

**SECTION 226(1) (A) OF THE TOWN AND COUNTRY PLANNING ACT 1990
AND THE ACQUISITION OF LAND ACT 1981**

**THE BASILDON BOROUGH COUNCIL
(FRYERNS AND CRAYLANDS) (PHASE NORTH)
COMPULSORY PURCHASE ORDER 2020**

PUBLIC INQUIRY 29 JUNE 2021

**PROOF OF EVIDENCE OF COLIN COTTAGE
ON BEHALF OF BASILDON BOROUGH COUNCIL**

**PLANNING INSPECTORATE AND PLANNING CASEWORK UNIT REFERENCE:
APP/PCU/CPOP/V1505/3258817**

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1. INTRODUCTION

1.1 Experience

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. I was chairman of the association in 2016-2017.

1.2 I joined Ardent on 1 September 2018, where I direct a team advising on a range of regeneration, transport and utilities infrastructure projects across the country involving site assembly through compulsory purchase. Prior to joining Ardent, from 2004, I was a partner at Glenny LLP, where I led the firm’s Regeneration & Infrastructure Division (**‘R&I Division’**); the primary function of which was to provide advice in relation to compulsory purchase and compensation. Although Glenny LLP is predominantly a regional practice, operating in North, East and South East London, Essex, Hertfordshire and Kent, the Regeneration & Infrastructure Division operated nationwide.

1.3 I have provided advice on compulsory purchase and compensation matters for more than 20 years and have specialised in this area of work since 2004. My experience includes advising acquiring authorities on compulsory purchase orders used to deliver regeneration in locations such as Abbey Wood, Romford, Dagenham, Stratford, Woolwich, Canning Town, Ilford, Dartford, Brentford, Northfleet, Chelmsford and Harlow. I was also one of the London Development Agency’s principal advisers for the Compulsory Purchase Order (**‘CPO’**) used to deliver land for the 2012 Olympic Games.

1.4 In addition to acting for acquiring authorities, I also act for businesses and individuals affected by compulsory acquisition in locations across the UK. I am currently advising claimants in relation to HS2, the Lower Thames Crossing, the Trafford Metrolink and the A3/M25 Interchange at Wisley.

1.5 I have given written and oral expert evidence at Public Inquiry, the High Court and the Tribunal. I am a RICS accredited expert witness.

1.6 My Instructions

Glenny LLP’s R&I Division was initially instructed by Basildon Borough Council (**‘the Council’**), in April 2018, to provide advice in relation to the proposed compulsory

acquisition of property interests for the purpose of facilitating the third phase of the comprehensive redevelopment and renewal of the former Fryerns school and Craylands Estate in Basildon (“**the Estate**”). In particular, Glenny LLP’s instructions were to;

- i) Advise the Council and its partners in relation to CPO land acquisition processes as necessary;
- ii) Advise on property values and negotiate with surveyors acting for leaseholders at the Estate in order to acquire the leaseholders’ property interests; either by agreement or as a result of compulsory acquisition, as a last resort, if agreement cannot be reached;
- iii) Attend and provide expert evidence at Public Inquiry;
- iv) Provide expert evidence at the Upper Tribunal (Lands Chamber), if required.

1.7 On 3 September 2018, I moved to Ardent. With Glenny LLP’s agreement, its instructions from the Council were transferred to Ardent on 12 December 2018 by way of a Novation of Consultancy Agreement.

1.8 In March 2021, I was instructed by the Council to prepare this Proof of Evidence, the main purpose of which is to advise the Inquiry on the current state of progress with the acquisition of a number of property interests within the Order Land.

1.9 While members of my team at Ardent have been involved with negotiations for individual property interests, at all times I have directed and overseen the conduct of those negotiations.

2. SCOPE OF EVIDENCE

- 2.1 I have prepared this proof of evidence in support of the (Fryerns and Craylands) (Phase North) Compulsory Purchase Order 2020 (the “**Order**”), which was made on 19 August 2020. The land subject to the Order, described below, lies within the third phase of the regeneration and renewal of the Estate, known as Phase North, relating to an area of 8.49 hectares.
- 2.2 The Council's purpose in making the Order, and seeking its confirmation is to enable the compulsory acquisition of land that is the subject of the Order (“**the Order Land**”), in order to facilitate the delivery of the next phase of the comprehensive redevelopment and renewal of the Estate (**the “Scheme”**).
- 2.3 My evidence will address the following issues:
- 2.4 In section 3, I will summarise Government Guidance on the compulsory purchase process (CD3.1) and when compulsory purchase powers should be used.
- 2.5 In section 4, I will identify the Order Lands and the property interests I, and other members of my team at Ardent, have been seeking to acquire through negotiation. I will also make clear which of those interests that have been acquired and which interests remain to be acquired.
- 2.6 In section 5, I will detail the best practice approach that Swan Housing Association (“**Swan**”), and the Council (as acquiring authority), have taken to property acquisitions at the Order Lands. I will also explain the work that I, supported by my team at Ardent, have undertaken on behalf of the Council which has resulted in the successful conclusion of negotiations with the owners of leasehold interests in the Order Lands. My evidence should be read in conjunction with the proof of evidence prepared by Rob Pearce of Swan, as Mr Pearce has also carried out leasehold property negotiations in relation to the Scheme.
- 2.7 In section 6, I will detail the negotiations that have taken place with the objector to the Order, Mr Tristian Howe. This will include a detailed summary of the timeline and nature of the negotiations with Mr Howe, as well as the offers that have been made to him, all of which have been rejected.

3. GOVERNMENT GUIDANCE

3.1 Having regard to the possible need to use compulsory purchase powers in the event that not all of the property interests required to bring forward the ongoing comprehensive regeneration of the Estate could be secured by agreement, the Council's acquisition strategy for the Order Land has been informed by Guidance on Compulsory Purchase Process and the Criche Down Rules (Originally published by the Ministry of Housing, Communities and Local Government in October 2015 and last updated in July 2019) ("**the CPO Guidance**") (CD3.1).¹ In particular, the following provisions of the CPO Guidance have directed the approach taken to negotiations and the Council's dealings with property owners and occupiers generally.

3.2 Paragraph 2 (Tier 1) of the CPO Guidance says that,

"Acquiring authorities should use compulsory purchase powers where it is expedient to do so. However, a compulsory purchase order should only be made where there is a compelling case in the public interest."

The confirming authority will expect the acquiring authority to demonstrate that they have taken reasonable steps to acquire all of the land and rights included in the Order by agreement. Where acquiring authorities decide to/arrange to acquire land by agreement, they will pay compensation as if it had been compulsorily purchased, unless the land was already on offer on the open market.

Compulsory purchase is intended as a last resort to secure the assembly of all the land needed for the implementation of projects. However, if an acquiring authority waits for negotiation to break down before starting the compulsory purchase process, valuable time will be lost. Therefore, depending on whether land is required, it may often be sensible, given the amount of time required to complete the compulsory purchase process, for the acquiring authority to:

- *Plan a compulsory purchase timetable as a contingency measure; and*
- *Initiate formal procedures.*

¹ Prior to July 2019 the CPO Guidance had previously been updated in September 2017 and February 2018. However, those parts of the CPO Guidance I refer to in this proof (other than for paragraph 6 - Tier 1, where the overall substance of the guidance nonetheless remains unchanged) were not altered by any of the updates and so the approach the Council and Swan have taken to negotiations has remained consistent during the period of my involvement with the Scheme.

“This will also help to make the seriousness of the authority’s intentions clear from the outset, which in turn might encourage those whose land is affected to enter more readily into meaningful negotiations.”

3.3 Paragraph 3 (Tier 1) of the CPO Guidance says,

“When offering financial compensation for land in advance of a compulsory purchase order, public sector organisations should, as is the norm, consider value for money in terms of the Exchequer as a whole in order to avoid any repercussive cost impacts or pressures on both the scheme in question and other publicly-funded schemes.

Acquiring authorities can consider all of the costs involved in the compulsory purchase process when assessing the appropriate payments for purchase of land in advance of compulsory purchase. For instance, the early acquisition may avoid some of the following costs being incurred:

- *legal fees (both for the order-making process as a whole and for dealing with individual objectors within a wider order, including compensation claims)*
- *wider compulsory purchase order process costs (for example, staff resources)*
- *the overall costs of project delay (for example, caused by delay in gaining entry to the land)*
- *any other reasonable linked costs (for example, potential for objectors to create further costs through satellite litigation on planning permissions and other orders)*

In order to reach early settlements, public sector organisations should make reasonable initial offers and be prepared to engage constructively with claimants about relocation issues and mitigation and accommodation works where relevant.”

3.4 Paragraph 6 (Tier 1) of the CPO Guidance says,

“All public sector acquiring authorities are bound by the Public Sector Equality Duty as set out in section 149 of the Equality Act 2010. Throughout the compulsory purchase process acquiring authorities must have due regard to the need to: (a) eliminate unlawful discrimination, harassment, victimisation; (b) advance equality of

opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. In performing their public functions, acquiring authorities must have due regard to the need to meet these three aims of the Equality Act 2010.”

3.5 Paragraph 17 (Tier 1) of the CPO Guidance says,

“Undertaking negotiations in parallel with preparing and making a compulsory purchase order can help build a good working relationship with those whose interests are affected by showing that the authority is willing to be open and to treat their concerns with respect. This includes statutory undertakers and similar bodies, as well as private individuals and businesses. Such negotiations can then help to save time at the formal objection stage by minimising the fear that can arise from misunderstandings.’

Talking to landowners will also assist the acquiring authority to understand more about the land it seeks to acquire and any physical or legal impediments to development that may exist. It may also help in identifying what measures can be taken to mitigate the effects of the scheme on landowners and neighbours, thereby reducing the cost of the scheme. Acquiring authorities are expected to provide evidence that meaningful attempts at negotiation have been pursued, or at least genuinely attempted, save where landownership is unknown or in question.”

3.6 Paragraph 18 (Tier 1) of the CPO Guidance says,

“In the interests of speed and fostering good will, acquiring authorities are urged to consider offering those with concerns about a compulsory purchase order full access to alternative dispute resolution techniques. These should involve a suitably qualified independent third party and should be available wherever appropriate throughout the whole of the compulsory purchase process, from the planning and preparation stage to agreeing the compensation payable for the acquired properties. The use of alternative dispute resolution techniques can save time and money for both parties, while its relative speed and informality may also help to reduce the stress which the process inevitably places on those whose properties are affected. For example, mediation might help to clarify concerns relating to the principle of compulsorily acquiring the land, while other techniques such as early neutral evaluation might help

to relieve worries at an early stage about the potential level of compensation eventually payable if the order were to be confirmed.”

3.7 Paragraph 19 (Tier 1) of the CPO Guidance says,

Compulsory purchase proposals will inevitably lead to a period of uncertainty and anxiety for the owners and occupiers of the affected land. Acquiring authorities should therefore consider:

- providing full information from the outset about what the compulsory purchase process involves, the rights and duties of those affected and an indicative timetable of events; information should be in a format accessible to all those affected*
- appointing a specified case manager during the preparatory stage to whom those with concerns about the proposed acquisition can have easy and direct access*
- keeping any delay to a minimum by completing the statutory process as quickly as possible and taking every care to ensure that the compulsory purchase order is made correctly and under the terms of the most appropriate enabling power*
- offering to alleviate concerns about future compensation entitlement by entering into agreements about the minimum level of compensation which would be payable if the acquisition goes ahead (not excluding the claimant’s future right to refer the matter to the Upper Tribunal (Lands Chamber))*
- offering advice and assistance to affected occupiers in respect of their relocation and providing details of available relocation properties where appropriate*
- providing a ‘not before’ date, confirming that acquisition will not take place before a certain time*
- where appropriate, give consideration to funding landowners' reasonable costs of negotiation or other costs and expenses likely to be incurred in advance of the process of acquisition*

3.8 In addition to the Guidance, I am aware that the Council and Swan’s approach to the Scheme has followed The Estate Regeneration National Strategy published by the

Department for Communities and Local Government in December 2016 (CD3.2). This has included taking account of Government's expectations in relation to resident engagement and protection.

3.9 Actions undertaken by the Council and Swan in this regard have included:

- i) Early and ongoing engagement through public consultation events for the Scheme,² project information days,³ newsletters,⁴ the publication of a homeowners booklet⁵ and direct contact.⁶ An Independent Leaseholder Advisor ('**ILA**') was also appointed to assist leaseholders.⁷
- ii) Demonstrating resident's support through consultation, workshops, polls and surveys.⁸
- iii) Providing choice and opportunities to residents including a package of relocation options for resident leaseholders that has allowed them to acquire a new or existing home at Beechwood Village (an earlier phase of the Estate's renewal), a home on the Craylands Estate that is not being demolished, or a home off of the estate, either locally or further afield if that was their choice.⁹
- iv) Minimising disruption to residents and maintaining community ties by providing local relocation options, ensuring that residents only had to move once and taking a phased approach to the construction of the Estate as a whole.
- v) Involving residents in the management of the Estate through initiatives such as the Beechwood Village Community Trust.¹⁰

² See paragraph 1.4 of Mr Riley's proof of evidence

³ See paragraph 4.8 of Mr Riley's proof of evidence and 4.1 of Mr Pearce's proof of evidence

⁴ See paragraph 4.2 of Mr Pearce's proof of evidence

⁵ See paragraph 4.3-4.4 of Mr Pearce's proof of evidence

⁶ See paragraphs 1.6 – 1.8 of Mr Pearce's proof of evidence

⁷ See paragraph 5.5 of Mr Pearce's proof of evidence

⁸ See paragraph 4.5 & 9.2 of Mr Burns' proof of evidence

⁹ See paragraph 5.8 of Mr Pearce's evidence and paragraph 3.6 of Mr Riley's evidence

¹⁰ See paragraphs 4.4 – 4.7 of Mr Riley's proof of evidence

4. THE ORDER LANDS AND INTERESTS TO BE ACQUIRED

- 4.1 The Estate is located approximately 2 km north east of Basildon Town Centre and is bounded to the south by Broadmayne (A1321) and to the east by Eastmayne (A132), both of which are dual carriageways. A more detailed description of the Estate is set out at paragraphs 3.2 – 3.4 of Mr Sullivan’s proof of evidence.
- 4.2 The Order Land is described at paragraphs 3.17-3.19 of Mr Sullivan’s proof and comprises seven former Council Dwellings within the Estate purchased under the Right to Buy scheme pursuant to the Housing Act 1985 within the Estate.
- 4.3 The Council is the registered freehold owner of the Estate, subject to disposals of freehold and leasehold interests under the Right to Buy scheme and other leasehold interests such as electricity sub stations and rights for statutory services. In total 31 residential leasehold interests had to be acquired in order for the third phase of the Scheme to be delivered. As Mr Pearce confirms in his proof,¹¹ 24 of those leasehold interests were acquired prior to the Order being made and 4 leasehold interests have been subsequently acquired.
- 4.4 Of the 3 remaining leasehold interests offers have been accepted by 2 of the leaseholders and solicitors have been instructed in relation to the purchase of those interests. In relation to one of the interests, 26 Wells Gardens, I understand that the only reason the sale has not completed is because of an issue with probate. With respect to a second leasehold interest, 33 Wells Gardens, the leaseholder has arranged to purchase a property, outside Basildon on a shared equity arrangement, instructions have been issued and the matter is in conveyancing.¹² There is therefore only one remaining leasehold interest which has not been acquired where an offer has not been accepted.
- 4.5 While Rob Pearce at Swan dealt with the acquisition of the majority of the leasehold interests, from April 2018, I was instructed by the Council to work with Swan to acquire the 8 leasehold interests set out below, where the leaseholders had instructed chartered surveyors to represent them. As Mr Pearce explains in his proof of evidence,¹³ he has continued to engage with occupying leaseholders in relation to relocation options and other relevant matters connected to the Order, while my, and my team’s, involvement was primarily focused on value negotiations with the leaseholders’ advisors and the assessment of additional compensation:
- i) 3 Peterborough Way (Plot 16)

¹¹ See paragraph 5.3 of Mr Pearce’s proof of evidence

¹² See paragraph 5.17 of Mr Pearce’s proof of evidence

¹³ See paragraph 2.4 of Mr Pearce’s proof of evidence

- ii) 9 Peterborough Way (Plot 14)
- iii) 17 Peterborough Way (Plot 13)
- iv) 21 Peterborough Way (Plot 15)
- v) 27 Peterborough Way (Plot 13)
- vi) 148 Lincoln Road (Plot 11)
- vii) 12 Chichester Close (Plot 2)
- viii) 23 Wells Gardens (Plot 3)

4.5 Of the eight leasehold interests I was instructed to acquire, the acquisition of seven interests has been successfully completed, as described below. I note from Mr Pearce's proof that prior to my involvement Swan had been in discussions with the leaseholders over the acquisition of their interests from February 2017¹⁴ and had made offers to all of the leaseholders by May 2018 following the preparation of valuations undertaken by Tillet, Burns & Hughes.¹⁵

4.6 3 Peterborough Way (Plot 16)

Following my appointment and my initial negotiations with the leaseholders' surveyor, Richard Murphy of Richard John Clarke ("**RJC**"), on 22nd October 2018 the Council submitted an offer of £165,000 for the leaseholders' interest, together with a Basic Loss Payment of £12,375 to which the non-resident leaseholders' would have been entitled to in the event of compulsory acquisition. The leaseholders accepted the offer and I understand that the purchase of their interest completed on 5 November 2019. The leaseholders' reasonable professional fees (surveyor and solicitor) were met by the Council.

