

SUMMARY PROOF OF EVIDENCE OF RICHARD CATEN
LAND AND PROPERTY



THE CHILTERN RAILWAYS (BICESTER TO OXFORD IMPROVEMENTS) ORDER

TRANSPORT AND WORKS ACT 1992

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

27 SEPTEMBER 2010



infrastructure and regeneration

1.0 INTRODUCTION

1.1 My name is Richard Dean Caten. My academic and professional qualifications are:

1.1.1 MRICS – Member of the Royal Institution of Chartered Surveyors

1.1.2 BSc (Hons) in Land Management

1.2 I am a Director of Ardent Management Limited (“Ardent”), a company that was established in 1992 to provide specialised property services concerning the promotion and development of transport infrastructure and urban regeneration schemes.

1.3 My responsibilities include:

1.3.1 Assessment of property impact;

1.3.2 Consultation with affected owners and interested parties;

1.3.3 Promotion of the Scheme relative to property matters; and

1.3.4 Production of budget estimates of prospective compensation liabilities to form the basis of an estimated land cost for the purposes of the Estimate of Cost (CD/1.8).

CHILTERN RAILWAYS BICESTER TO OXFORD IMPROVEMENT SCHEME REQUIREMENTS

- 1.4 In respect of the guidance set out in Circular 06/2004 (CD/5.19) a compelling case for the acquisition of land is set out in the Proofs of Evidence of Mr Allan Dare (CRCL/P/2/A), Mr Graham Cross (CRCL/P/1/A) and Mr Stephen Barker (CRCL/P/6/A) in particular, and the Proof of Evidence of the other witnesses.

Categories of Land to be Acquired or Used

- 1.5 There are two distinct categories of land to be acquired or used, as described in the draft Order (CD/1.2) and shown on the Deposited Plans and Sections and Open Space Plan (CD/1.9). These are namely, the Limits of Deviation, and the Limits of Land to be Acquired or Used.

Special Category Land

- 1.6 There is 'special category' land as listed in Rule 12(7)(c) of the Transport and Works (Application and Objection Procedure England and Wales) Rules 2006 ("the Rules") (CD/5.22) this is dealt with in my Proof of Evidence at paragraphs 3.6 to 3.14.

Site Specific Requirements and Bodies with Statutory Functions

- 1.7 To enable construction and operation of the Order Scheme, it has been necessary to incorporate powers into the draft Order (CD/1.2) that enable Chiltern to occupy, use and acquire land owned or occupied by certain bodies with a statutory function.

Extent of Limits of Deviation and of Land to be Acquired or Used

- 1.8 Chiltern acting in accordance with the guidance in Circular 06/04 and taking account of the Office of Rail Regulation and Network Rail's requirements, has sought to minimise the extent of land and rights acquired permanently under the Order outside of the railway corridor, so as to take only land and interests necessary for the implementation and operation of the Scheme.

- 1.9 For a Scheme of this size and nature, the fact that there are only thirteen properties that are required to be demolished none of which are residential, being eight at Bicester Town and five at Water Eaton (including the grain silo and four other disused buildings) is a positive attribute of the Scheme.

IDENTIFICATION OF AFFECTED PROPERTY OWNERS, OCCUPIERS AND INTERESTS

- 1.10 Through the development and selection of the proposed Works, consultation and enquiries, Chiltern has an extensive understanding of the land and

interests affected by this Scheme. It has therefore been possible to identify in detail those owners, occupiers and interests whose property is affected.

- 1.11 In part, this has been achieved by undertaking a land referencing exercise. This was carried out in accordance with the Transport and Works (Applications and Objections Procedures) (England and Wales) Rules 2006 (CD/5.22). The information gathered on all land and property interests has been compiled into the Book of Reference (CD/1.10), which corresponds with the land parcels shown on the Deposited Plans and Sections and Open Space Plan (CD/1.9).
- 1.12 Throughout all stages of the promotion of the Scheme, Chiltern has sought to consult with all affected landowners occupiers and interest holders. It has done so by various means, including telephone contact, correspondence and meetings. Chiltern has approached all affected landowners, occupiers and interested parties and has responded to those who have shown an interest in being consulted. This includes all those landowners and occupiers who have lodged formal objections against the application to the Secretary of State.
- 1.13 In Section 9 of my Proof of Evidence (CRCL/P/11/A), I identify the approach that Chiltern has taken with landowners and occupiers.
- 1.14 Given the number of discrete land parcels required for the Scheme and the number of discrete land owners affected by this Scheme, I am satisfied that powers of compulsion are necessary for Chiltern to deliver the Scheme.

