

SUMMARY PROOF OF EVIDENCE OF COLIN COTTAGE

1. MY EXPERIENCE AND INSTRUCTIONS

- 1.1 I am Colin Michael David Cottage, Managing Director of Compensation at Ardent Management Limited (“**Ardent**”), an independent firm of property consultants specialising in compulsory purchase and compensation. I have worked in the property industry for more than 30 years since obtaining an Honours Degree in Land Administration in 1988. I qualified as a Chartered Surveyor in 1991 and I am also a member of the Compulsory Purchase Association.
- 1.2 I was instructed by Cornwall Council (“**the Council**”), in June 2021, to prepare a proof of evidence that independently considers the extent to which the steps taken to compulsorily acquire property interests for the St Austell to A30 link road (“**the Scheme**”) has followed Government Guidance on the compulsory purchase process (“**the CPO Guidance**”).
- 1.3 My proof also broadly 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 agreed. I further detail the best practice approach that the Council has taken to property acquisitions in relation to the Order Land and provide examples of that approach.
- 1.4 My Proof explains the current position with the 3 remaining objectors to the Order 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.

2. GOVERNMENT GUIDANCE

- 2.1 My evidence explains how the Council’s acquisition strategy for the Order Land has been informed by the CPO Guidance. In particular, I explain how an acquiring authority will be expected to demonstrate that it has taken reasonable steps to acquire all of the land included in an Order by agreement.
- 2.2 My evidence notes that, consistent with the CPO Guidance:
- i) 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.

- ii) In addition to its offers of compensation, the Council has agreed to fund a range of other accommodation works in order to address issues that have concerned landowners.
- iii) 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.
- iv) The Council has also allocated specific case managers to the Order Land.
- v) The Council has agreed to acquire two properties where the owners were concerned about the proximity of the new road to their homes.
- vi) In some cases the Council has agreed that, while compensation has been settled, the landowner may nonetheless still refer the assessment of compensation to an independent 3rd party valuer if they choose to do so.
- vii) The Council has agreed to pay landowner's reasonably incurred professional fees for advice on the compulsory purchase process, negotiating compensation and agreeing other relevant matters.

3 THE ORDER LAND AND INTERESTS TO BE ACQUIRED

3.1 The Order Land is located in an area running northwards for approximately 6.74km between the Singlerose Roundabout at Stenalees, to the west of Bugle, Trezaise and Roche, and ending in a connection with the old A30 (CO120) at Victoria junction, near Cornwall Services.

3.2 In total, the Order Land comprises 152 CPO Plots in public and private sector ownership. Of the total 152 plots 7 are required for the acquisition of new rights. 51 of the plots lie within the existing public highway or are already in the Council's ownership. The remaining 101 plots are in the ownership of 18 private landowners and agreements or provisional agreements to acquire land and rights have been reached with 14 landowners encompassing 37 CPO Plots. Therefore, the Council now owns, or has agreed terms to purchase, 88 of the CPO plots.

4 THE OBJECTIONS

4.1 Seven objections were received to the Order, but four of those objections have now been withdrawn. The remaining objections have been made by Mr Morcom, Imerys Minerals Limited and the Tregothnan Estate.

4.2

4.4 Mr Morcom is the freehold owner of Trerank Farm, Roche, St Austell. I understand that all material terms necessary for an agreement to be concluded with Mr Morcom have been settled, other than for some minor legal points relating to track maintenance provisions and modification to plans.

4.5 Imerys is the freehold owner of land located between Trezaise and Stenalees, where the Council is looking to acquire, temporarily occupy, or secure rights over circa 40 hectares of land. I understand that the Council and Imerys have now reached an in principle agreement on all relevant matters, including matters of compensation. Only minor legal issues connected to an unregistered title need to be resolved.

4.6 The Tregothnan Estate owns land at where the Council is looking to acquire the freehold interest in 24.22 hectares of land and also to agree temporary rights to occupy 42.77 hectares of land. While the Estate's objection currently remains outstanding, it would appear that the offer made by the Council on 7 July 2021 is agreed in principle and withdrawal of the objection will follow completion of a legal agreement.

5 SUMMARY AND CONCLUSIONS

5.1 The Council has reached agreements or provisional agreements with 14 of the 18 landowners from who it has to acquire land or rights. It has also engaged with tenants and occupiers and agreed to complete a wide range of accommodation works.

5.1 While 3 objections remain outstanding, compensation settlements have been agreed with all of the objectors. Moreover, all of the objectors have confirmed that they agree to the terms set out in the Council's open offers and the only reason that their objections remain is because legal agreements have not yet been completed. There is no evidence to suggest that those agreements will not be completed in due course.

5.2 I have no hesitation in confirming that, in my opinion, the Council has acted reasonably and in accordance with the CPO Guidance.

6 DECLARATION & STATEMENT OF TRUTH

6.1 I believe that the facts stated in this report are true and the opinions expressed are correct. 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. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.

- 6.2 I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.
- 6.3 I am aware of the requirements set out in Part 35 of the Civil Procedure Rules and the accompanying Practice Direction, the Guidance for the Instructions for Experts to give Evidence in Civil Claims and the Practice Direction for Pre-action conduct.
- 6.4 I confirm that this report has drawn attention to all material facts which are relevant and have affected my professional opinion.
- 6.5 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.
- 6.6 I confirm that neither I, nor my firm, are instructed under any conditional or other success-based fee arrangement.
- 6.7 I confirm that I have no conflicts of interest.
- 6.8 I confirm that my report complies with the requirements of the RICS – Royal Institution of Chartered Surveyors, as set down in the RICS practice statement *Surveyors acting as expert witnesses*.
- 6.9 I declare that the evidence set out in this proof for the inquiry is true and follows accepted good practice. The opinions expressed are my own and are formed from professional judgements based on my experience.

Signed.....

Colin Cottage BSc (Hons) MRICS
Managing Director, Compensation
Ardent

16 August 2021