4.7 9 Peterborough Way (Plot 14)

Following my appointment and my initial negotiations with the leaseholder's surveyor, Richard Murphy, on 22 October 2018 the Council submitted an offer of £165,000 for the leaseholder's interest, together with a Home Loss Payment of £16,500 and a disturbance payment of £2,000 to which the resident leaseholder would have been entitled to in the event of compulsory acquisition. Initially the offer was not accepted, but following further negotiations with Mr Murphy the leaseholder eventually accepted a slightly revised offer from the Council in December 2020. The offer for the leasehold interest remained unchanged at £165,000, but additional compensation was paid, including compensation for disturbance. I understand that the purchase completed on 29 April 2021. The leaseholder's' reasonable professional fees (surveyor and

¹⁴ See paragraph 5.7 of Mr Pearce's proof of evidence

¹⁵ See paragraph 5.10 – 5.11 of Mr Pearce's proof of evidence

solicitor) were met by the Council. I am aware that the leaseholder was offered the full range of relocation options explained in Mr Pearce's and Mr Riley's evidence and has chosen to acquire a new home in the Basildon area.

4.8 17 Peterborough Way (Plot 13)

Following my appointment and my initial negotiations with the leaseholder's surveyor, Richard Murphy, on 22 October 2018 the Council submitted an offer of £160,000 for the leaseholder's interest, together with a Basic Loss Payment of £12,000 to which the non-resident leaseholder would have been entitled to in the event of compulsory acquisition. The offer was not accepted and as I describe in more detail at section 6 of this Proof of Evidence, despite continued protracted discussions with both Mr Murphy and the leaseholder, Mr Howe, it has not been possible to acquire the leasehold interest by agreement. Mr Howe's reasonably incurred surveyor's fees have nonetheless been paid by the Council.

4.9 21 Peterborough Way (Plot 15)

Following my appointment and my initial negotiations with the leaseholder's surveyor, David Plaskow of Hair & Son, on 22 October 2018 the Council submitted an offer of £160,000 for the leaseholder's interest, together with a Basic Loss Payment of £12,000 to which the non-resident leaseholder would have been entitled to in the event of compulsory acquisition. The offer was not accepted and negotiations with both Mr Plaskow and the leaseholder's solicitor, Cooper Lingard, continued for several months thereafter. In March 2019 it was agreed that an independent valuer should be appointed to determine the value of the leasehold interest as a form of alternative dispute resolution ("**ADR**"). However, before the independent expert could report, in October 2019 terms were agreed to acquire the leasehold interest on the basis of the Council's October 2018 offer. I understand that the purchase completed on 21 January 2021. The leaseholder's reasonably incurred professional fees (surveyor and solicitor) were met by the Council.

4.10 27 Peterborough Way (Plot 13)

Following my appointment and my initial negotiations with the leaseholders' surveyor, Richard Murphy, on 22 October 2018 the Council submitted an offer of £165,000 for the leaseholders' interest, together with a Home Loss Payment of £16,500 and a disturbance payment of £2,000 to which the resident leaseholders would have been entitled to in the event of compulsory acquisition. Although not accepted at first, on 11 September 2019 RJC confirmed that the leaseholders were prepared to accept the Council's offer. Swan also came to an agreement with the leaseholders in relation to a shared equity arrangement that helped them purchase a bungalow in Carmarthenshire, Wales. A location to which they wanted to retire. The purchase of the leasehold interest completed on 20th December 2019. The leaseholders' reasonably incurred professional fees (surveyor and solicitor) were met by the Council.

4.11 148 Lincoln Road

Following my appointment and my initial negotiation with the leaseholder's surveyor, Richard Murphy, on 22 October 2018 the Council submitted an offer of £160,000 for the leaseholder's interest, together with a Home Loss Payment of £16,000 and a disturbance payment of £2,000 to which the resident leaseholder would have been entitled to in the event of compulsory acquisition. The leaseholder accepted the offer on the basis that if a higher value was subsequently negotiated for any other comparable maisonette at the Estate he would receive that higher value. No higher value has been agreed and I understand that the purchase of the leasehold interest completed on 3 October 2019. The leaseholders' reasonably incurred professional fees (surveyor and solicitor) were met by the Council. I understand that the leaseholder was offered the full range of relocation options explained in Mr Pearce's and Mr Riley's evidence and chose to acquire a new home locally in Basildon.

4.12 12 Chichester Close (Plot 2)

Following my appointment and my initial negotiations with the leaseholder's surveyor, Richard Murphy, on 22 October 2018 the Council submitted an offer of £165,000 for the leaseholder's interest, together with a Home Loss Payment of £16,500 and a disturbance payment of £2,000 to which the resident leaseholder would have been entitled to in the event of compulsory acquisition. On 14th March 2019 the leaseholder confirmed that she was prepared to accept the offer and the purchase of her interest eventually completed on 28 September 2020. I understand that the leaseholder was offered the full range of relocation options explained in Mr Pearce's and Mr Riley's evidence and chose to move to Manchester to be near family.

23 Wells Gardens

4.13 Following my appointment and my initial negotiations with the leaseholder's surveyor, David Plaskow of Hair & Son, on 22 October 2018 the Council submitted an offer of £165,000 for the leasehold interest, together with a Basic Loss Payment of £12,375 to which the non-resident leaseholder would have been entitled to in the event of compulsory acquisition. The offer was not accepted and negotiations with both Mr Plaskow and the leaseholder's solicitor, Cooper Lingard, continued for several months thereafter. In March 2019 it was agreed that an independent valuer should be appointed to determine the value of the leasehold interest as a form of ADR. However, before the independent expert could report, in October 2019, terms were agreed to purchase the leasehold interest on the basis of the Council's October 2018 offer, together with an additional payment of £5,000 to reflect compensation for lost rent. I understand that the purchase of the leasehold interest completed on 7 January 2020. The leaseholders' reasonably incurred professional fees (surveyor and solicitor) were met by the Council.

5. APPROACH OF THE ACQUIRING AUTHORITY TO ACQUISITION OF THE INTERESTS IN THE ORDER LANDS

5.1 As I have explained previously, having regard to the possible need to use compulsory purchase powers in order to implement the Scheme, the approach taken by the Council and Swan to the acquisition of property interests at the Estate has been informed by both the CPO Guidance (CD3.1) and the Estate Regeneration National Strategy (CD3.2). At all times the primary objective has been to offer options for residents to relocate within the Estate, if they chose to do so and acquire as many property interests as possible without using compulsory purchase powers. Compulsory acquisition has been viewed very much as a last resort.

5.2 As Mr Pearce notes in his evidence,¹⁶ pro-active and meaningful negotiations to acquire property interests have been ongoing since the early part of 2017, well before the making of the Order and have continued throughout the CPO process. Because the Council/Swan's pro-active engagement strategy 28 of the 31 interests identified as needing to be acquired in order to bring forward the Scheme have been purchased prior to the date of this Proof of Evidence. Of the 8 interests I was instructed to purchase, 7 have been acquired.

5.3 Throughout, leaseholders and other tenants have been updated on the Scheme's progress and provided with a timetable for its delivery.¹⁷ Leaseholders have also been provided with ways to learn and understand how the compulsory purchase system operates and how their entitlement to compensation should be calculated. This has been achieved through issuing publications such as the Homeowners Information Booklet, the appointment an ILA, Mr Pearce's direct engagement with the leaseholders and by the Council agreeing to pay for leaseholders to receive professional advice.

5.4 Leaseholders whose interests have been acquired have either been investors who have let their properties to tenants, or owner occupiers. With both types of owner a flexible approach has been adopted to take account of the particular circumstances of the individual leaseholder. Both immediate and delayed purchases (allowing time for new homes to be identified and secured, or vacant possession to be obtained) have been considered.

5.5 All financial offers have reflected the compensation to which the leaseholder would be entitled in the event of compulsory acquisition. This has generally encompassed:

- i) The open market value of the property interest being acquired

¹⁶ See paragraph 5.7 of Mr Pearce's proof of evidence

¹⁷ See section 4 of Mr Pearce's proof of evidence

- ii) Any loss payments to which the leaseholder would be entitled (a Home Loss payment for owner occupiers and a Basic Loss payment for an investor)
- iii) Any other compensation to which the leaseholder might be entitled. For owner occupiers this would normally be an agreed sum of disturbance compensation to cover relocation costs. For investors this might include compensatable re-investment costs.
- iv) Any professional fees reasonably incurred in negotiating compensation and completing a sale to Swan or the Council.

5.4 Swan has also worked with owner occupier leaseholders to help them secure new homes. This has included equity share arrangements enabling leaseholders to acquire new homes at Beachwood Village, or elsewhere on the Estate. Equity share arrangements have also been made available for residents who prefer to relocate away from the Estate.¹⁸

5.5 Where it has not been possible to agree property values immediately, leaseholders have been offered the option of an independent valuation, as a form of alternative dispute resolution, with the Council meeting the cost of the valuation. Although landowners and their advisors have generally chosen not to take up this form of alternative dispute resolution, the Council and Swan continue to offer it as a means to overcome disagreements over value. Where an independent valuation process was initiated (in relation to 21 Peterborough Way and 23 Wells Gardens) it led to value agreements being reached in relation to those properties before the independent expert issued his report.

5.6 The Council and Swan has also confirmed to all leaseholders that any professional fees reasonably incurred in negotiating a sale of their property interests would be reimbursed. As noted above, reasonable professional fees have been paid both where purchases have been agreed and where agreement has not been reached. The Council and Swan recognise that it is important for property owners to receive the best possible advice so that any decision whether or not to accept an offer is an informed one.

¹⁸ See paragraph 4.10 above for the example of the former leaseholder residents at 27 Peterborough Way who were provided an equity share arrangement for a new home in Wales.

6 DETAILS OF NEGOTIATIONS WITH THE OWNER OF 17 PETERBOROUGH WAY

6.1 One objection was received to the Order and a copy of the objection is at CD8.1.

6.2 The objector is Mr Tristian Richard Howe who is the leaseholder of 17 Peterborough Way (CPO Plot 6), a 3 bedroom maisonette situated on the 2nd and 3rd floors of a 4 storey block containing eleven other similar properties. Mr Howe holds the property as an investment and is not resident. I understand that 17 Peterborough Way is currently vacant.

6.3 Land Registry documents, attached at Appendix CC1, show that Mr Howe purchased his leasehold interest in 17 Peterborough Way on 5 December 2016 for £95,000. I note that the purchase took place well after proposals to progress with the Scheme had been made public.

6.4 Mr Howe objects to the Scheme on the following grounds:

“The Craylands Estate is a low density development, therefore there is plenty of surplus land for new homes without the need to demolish any of the maisonette blocks and surrounding houses. The maisonette blocks and houses can be retained with full refurbishment”

6.5 The Council’s response to this objection is set out at section 17 of its Statement of case for the CPO (CD1.4) and a further responses are set out at section 8 of Mr Sullivan’s proof of evidence, section 6 of Mr Riley’s evidence and section 10 of Mr Burns’ evidence.

6.6 I also attach, at Appendix CC2, a letter dated 12 February 2021 in which I provided an initial response to the objection, together with my subsequent email correspondence with Mr Howe between the 12 February and 16 February 2021 and on 14 May 2021 (Appendix CC3). I have been unable to persuade Mr Howe to enter into any more detailed discussions about his objection.

6.7 Prior to Mr Howe’s objection I had been in negotiations with his surveyor, Richard Murphy of RJC, since April 2018 in an attempt to agree a purchase of Mr Howe’s leasehold interest. Before my involvement I understand that Mr Pearce had been engaging, first with Mr Howe and then with Mr Murphy, since March 2017.¹⁹ However, it has not been possible to agree a price with Mr Howe and he has also refused the Council’s offer of ADR in the form of an independent valuation. Further details of engagement with Mr Howe and Mr Murphy, are set out below. While Mr Pearce comments on engagement prior to my involvement in his proof, I also refer to that

¹⁹ See Section 6 of Mr Pearce’s poof of evidence

engagement in this proof so that the Inquiry has full details of all the negotiations in a one place.