GENERAL REQUIREMENTS AND CRITERIA AND SITE-SPECIFIC PROPERTY CONSIDERATIONS CONSEQUENT ON THE SCHEME

- 1.15 A basic principle underlying the planning of the Scheme has been to reduce, as far as is possible, the impact of the Scheme on private property. It is however inevitable, that there will be some adverse impact on property in delivering this reconstruction and upgrading of the Bicester to Oxford railway.
- 1.16 Chiltern has sought to minimise the construction impacts on affected landowners and properties. Temporary possession of land or interests in land will only be taken if they are necessary for the construction of the Scheme. The construction methodology is described further in the Proof of Evidence of Mr Stephen Barker (CRCL/P/6/A).
- 1.17 The operation of the upgraded line will permanently affect rights of way. These effects are described further in Section 5 of my Proof of Evidence and the Proof of Evidence of Mr Ian Gilder (CRCL/P12/A).

LIAISON WITH OWNERS AND OCCUPIERS OF AFFECTED PROPERTY AND INTERESTS PRE-CONSTRUCTION

- 1.18 As at the date of this Proof of Evidence, there have been a total of 310 formal objections made to the Secretary of State concerning the Scheme, in respect of the Application and the draft Order (CD/1.2). Of these, 88 are landowners

or occupiers within the Book of Reference (CD/1.10) whose property interests are wholly or partly affected by the Scheme.

1.19 In the case of most statutory land objectors, agreements are being negotiated that satisfy those concerns raised by Objectors. This is described further in Section 9 of my Proof of Evidence (CRCL/P/11/A).

LIAISON WITH OWNERS AND OCCUPIERS DURING CONSTRUCTION

1.20 Chiltern as required by the Code of Construction Practice (to be imposed by planning conditions), will during the course of construction of the Scheme carry out regular liaison with owners and occupiers along the route.

1.21 In my experience, through involvement with other similar Schemes, the above approach will enable Chiltern's staff and representatives to deal quickly and efficiently with matters raised by affected parties.

1.22 A requirement of the CoCP is that a "Liaison Officer" is appointed, whose role it will be to liaise between Chiltern Railways, its Contractors and third parties, regarding any issues and concerns that arise with construction. This basic remit of the Liaison Officer, will be to seek a prompt response to any concerns raised and to ensure that they are satisfactorily addressed.

1.23 It is not anticipated that damage to property, which is not required for the construction of the Scheme, will occur as a result of the construction.

1.24 However, where it is considered that there is a prospect of damage occurring to property in close proximity to the works, owners and occupiers will be approached to agree a schedule of defects, prior to the commencement of construction in the area. Where damage does occur, action will be taken to make good.

COMPENSATION

1.25 I understand that compensation is not a matter for the public inquiry. However, compensation will be assessed based on the market value of land and property, together with any disturbance losses and claimant's associated professional fees. Any disputes that arise in relation to compensation will be referred to the Lands Tribunal.

NEGOTIATIONS WITH OBJECTORS

1.26 The principal property objections, Chiltern's summary response and an overview of the current status of the objection are set out in Section 9 of my Proof of Evidence.

ISSUES RAISED IN THE STATEMENT OF MATTERS

- 1.27 In Section 10 of my Proof of Evidence, I address the particular points that the department has raised in its Statement of Matters that relate to land and property.

CONCLUSION

- 1.28 It is Chiltern's purpose and in Chiltern's interest, to mitigate the effects of the construction of the Scheme and to reduce as far as is possible the impact on private property.

- 1.29 I am satisfied, that from a land and property perspective, that Chiltern has;

1.29.1 Worked to minimise the extent of land, property and rights both temporarily and permanently required;

1.29.2 Limited the land and property requirements to what is reasonable for a Scheme of this complexity and extent;

1.29.3 Sought to minimise demolition of property resulting in no properties to be demolished for this Scheme and minimised property blight; and

1.29.4 Demonstrated the need for compulsory purchase powers.

- 1.30 Chiltern has corresponded and/or met with those land and property objectors with an interest as listed in the Book of Reference (CD/1.10). Where there are reasonable opportunities to minimise the impact of the Scheme and it is reasonably possible to address legitimate concerns, Chiltern has offered, or proposes to offer undertakings or enter into agreements, that regulate the interface, so as to minimise the Scheme's impacts. In many instances, this process is ongoing.
- 1.31 Where there are inevitable land and property impacts, Chiltern will compensate in accordance with the statutory Compensation Code and the provisions of the draft Order (CD/1.2).