

**DEPARTMENT FOR TRANSPORT**

**3 January 2019**

**TRANSPORT AND WORKS ACT 1992**

**TRANSPORT AND WORKS (APPLICATIONS AND OBJECTIONS PROCEDURE)  
(ENGLAND AND WALES) RULES 2006**

**THE NETWORK RAIL (LONDON TO CORBY) (LAND ACQUISITION, LEVEL  
CROSSINGS AND BRIDGE WORKS) ORDER**

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**SUMMARY PROOF OF EVIDENCE**

**of**

**PHILIP GLYNN - PROPERTY**

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## **1. INTRODUCTION**

- 1.1.1 My name is Philip John Glynn. I am employed by Network Rail Infrastructure Limited ("Network Rail") as a Senior Surveyor (Projects) for the London North East and East Midlands Route, based in Network Rail's Manchester and York Offices. I have held the position of Senior Surveyor (Projects) since 2011, prior to which I was employed by Mouchel as Regional Manager (Highway Agency Valuation Services) based in their Manchester office.
- 1.1.2 I am a Fellow of the Royal Institution of Chartered Surveyors, qualifying in 1994.
- 1.1.3 Since 2011 I have been involved in land acquisitions on behalf of Network Rail, for rail schemes in the north west, north east and south east of England, schemes include the Northern Hub, North West Electrification, North Doncaster Chord, Buxton Freight Extension, Hope Valley, Werrington, Hitchin Chord I am currently involved with the Trans-Pennine Upgrade (Manchester to York).
- 1.1.4 I am instructed by Network Rail in respect of the Network Rail (London to Corby) (Land Acquisition, Level Crossing and Bridge Works) Order.

## **2. APPROACH TO LAND ACQUISITIONS**

### **2.1 Justification for Compulsory Acquisitions**

- 2.1.1 Network Rail has had due regard to paragraphs 12 to 15 of the Ministry of Housing Communities & Local Government (MHCLG) Guidance on Compulsory Purchase Process and Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of compulsion, in formulating its justification for seeking powers of compulsory acquisition in the Order (NR1) (Issue 8 in the Statement of Matters).
- 2.1.2 Network Rail considers it important to minimise the land required in the Order (NR1) and the engineering design and consultation processes have been undertaken to ensure the land identified for both compulsory acquisition is that which is required for the successful development of the Scheme.
- 2.1.3 However, despite seeking to minimise the land required for the Order scheme, the nature of it requires that land and rights outside the control of Network Rail are required.

- 2.1.4 Network Rail is seeking powers of compulsory acquisition in order to be able to secure the land interests required for the Order scheme in a timely and efficient manner. These powers would guarantee that should the Order be made, all the land required for the Order scheme can be acquired in a realistic timescale and that no individual landowner can hold up the Order scheme through a refusal to sell or licence its interest. It would also ensure that no adverse interests prevent the Order scheme being delivered. In practice, it would be impossible to assemble all the necessary land interests in a reasonable timescale without the use of, or possible recourse to such compulsory powers.
- 2.1.5 Although compulsory purchase powers are required to facilitate the Order scheme, all affected parties who own, lease or occupy land have been contacted by Network Rail with a view to seeking a negotiated agreement for the acquisition, either on a temporary or permanent basis, of their land.
- 2.1.6 The Order scheme's property requirements have been minimised and dealt with by negotiation or design. The scale of the overall scheme has led to negotiation for adjoining landowners of over 30 structures and with only a limited amount of land included within the Order. The requirements have also been further reduced since the Order application through negotiation.
- 2.1.7 The granting of compulsory acquisition powers in the Order would therefore provide certainty to owners, businesses, residents and others that Network Rail will be able to deliver the scheme effectively.

## **2.2 The Scope of Acquisition**

- 2.2.1 The Order, if approved, will grant Network Rail the powers to permanently and temporarily acquire land, or rights over land needed to construct and operate the proposed Order scheme. Network Rail seeks compulsory purchase powers to acquire no more land than appears to it to be reasonably required in order to construct and operate the proposed railway works in a safe, timely and economically efficient manner.
- 2.2.2 The extent of the land to be compulsorily purchased is determined by the design and construction requirements of the new rail works, together with ancillary works such as utility diversions and environmental mitigation
- 2.2.3 In all cases, land that is required on a temporary basis will be returned to the owner on completion of the Scheme, having been made good or, where otherwise appropriate, reinstated to a specification agreed with the owner or occupier.