- 6.8 Mr Pearce confirms in his proof that Swan first wrote to Mr Howe in relation to the acquisition of his leasehold interest on 2 March 2017. Subsequently, on 24 May 2017, RJC wrote to Swan confirming instructions to act on Mr Howe's behalf.²⁰
- 6.9 On 14 June 2017, Swan wrote to Mr Howe, offering him £150,000 for his leasehold interest in 17 Peterborough Way, together with a Home Loss Payment of £15,000²¹ and disturbance of £2,000 (see Appendix CC4). The offer made for the leasehold interest was £55,000 more than Mr Howe had purchased 17 Peterborough Way for only six months earlier.
- 6.10 Also in June 2017, RJC undertook valuations of a number of properties on the Craylands Estate and on 21 June 2017 issued a valuation for 17 Peterborough Way at £215,000 (see Appendix CC5). On 7 September 2017, Mr Pearce wrote to RJC noting that the form of construction referred to in its valuation report, '*reinforced concrete frame and prefabricated concrete panel construction*' was inaccurate. The maisonettes at Peterborough Way are actually of cross wall infill construction between block party walls and cavity construction piers. The cross walls are of timber framework with cladding externally, dry lined plasterboard internally and with the upper parts filled with double glazed PVC sections. This is relevant because while lenders will provide mortgages for reinforced concrete frame flats they have, over time, stopped lending against maisonettes at the Estate as a result of their unconventional construction type.²² The inability to obtain mortgage finance has, understandably, impacted on the value of the maisonettes.
- 6.11 I understand that following this exchange discussions between Swan and RJC continued and on 19 January 2018 Mr Pearce wrote to Richard Murphy again pointing to the inferior construction of maisonettes on the Craylands Estate, but also referring to the fact that a number of other landowners had commissioned independent valuations from chartered surveyors which had been consistent with Swan's valuations and offers.
- 6.12 On 12 April 2018, Mr Pearce wrote to Mr Murphy to advise him that the Council would be appointing a surveyor to take up negotiations with him.
- 6.13 Following my appointment, and after some initial preliminary discussions, on 4 July 2018 Mr Murphy confirmed to me that he would be prepared to agree a value of £196,000 for maisonettes on the Estate without the benefit of a garden, which is the

²⁰ See paragraph 6.2 of Mr Pearce's proof of evidence

²¹ At the time the offer was made Swan and the Council were not aware that Mr Howe was not resident at 17 Peterborough Way

²² I note from the Land Registry documents for 17 Peterborough Way at Appendix CCB that there is no reference to a mortgage being held over the property

type of maisonette in which Mr Howe holds an interest See Appendix CC6).²³ On 24 July 2018 I emailed Mr Murphy confirming that the Council was prepared to offer £160,000 for maisonettes without gardens, to which Mr Murphy responded on the following day with a revised, without prejudice, settlement proposal for maisonettes without gardens.

- 6.14 My discussions with Mr Murphy continued throughout August 2018 and on 31 August 2018, culminated in Mr Murphy making a further proposal to settle values for maisonettes without a garden. He re-stated his revised proposal again on 25 September 2018, although I cannot confirm the suggested settlement figure as the offer was made without prejudice. On 22 October 2018 the Council issued a letter to Mr Howe, formally re-confirming its previous offer of £160,000, plus a basic loss payment of £12,000 and re-imburement of Mr Howe's reasonably incurred professional fees (See Appendix CC7).
- 6.15 Mr Howe responded to the offer by personally emailing the Council on 27th October 2018 advising that he was expecting to receive a settlement of £250,000 plus compensation, fees and expenses. His view was that this was the amount he would need in order to acquire an equivalent alternative property within the SS14 post-code area. Mr Howe appeared to be under the impression that the law provides that he should be able to purchase an equivalent sized property within SS14. See Appendix CC8.
- 6.15 The Council responded to Mr Howe in the form of a letter (for which I had provided a first draft) dated 8 November 2018. The letter (attached at Appendix CC9) explained that Mr Howe's interpretation of the law was incorrect and he was only entitled to compensation for the market value of his property. The letter also addressed Mr Howe's additional claims for compensation and confirmed that he would be able to claim reinvestment costs if he acquired a replacement UK property investment within a period of 12 months.
- 6.16 In an email dated 10 November 2018, Mr Howe argued that if the Estate were not demolished, but were instead refurbished, the value of his refurbished property, with the benefit of a new lease, would be in excess of £200,000. I responded to Mr Howe in an email on 19th November 2018, explaining how compensation should reflect the market value of the property in its condition at the date of acquisition and it was not correct to make a counterfactual assumption that refurbishment had been undertaken at the Council's cost and a new lease had been granted.
- 6.17 Mr Howe and I continued to exchange emails during the latter part of November 2018 and on 30th November 2018 he confirmed his view that due to the lack of 3 bedroom

²³ It should be noted that as my discussions with Mr Murphy involved a number of maisonettes our negotiations tended to be of a more general nature, rather than focusing on any specific property

maisonettes in the SS14 post-code area, all 3 bedroom properties within SS14 should be considered as comparable evidence. Mr Howe also suggested that, for the purposes of assessing compensation, various improvement works to common areas should be completed and his property then revalued. I responded on 7th December 2018 explaining that a Rule 2 valuation requires all factors affecting value to be taken into account and not just the internal condition. I also confirmed that when the Council had formed its offer, no deduction had been made to reflect the works Mr Howe was saying was required. If such works were required, a proportion of the cost of those works would be rechargeable to leaseholders, including Mr Howe.

- 6.18 On 20th December 2018, Mr Howe responded to me stating that unless the Council substantially increased its offer he would not discuss the matter any further, but would instead attend the Public Inquiry and refer his claim for compensation to the Upper Tribunal. He maintained that if the proposed demolition of the estate was withdrawn, the Council would have to refurbish the entire Estate and as a result, combined with the grant of a new lease, his property would have a value of over £200,000. Mr Howe confirmed that if he received an 'acceptable offer', he would instruct his solicitor to proceed with the sale. The email correspondence referred to above is attached at Appendix CC10.
- 6.19 From that point negotiations were once again taken up with Mr Murphy, although without any material progress being made as, despite Mr Murphy's other clients reaching agreement with Swan over values, Mr Murphy continued to try to justify a value for Mr Howe's leasehold interest in excess of £200,000. In an attempt to break the impasse over values in February 2019 (and on a number of other occasions thereafter) I proposed that the parties instruct an independent valuer (at the Council's cost) as a form of ADR (see appendix CC11). However, Mr Murphy never responded to the ADR proposal and this option was not taken up by Mr Howe.
- 6.20 The Council also agreed to pay Mr Murphy's reasonable fees for undertaking updated valuations in October 2019, although the results of those valuations were never confirmed (See Appendix CC12). Despite the fact there was evidence during this period that residential property values in Basildon had declined slightly since the end of 2018 (See the Basildon Land Registry House price Index for flats and maisonettes at Appendix CC13)²⁴, the Council and Swan confirmed that they were still prepared to honour the offers that had been made in October 2018 and I conveyed this information to Mr Murphy.
- 6.21 On 10 February 2020, I again confirmed to Mr Murphy that the Council and Swan remained willing to stand by their October 2018 offer and this position was repeated to Mr Murphy again on 28 April 2020. No response was received from Mr Murphy until 15 July 2020, when he advised that he was reverting back to his July 2018

²⁴ The Index stood at 136.2 in October 2018 and had fallen to 131.8 by October 2019

valuation of £196,000, but asked us to confirm the highest offer Ardent could recommend so that he could take instructions. On 27 August 2020, my colleague Dimitris Themistocli once again confirmed the offer of £160,000 for maisonettes on the Estate without a garden.²⁵ See the copy correspondence at Appendix CC14.

- 6.22 In a telephone call on 5 November 2020 Mr Murphy advised Dimitris Themistocli that Mr Howe was only prepared to accept an offer for his leasehold interest in 17 Peterborough Way in excess of £200,000. Mr Murphy further advised that if Mr Howe was not paid compensation of this level he would take his case to the Upper Tribunal.
- 6.23 In a final attempt to reach an agreement in advance of the Public Inquiry, on 13 May 2021, the Council wrote to Mr Howe increasing its offer for 17 Peterborough Way to £165,000, plus a Basic Loss Payment of £12,375, reinvestment costs (to be agreed) and reasonably incurred professional fees (see Appendix CC15).²⁶ In addition the Council has once again offered the option of ADR in the form of an independent valuation, or alternatively an agreed reference to the Lands Chamber, with the offer of £165,000 plus Basic Loss Payment being a minimum guaranteed sum of compensation. This offer has not been accepted.
- 6.24 In my professional opinion the Council's revised offer of £165,000, together with a Basic Loss Payment of £12,375, and any compensation Mr Howe might become entitled to for reinvestment costs, fully represents Mr Howe's current entitlement to compensation. If Mr Howe disagrees with my opinion, the Council remains willing to meet the cost of a fully independent valuation and to pay any increased compensation that results from that process. Alternatively the Council will agree to a joint reference to the Lands Chamber.
- 6.25 In light of my dealings (and my colleagues dealings) with Mr Howe, it is my opinion that his objection to the Order has not been made because he believes that the Estate should be refurbished, rather than redeveloped, but instead because he believes it is a tactic that will maximise his compensation payment. I consider it particularly telling that in his email of 20 December 2018 Mr Howe confirmed that he would be prepared to instruct his solicitor to proceed with a sale if the Council made him an offer that he deemed acceptable.²⁷
- 6.26 However, the difference between the amount of compensation it appears Mr Howe would accept and his true entitlement to compensation is significant and there is

²⁵ In August 2020 the Basildon flat and maisonette house price index stood at 133.1, compared to 136.2 at the date the Council first made its offer of £160,000 in October 2018

²⁶ It will be noted from the Land Registry House Price Index at Appendix CCL, that average values in Basildon have now recovered and increased slightly above the level seen at the time the October 2018 offer was made

²⁷ See Appendix CC10

nothing within the CPO Guidance that requires the Council to make Mr Howe an offer in excess of his statutory entitlement to compensation.

- 6.27 When making its most recent offer to Mr Howe the Council has, nonetheless, taken into account paragraph 3 (Tier 1) of the CPO Guidance, which recommends that acquiring authorities should consider value for money in terms of the Exchequer as a whole when making offers of compensation in advance of the confirmation of a CPO. However, in this case, it is relevant that there will be further phases of the Scheme, so that the setting an unjustifiably high compensation value precedent at this stage of the Estate's regeneration is inadvisable and could impact on the viability of the next phase of development. I understand that Mr Howe owns a number of other properties on the Estate that lie within this next phase.

7 DECLARATION

- 7.1 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.
- 7.2 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.
- 7.3 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.
- 7.4 I confirm that this report has drawn attention to all material facts which are relevant and have affected my professional opinion.
- 7.5 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.
- 7.6 I confirm that neither I, nor my firm, are instructed under any conditional or other success-based fee arrangement.
- 7.7 I confirm that I have no conflicts of interest.
- 7.8 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*.

8 STATEMENT OF TRUTH

8.1 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

8 June 2021

SUMMARY PROOF OF EVIDENCE OF COLIN COTTAGE

1. OVERVIEW

- 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 My previous firm, Glenny LLP, was initially instructed by Basildon Borough Council (“**the Council**”), in April 2018, to provide advice in relation to the proposed compulsory acquisition of property interests for the purpose of facilitating the third phase of the comprehensive redevelopment and renewal of the former Fryerns school and Craylands Estate in Basildon (“**the Estate**”).
- 1.3 My evidence addresses the Government Guidance on the compulsory purchase process and when compulsory purchase powers should be used. It also identifies the Order Lands and the property interests I, and other members of my team at Ardent, have been seeking to acquire through negotiation. I also make clear which of those interests have been acquired and which interests remain to be acquired. I detail the best practice approach that the Council (as acquiring authority) has taken to property acquisitions in relation to the Order Lands.
- 1.4 I also explain the work that I, supported by my team at Ardent, have undertaken on behalf of the Council which has resulted in the successful conclusion of negotiations with the owners of interest in the Order Lands. I also detail the negotiations that have taken place with the objector to the Order, Mr Tristian Howe.
- 1.5 My evidence should be read in conjunction with the proof of evidence prepared by Rob Pearce of Swan Housing Association (“**Swan**”), as Mr Pearce has also carried out some of the negotiations in relation to the Scheme.

2. GOVERNMENT GUIDANCE

- 2.1 My evidence explains in detail how the Council's acquisition strategy for the Order Lands has been informed by Guidance on Compulsory purchase process and the Crichel Down Rules' (Published by the Ministry of Housing, Communities and Local Government in October 2015 and last updated in July 2019) (“**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.

3. THE ORDER LANDS AND INTERESTS TO BE ACQUIRED

3.1 The Council is the registered freehold owner of the Estate, subject to disposals of freehold and leasehold interests under the Right to Buy scheme and other leasehold interests such as electricity sub stations and rights for statutory services. In total 31 residential leasehold interests had to be acquired in order for the third phase of the Scheme to be delivered. 24 of those leasehold interests were acquired prior to the Order being made and 4 leasehold interests have been subsequently acquired. Of the 3 remaining leasehold interests offers have been accepted by 2 of the leaseholders and there is only one remaining leasehold interest which has not been acquired and where an offer has not been accepted.

3.2 While Rob Pearce at Swan dealt with the acquisition of the majority of the interests, from April 2018, I was instructed by the Council to work with Swan to acquire the following 8 leasehold interests, where the leaseholders had instructed chartered surveyors to represent them. Swan continued to engage with occupying leaseholders in relation to relocation options and other relevant matters while my' and my team's' involvement was primarily focused on value negotiations with the leaseholders' advisors and the assessment of additional compensation:

- i) 3 Peterborough Way (Plot 16)
- ii) 9 Peterborough Way (Plot 14)
- iii) 17 Peterborough Way (Plot 13)
- iv) 21 Peterborough Way (Plot 15)
- v) 27 Peterborough Way (Plot 13)
- vi) 148 Lincoln Road (Plot 11)
- vii) 12 Chichester Close (Plot 2)
- viii) 23 Wells Gardens (Plot 3)

3.3 Of the eight leasehold interests Ardent was instructed to acquire we have successfully completed the acquisition of seven interests, the details of which are set out in my proof of evidence. The only remaining interest where Ardent has been negotiating, but an agreement has not been reached, is 17 Peterborough Way (Plot 14).

3.4 Following my appointment and my initial negotiations with the leaseholder's surveyor, Richard Murphy, on 22 October 2018 the Council submitted an offer of £160,000 for the leasehold interest in 14 Peterborough Way, together with a Basic Loss Payment of £12,000 and the and re-imburement of reasonably incurred professional fees. However, the offer was not accepted and as I describe in more detail below, despite

continued protracted discussions with both Mr Murphy and the leaseholder, Mr Howe, it has not been possible to acquire the leasehold interest by agreement. Mr Howe's reasonably incurred surveyor's fees have nonetheless been met by the Council.

4. DETAILS OF NEGOTIATIONS WITH THE OWNER OF 17 PETERBOROUGH WAY

- 4.1 One objection was received to the Order and the objector is Mr Tristian Richard Howe, the leaseholder of 17 Peterborough Way (CPO Plot 6). Mr Howe holds the property as an investment and is not resident. I understand that 17 Peterborough Way is currently vacant.
- 4.2 Land Registry documents show that Mr Howe purchased his leasehold interest in 17 Peterborough Way on 5 December 2016 for £95,000. I note that the purchase took place after proposals to progress with the Scheme had been made public.
- 4.3 Mr Howe objects to the Scheme on the following grounds:
- 4.4 "The Craylands Estate is a low density development, therefore there is plenty of surplus land for new homes without the need to demolish any of the maisonette blocks and surrounding houses. The maisonette blocks and houses can be retained with full refurbishment"
- 4.5 I wrote to Mr Howe on 12 February 2021, providing an initial response to the objection. My subsequent email correspondence with Mr Howe between the 12 February and 16 February 2021 and on 14 May 2021 is appended to my proof of evidence. I have been unable to persuade Mr Howe to enter into any more detailed discussions about his objection.
- 4.6 Prior to Mr Howe's objection I had been in negotiations with his surveyor, Richard Murphy of RJC, since April 2018 in an attempt to agree a purchase of Mr Howe's leasehold interest. Before my involvement I understand that Mr Pearce had been engaging, first with Mr Howe and then with Mr Murphy, since March 2017. However, it has not been possible to agree a price with Mr Howe and he has also refused the Council's offer of ADR in the form of an independent valuation.
- 4.7 My proof of evidence details the exchange of correspondence (other than without prejudice correspondence) and telephone conversations with Mr Howe and his surveyor from the time I was engaged on this matter to date.
- 4.8 In light of my dealings (and my colleagues' dealings) with Mr Howe, it is my opinion that his objection to the Order has not been made because he believes that the Estate should be refurbished, rather than redeveloped, but instead because he believes it is a tactic that will maximise his compensation payment.

