

# **SUMMARY PROOF OF EVIDENCE**

## **HENRY CHURCH MRICS**

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On behalf of

Stockport Metropolitan Borough Council

The Metropolitan Borough of Stockport (Hazel Grove (A6) to Manchester Airport A555 Classified Road) Compulsory Purchase Order 2013

The Metropolitan Borough of Stockport (Hazel Grove (A6) to Manchester Airport A555 Classified Road) (Side Roads) Order 2013

September 2014

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## 1.0 Introduction and Role

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- 1.1 My name is Henry John Church. I am a Member of the Royal Institution of Chartered Surveyors and am a Senior Director in the firm of CBRE Ltd.
- 1.2 I have over 20 years' experience of providing advice on compulsory purchase and compensation matter
- 1.3 I am instructed by Stockport Metropolitan Borough Council ("SMBC").
- 1.4 I was first instructed by SMBC in January 2014.
- 1.5 I am instructed to pursue negotiations with all parties affected by the Compulsory Purchase Order and Side Roads Order with a view to securing an agreement to purchase interest, by private treaty, with each of them and responding to objections, as appropriate

## 2.0 Scope of Evidence

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### 2.1 My evidence covers

- Approach to acquisitions including the advice in OPDM Circular 06/04 (“the Circular”) and how this has been complied with;
- A summary of negotiations to acquire required interests by agreement; and
- A summary of remaining objections, description of my dealings with the affected parties, agreements that are in the process of being concluded and my response to those issues that fall within the scope of my evidence

## 3.0 Background

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- 3.1 A detailed scheme history is set out in Mr McMahon's Proof.
- 3.2 The 2 Orders that are the subject of this Inquiry are
  - The Metropolitan Borough of Stockport (Hazel Grove (A6) to Manchester Airport A555 Classified Road) Compulsory Purchase Order 2013 (referred to in this Proof as "the CPO" or "The Order"), and
  - The Metropolitan Borough of Stockport (Hazel Grove (A6) to Manchester Airport A555 Classified Road) (Side Roads) Order 2013
- 3.3 Both Orders were made on 6 December 2013

## 4.0 Securing Powers

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### COMPLIANCE WITH GUIDANCE IN ODPM CIRCULAR 06/04

- 4.1 The Circular, published in October 2004, provides a guide to those bodies proposing to compulsorily acquire land.
- 4.2 Paragraph 24 of the Circular
  - makes it clear that the compulsory purchase of land is intended as a last resort in the event that attempts to acquire the rights requirement by agreement fail.
  - advises an acquiring authority to seek to acquire land by negotiation wherever practicable makes it clear that the compulsory purchase of land is intended as a last resort in the event that attempts to acquire the rights requirement by agreement fail.
- 4.3 At paragraph 25 the Circular encourages the acquiring authority to engage with affected parties
- 4.4 Mindful of the guidance SMBC has
  - sought to engage with landowners,
  - kept them informed of the progress of the scheme, and
  - actively sought and positively participated in discussions with those owners.
- 4.5 SMBC has undertaken to meet the reasonable professional fees and costs incurred by those with whom it has been negotiating

## 5.0 Objectors

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### OVERVIEW

- 5.1 SMBC received 53 objections to the CPO – this section deals with the land take objectors.
- 5.2 Prior to the making of the Order SMBC identified those with an interest in land and engaged with each of them.
- 5.3 Heads of Terms for an agreement to acquire by private treaty have been offered to all those affected parties where we have sufficient knowledge of the interest to do so.
- 5.4 Negotiations are ongoing with all affected parties.

## 6.0 Negotiations with affected parties

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### OVERVIEW

- 6.1 I and members of the Stockport team have sought to engage with all affected parties – not only those who objected.
- 6.2 Heads of Terms for an agreement by private treaty have been offered to all those where we have sufficient information to make such offers.
- 6.3 Negotiations with these parties continues



## 7.0 Other interested parties

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### OVERVIEW

- 7.1 SMBC has also engaged with parties outside the CPO red line who believe that their property interest is impacted, in whichever way.

## 8.0 Conclusion

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- 8.1 It is clear to me that;
- advice in Circular has been fully met in respect of the Order. SMBC has
    - sought to engage with all affected parties,
    - kept them informed of the progress of the scheme, and
    - actively sought and positively participated in discussions with them.
  - SMBC has given an undertaking in respect of the reasonable professional fees and costs incurred by the outstanding objectors in negotiating
  - In my opinion, the objectors to the Order will be adequately protected, either by an agreement (negotiations are continuing in respect of each interest where agreement remains to be reached) or (following a failure of negotiations) by the statutory entitlement to claim compensation under the relevant provisions of the national Compensation Code.
- 8.2 I therefore consider that SMBC has complied with the requirements of the Circular and invite the Inspector to recommend that the CPO should be confirmed.

## 9.0 Expert's Declaration

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- 9.1 I confirm that 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 giving my evidence impartially and objectively, and that I will continue to comply with that duty.
- 9.2 I confirm that my report includes all facts which I regard as being relevant to the opinions I have expressed and that attention has been drawn to any matter that would affect the validity of those opinions. I am not instructed under any conditional fee arrangement and have no conflict of interest. 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. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.
- 9.3 I confirm my report complies with the requirements of the Royal Institution of Chartered Surveyors (RICS), as set down in Surveyors acting as expert witnesses: RICS practice statement.



**Henry John Church MRICS**

**2 September 2014**