

**THE FELIXSTOWE BRANCH LINE AND  
IPSWICH YARD IMPROVEMENT ORDER INQUIRY**

**Summary Proof of Evidence**

**Land and Property**

**February 2007**

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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 (“AML”), a company that was established in 1992 to provide specialised property services concerning the promotion and development of transport infrastructure Schemes and urban regeneration schemes throughout the United Kingdom.

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 (CD4).

## **FELIXSTOWE BRANCH LINE AND IPSWICH YARD IMPROVEMENT SCHEME REQUIREMENTS**

- 1.4 In respect of the guidance set out in Circular 06/2004 (CD85) a compelling case for the acquisition of land is set out in the Proof of Evidence of Mr Andrew Harston (App/1) and Mr Richard Spoons (App/21) together with those of the other witnesses.
- 1.5 FDRC has set out the land that it needs both temporarily and permanently for the Scheme, within the draft Order and the Works and Land Plans (CD4). There are three distinct categories of land;
- 1.5.1 Limits of Deviation;
- 1.5.2 Land to be Acquired or Used (permanent acquisition (draft Order (CD4) Schedule 2)) and;
- 1.5.3 Land to be Acquired or Used (temporary occupation (draft Order (CD4) Schedule 9)).
- 1.6 These categories are collectively known as the land within the limits of deviation (“Limits of Deviation”) and are described in my Proof of Evidence (App/141).
- 1.7 There are no special categories of land to be acquired as part of the Scheme. The Scheme avoids any requirement for the acquisition of any listed buildings, open space (as defined by Section 19 of the Acquisition of Land Act 1981), land within the Green Belt and any other special category of land

listed in Rule 12 (7) (c) of the Transport and Works (Application and Objection Procedure England and Wales) Rules 2000 (“the Rules”) (CD28). I can therefore confirm on behalf of FDRC that no open space is proposed to be acquired as part of the draft Order (CD4).

1.8 FDRC will minimise the extent of land and rights acquired permanently outside of the railway corridor, to mitigate, wherever possible, the permanent imposition of its acquisition on land and interests for the Scheme.

1.9 For a Scheme of this size and nature, the fact that there are no properties that are required to be demolished is a positive attribute of the Scheme.

#### **IDENTIFICATION OF AFFECTED PROPERTY OWNERS, OCCUPIERS AND INTERESTS**

1.10 It has been necessary to identify owners and occupiers of land and property within the Limits of Deviation for compiling the Book of Reference, the Works and Land Plans (CD4) and for serving formal notices in accordance with the Rules (CD28) that govern the Project Application (CD4).

1.11 In Section 10 of my Proof of Evidence (App/141), I identify the approach that FDRC has taken with landowners and occupiers, within the Book of Reference (CD4), who have objected to the Project (excluding Statutory Undertakers). I further detail the status of the outstanding property related objections.

1.12 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 FDRC to deliver the Scheme.

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

1.13 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 impact on property in delivering this capacity enhancement Scheme.

1.14 FDRC 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 Richard Spoons (App/21).

1.15 Certain construction activities in certain instances temporarily affect, in other instances the operation of the enhanced Branch Line will permanently affect rights of way. These effects are described further in the Proofs of Evidence of Mr Andrew Cann (App/121) and Mr Richard Spoons (App/21).

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

- 1.16 As at the date of this Proof of Evidence, there have been a total of 59 formal objections made to the Secretary of State concerning the Scheme, in respect of the Application and the draft Order (CD4). Of these, eight are landowners or occupiers within the Book of Reference (CD4) that wholly or partly relate to matters concerning property impact.
- 1.17 FDRC has had contact with all objectors who are listed within the Book of Reference (CD4). In many instances, meetings have been held where I, or one of my colleagues, have met with the Objector or their representative to find out whether there is a basis to overcome the objections. Progress with a number of objectors has been achieved by either explaining the detail of the Scheme, or working with the Objector to minimise the effect of the Scheme on their land and property.
- 1.18 In the case of five out of the eight statutory land objectors, agreements are being negotiated that satisfy those concerns raised by Objectors. This is described further in Section 10 of my Proof of Evidence (App/141).
- 1.19 In the case of Objectors 4 and 5, the original objection relating to the proposed footbridge at Westerfield Level Crossing has changed status. The status of the objection no longer relates to the impact on land and property

due to the proposed footbridge, as it has been removed from the Scheme. The Objectors have been notified, however the objections have not been withdrawn.

## **LIAISON WITH OWNERS AND OCCUPIERS DURING CONSTRUCTION**

- 1.20 FDRC as required by the Code of Construction Practice (CoCP) (pursuant to the draft Planning Conditions,) will during the course of construction of the Scheme carry out regular liaison with owners and occupiers along the route.
- 1.21 FDRC is seeking to agree the terms of the CoCP with the Local Authorities and the Inquiry will be updated when an agreement has been reached. This is described further in the Proof of Evidence of Mr Ian Gilder (App/41).
- 1.22 The CoCP will regulate construction-working practices, in relation to environmental considerations and construction impact.
- 1.23 A requirement of the CoCP is that a "Liaison Officer" is appointed, whose role it will be to liase between FDRC, 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.
- 1.24 Where land is occupied temporarily for the purposes of construction, as summarised in Section 3 of my Proof of Evidence (App/141), FDRC intends

to reinstate the land to the reasonable satisfaction of the owners before vacating and handing it back.

## **COMPENSATION**

- 1.25 I understand that compensation is not a matter for the Public Inquiry. Any disputes that arise in relation to compensation will be referred to the Lands Tribunal, for determination.

## **NEGOTIATIONS WITH OBJECTORS**

- 1.26 The property objections, that have not been withdrawn as at 14 February 2007, FDRC's basic response and an overview of the current status are detailed in my Proof of Evidence (App/141).

## **ISSUES RAISED IN THE STATEMENT OF MATTERS**

- 1.27 In Table 2 of my Proof of Evidence (App/141), I address particular points that the department has raised in its Statement of Matters.

## CONCLUSIONS

- 1.28 It is FDRC's purpose 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 FDRC 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 FDRC has corresponded and/or met with those land and property objectors with an interest in the Book of Reference (CD4). Where there are reasonable opportunities to minimise the impact of the Scheme and it is reasonably possible to address legitimate concerns, FDRC has sought to give undertakings or entered 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, FDRC will compensate in accordance with the statutory Compensation Code and the draft Order (CD4).