- 4.9 However, in my professional opinion the Council's offer of £165,000, together with a Basic Loss Payment of £12,375 and any compensation Mr Howe might become entitled to for reinvestment costs fully represents Mr Howe's current entitlement to compensation. If Mr Howe disagrees with my opinion, the Council remains willing to meet the cost of a fully independent valuation and to pay any increased compensation that results from that process. Alternatively the Council will agree to a joint reference to the Lands Chamber.
- 4.10 I am of the view that the Council has discharged its duty under the CPO Guidance having made meaningful attempts to acquire property interests (including Mr Howe's interest) by agreement.

CC1

17 Peterborough Way Land Registry Documents

The electronic official copy of the register follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.



Official copy of register of title

Title number EX414746

Edition date 16.12.2016

- This official copy shows the entries on the register of title on 26 APR 2021 at 17:44:37.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 26 Apr 2021.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Peterborough Office.

A: Property Register

This register describes the land and estate comprised in the title. Except as mentioned below, the title includes any legal easements granted by the registered lease but is subject to any rights that it reserves, so far as those easements and rights exist and benefit or affect the registered land.

ESSEX : BASILDON

- 1 (10.11.1989) The Leasehold land shown edged with red on the plan of the above Title filed at the Registry and being 17 Peterborough Way, Basildon (SS14 3QE).

NOTE: Only the second and third floor flat is included in the title.

- 2 (10.11.1989) Short particulars of the lease(s) (or under-lease(s)) under which the land is held:
 Date : 21 August 1989
 Term : 125 years from 13 February 1989
 Rent : As therein mentioned
 Parties : (1) Basildon District Council
 (2) Robert James Edward Fillis and Linda Beverly Fillis
- 3 The above mentioned Lease is made pursuant to Part V of the Housing Act, 1985 and the land has the benefit of and is subject to the easements and rights specified in paragraph 2 of Schedule 6 of the said Act.
- 4 Lessor's title registered under EX224558.
- 5 Unless otherwise mentioned the title includes any legal easements granted by the registered lease(s) but is subject to any rights that it reserves, so far as those easements and rights exist and benefit or affect the registered land.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

Title number EX414746

B: Proprietorship Register continued

- 1 (14.12.2016) PROPRIETOR: TRISTAN RICHARD HOWE of 17 Peterborough Way,
Basildon SS14 3QE.
- 2 (14.12.2016) The price stated to have been paid on 5 December 2016 was
£95,000.

End of register

These are the notes referred to on the following official copy

The electronic official copy of the title plan follows this message.

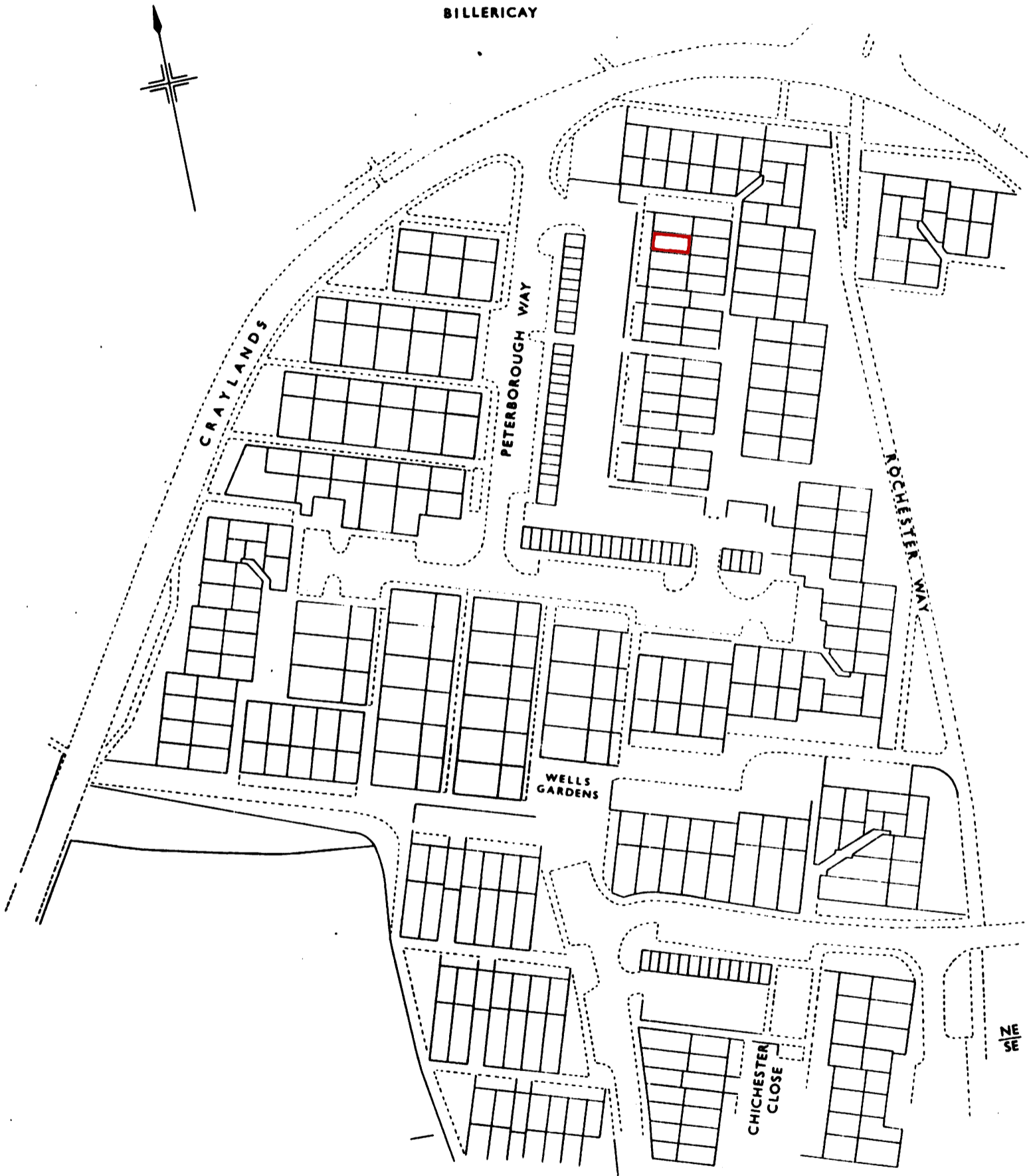
Please note that this is the only official copy we will issue. We will not issue a paper official copy.

This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from HM Land Registry.

This official copy is issued on 26 April 2021 shows the state of this title plan on 26 April 2021 at 17:44:37. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. This title is dealt with by the HM Land Registry, Peterborough Office .

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H.M. LAND REGISTRY		TITLE NUMBER		
		EX 414746		
ORDNANCE SURVEY PLAN REFERENCE	COUNTY	SHEET	NATIONAL GRID	SECTION
	ESSEX		TQ 7289	Q
Scale: 1/1250		BASILDON DISTRICT		© Crown copyright 1972



CC2

12 February 2021 letter in response to Mr Howe's objection

Mr Tristian Richard Howe
243 Prospect Road
Woodford Green
Essex
IG8 9NH

By Email only

12 February 2021

Dear Mr Howe,

CPO Plot 6 – 17 Peterborough Way, Basildon, Essex, SS14 3QE ('the Property')

**The Basildon Borough Council (Fryerns and Craylands) (Phase North)
Compulsory Purchase Order 2020 ('the Order')**

Objector: Mr Tristian Richard Howe ('the Objector')

Basildon Borough Council ('the Council') acknowledges receipt of your objection to the Order, submitted to the Secretary of State for Communities and Local Government on 11th September 2020.

We would like to meet with you, virtually, to discuss your objection, but in advance of this we set out below our initial observations and response.

Your objection raises issues in relation to the construction of new homes on surplus land within the estate without demolishing the existing maisonette blocks. Your objection suggests that you are of the view that the maisonette blocks and houses could be retained with full refurbishment.

The option to retain the properties included within the Order as part of a wider redevelopment was considered by the Council and its development partner at the time the application for the subsequently granted Planning Permission was made. As set out in the officer's report to planning committee on 4th October 2016, the demolition of the properties creates an opportunity to establish clearer vehicular routes through the estate, making it easier to navigate. This approach is consistent with the original outline approval for the Estate which has the same objectives to improve the environment within the Estate and create safer living conditions.

Moreover, the current condition of the maisonettes is very poor and as a result they would require wholesale refurbishment which would be very costly. The option for refurbishment was considered by the Council, but it was demonstrated that refurbishment did not represent value for money. In addition, the costs of refurbishment would, in part, be payable by leaseholders (including you) through a service charge, the cost of which would be prohibitive.

The Council and its development partner, Swan, have collaborated to promote a scheme which includes the minimum redevelopment possible, whilst achieving the objective of addressing the design defects in this part of the Estate, including inaccessible layout, poor public realm and poor quality housing.

We have been in discussions with your surveyor, Mr Richard Murphy of Richard John Clarke Chartered Surveyors, but have not been able to reach an agreement to purchase your investment property. We believe that the offer we have made to be reasonable and reflective of the compensation you would receive in the event of compulsory acquisition, but are nonetheless also willing to offer Alternative Dispute Resolution (ADR) in the form of an independent valuation in an attempt to unlock our value negotiations. If you are prepared to enter the ADR process please let us know and we will make the necessary arrangements for the appointment of an independent third party valuer.

We look forward to hearing from you, and if you wish for us to arrange a meeting where we can discuss the scheme and your objection in greater detail, please do not hesitate to contact me.

Yours sincerely,



Colin Cottage BSc (Hons) MRICS
Managing Director

Ardent Management Ltd
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t . +44 (0) 20 3693 2500
e . info@ardent-management.com

CC3

Email Correspondence with Mr Howe following his objection

Jessamy Gorham

From: Colin Cottage <ColinCottage@ardent-management.com> on behalf of Colin Cottage
Sent: 14 May 2021 14:00
To: Tristan Howe
Subject: RE: 17 Peterborough Way, Basildon, Essex SS14 3QE

Dear Mr Howe

As I confirmed to you in my letter of 12 February 2021, the option to retain the properties included within the Order as part of a wider redevelopment was considered by the Council and its development partner at the time the application for Planning Permission was made. As set out in the officer's report to planning committee on 4th October 2016, the demolition of the properties creates an opportunity to establish clearer vehicular routes through the estate, making it easier to navigate. This approach is consistent with the original outline approval for the Estate which has the same objectives to improve the environment within the Estate and create safer living conditions.

It is also the case that the current condition of the maisonettes is very poor and as a result they would require wholesale refurbishment which would be very costly. The option for refurbishment was considered by the Council, but it was demonstrated that refurbishment did not represent value for money. In addition, the costs of refurbishment would, in part, be payable by leaseholders (including you) through a service charge, the cost of which would be prohibitive.

The Council and its development partner, Swan, have collaborated to promote a scheme which includes the minimum redevelopment possible, whilst achieving the objective of addressing the design defects in this part of the Estate, including inaccessible layout, poor public realm and poor quality housing.

Evidence will be provided at the Public inquiry to demonstrate the reasonableness of the Council's position on this point. With respect, I have seen no evidence from you that sets out how refurbishment could meet the same objectives, or that demonstrates that refurbishment of the existing maisonettes is financially viable. This is an issue that should concern you because, as a leaseholder, you would be responsible for contributing to the cost.

Regards

Colin



Colin Cottage Bsc (Hons) MRICS
Managing Director, Compensation
RICS Registered Valuer
Ardent | 201 Borough High Street,
London SE1 1JA

Mobile: +44 (0)7768 070 255

E: colincottage@ardent-management.com | **W:** www.ardent-management.com

From: Tristan Howe <tristanhowe@btinternet.com>
Sent: 14 May 2021 13:05
To: Colin Cottage <ColinCottage@ardent-management.com>
Subject: RE: 17 Peterborough Way, Basildon, Essex SS14 3QE

Dear Colin Cottage

Thank you for your email.

There is no need to demolish the existing homes on the estate. These properties can be renovated and refurbished to bring them up to a good standard in line with the Government's decent homes policy.

There is masses of surplus vacant land to build new housing, improve the layout and regenerate the estate.

Thanks
Tristan Howe

----- Original Message -----

From: "Colin Cottage" <ColinCottage@ardent-management.com>

To: "Tristan Howe" <tristanhowe@btinternet.com>

Sent: Friday, 14 May, 21 At 11:17

Subject: RE: 17 Peterborough Way, Basildon, Essex SS14 3QE

Dear Mr Howe

Now that a date has been set for the Public inquiry, I would like to ask again whether you would like to discuss your objection with me. I am happy to undertake this discussion via email or set up a virtual meeting on Microsoft Teams or any other platform that you would prefer.

Regards

Colin

Colin Cottage Bsc (Hons) MRICS

Managing Director, Compensation

RICS Registered Valuer



Ardent | 201 Borough High Street,

London SE1 1JA

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E: colincottage@ardent-management.com | **W:** www.ardent-management.com

From: Tristan Howe <tristanhowe@btinternet.com>

Sent: 16 February 2021 11:04

To: Colin Cottage <ColinCottage@ardent-management.com>

Subject: RE: 17 Peterborough Way, Basildon, Essex SS14 3QE

Dear Colin Cottage

Thank you for your response.

Yes I will proceed to the inquiry. It appears fairly straightforward - I will attend the hearing stating why I believe demolitions should not proceed and the counter case is put by the developer. A report is sent to a government minister who makes the final decision.

Thanks
Tristan Howe

----- Original Message -----

On Tuesday, 16 Feb, 21 At 07:51, Colin Cottage <ColinCottage@ardent-management.com> wrote:

Dear Mr Howe

Thank you for your email.

Do I take it from your response that you do not wish to discuss your objection or the purchase of 17 Peterborough Way by negotiation, but simply want to present your case at the Public Inquiry?

If the latter, it may be helpful for you if I explain the Inquiry process and the options open to you. I understand that you are the only objector to the CPO.

Regards

Colin

Colin Cottage Bsc (Hons) MRICS

Managing Director, Compensation

RICS Registered Valuer



Ardent | 201 Borough High Street,

London SE1 1JA

Mobile: +44 (0)7768 070 255

E: colincottage@ardent-management.com | **W:** www.ardent-management.com

From: Tristan Howe <tristanhowe@btinternet.com>

Sent: 12 February 2021 19:18

To: Colin Cottage <ColinCottage@ardent-management.com>

Subject: Re: 17 Peterborough Way, Basildon, Essex SS14 3QE

Dear Colin Cottage

Thank you for your email.

An inquiry will take place and a government minister will authorize or reject the CPO.

With regards to the buyout, a CPO could be refused and therefore the sale of 17 Peterborough Way would not proceed.

