basis that NCC have not adequately described the purpose for which their land is required. They also requested further clarification regarding the rights required over their land and the programme of works.

5.5.2 At the date of this evidence there are ongoing discussions between NCC and Jigsaw in relation to the implementation of the scheme and terms whereby Jigsaw's objection can be withdrawn.

5.5.3 A draft licence and compromise agreement have been provided to Jigsaw and negotiations with their agents are ongoing. It is expected that this objection will be withdrawn imminently.

5.6. Mr Christopher Reckless

5.6.1 Mr Reckless submitted an objection [CD12.6] on the basis that he had received insufficient explanation regarding the reason for the proposed route and the extent of the land required. Mr Reckless also states within the objection that, if implemented, the CPO would result in a breach of his rights under Article 1 of the European Convention on Human Rights.

5.6.2 NCC responded to this objection by letter on 11 February 2019.

5.6.3 At the date of this evidence there are ongoing discussions between NCC and Mr Reckless in order that this objection may be resolved.

6. SUMMARY

6.1 At the date of this evidence, NCC continue to engage with each of the remaining objectors in order to resolve objections to the CPO.

6.2 The land and rights powers included in the CPO have been carefully considered and reviewed throughout the CPO process.

6.3 All reasonable efforts have been undertaken by NCC to reduce the impact of the Scheme with the land and rights within the scope of the CPO being only those proportionate to meet the construction and design requirements of the Scheme.

- 6.4 Compensation for the exercise of compulsory purchase powers will be payable by NCC in accordance with the compensation code.