

**Sections 239, 240, 246 and 260
Highways Act 1980
Acquisition of Land Act 1981**

**THE WARRINGTON BOROUGH COUNCIL (OMEGA TO
BURTONWOOD ACCESSIBILITY IMPROVEMENTS)
COMPULSORY PURCHASE ORDER 2019**

REFERENCE:

NATTRAN/NW/LAO/194

**Summary proof of evidence of
KATHRYN LOUISE OKELL
(Land Assembly and Ongoing Negotiations)**

1 INTRODUCTION AND QUALIFICATIONS

- 1.1 I am Kathryn Louise Okell and I became a member of the Royal Institution of Chartered Surveyors (RICS) in 2007, after having obtained a MSC in Commercial Property Management in 2004. I am a RICS Registered Valuer and a member of the Compulsory Purchase Association.
- 1.2 I have over fifteen years' experience in compulsory purchase surveying. In 2015, I became an associate partner of Axis Property Consultancy LLP, where I specialise in providing CPO and Land Assembly advice to a range of public and private sector organisations.
- 1.3 I am instructed by Warrington Borough Council ("the Council") to advise and negotiate compensation payable to the landowning parties for the acquisition of interests in the 13 plots of land around Burtonwood Road and Clay Lane ("the Order Land"), which are subject to the Warrington Borough Council (Omega to Burtonwood Accessibility Improvements) Compulsory Purchase Order 2019 ("the Order").
- 1.4 I confirm that I undertake my instructions and give this evidence in accordance with the RICS Professional Standards and Guidance, *Surveyors Advising in Respect of Compulsory Purchase and Statutory Compensation* (1st Edition, April 2017).

Scope of Evidence

- 1.5 This proof of evidence has been prepared regarding land assembly and negotiation matters relating to the Order [**document 1** to the Council's Statement of Case ("SoC")]. This proof of evidence has been prepared in connection with the Public Inquiry into the Order.
- 1.6 The purpose of my evidence is to explain the efforts that have been made to assemble the land required for the Scheme, together with the coordination of negotiations carried out with affected landowners, together with addressing the objection of the statutory objector ("the Statutory Objector").
- 1.7 My proof of evidence should be read in conjunction with other separate but interrelated proofs of evidence submitted on behalf of the Council: Keith Sanders; John Nichol; and Catherine Thompson.

2 THE SCHEME AND ORDER LAND

Overview of the Scheme

- 2.1 The Order is being made to assemble the land required for the Scheme. The Scheme, including the background to the need for the Scheme, is described in detail in the proof of evidence of John Nichol and the Statement of Reasons [**document 4** to the Council's SoC].

Description of the Order Land

- 2.2 The boundary of the Order Land is shown on the plan which accompanies the Order ("the Order Map") [**appendix 1** to the Council's Statement of Reasons ("SoR")]. The land to be acquired ("the Order Land") is shown on the Order Map edged in red and numbered as plots 1-12 (subject to proposed modification in line with **documents 6 and 7** to the SoC).
- 2.3 Paragraphs 2.3 – 2.20 of my proof of evidence set out a description of each land parcel and detail ownership. Paragraphs 2.21 – 2.26 of my proof of evidence set out the need for each parcel of land.
- 2.4 The entirety of the Order Land is required to facilitate the delivery of the Scheme, as further detailed in the proof of evidence of John Nichol.

3 NEGOTIATIONS WITH AFFECTED OWNERS

Council's Approach to Acquisitions

- 3.1 The Council first approached affected parties in March and April 2017. The nature of those discussions is set out in the statement prepared by Nigel Poole [**Appendix 1**].
- 3.2 The Council undertook public consultation exercises for the Burtonwood Transportation Study [**appendix 5** to the Council's SoR] in December 2014 and March 2015, as further described in the proof of evidence of John Nichol.
- 3.3 The efforts made by the Council during the preparation and making of the Order demonstrate that it has considered and complied with the 'Guidance on compulsory purchase process and the Crichel Down Rules' ("the Guidance"), specifically paragraphs 2, 3, and 17, which relate to the acquisition of land by agreement.
- 3.4 The Council has undertaken to meet the reasonable professional fees and costs incurred by those parties with whom it has been negotiating and those affected land owners and occupiers with whom the Council has invited to treat.
- 3.5 The Council has met (or has offered to meet) with land owners and occupiers to provide more detail and has answered queries on technical matters where requested to do so.
- 3.6 The Council has entered into agreements in advance of the Order where it has been possible to do so. It has also reached provisional agreements where possible to do so.