Many Thanks
Tristan Howe
(correct postcode is IG8 7NG)

----- Original Message -----

From: "Colin Cottage" <ColinCottage@ardent-management.com>
To: "tristanhowe@btinternet.com" <tristanhowe@btinternet.com>
Sent: Friday, 12 Feb, 21 At 17:30
Subject: 17 Peterborough Way, Basildon, Essex SS14 3QE

Dear Mr Howe

Please see the attached letter.

Regards

Colin Cottage Bsc (Hons) MRICS

Managing Director, Compensation

RICS Registered Valuer



Ardent | 201 Borough High Street,

London SE1 1JA

Mobile: +44 (0)7768 070 255

E: colincottage@ardent-management.com | **W:** www.ardent-management.com

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CC4

14 June 2017 offer to Mr Howe



Swan Housing Association
Pilgrim House, High Street,
Billericay, CM12 9XY
www.swan.org.uk

Mr T Howe
17 Peterborough Way
Basildon,
Essex
SS14 3QE

Direct dial: 0300 303 2500
Mobile: 07860 411308
Email: rpearce@swan.org.uk

14th June 2017

Without prejudice and subject to contract.

Dear Mr Howe

Re: 17 Peterborough Way

I am writing further to the valuation survey undertaken by Mr R Burns, from Tillet, Burns & Hughes, Chartered Surveyors.

Taking into account a number of factors including the price comparable properties have actually been sold for, the market value of **17 Peterborough Way** has been calculated at **£150,000**.

Under the terms of the Land Compensation Acts and providing you have lived at the property as your only and principle home for the past 12 months you are eligible to receive a Home Loss payment equivalent to 10% of the market value and a Disturbance payment to cover the costs incurred in moving. Swan will also pay the reasonable legal fees incurred in selling your property and buying another.

Subject to the conditions above Swan's offer to buy your property is as follows:

Market value:	£150,000
Home loss payment @	
10% market value:	£ 15,000
Disturbance payment:	£ 2,000
Total:	<u>£167,000</u>

What happens next?

Should you wish to accept Swan's offer to purchase your property please confirm this in writing to me – an email will suffice and provide the details of the solicitor who will represent you in the transaction. As Swan will be paying the reasonable legal fees please ask your solicitor to provide their fee quote for the work involved and send this to me for approval.

Once the legal fees are approved you can instruct your solicitor to act for you in the transaction and I will instruct Swan's solicitors as necessary to enable you to sell your property to Swan.

If there is anything you wish to discuss please contact me on 0300 303 2500, mobile: 07860 411308 or rpearce@swan.org.uk

Yours sincerely

Rob Pearce
Homeownership Project Manager
Swan Housing Association

CC5

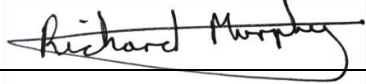
RJC Valuation – 17 Peterborough Way

11 • Masons Arms Mews • Mayfair • London • W1S 1NX
Tel: 020 7499 8043 • Fax: 020 3602 0542
E-mail: info@richardjohnclarke.com • Website: www.richardjohnclarke.com

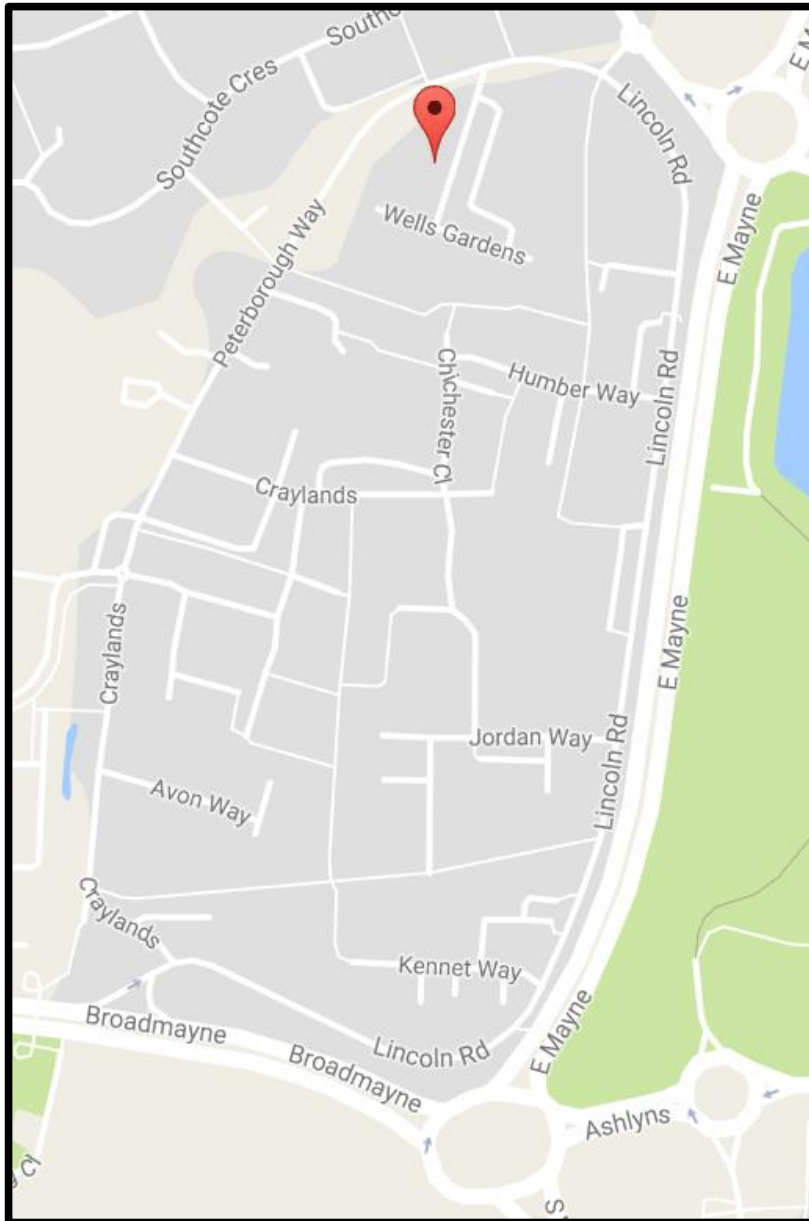
VALUATION REPORT 17 Peterborough Way Basildon Essex SS14 3QE



Richard John Clarke - Valuation Report	
Prepared in accordance with the Conditions of Engagement for Residential Valuations.	
Client	Mr Tristan Howe
Address	17 Peterborough Way, Basildon, Essex, SS14 3QE
Description	A three-bedroom maisonette on the Second and Third floor of a four-storey local authority block.
Age	1960's
Tenure	Assumed the property is subject to a standard 125-year lease at a £10 ground rent.
Situation	The property is situated in the North-west of the Craylands Estate, Basildon. The oval shaped, local authority built estate is enclosed by 2 major roads; Broadmayne (A1321) to the south and East Mayne (A132) to the east. The estate itself is located approximately 2.5 km north-east of Basildon Town Centre and railway station. Just to the east of the estate is Northlands Park, incorporating 60-acres of parkland.
Construction:	
Walls	Reinforced concrete frame and prefabricated concrete panel construction.
Roof	Flat felt covered roof.
Floors	Second Floor: Solid concrete Third Floor: Suspended timber
Windows	UPVC frames; double glazing
Accommodation:	
Second Floor:	Hallway; Reception; Kitchen.
Third Floor:	Three Bedrooms; Bathroom
External:	Balcony.

	The property has a Gross Internal Area of 75.65m ² (814.29ft ²) (Including balcony).	
Outside:		
Services	All mains services assumed.	
Roads	The property fronts onto an adopted highway.	
Planning and Environmental Matters:	There are no outstanding matters that we are aware of other than the proposed housing association redevelopment of the estate.	
Market Value:	£215,000 (Two Hundred Fifteen Thousand Pounds)	
Validity:	This report should remain valid for a period of 3 months.	
Date of Valuation:	21 June 2017	
Signature		RICHARD MURPHY MRICS

Location Map



Comparable Evidence

ADDRESS	PRICE	HPI PRICE	DATE	RECEP/ BEDS	SALE STATUS
50 Buckerills, Basildon, Essex SS13 3ER	£210,000	£211,982	12-Dec-16	1/3	SOLD
Mariskals, Basildon, SS13 3EH	£192,000	£192,000	June	1/3	Under-offer
53 Steeplehall, Basildon, Essex SS13 3HR	£180,000	£180,839	27-Jan-17	1/2	SOLD

11 • Masons Arms Mews • Mayfair • London • W1S 1NX
Tel: 020 7499 8043 • Fax: 020 3602 0542
E-mail: info@richardjohnclarke.com • Website: www.richardjohnclarke.com

CONDITIONS OF ENGAGEMENT FOR RESIDENTIAL VALUATIONS

1. Richard John Clarke shall advise the Client in writing as to the opinion of value of the freehold or leasehold interest in the property, as specified by the Client.
2. The purpose for which the Valuation is required shall be agreed between the Client and Richard John Clarke, and confirmed by Richard John Clarke to the Client in the confirmation letter.
3. Unless otherwise specifically agreed, the value advised by Richard John Clarke shall be the "Market Value" as defined by the RICS'.
The estimated amount for which a property should exchange on the date of valuation between a willing buyer and a willing seller in an arms-length transaction after proper marketing wherein the parties had each acted knowledgeably, prudently, without compulsion.
4. Subject to hereinafter provided, Richard John Clarke shall carry out such inspections and investigations as are, in the Valuers professional judgment, appropriate and possible in the circumstances. When it is not possible to make exhaustive enquiries within the time limits set for the preparation of a Valuation Report, it is important that our enquiries are verified by you or your legal advisers in writing with the appropriate authorities prior to exchange of contracts to purchase. Particularly no enquiries will be made as to whether the property is or has been contaminated and your legal advisers should investigate the previous use of the property prior to exchange of contracts to purchase.
5. Richard John Clarke shall unless otherwise expressly agreed rely upon information provided by the Client, the occupier or other persons stated within the Report, or their legal or professional advisers relating to tenure, tenancies and other relevant matters.
6. Richard John Clarke shall have regard to the apparent state of repair and condition of the property but shall be under no duty to carry out a Structural or Building Survey or to inspect those parts of the property which are covered, unexposed or inaccessible. Such parts will be assumed to be in good repair and condition. Richard John Clarke will describe the services available to the property but they shall not be under a duty to arrange for the testing of electrical, heating or other services.
7. In making the report Richard John Clarke will meet the relevant requirements of RICS Appraisal and Valuation Standards and the following assumptions will be made, which Richard John Clarke shall be under no duty to verify;

- a) that no deleterious or hazardous materials or techniques were used in the construction of the property or have since been incorporated and that there is no contamination in or from the ground, and it is not land fill ground.
- b) that good title can be shown and that the property is not subject to any unusual or especially onerous restrictions, encumbrances or outgoings;
- c) that the property and its value are unaffected by any matters which will be revealed by a local search and replies to the usual enquiries, or by any statutory notice, and that neither the property, nor its condition, nor its use, nor its intended use, is or will be unlawful; and
- d) that inspection of those parts which have not been inspected would neither reveal material defects nor cause the valuer to alter the valuation materially; and
- e) that no radon gas is present at the property.

8. Richard John Clarke shall provide the Client a Report setting out the opinion of value of the relevant interest in the property. The Report will be provided for the stated purpose and for the sole use of the named Client. It will be confidential to the Client and the Client's professional advisers. Richard John Clarke accepts responsibility to the Client alone that the Report will be prepared with the skill, care and diligence reasonably to be expected of a competent Chartered Surveyor, but accepts no responsibility whatsoever to any parties other than the Client. Any such parties rely upon the Report at their own risk. Neither the whole or any part of the Report nor any reference to it may be included in any published document, circular or statement nor published in any way without the written approval of Richard John Clarke and concerning the form and context in which it may appear.

9. The Client will pay to Richard John Clarke the fee agreed prior to the release of the report. In addition, the Client will reimburse Richard John Clarke the cost of all reasonable out of pocket expenses which may be incurred.

10. Our written Report will take precedence over any oral advice prior to it being received.

CC6

4 July 2018 email from Mr Murphy

Jessamy Gorham

From: Richard Murphy <richard@richardjohnclarke.com> on behalf of Richard Murphy
Sent: 04 July 2018 17:35
To: Colin Cottage
Cc: Andy Gibson; Connor Webb
Subject: RE: Craylands Estate

Hi Colin
Please see comps.
I'm at £196,000 without garden and £206,000 with
Let me know if you can agree.

Regards,

Richard Murphy
Richard John Clarke Chartered Surveyors
11 Masons Arms Mews
Mayfair, London, W1S 1NX

☎ 020 7499 8043
✉ richard@richardjohnclarke.com
🌐 www.richardjohnclarke.com



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Please consider the environment before printing

From: Colin Cottage
Sent: 27 June 2018 18:39
To: Richard Murphy
Cc: Andy Gibson
Subject: RE: Craylands Estate

Richard

Are you now able to confirm? I am advised that a number of your clients are keen to make progress.

Regards

Colin Cottage BSc (Hons) MRICS IRRV Partner
Regeneration & Infrastructure
m07768 070255 ddi020 3141 3569



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From: Richard Murphy [<mailto:richard@richardjohnclarke.com>]
Sent: 27 June 2018 11:22
To: Colin Cottage
Cc: Andy Gibson
Subject: RE: Craylands Estate

Hi Colin
I'll let you know this afternoon.

Regards,
Richard Murphy MRICS

Richard John Clarke Chartered Surveyors
11 Masons Arms Mews
Mayfair, London, W1S 1NX

 020 7499 8043
 richard@richardjohnclarke.com
 www.richardjohnclarke.com

From: Colin Cottage <C.Cottage@glenny.co.uk>
Sent: 22 June 2018 11:16
To: Richard Murphy <richard@richardjohnclarke.com>
Subject: RE: Craylands Estate

Hi Richard

Can you please confirm your availability for a meeting?

Regards

Colin Cottage BSc (Hons) MRICS IRRV Partner
Regeneration & Infrastructure
m 07768 070255 ddi020 3141 3569



Unex Tower, Station Street, Stratford, London E15 1DA
t 020 3141 3500 f01268 540 772 www.glenny.co.uk

From: Colin Cottage
Sent: 15 June 2018 11:32
To: 'richard@richardjohnclarke.com' <richard@richardjohnclarke.com>
Subject: Craylands Estate

Richard

As just discussed, I have come across the property below, which is currently on the market. It is in Wickford, but seems very similar to the properties we need to value.

<http://www.rightmove.co.uk/property-for-sale/property-71984165.html>

I understand that you will be reviewing your valuations and we will look to meet in early July when I am back from jury service. Can I suggest Friday 6th?

Regards

Colin Cottage BSc (Hons) MRICS IRRV Partner
Regeneration & Infrastructure
m 07768 070255 ddi020 3141 3569



Unex Tower, Station Street, Stratford, London E15 1DA
t 020 3141 3500 f01268 540 772 www.glenny.co.uk



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CC7

22 October 2018 offer to Mr Howe

Mr T Howe
39 Arndale Drive
Woodford Green
Essex
IG8 9BZ

Housing & Community Services
The Basildon Centre
St Martins Square, Basildon
Essex, SS14 1DL
Email: mo.slade@basildon.gov.uk

Ask for: Mo Slade

CC. Richard Murphy, Richard John Clarke

22 October 2018

Dear Mr T Howe

17 Peterborough Way, SS14 3QE
SUBJECT TO CONTRACT

Further to the recent negotiations which have taken place between your surveyor, Richard John Clarke, and the Council's surveyor, Ardent, in relation to the purchase of the above property, I am writing to you with the Council's financial offer to you.