2.2.4 Network Rail also seeks powers within the Order to acquire rights over land. In the case of certain plots, Network Rail has restricted its compulsory powers to acquire rights only for purposes which have been specified in Schedule 4 to the Order, i.e. rights of access for construction and maintenance, for the attachment of equipment to the railway viaduct and the diversion of utility apparatus.

### **3. COMPULSORY PURCHASE AND THE COMPENSATION CODE**

3.1.1 The powers sought will enable Network Rail to enter onto and take possession of the land plots contained within the Order in order to carry out the works required to construct the Order Scheme upon service of appropriate notices.

3.1.2 The powers would enable Network Rail to take possession without the landowner's consent if necessary, but every effort will be made to reach agreement in advance of using compulsory purchase powers in accordance with the Ministry of Housing and Communities of Local Government (MHCLG) Guidance on Compulsory Purchase Process and the Crichel Down Rules (Feb 2018) Circular.

3.1.3 The Order invokes Part 1 of the Compulsory Purchase Act 1965 which, through its application, has the effect of requiring Network Rail to pay compensation to qualifying parties under what is known as the statutory Compensation Code, which as it now stands is an amalgamation of numerous Acts of Parliament and legal precedents that have evolved over more than 150 years.

3.1.4 All property owners directly affected by the Order scheme will be entitled to claim compensation in accordance with the Compensation Code, which provides a consistent approach to the assessment of fair compensation.

3.1.5 In addition to compensation being paid for the value of land or other interest taken permanently or temporarily, compensation will also be payable in respect to any loss in a landowner's retained property caused by it being severed from the land acquired, or by the Order scheme itself.

3.1.6 Compensation is also payable in respect of disturbance losses that result from the construction of the Order scheme. The total compensation to be paid is usually agreed between the parties. In the event that agreement cannot be reached then fair compensation can be independently determined by both parties making a joint reference via the Alternative Dispute Resolution (ADR) process, or by one or both parties making a reference to the Upper Tribunal (Lands Chamber).

#### **4. TEMPORARY USE OF LAND**

4.1.1 Article 19 and Schedule 10 of the Order provide for the temporary acquisition of land for the construction of the works authorised by the Order.

4.1.2 Land which is occupied temporarily in accordance with the Order will on completion of the works and vacation be returned to the owner reinstated to a specification agreed with the land owner.

#### **5. LANDOWNERS AFFECTED BY COMPULSORY PURCHASE**

5.1.1 To date Network Rail has documented formal agreement with the following landowners.

- Connelly Homes
- Bedford Borough Council

5.1.2 Network Rail is in negotiations to secure elements of the land and rights required by agreement with other landowners notably:

- The Guinness Partnership in relation to land adjoining Bromham Road required by Network Rail for the reconstruction of the railway bridge at this location.
- Govia Thameslink Railway in relation to land adjoining Bromham Road required by Network Rail for the reconstruction of the railway bridge at this location.
- Bovis Homes Limited in relation to land adjoining Irthlingborough Road and land adjoining Irchester West Viaduct required by Network Rail for the reconstruction of the railway bridge at Irthlingborough Road and the installation of overhead line equipment at Irchester.

5.1.3 Network Rail will in general rely on the powers of the Order but will work with landowners to reach agreement when particular issues and concerns and specific justified circumstances require.

5.1.4 Section 9 of my main Proof of Evidence (**NR71**) sets out in detail the current position as regards objections and representations received from the owners/occupiers of land within the Order limits.

## **6. CONCLUSION**

- 6.1.1 The land and rights included in the Order have been carefully considered and reviewed throughout the emerging Order process.
- 6.1.2 Every effort has been made to reduce the impact of the Order scheme on landowners with the land and rights sought being only those proportionate to meet the construction and design requirements of the Order scheme.