Axis' Efforts to Acquire the Order Land by Agreement

- 3.7 In accordance with the Guidance, the Council has been making all reasonable efforts to progress negotiations to acquire the Order Land by agreement and, in June 2018 it appointed Axis Property Consultancy LLP ("Axis") (a subcontractor to LSH) to negotiate the land acquisitions on its behalf.
- 3.8 All owners and occupiers affected by the Order were contacted by Axis between June 2018 and September 2018 and were invited to enter into discussions with a view to agreeing appropriate terms for acquisition and/or for payment of compensation.
- 3.9 The Council, via Axis, continues to seek to agree private acquisitions of land and interests prior to, and following, confirmation of the Order, until such time as the Council decides to exercise its powers under the Order.
- 3.10 My proof of evidence sets out details of discussions that have taken place with each landowning party. The plots owned by Homes England and Mr Sean Artes are currently agreed and being progressed to legal completion. The Council continues to work with the Ditchfield Estate, and Mr Holding and Ms Wilson. For the purposes of this summary proof, I concentrate only on the Ye family, as the remaining objector.

The Ye Family – Plots 1 (Plots 1 and 1a, as revised) & 2

- 3.11 The Council, through its appointed Surveyor, wrote to Mr & Mrs Ye in September 2018 and a meeting took place on 30 October 2018. This was followed by an offer to acquire the land that is required for the Scheme in December 2018.
- 3.12 In January 2019, Mr & Mrs Ye raised queries relating to access, boundary treatments and the impact of the Scheme on the existing pond. Responses were duly provided by

the Council. Further attempts to progress matters were made by the Acquiring Authority during February, March and April 2019, with little success.

- 3.13 In May 2019, the Landowner appointed a Surveyor and submitted a formal objection to the CPO [**document 19** to the SoC]. Details of all actions since the objection was lodged are set out below in Section 4.

Summary

- 3.14 The Order proposals have been extensively publicised and consultation has taken place with the communities that will be affected by the Order. All those directly affected by the Order have been notified. The Council has actively engaged with landowners and others in an effort to secure interests by agreement, and remains committed to pursuing those efforts. Any disputes as to compensation payable in relation to the acquisition of the relevant interests will be determined by the Upper Tribunal (Lands Chamber).

4 OBJECTIONS TO THE ORDER

The Ye Family

- 4.1 The principal Ground of Objection is that no satisfactory reinstatement works have been offered that will protect the Ye family's retained property and smallholding.
- 4.2 The second Ground of Objection relates to alternative schemes being available, which would deliver the same objectives as the Council's Scheme.
- 4.3 In terms of the principal Ground of Objection, the Council has met with the Ye family and their Surveyor on two occasions to discuss their concerns in more detail. At the first meeting, Mr and Mrs Ye's main issues were impact of the works in relation to their pond and loss of hedgerow.
- 4.4 The Council undertook a review of the Scheme and decided to make modifications as set out in the proof of evidence of Keith Sanders. These modifications address the Ye family's grounds of objection.
- 4.5 Copies of relevant correspondence are included at **Appendix 2** to this proof of evidence.
- 4.6 At the time of writing, no agreement with the Ye family has been reached but the Council is content to modify the Scheme to take account of the landowner's concerns, and is confident that the Scheme as modified is still viable, deliverable and justified as set out in the proof of evidence of Keith Sanders.
- 4.7 Negotiations to resolve issues and conclude agreements are still active and will continue in parallel to the compulsory purchase process up to the implementation of the Order, should it be confirmed, with powers of compulsory purchase being used as a matter of last resort in order to facilitate the delivery of the Scheme.

5 CONCLUSION

- 5.1 It is my opinion that significant efforts have been made to reach agreement with the landowners in advance of the Council resorting to compulsory purchase, and that such efforts are ongoing at the time of submission of my proof of evidence.
- 5.2 These efforts will continue in parallel with the advancement of the Order through the statutory process right up to implementation of powers, with a view to compulsory purchase only being used as a matter of last resort where private negotiations fail, in order to ensure the delivery of the Scheme in the public interest.
- 5.3 As such, it is my professional view that the Council has made more than reasonable efforts to acquire the Order Land by agreement.

6 STATEMENT OF TRUTH AND DECLARATION

- 6.1 My statement of truth is contained in full within Section 6 of my proof of evidence. I can confirm that the contents of that section apply equally to my summary proof of evidence.

KATHRYN LOUISE OKELL

October 2019