Although the Council has not yet made a compulsory purchase order, it is trying to purchase your property by agreement, before making an order. The Council will soon begin the process of making an order and this offer takes into account all aspects of the compensation you would receive in the event of compulsory acquisition. This accords with Government Guidance on the compulsory purchase process.

The offer consequently not only reflects the open market value of your property, but also includes a discretionary Basic Loss payment (equivalent to 7.5% of the market value of your property).

You may also be entitled to additional compensation if you are able to prove an entitlement. Your surveyor will advise you how to claim any additional compensation you believe may be due to you. The Council's surveyor will then assess your claim and advise you whether we believe you qualify for the additional compensation.

Having regard to the above the offer is therefore:

Open Market Value	£160,000
Basic Loss payment	£12,000
Total	£172,000

As previously agreed with your surveyor, we will also meet any expenses you reasonably incur in selling your property and moving to another. This will include both surveyor's and solicitor's fees.

I look forward to your confirmation of whether our offer is acceptable.

Yours sincerely



Tomasz Kozlowski
Assistant Director Growth, Regeneration

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CC8

Mr Howe's 27 October 2017 response to the 22 October 2018 offer

Jessamy Gorham

From: Elaine Parry <Elaine.Parry@basildon.gov.uk> on behalf of Elaine Parry
Sent: 29 October 2018 13:50
To: Colin Cottage; 'Rob Pearce'
Cc: Mo Slade; Louise Humby; Ravinder Johal
Subject: FW: 2040757 - 17 PETERBOROUGH WAY, SS14 3QE CRAYLANDS

Colin, Rob,

This is a response to the final offer letter recently sent out- the points raised are in respect of compensation rather than rehousing options.

If you want the Council to acknowledge/respond can you let me have the response to send out?

Regards

Elaine Parry MRICS

Team Manager, Estates, Corporate Property Services

DD: 01268 207796 | Tel: 01268 533333 | www.basildon.gov.uk

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From: Mo Slade
Sent: 29 October 2018 08:32
To: Tristan Howe <tristanhowe@btinternet.com>; Business Support Services <BusinessSupportServices@basildon.gov.uk>; Trevor Burns <Trevor.Burns@basildon.gov.uk>; Louise Humby <Louise.Humby@basildon.gov.uk>
Cc: Richard Murphy <richard@richardjohnclarke.com>
Subject: RE: 17 PETERBOROUGH WAY, SS14 3QE

Thank you for this information which I will look into and get back to you.

Mo Slade

Manager of Housing Choice | **Basildon Borough Council**

T: 01268 206674 | E:mo.slade@basildon.gov.uk | W: www.basildon.gov.uk



From: Tristan Howe [<mailto:tristanhowe@btinternet.com>]
Sent: 27 October 2018 15:38
To: Mo Slade <Mo.Slade@basildon.gov.uk>

Cc: Richard Murphy <richard@richardjohnclarke.com>

Subject: RE: 17 PETERBOROUGH WAY, SS14 3QE

Dear Mo

I expect to receive a settlement of £250,000 plus compensation, fees and expenses as I can then buy a 3 bedroom home in SS14. The Law is very clear that I must be able to purchase an equivalent sized property within that postcode. A maisonette on the Craylands Estate in its own right should be valued over £200,000.

Sold prices of over £100,000 in 2004/2005 on the Craylands Estate.

50 Craylands: £118,500 in August 2004

12 Chichester Close: £100,000 in September 2004

20 Lincoln Road: £105,000 in November 2004

10 Craylands: £105,000 in August 2005

Sold prices of £125,000 in 2007/2008 on the Craylands Estate.

69 Rochester Way: £125,000 in November 2007

8 Craylands: £125,000 in July 2008

Since 2004 house prices have roughly doubled, and since 2008 prices have increased by around 70 percent. In 2016 Basildon had a 20 percent rise in property prices.

Planning permission for demolition was granted in 2006, and with essential repairs only the area has become a 'sink estate'. Estate agents have described Craylands (the maisonettes) as a 'ghetto', with unmortgageable properties awaiting demolition, and many sold prices far below potential market value. Despite this, a maisonette in Lincoln Road sold for £150,000 in July 2017. All estate agents agree that should the alternative to demolition be enacted - a multi-million pound upgrade (effectively a brand new estate) together with new leases and mortgageable properties, sale values of over £200,000 would be realistic.

I have spoken to legal experts and they all advise the following: Developers promise to buyback properties immediately, or within a timeframe and this never happens. Developers land bank the site for years, the estate degrades, buyout offers are derisory, and the new housing is 2 or 3 times the value of what has been demolished. Those that opt for Lands' Tribunal do obtain a buyout which allows them to purchase a like-for-like property locally, which in my case is £250,000.

If I were to proceed to Lands' Tribunal my arguments will be the following:

- 1). I require £250,000 to purchase a 3 bedroom property in SS14.
- 2). Given an equivalent property sold for £150,000 in 2017, with a multi- million pound estate regeneration, new leases with mortgageable properties, together with rising prices, a value in excess of £200,000 would be achievable.
- 3). Other local authority blocks (see below) which contain 3 bedrooms have sold for over £200,000, and property prices have increased since then.

Comparable Evidence (SS13 - which is a cheaper postcode)

50 Buckerills: 12 December 2016 - £210,000

1 Mariskals: 28 April 2017 - £192,000

46 Mariskals: 15 December 2017 - £200,000

Additional Compensation Claims (other than standard surveyor's & solicitor's fees)

- 1). The extra 3 percent Stamp Duty which is payable on investment properties.
- 2). Loss of rent during the period of buying an alternative property.
- 3). Loss of rent/payment of household bills/general maintenance during the period between securing a new property and the new tenant moving in.
- 4). A house hunters fee covering the expenses incurred purchasing another property - such as travel costs for viewings, visiting solicitor/estate agents etc.
- 5). Costs of getting the new property suitable for rental i.e. gas/electric safety certificates, multiple smoke alarms, a carbon monoxide detector, keys cut etc.
- 6). Being a 3 bedroom property it is advisable to get HMO compliant and registered, which involves installing a fire detection, prevention and alarm system, locks on windows etc, with an additional (minimum) £500 fee levied by the council.
- 7). Some local authorities require a £500 landlord registration fee.

Thanks

Tristan Howe

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CC9

8 November 2018 letter from the Council to Mr Howe

Mr T Howe
39 Arndale Drive
Woodford Green
Essex
IG8 9BZ

Communities
The Basildon Centre
St Martins Square, Basildon
Essex SS14 1DL
Direct tel: 01268 207796

Email: elaine.parry@basildon.gov.uk

8 November 2018

CC Richard Murphy, Richard John Clarke

Dear Mr Howe

17 Peterborough Way, Basildon, SS14 3QE

Thank you for your email of 27 October. I am responding to the points you have raised in respect of compulsory purchase legislation, valuation and additional compensation matters.

Compulsory purchase legislation

There is no law that says you are entitled to compensation that will allow you to purchase an equivalent size property to the one you currently own in the same post code.

Rule 2, Section 5 of the Land Compensation Act 1961 confirms that a landowner subject to compulsory acquisition is entitled to the market value of the property acquired from him. This is consistent with the 'principle of equivalence' (Horn v Sunderland Corporation [1941]) that requires compensation to put a property owner in no worse, or better position than he was prior to the acquisition in financial terms.

Therefore if you are paid the full value of the property acquired from you, you are paid full compensation in the eyes of the law. Whether this money is sufficient to purchase another property or not is immaterial in terms of compensation law, although it is good practice for acquiring authorities to provide relocation assistance to owner occupiers and tenants. I understand that you do not occupy 17 Peterborough Way, but you will nonetheless be able to reinvest any compensation you receive in any way you choose.

Valuation

Land registry data shows that the value of flats and maisonettes in Basildon have increased by circa 62% since September 2004 and 58% since August 2005. There have been value increases of 37% since November 2007 and 39% since July 2008.

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Values have decreased slightly since July 2017 when the maisonette in Lincoln Road sold for £150,000. (See the attached).

The historic evidence you point to therefore appears to demonstrate that the Council's recent offer for your property is reasonable and, as it is consistent with the growth in values across Basildon generally, doesn't reflect any blighting effect from the regeneration scheme. I note your argument that Mariskals and Buckerills are inferior in value but I do not agree with you on this.

Additional compensation claims

In terms of the additional compensation you state that you would claim:

- 1 You will be able to claim reinvestments costs (including stamp duty, legal fees and surveyors fees) reasonably incurred in purchasing another UK property investment within 12 months of the compulsory acquisition (S.10A of the land Compensation Act 1961).
- 2 I am not sure I understand this claim but if you are saying that you would lose income in the period between your property being acquired and acquiring a replacement investment, this is not compensatable. Compensation is only payable in respect of the property acquired from you and not a replacement investment property. If you mitigate your loss properly, as you are required to do, there should be no, or minimal, loss.
- 3 See the answer to 2 above.
- 4 See the answer to 1 above
- 5 Compensation is only payable in respect of the property acquired from you and not a replacement investment property therefore, there is no statutory basis for this claim.
- 6 Compensation is only payable in respect of the property acquired from you and not a replacement investment property therefore, there is no statutory basis for this claim.
- 7 Compensation is only payable in respect of the property acquired from you and not a replacement investment property therefore, there is no statutory basis for this claim.

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I trust this email clarifies the Council's position in relation to your ability to claim compensation, but if you have any further queries please contact Elaine Parry Team Manager Estates 01268 207796 elaine.parry@basildon.gov.uk in the first instance and she will ensure that your query is directed to the appropriate person to respond.

Yours sincerely



Tomasz Kozlowski
Assistant Director, Growth

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UK House Price Index

House price index by type of property in Basildon

June 2004 – October 2018

	Reporting period	Sales volume	House price index All property types	House price index Flats and maisonettes
Jun 2004	monthly	410	72.4	79.9
Jul 2004	monthly	432	73.8	81.5
Aug 2004	monthly	359	74.4	82.0
Sep 2004	monthly	381	76.6	84.2
Oct 2004	monthly	332	76.5	84.6
Nov 2004	monthly	281	75.5	83.7
Dec 2004	monthly	252	75.5	84.1
Jan 2005	monthly	192	76.1	84.8
Feb 2005	monthly	198	76.8	85.4
Mar 2005	monthly	207	76.4	84.8
Apr 2005	monthly	224	75.9	84.4
May 2005	monthly	278	77.4	86.3
Jun 2005	monthly	294	77.6	86.7
Jul 2005	monthly	281	77.8	86.8
Aug 2005	monthly	333	77.6	86.4
Sep 2005	monthly	310	77.5	86.2
Oct 2005	monthly	304	78.4	87.6
Nov 2005	monthly	301	78.3	87.6
Dec 2005	monthly	375	78.5	88.3
Jan 2006	monthly	218	78.1	87.6
Feb 2006	monthly	234	78.9	88.6
Mar 2006	monthly	282	78.2	87.4
Apr 2006	monthly	299	79.2	88.6
May 2006	monthly	333	78.4	87.6
Jun 2006	monthly	315	79.4	89.0
Jul 2006	monthly	351	79.4	88.7

	Reporting period	Sales volume	House price index All property types	House price index Flats and maisonettes
Aug 2006	monthly	395	80.3	89.3
Sep 2006	monthly	358	80.8	89.4
Oct 2006	monthly	321	80.4	89.2
Nov 2006	monthly	349	81.4	90.3
Dec 2006	monthly	401	82.4	91.8
Jan 2007	monthly	260	83.2	92.6
Feb 2007	monthly	287	82.8	92.5
Mar 2007	monthly	363	82.9	92.2
Apr 2007	monthly	337	83.4	92.9
May 2007	monthly	338	84.7	94.4
Jun 2007	monthly	372	85.4	95.4
Jul 2007	monthly	374	86.6	96.5
Aug 2007	monthly	388	88.3	97.6
Sep 2007	monthly	309	89.3	98.6
Oct 2007	monthly	302	90.1	99.9
Nov 2007	monthly	349	89.5	99.6
Dec 2007	monthly	242	90.5	100.9
Jan 2008	monthly	180	91.5	102.0
Feb 2008	monthly	221	91.6	101.8
Mar 2008	monthly	220	90.7	100.2
Apr 2008	monthly	173	89.5	98.5
May 2008	monthly	194	89.2	97.9
Jun 2008	monthly	158	88.9	97.6
Jul 2008	monthly	143	89.1	97.9
Aug 2008	monthly	111	86.9	95.4
Sep 2008	monthly	91	85.9	94.2
Oct 2008	monthly	87	81.5	89.5
Nov 2008	monthly	105	80.1	87.8
Dec 2008	monthly	94	77.9	85.3
Jan 2009	monthly	79	77.4	84.7
Feb 2009	monthly	80	76.8	84.1
Mar 2009	monthly	105	75.8	83.4
Apr 2009	monthly	90	75.2	82.5
May 2009	monthly	142	75.9	82.8
Jun 2009	monthly	123	76.0	82.3

	Reporting period	Sales volume	House price index All property types	House price index Flats and maisonettes
Jul 2009	monthly	191	76.8	82.4
Aug 2009	monthly	133	78.1	83.2
Sep 2009	monthly	177	77.7	82.5
Oct 2009	monthly	175	79.0	83.6
Nov 2009	monthly	190	78.4	82.7
Dec 2009	monthly	297	80.3	84.7
Jan 2010	monthly	104	80.8	84.4
Feb 2010	monthly	133	81.0	84.2
Mar 2010	monthly	186	80.6	83.3
Apr 2010	monthly	168	81.9	85.1
May 2010	monthly	145	83.2	86.4
Jun 2010	monthly	167	84.4	87.4
Jul 2010	monthly	209	84.0	86.5
Aug 2010	monthly	200	84.2	86.1
Sep 2010	monthly	181	84.9	86.4
Oct 2010	monthly	202	84.3	86.0
Nov 2010	monthly	190	82.2	84.2
Dec 2010	monthly	130	81.2	83.3
Jan 2011	monthly	111	81.3	83.3
Feb 2011	monthly	143	82.4	84.4
Mar 2011	monthly	120	82.6	84.3
Apr 2011	monthly	180	82.8	84.6
May 2011	monthly	127	82.3	84.3
Jun 2011	monthly	176	82.3	84.6
Jul 2011	monthly	222	83.0	85.5
Aug 2011	monthly	215	83.2	85.0
Sep 2011	monthly	169	84.0	85.3
Oct 2011	monthly	176	82.4	83.2
Nov 2011	monthly	201	83.2	84.5
Dec 2011	monthly	181	81.6	83.2
Jan 2012	monthly	167	83.0	84.5
Feb 2012	monthly	180	82.5	83.5
Mar 2012	monthly	189	84.0	85.0
Apr 2012	monthly	134	82.3	83.6
May 2012	monthly	154	83.3	84.9

