

CD 6.14

Town and Country Planning Act 1990

Acquisition of Land Act 1981

Local Government (Miscellaneous Provisions) Act 1976

Inquiry into:

**THE CORNWALL COUNCIL (LANGARTH GARDEN VILLAGE, THREEMILESTONE)
COMPULSORY PURCHASE ORDER 2022**

Summary Proof of Evidence

of

Andrew Hector

Director, Jones Lang LaSalle Limited

2 January 2024

1. INTRODUCTION

- 1.1 I am Andrew James Hector, a Director at Jones Lang LaSalle Limited (**JLL**), a Chartered Surveyor (MRICS) since 1992 and an RICS Registered Valuer. I have worked in the property industry for more than 35 years and provide development consultancy, land acquisition and disposal services in connection with mixed-use, commercial, and residential developments throughout the South-West.
- 1.2 I was instructed by Cornwall Council (**Council**) in October 2019 to support its engagement with landowners and to negotiate the acquisition of land and rights required for the purposes of the Langarth Garden Village (**Scheme**), where possible by agreement, and to advise on compulsory purchase and compensation matters where not possible. I have been personally involved in the negotiation of all land acquired by agreement and in the steps taken to compulsorily acquire any remaining land and rights required for Scheme purposes.

2. SCOPE OF EVIDENCE

- 2.1 My proof of evidence identifies the property interests the Council has been seeking to acquire through negotiation (the Order Land) and confirms where terms to acquire those interests have been agreed and where they remain to be legally completed.
- 2.2 My proof also summarises the objections to the CPO and explains the current position with the 1 remaining objector to the CPO and how the Council has effectively agreed terms with them (including the amount of compensation to be paid) so that their objections only remain because legal agreements are still to be completed.

3. LAND INTERESTS INCLUDED IN THE CPO

- 3.1 In total, the Order Land comprises 152 CPO plots in public and private sector ownership. Of the total 152 plots, 14 are required for the acquisition of new rights.
- 3.2 114 of the plots lie within the existing public highway or are already in the Council's ownership. 13 plots comprise unregistered land in unknown ownership and 5 plots are owned by the Royal Cornwall Hospital Trust with whom the Council has reached agreement. The remaining 20 plots are in the ownership of 8 private landowners and agreements have been reached to acquire land and rights with all but one of them, encompassing 17 CPO Plots. Therefore, the Council now owns or has agreed terms to acquire 136 of the CPO Plots.
- 3.3 The Council has limited the extent of third-party land included within the Order Land to only that necessary for delivery of key strategic infrastructure required to facilitate delivery of the Scheme in accordance with the planning permissions.

4. THE NEED FOR THE USE OF COMPULSORY PURCHASE POWERS

- 4.1 In my proof, I set out why the CPO is justified in the public interest and necessary to secure the acquisition of all relevant land and interests required for delivery of the Scheme in accordance with the Council's objectives.
- 4.2 Whilst the Council has made good progress with the acquisition of land and new rights by agreement it is relying on the CPO to extinguish third party rights and interests in respect of land it has already acquired and to compulsorily acquire the remaining land if voluntary agreements reached with landowners do not progress to legal completion.
- 4.3 I consider it highly unlikely that this level of progress would have been made, and the development of the Scheme to achieve the stated objectives would be deliverable, without its ability to rely on compulsory purchase powers.
- 4.4 In my opinion the Council is justified in making the CPO.

5. NEGOTIATIONS TO ACQUIRE INTERESTS BY AGREEMENT

- 5.1 My evidence explains how CPO Guidance has directed the best practice approach the Council has taken to identify and engage in meaningful negotiations with affected landowners and has taken reasonable steps to acquire all of the Order Land by agreement.
- 5.2 My evidence notes that, consistent with CPO Guidance:
- i) The Council has provided landowners with information explaining the compulsory purchase process, the rights and duties of those affected and an indicative timetable of events.
 - ii) All financial offers made to landowners have, as a minimum, reflected the compensation to which they would be entitled in the event of compulsory acquisition.
 - iii) In addition to its offers of compensation, the Council has agreed to fund a range of other infrastructure and mitigation works in order to address issues that have concerned landowners.
 - iv) The Council has been flexible and pragmatic in its approach to explore alternatives to compulsory acquisition.
 - v) The Council has agreed to acquire three properties outright where the owners were concerned about the proximity of the development to their homes and/or adverse impacts on their business.
 - vi) The Council has agreed to pay landowners reasonably incurred professional fees for advice on the compulsory purchase process, negotiating compensation and agreeing other relevant matters to ensure that costs did not create an impediment to meaningful engagement.
- 5.3 This approach has led to the acquisition by agreement of the vast majority of the Order land, with 'in principle' provisional agreements being reached with all but one of the remaining affected landowners.
- 5.4 For these reasons, I am satisfied that the Council has fully complied with the advice provided at paragraphs 2, 3, 17 and 19 of the CPO Guidance.

6. OBJECTIONS TO THE ORDER

- 6.1 Seven objections were received to the CPO. Following engagement between the Council and those objectors, all of those objections have now been withdrawn.

7. CONCLUSION

- 7.1 In my opinion, the interests and rights included within the Order Land are required in connection with the carrying out of the Scheme in accordance with the objectives of the Council. Without the CPO, there is no reasonable prospect that these could be assembled within an acceptable timescale and the Council would not be able to deliver the Scheme.
- 7.2 In my opinion, the Council has acted reasonably in accordance with the CPO Guidance. It has sought to acquire the Order Land wherever possible in advance by means of agreement rather than by compulsory purchase and has successfully reached agreements or provisional agreements to acquire the vast majority of the Order Land including all landowning objectors.
- 7.3 All objections made have been fully considered and the Council has sought to address the concerns raised where it is practicable to do so without prejudicing the Scheme. In particular, the Council has taken great care to ensure that the impact of the Scheme upon those most affected is kept to a minimum.

- 7.4 Where objections have been made the Council has addressed the concerns raised and reached agreement with the objectors resulting in their withdrawal in all cases.
- 7.5 In my opinion, the CPO is demonstrably in the public interest and should be confirmed.

8. STATEMENT OF TRUTH

- 8.1 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. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.
- 8.2 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.
- 8.3 I am not instructed under any conditional or other success-based fee arrangement and have no conflicts of interest.
- 8.4 I am aware of and have complied with the requirements of the rules, protocols and directions of the Inquiry; and,
- 8.5 I confirm that my report complies with the requirements of the Royal Institution of Chartered Surveyors Practice Statement and Guidance Notes set out in the publication "Surveyors acting as expert witnesses" (4th edition, amended August 2020).



Andrew Hector
2 January 2024