

Leicestershire County Council (A511 Growth Corridor) (Side Roads) Order 2023

Leicestershire County Council (A511 Growth Corridor) Compulsory Purchase Order 2023

PINS Ref: NATTRAN/EM/HAO/299

Summary of LCC4: Proof of Evidence of Nigel Billingsley

dated 20 May 2024

1 Introduction

1.1 Qualifications and Experience

1.2 I, Nigel Billingsley, am an equity partner at Bruton Knowles Limited, a firm of chartered surveyors. I lead our Utility & Infrastructure team across the Midlands and North.

1.3 I set out my qualifications in Section 1 of my Evidence. In brief, I am a member of The Royal Institution of Chartered Surveyors (RICS) having qualified in 1990, I am also an RICS registered valuer and a member of the Compulsory Purchase Association.

1.4 I have worked for Bruton Knowles since 2004 and have practiced predominantly within the field of compulsory purchase and compensation. I have acted for a number of acquiring authority clients and claimants affected by projects including Compulsory Purchase Orders (CPO), Development Consent Orders (DCO) and Transport & Works Act Orders (TWAO). I attach a CV appendix NB01 of my Evidence.

1.5 This summary proof of evidence (hereinafter referred to as this **Summary**) summarises my Proof of Evidence (my **Evidence**) which is made in support of the Leicestershire County Council (A511 Growth Corridor) (Side Roads) Order 2023 (the **SRO**) and the Leicestershire County Council (A511 Growth Corridor) Compulsory Purchase Order 2023 (the **CPO**) (together, the **Orders**) in connection with the Leicestershire County Council A511 Growth Corridor (also referred to in this Summary and my Evidence as the **Scheme**).

1.6 The facts and matters set out in this Summary are within my own knowledge. The facts set out below are true to the best of my knowledge and belief. Where reference is made to facts which are outside my knowledge, I set out the source of my information and I believe such information to be true.

1.7 I have been assisted by other professional advisors and officers of Leicestershire County Council (the **Council**) with the preparation of my Evidence, some of whom will also provide evidence at the inquiry.

1.8 Involvement with the Scheme

1.9 Section 1.2 of my Evidence provides an overview of Bruton Knowles' involvement in the Scheme since March 2023. This has included heading up the project and working with the delivery team and undertaking negotiations with landowners affected by the Scheme. Bruton Knowles are also more widely instructed to provide advice in relation to negotiations with Landowners in advance of the Orders, production of necessary documents for inclusion within the Order including the CPO Book of Reference and CPO plans and dealing with responses to Objections to the Orders.

1.10 Bruton Knowles did not work on the SRO.

2 Scope of Evidence

2.1 I set out the following in my Evidence:

2.1.1 An explanation of the Council's efforts to negotiate with interest holders to voluntarily acquire land in respect of the Scheme in so far as it relates to the relevant CPO;

- 2.1.2 A summary of the outstanding interests on each property interest in so far as it relates to the relevant CPO and the likelihood of being able to voluntarily acquire these within a reasonable timeframe.

3 The Council's Efforts to Negotiate with Interest Holders

3.1 Best Practice Guidance

- 3.2 The Council's preference has been to secure land rights on a voluntary basis in accordance with guidance set out by Government. Section 3 of my Evidence provides an overview on of the process followed including:

- 3.2.1 the Council's attempts to engage with affected persons as early as possible. Our instructions have been to agree wherever reasonably possible an agreement on a voluntary basis;
- 3.2.2 a land referencing exercise was undertaken to identify affected landowners;
- 3.2.3 landowners were served with a statutory request for information letter,
- 3.2.4 statutory undertakers were contacted, and the information gathered was used to produce the Book of Reference that forms part of the CPO;
- 3.2.5 discussions and negotiations with affected landowners have been in accordance with and having regard to the Compensation Code.

3.3 Efforts to acquire freehold and leasehold interests by agreement

- 3.4 Section 3.2 of my Evidence sets out how the Scheme has been adjusted following concerns raised by objectors. These adjustments are set out at Section 3.2.4.
- 3.5 Section 3.2 of my Evidence also sets out the efforts made by the Council to acquire interests in the CPO via negotiation. This includes negotiating, insofar as is currently possible, licences with those plots where rights are required on a temporary basis. Most landowners have not objected to the Scheme and have been supportive to date.
- 3.6 Licences and voluntary agreements will be finalised once a contractor has been appointed to assist on detailed programming. The Council have recommended site meetings to all temporary landowners to provide full details of the rights required which will offer certainty on specific timings to the landowners. We anticipate this to be completed in late August 2024 once the contractor has been appointed.
- 3.7 My Evidence provides a summary of the various plot holders and the status of the negotiations with them. This demonstrates the Council's efforts to engage with all necessary plot holders.

4 Current Status

- 4.1 Whilst ongoing negotiations with affected parties are ongoing and Heads of Terms in the process of being agreed, there are no formal agreements or transactions concluded at the date of my Evidence.

5 Outstanding Interests

5.1 As set out in Section 5 of my Evidence, the outstanding interests subject to permanent acquisition that are still to be acquired are as follows (please see Section 5 for further details on these):

5.1.1 Wm Morrison Ltd (OBJ 1);

5.1.2 Network Rail Infrastructure Ltd (NRIL) (OBJ 3);

5.1.3 Helen Jean Measures and David William Measures (OBJ 2);

5.1.4 Wilson Enterprises Ltd (OBJ 5);

5.1.5 Annie Connors (OBJ 7);

5.1.6 Bloor Homes;

5.1.7 Keepmoat Homes; and

5.1.8 David Wilson Homes.

5.2 Following negotiations, we have a high level of confidence that we will reach a formal agreement for the voluntary acquisition land held by Corporate entities. We are less confident that an agreement will be reached with Messrs Measures and Ms Connors. In our discussions with these two landowners we have noted that they are reluctant to progress with agreement where the level of payment is assessed on the basis of the Compensation Code.

6 Response to Objectors

6.1 Section 6 of my Evidence sets out Bruton Knowles responses to the objections received in respect of the CPO that relate to engagement and negotiations. I do not consider any other aspects of the objections and only seek to consider the CPO, not the SRO. Insofar as any of the Objections raise issues relating to engagement and negotiations I am satisfied that the correct processes have been followed in accordance with Government and best practice guidance

6.2 Please see Section 6 of my Evidence for our detailed responses to the objections.

6.3 Conclusion

6.4 My key involvement in the Scheme has been to ensure that the delivery falls within the guidance set out by Government and that the offers made to landowners are reasonable in the context of the Compensation Code.

6.5 Each plot holder has been contacted and agreement on a voluntary basis sought. In a number of cases we have not been able to reach an agreement. Whilst we remain hopeful that we may be able to enter into voluntary agreement with some of these remaining plot holders, there are others that we do not think agreement will be reached with. As such the Orders are necessary so as to facilitate the Scheme.