	Reporting period	Sales volume	House price index All property types	House price index Flats and maisonettes
Jun 2012	monthly	210	82.2	83.4
Jul 2012	monthly	218	84.0	84.9
Aug 2012	monthly	203	84.5	84.8
Sep 2012	monthly	161	86.5	86.7
Oct 2012	monthly	193	86.5	86.7
Nov 2012	monthly	231	85.8	86.3
Dec 2012	monthly	189	83.6	84.1
Jan 2013	monthly	179	83.1	83.2
Feb 2013	monthly	121	82.2	82.1
Mar 2013	monthly	172	83.2	83.2
Apr 2013	monthly	179	83.9	84.0
May 2013	monthly	202	85.9	86.2
Jun 2013	monthly	210	87.2	87.4
Jul 2013	monthly	217	87.4	87.6
Aug 2013	monthly	249	87.1	86.9
Sep 2013	monthly	247	87.5	87.2
Oct 2013	monthly	251	89.1	88.6
Nov 2013	monthly	266	88.6	88.2
Dec 2013	monthly	244	88.8	88.7
Jan 2014	monthly	215	89.2	89.6
Feb 2014	monthly	227	90.6	91.1
Mar 2014	monthly	243	90.7	91.0
Apr 2014	monthly	233	91.4	91.6
May 2014	monthly	298	93.0	93.1
Jun 2014	monthly	292	95.2	95.3
Jul 2014	monthly	311	96.5	96.3
Aug 2014	monthly	316	98.5	98.0
Sep 2014	monthly	297	99.1	98.5
Oct 2014	monthly	313	99.0	98.6
Nov 2014	monthly	267	99.0	98.8
Dec 2014	monthly	272	99.8	99.7
Jan 2015	monthly	201	100.0	100.0
Feb 2015	monthly	241	100.6	100.8
Mar 2015	monthly	253	100.8	101.3
Apr 2015	monthly	237	103.5	103.7

	Reporting period	Sales volume	House price index All property types	House price index Flats and maisonettes
May 2015	monthly	269	105.0	105.0
Jun 2015	monthly	317	105.7	105.0
Jul 2015	monthly	417	105.8	105.1
Aug 2015	monthly	303	106.4	105.2
Sep 2015	monthly	320	109.4	108.2
Oct 2015	monthly	342	110.4	108.9
Nov 2015	monthly	266	112.9	111.2
Dec 2015	monthly	291	113.8	112.3
Jan 2016	monthly	215	116.3	114.8
Feb 2016	monthly	241	116.8	115.4
Mar 2016	monthly	358	117.3	115.8
Apr 2016	monthly	178	119.0	117.8
May 2016	monthly	230	120.5	120.3
Jun 2016	monthly	262	122.3	122.3
Jul 2016	monthly	238	124.2	124.1
Aug 2016	monthly	224	126.1	125.3
Sep 2016	monthly	243	127.0	126.3
Oct 2016	monthly	264	127.3	127.0
Nov 2016	monthly	283	128.4	128.4
Dec 2016	monthly	225	129.6	130.1
Jan 2017	monthly	227	130.1	130.7
Feb 2017	monthly	220	129.5	131.2
Mar 2017	monthly	232	129.4	131.5
Apr 2017	monthly	208	130.4	133.0
May 2017	monthly	255	131.6	134.4
Jun 2017	monthly	284	133.9	136.8
Jul 2017	monthly	209	133.9	137.2
Aug 2017	monthly	298	135.1	137.7
Sep 2017	monthly	252	134.6	136.8
Oct 2017	monthly	269	134.9	136.3
Nov 2017	monthly	256	133.9	135.3
Dec 2017	monthly	251	134.2	135.4
Jan 2018	monthly	180	133.8	135.3
Feb 2018	monthly	217	133.6	135.0
Mar 2018	monthly	222	133.3	134.5

	Reporting period	Sales volume	House price index All property types	House price index Flats and maisonettes
Apr 2018	monthly	196	134.0	134.8
May 2018	monthly	216	135.4	135.6
Jun 2018	monthly	187	135.7	135.5
Jul 2018	monthly		136.8	136.2
Aug 2018	monthly		137.0	136.4

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CC10

November/December 2018 email correspondence with Mr Howe

Jessamy Gorham

From: Colin Cottage
Sent: 12 November 2018 12:43
To: 'Elaine Parry'; Brown, Christopher
Cc: 'Rob Pearce'; Ravinder Johal
Subject: RE: 17 PETERBOROUGH WAY SS14 3QE

Elaine

I would have thought that you can now direct further valuation negotiations to be undertaken through us.

Regards

Colin



Colin Cottage Bsc (Hons) MRICS | Senior Director

RICS Registered Valuer

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E: colincottage@ardent-management.com | **W:** www.ardent-management.com

From: Elaine Parry <Elaine.Parry@basildon.gov.uk>
Sent: 12 November 2018 10:04
To: Colin Cottage <ColinCottage@ardent-management.com>; Brown, Christopher <christopher.brown@norfolk.gov.uk>
Cc: 'Rob Pearce' <Rpearce@nuliving.co.uk>; Ravinder Johal <Ravinder.Johal@basildon.gov.uk>
Subject: FW: 17 PETERBOROUGH WAY SS14 3QE

Colin,
A response on a valuation matter.

Colin, Chris,
Does all correspondence on valuation matters need to be sent out now from Basildon? The attached is follow up correspondence to the offer letters sent out from Basildon prior to making a CPO (where Ardent is instructed to negotiate on behalf of BBC).

Regards

Elaine Parry MRICS

Team Manager, Estates, Corporate Property Services

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From: Tristan Howe [<mailto:tristanhowe@btinternet.com>]
Sent: 10 November 2018 13:42

To: Elaine Parry <Elaine.Parry@basildon.gov.uk>

Cc: richard@richardjohnclarke.com

Subject: Re: 17 PETERBOROUGH WAY SS14 3QE

Dear Elaine Perry

Thank you for your email.

I believe from your figures you have included maisonettes from Craylands, which must be excluded due to the very serious blight caused by the redevelopment. Flats are not maisonettes, (therefore not comparable) so you have to base a valuation on 'all' sold property in Basildon during that period. As recently as this September a maisonette in Southwark Path received an offer of £170,000 through Hilbery Chaplin Agents, however, the sale fell through as the buyers could not obtain a mortgage.

If demolition was withdrawn then with the total refurbishment of the estate, the maisonettes becoming mortgageable together with new leases a sale value of over £200,000 would prove achievable.

Thanks
Tristan Howe

On Thursday, 8 November 2018, 18:54:52 GMT, Elaine Parry <Elaine.Parry@basildon.gov.uk> wrote:

Mr Howe,

Please see attached response to your e-mail of 27 October.

Regards

Elaine Parry MRICS

Team Manager, Estates, Corporate Property Services

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Jessamy Gorham

From: Tristan Howe <tristanhowe@btinternet.com> on behalf of Tristan Howe
Sent: 20 December 2018 10:19
To: Colin Cottage
Cc: 'Elaine Parry'; Richard Murphy
Subject: Re: 17 PETERBOROUGH WAY, SS14 3QE

Dear Colin Cottage

Thank you for your email.

Unless Basildon Council substantially increases their offer for 17 Peterborough Way I will not discuss this matter any further. I am prepared, if necessary, to refer to a public enquiry and Lands' Tribunal.

Should demolition be withdrawn, Basildon Council would totally refurbish the Craylands Estate. This, along with mortgageable properties being granted new leases, my maisonette would be worth over £200,000. A multi-million pound estate upgrade was the alternative to demolition - funded by Homes England. In addition, I cannot be placed in a worse position, therefore I require the funds to purchase an equivalent three bedroom property locally. Three bedroom local authority maisonettes in SS13 (a cheaper postcode) have sold for over £200,000.

I have been researching a case study: In 2004 a leaseholder on the Haygate Estate was offered £62,000 on the basis this was a market value given the current condition of the estate. The Haygate Estate had suffered from years of blight and neglect. The leaseholder argued the Haygate Estate had completely degenerated, and this had dramatically reduced property values. A market value must be based on other local estates which were invested and maintained to a reasonable standard. In addition, the leaseholder used the 'principle of equivalence' which required enough funds to purchase a like-for-like property locally, and £62,000 was wholly inadequate. Land's Tribunal awarded the leaseholder £187,500 - over three times the original offer.

I very much hope Basildon Council will 'see sense' and make an acceptable offer - I will then instruct my solicitor to proceed with the sale.

Many Thanks
Tristan Howe

On Friday, 7 December 2018, 12:57:18 GMT, Colin Cottage <ColinCottage@ardent-management.com> wrote:

Dear Mr Howe

I apologise for the delay in responding to your email, but I have been away from the office on a period of annual leave.

Subject to sections 6A-6E of the 1961 Act, a Rule 2 valuation, requires all factors affecting the value of a property at the valuation date to be taken into account. Not just internal condition. When the Council formed its offer for your property, no deduction was made to reflect the 'essential works' you say are required. Therefore carrying out the works would not result in an increased Rule 2 valuation.

I would point out however that, if works to common areas were carried out, a proportion of the cost would be re-chargeable to property owners under the terms of their lease.

Regards

Colin

Colin Cottage Bsc (Hons) MRICS|Senior Director

RICS Registered Valuer



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E: colincottage@ardent-management.com | **W:** www.ardent-management.com

From: Tristan Howe <tristanhowe@btinternet.com>
Sent: 30 November 2018 13:19
To: Colin Cottage <ColinCottage@ardent-management.com>
Cc: 'Elaine Parry' <Elaine.Parry@basildon.gov.uk>; Richard Murphy <richard@richardjohnclarke.com>
Subject: Re: 17 PETERBOROUGH WAY, SS14 3QE

Dear Colin Cottage

Due to the dearth of three bedroom masionettes in SS14 (not including the very blighted Craylands Estate) I suggested you view 'all' three bedroom properties for the purposes of comparison.

By your own admission, property prices in SS14 have increased (excluding the Craylands Estate) by a greater amount than other Basildon postcodes, therefore 'only' postcode SS14 should be used for purposes of comparison.

Rule 2, Section 5 of the Land Compensation Act 1961 simply refers to the internal condition of a property which the leaseholder is responsible for. Take Property A & Property B for example:

Property A: Has been completely redecorated with a new kitchen, bathroom, windows, heating system, fitted bedrooms, etc, etc.

Property B: Is a 'shell' with no kitchen, bathroom, flooring, heating, plumbing etc, etc.

The Land Compensation Act 1961 ensures that Property A is valued considerably higher than Property B.

Basildon Council has deliberately abandoned the Craylands Estate which has become a 'sink estate' or 'ghetto'. Below is a list of 'essential' works to ensure the estate meets 'basic' standards:

- 1). My masionette block is in dire need of painting, cladding, panelling & tiling.
- 2.) The block must have a new flat roof with guttering.
- 3). The block requires replacement windows with frames.
- 4). The internal railings are missing, bent and badly rusting, so this necessitates removing and upgrading.
- 5). The installation of modern lighting both inside and outside the block.
- 6). A new waste disposal site should be created.
- 7). The walls, fencing and posts outside the block are in disrepair, therefore ought to be taken out and reconstructed.
- 8). The walkways, stairways and concourses in and around the block demand resurfacing.
- 9). The carpark should be tarmacked with parking bays.
- 10). The garages are wrecked and can only be demolished and rebuilt.

All the above are required to satisfy the terms and conditions of the lease, which Basildon Council would initiate as an alternative to demolition. I propose Basildon Council carry out all of the above improvements, and then the maisonettes are subquently re-valued.

Many Thanks

Tristan Howe

On Monday, 26 November 2018, 16:53:13 GMT, Colin Cottage <ColinCottage@ardent-management.com> wrote:

Dear Mr Howe

Thank you for your email.

I am not clear on the point you are trying to make in your first paragraph. I have agreed that the best comparables are other three bedroom maisonettes. Could you also please provide the details of the data you are relying on in relation to the relativity of price increases in different post codes? The data I have seen shows a small differential, but not a significant one.

In the event of compulsory acquisition, compensation for properties on the estate will be assessed pursuant to Rule 2, section 5 of the Land Compensation Act 1961. In my last email to you, I tried to explain, in broad terms, the approach that should be taken under Rule 2. Rule 2 will require properties to be valued in their current state, although sections 6A-6E of the 1961 Act, which apply the, so called, 'no-scheme principle', will also need to be taken into account. No other adjustment to value or assumptions that are not covered by these statutory provisions can be applied. The

properties will not be valued on the assumption that they have been refurbished and that new leases have been granted.

In relation to your allegation that the Council or its development partner have managed the decline of the estate, I am sure they would strongly refute this. As owner of 17 Peterborough Way, as owner you are, of course, responsible for the repair and condition of that property and I am not aware of any obligation on the part of the Council to maintain or repair it for you.

Regards

Colin



Colin Cottage Bsc (Hons) MRICS|Senior Director

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From: Tristan Howe <tristanhowe@btinternet.com>

Sent: 26 November 2018 11:50

To: Colin Cottage <ColinCottage@ardent-management.com>

Cc: 'Elaine Parry' <Elaine.Parry@basildon.gov.uk>; Richard Murphy <richard@richardjohnclarke.com>

Subject: RE: 17 PETERBOROUGH WAY, SS14 3QE

Dear Colin Cottage

Thank you for your email.

In terms of comparable evidence, the maisonettes are three bedroom properties - flats are almost entirely of one or two bedrooms, therefore are not comparable. If you refuse to account for all sold properties, then for purposes of comparison include only three bedroom properties. It is a fact that property prices in SS14 (without the very blighted Craylands Estate) have increased by a greater amount than other Basildon postcodes. Other postcodes should not be used for comparison.

You state about "circumstances as they are currently", however, it is the council which have created those circumstances. With years of delays to the project, essential repairs/maintenance works only, large parts of the estate falling into disrepair and simply left - the garages are wrecked for example, boarded up properties, vandalism, neglect, damage and general decay caused by the council effectively abandoning the estate. The Craylands Estate has become a 'sink estate' or 'ghetto', with unmortgageable properties awaiting demolition - many years late. It is well known that councils/developers 'manage the decline' of estates in order to devalue the properties which they themselves will purchase.

You say about "an assumed refurbishment" - there is nothing assumed about it. Basildon Council undertook an extremely thorough, costly and detailed planning process of the Craylands Estate between July 2003 and December 2006. In December 2006, Basildon Council voted on one of three proposals for the Craylands Estate:

- 1). No demolition with total refurbishment of the entire estate.
- 2). Limited demolition with considerable refurbishment of the estate.
- 3). Large scale demolition with some refurbishment of the estate.

Basildon Council had decided the Craylands Estate was going to be regenerated in one form or another. The law states that leasehold properties must meet certain standards and Basildon Council are obliged to comply with those standards, either through demolition and rebuild, or by total refurbishment.

I repeat my earlier point that these properties would be valued in excess of £200,000 should demolition be withdrawn. The estate would be totally refurbished with properties becoming mortgageable and new leases issued.

Many Thanks
Tristan Howe

On Monday, 19 November 2018, 16:44:51 GMT, Colin Cottage <ColinCottage@ardent-management.com> wrote:

Dear Mr Howe

Ardent acts on behalf of Basildon Borough Council in providing advice on the ongoing negotiations and future compulsory purchase affecting Craylands Estate. As such I have been asked to come back to you in relation to your emails, sent to Elaine Perry on 10th and 15th November.

I appreciate and agree that evidence being used to justify an offer must be as comparable to your property as possible. This will include location, character and type of property marketed. It is true that where possible maisonettes will provide the best and most accurate comparable, however as with all valuations there are limitations to the extent of perfect comparable evidence which can be found. Therefore it is common practice for a variety of close comparable to be used and a justifiable adjustment made, either up or down in value, to assist in establishing a value.

I note you refer to the fact that values would increase if the estate were refurbished, leases were renewed and the flats became mortgagable. However, in the event of compulsory acquisition, the maisonettes would have to be valued reflecting circumstances as they are currently and compensation wouldn't be based on an assumed refurbishment or other improvements that haven't taken place and wouldn't take place in the absence of the Council's proposed regeneration scheme. The offer the Council has made for 17 Peterborough Avenue reflects compulsory purchase compensation, including a basic loss payment, and is therefore reasonable.

In relation to your comments concerning the Land registry Index figures provided to you, they provide an accurate assessment of property value increases in Basildon generally. If you also review the Zoopla website you will also see that while there is some minor differences (within a few percent), over the last 10 years post codes SS13, SS14, SS15 and SS16 have all seen broadly similar price rises.

Having regard to all of the evidence, our client remains of the belief that their previous offer is a fair representation of market value at today's date and reflecting current circumstances. We will however continue to analyse further data and search for suitable sold properties to further inform our valuations.

If you have any queries, please do not hesitate to contact me.

Kind regards

Colin



Colin Cottage Bsc (Hons) MRICS|Senior Director

RICS Registered Valuer

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CC11

Offers of Alternative Dispute Resolution

Jessamy Gorham

From: Colin Cottage <ColinCottage@ardent-management.com> on behalf of Colin Cottage
Sent: 22 February 2019 12:44
To: Richard Murphy
Subject: RE: Craylands Estate

Richard

Further to my email of 19 February, can you please confirm if your clients are prepared to agree the basis of a third party ADR mechanism?

Regards

Colin



Colin Cottage Bsc (Hons) MRICS | Senior Director

RICS Registered Valuer

Ardent | Unit 113, The Print Rooms, 164-180 Union Street,
London, SE1 0LH

Mobile: +44 (0)7768 070 255

E: colincottage@ardent-management.com | **W:** www.ardent-management.com

From: Colin Cottage
Sent: 19 February 2019 15:25
To: Richard Murphy <richard@richardjohnclarke.com>
Subject: Craylands Estate

Hi Richard

I hope all is well with you.

In an effort to move our discussions over value forward so that we can reach agreement with the property owners, the Council would like to offer your clients the option of Alternative Dispute Resolution in the form of an independent 3rd party valuation. Are you able to take instructions on this and confirm if it is something they would like to take forward?

We would obviously need to agree who the independent valuer is going to be and the precise mechanism to be adopted, but I would hope these details could be ironed out through discussion.

Regards

Colin



Colin Cottage Bsc (Hons) MRICS | Senior Director

RICS Registered Valuer

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CC12

Email correspondence regarding RJC revised valuations

Jessamy Gorham

From: Richard Murphy <richard@richardjohnclarke.com> on behalf of Richard Murphy
Sent: 07 February 2020 13:55
To: Colin Cottage
Cc: Andy Gibson
Subject: RE: Craylands Estate

Hi Colin

I am prepared to negotiate but I am unwilling to accept a low figure just because your client doesn't hasn't budgeted to pay the market value.

And if we are going to negotiate, I'd prefer it if you didn't your client in, just as I don't copy my clients in.

What are offering?

Can you provide your valuation and your comparables?

Regards,

Richard Murphy MRICS

Richard John Clarke Chartered Surveyors

11 Masons Arms Mews

Mayfair, London, W1S 1NX

☎ 020 7499 8043

✉ richard@richardjohnclarke.com

🌐 www.richardjohnclarke.com

From: Colin Cottage <ColinCottage@ardent-management.com>

Sent: 07 February 2020 11:49

To: Andy Gibson <andy@richardjohnclarke.com>; Richard Murphy <richard@richardjohnclarke.com>; 'Rob Pearce' <rpearce@swan.org.uk>

Cc: Angela Commons <angela@richardjohnclarke.com>

Subject: RE: Craylands Estate

Andy/Richard

Can I take it from your lack of response that you are either not instructed to progress negotiations, or are unwilling to do so?

Regards

Coli

Colin Cottage Bsc (Hons) MRICS

Managing Director, Compensation

RICS Registered Valuer

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London, SE1 0LH

Mobile: +44 (0)7768 070 255

E: colincottage@ardent-management.com | **W:** www.ardent-management.com



From: Colin Cottage
Sent: 09 January 2020 12:15
To: 'Andy Gibson' <andy@richardjohnclarke.com>; 'Richard Murphy' <richard@richardjohnclarke.com>; 'Rob Pearce' <rpearce@swan.org.uk>
Cc: 'Angela Commons' <angela@richardjohnclarke.com>
Subject: RE: Craylands Estate

Andy/Richard

Happy New Year.

Can you please confirm whether you are willing to progress negotiations in relation to those properties where you are still instructed?

Regards

Colin



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Managing Director, Compensation
RICS Registered Valuer
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E: colincottage@ardent-management.com | **W:** www.ardent-management.com

From: Colin Cottage
Sent: 19 December 2019 09:30
To: 'Andy Gibson' <andy@richardjohnclarke.com>; Richard Murphy <richard@richardjohnclarke.com>; 'Rob Pearce' <rpearce@swan.org.uk>
Cc: Angela Commons <angela@richardjohnclarke.com>
Subject: RE: Craylands Estate

Thanks Andy

Can you please confirm your revised valuations then? I would like to try and progress negotiations on these in the New Year.

Regards

Colin



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E: colincottage@ardent-management.com | **W:** www.ardent-management.com

From: Andy Gibson <andy@richardjohnclarke.com>
Sent: 18 December 2019 18:00
To: Colin Cottage <ColinCottage@ardent-management.com>; Richard Murphy <richard@richardjohnclarke.com>; 'Rob Pearce' <rpearce@swan.org.uk>
Cc: Angela Commons <angela@richardjohnclarke.com>
Subject: RE: Craylands Estate

Good afternoon Colin,

As far as I am aware, we are still instructed on 9 and 17 Peterborough Way, and also on 12 Chichester Close.

Kind regards

Andy

 020 7499 8043

From: Colin Cottage [<mailto:ColinCottage@ardent-management.com>]
Sent: 16 December 2019 16:13
To: Andy Gibson <andy@richardjohnclarke.com>; Richard Murphy <richard@richardjohnclarke.com>; 'Rob Pearce' <rpearce@swan.org.uk>
Cc: Angela Commons <angela@richardjohnclarke.com>
Subject: RE: Craylands Estate

Andy/Richard

Can you confirm if you are still instructed on any cases for the Craylands Estate?

Regards

Colin



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RICS Registered Valuer
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London, SE1 0LH
Mobile: +44 (0)7768 070 255
E: colincottage@ardent-management.com | **W:** www.ardent-management.com

From: Colin Cottage
Sent: 03 December 2019 18:02
To: 'Andy Gibson' <andy@richardjohnclarke.com>; 'Richard Murphy' <richard@richardjohnclarke.com>; 'Rob Pearce' <rpearce@swan.org.uk>
Cc: 'Angela Commons' <angela@richardjohnclarke.com>
Subject: RE: Craylands Estate

Andy/Richard

Can you confirm your revised valuations please?

Thanks

Colin



Colin Cottage Bsc (Hons) MRICS
Managing Director, Compensation
RICS Registered Valuer
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London, SE1 0LH
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E: colincottage@ardent-management.com | **W:** www.ardent-management.com

From: Colin Cottage
Sent: 12 November 2019 10:37
To: 'Andy Gibson' <andy@richardjohnclarke.com>; Richard Murphy <richard@richardjohnclarke.com>; 'Rob Pearce' <rpearce@swan.org.uk>
Cc: Angela Commons <angela@richardjohnclarke.com>
Subject: RE: Craylands Estate

Ok. Thanks Andy



Colin Cottage Bsc (Hons) MRICS
Managing Director, Compensation
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From: Andy Gibson <andy@richardjohnclarke.com>
Sent: 12 November 2019 10:22
To: Colin Cottage <ColinCottage@ardent-management.com>; Richard Murphy <richard@richardjohnclarke.com>; 'Rob Pearce' <rpearce@swan.org.uk>
Cc: Angela Commons <angela@richardjohnclarke.com>
Subject: RE: Craylands Estate

Good morning Colin,

Richard has completed his revised valuation but is currently on leave this week and will revert to you next week.

Kind regards
Andy
☎ 020 7499 8043

From: Colin Cottage [<mailto:ColinCottage@ardent-management.com>]
Sent: 04 November 2019 14:24
To: Andy Gibson <andy@richardjohnclarke.com>; Richard Murphy <richard@richardjohnclarke.com>; 'Rob Pearce' <rpearce@swan.org.uk>
Cc: Angela Commons <angela@richardjohnclarke.com>
Subject: RE: Craylands Estate

Andy/Richard

Can you confirm if you have undertaken your revised valuations please?

Thanks

Colin



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Managing Director, Compensation
RICS Registered Valuer

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E: colincottage@ardent-management.com | **W:** www.ardent-management.com

From: Colin Cottage

Sent: 17 October 2019 09:41

To: 'Andy Gibson' <andy@richardjohnclarke.com>; Richard Murphy <richard@richardjohnclarke.com>; Rob Pearce <rpearce@swan.org.uk>

Cc: Angela Commons <angela@richardjohnclarke.com>

Subject: RE: Craylands Estate

Hi Andy

This is agreed. The fee of £100 per property will be reimbursed.

I look forward to hearing from Richard once he has completed his revised valuations.

Regards

Colin



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Managing Director, Compensation
RICS Registered Valuer

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London, SE1 0LH

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E: colincottage@ardent-management.com | **W:** www.ardent-management.com

From: Andy Gibson <andy@richardjohnclarke.com>

Sent: 16 October 2019 15:56

To: Colin Cottage <ColinCottage@ardent-management.com>; Richard Murphy <richard@richardjohnclarke.com>; Rob Pearce <rpearce@swan.org.uk>

Cc: Angela Commons <angela@richardjohnclarke.com>

Subject: RE: Craylands Estate

Hi Colin,

Since there has been another large gap between our valuation in 2018 and now, Richard would like to re-value the properties of our remaining 3 clients. Our revaluation fee will be £100 plus VAT per property.

Can you please confirm our fee will be paid before Richard re-opens negotiations.

Kind regards

Andy

☎ 020 7499 8043

From: Colin Cottage [<mailto:ColinCottage@ardent-management.com>]

Sent: 27 August 2019 14:50

To: Richard Murphy <richard@richardjohnclarke.com>; Rob Pearce <rpearce@swan.org.uk>

Cc: Angela Commons <angela@richardjohnclarke.com>; Andy Gibson <andy@richardjohnclarke.com>

Subject: RE: Craylands Estate

Richard

I understand that your fees have now been paid. Can you confirm if you are willing to enter into further discussions over value?

Agreements continue to be reached and I believe you now just have three remaining clients where we still need to reach a settlement.

Regards

Colin

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Managing Director, Compensation

RICS Registered Valuer

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E: colincottage@ardent-management.com | **W:** www.ardent-management.com



From: Richard Murphy <richard@richardjohnclarke.com>

Sent: 26 June 2019 15:02

To: Rob Pearce <rpearce@swan.org.uk>; Colin Cottage <ColinCottage@ardent-management.com>

Cc: Angela Commons <angela@richardjohnclarke.com>; Andy Gibson <andy@richardjohnclarke.com>

Subject: Re: Craylands Estate

Dear All

I did have a conversation with Colin which I'm sure he will recall.

It was agreed that I would revalue the flats as it had been a long time since my previous valuation.

I told Colin we would charge £100 for each property and £200 per hour for negotiations.

This was followed up with an email.

He said I should send them in and provided they were reasonable I would be paid.

At no point did nor would I agree to being paid at the end. There is no CPO in place for a start so there is no guarantee of ever completing.

Apart from that fact it's not ethical to have such an incentives fee basis. It effectively means unless I do a deal acceptable to the AA no matter how unreasonable there terms are I won't get paid.

Conditional fees are like this are unethical because they encourage valuers to put their fee over and above the clients interests.

I continue to get emails from Colin and his colleagues suggesting a 3rd party to resolve this disputes.

However this is despite me email to him stating that I refuse to deal with any further correspondence until I'm paid for the work that it was agreed I should do.

In addition we still need to be paid for our negotiations which my colleague will invoice you for.

As CPO valuers we do a lot of work on trust but that trust is being eroded away by these type of practices. I've asked my staff not to accept any further work unless the AA agree to pay upfront for the valuation and a proportion of negotiation fees.

Regards
Richard

Sent from my iPhone

On Jun 26, 2019, at 1:57 PM, Andy Gibson <andy@richardjohnclarke.com> wrote:

Good afternoon Rob,

I am writing to attempt to break the impasse that currently exists re the Craylands Estate.

There is the matter of 6 invoices for our re-valuation of our clients properties. These were sent to Colin on 13th November 2018, and this generated a flurry of emails between Colin and Richard. These re-valuations were agreed by Colin Cottage.

The invoice were re-sent to Colin on the 22nd February, with a note on the email that stated that Mr Murphy would not do any further works on this matter until the invoices were settled.

When I emailed the invoices to you on 13th May 2019 asking for payment, you responded by stating there was an agreement between Colin and Richard that these would be settled when the valuation was agreed. I can find no such agreement between Richard and Colin on Richards emails. Richard cannot recollect any verbal agreement of this nature either.

Can I ask that these invoices be settled ASAP please. In any event, 3 of our clients have fell victim to the pressure exerted by Swan/Basildon and have reluctantly agreed to sell (or have already sold) to the Acquiring Authority. These invoices should be settled immediately.

There will be further invoices from us regarding the negotiations for each property already purchased by the AA, which I expect to be dealt with promptly.

Please do not hesitate to contact me if you have any queries.

Kind regards
Andy

Andy Gibson
Richard John Clarke Chartered Surveyors
11 Masons Arms Mews
Mayfair, London, W1S 1NX

 020 7499 8043

✉ andy@richardjohnclarke.com
🌐 www.richardjohnclarke.com

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CC13

Basildon Land Registry House price Index for flats and maisonettes



UK House Price Index

House price index by type of property in Basildon

January 2018 – April 2021

	Reporting period	Sales volume	House price index All property types	House price index Flats and maisonettes
January 2018	monthly	183	133.9	135.4
February 2018	monthly	226	133.9	135.0
March 2018	monthly	228	133.4	134.3
April 2018	monthly	204	134.2	134.5
May 2018	monthly	231	135.6	135.5
June 2018	monthly	223	135.8	135.6
July 2018	monthly	244	136.9	136.6
August 2018	monthly	234	136.8	136.4
September 2018	monthly	206	138.6	137.8
October 2018	monthly	250	136.9	136.2
November 2018	monthly	298	137.4	136.6
December 2018	monthly	196	135.5	135.2
January 2019	monthly	193	135.4	134.7
February 2019	monthly	170	134.1	133.4
March 2019	monthly	178	133.4	132.1
April 2019	monthly	190	133.1	131.5
May 2019	monthly	224	133.1	131.1
June 2019	monthly	213	132.4	130.5
July 2019	monthly	226	134.5	132.8
August 2019	monthly	219	135.1	133.1
September 2019	monthly	229	136.0	133.8
October 2019	monthly	226	134.1	131.8
November 2019	monthly	255	134.3	132.0
December 2019	monthly	207	135.3	133.0
January 2020	monthly	181	137.4	134.6
February 2020	monthly	156	136.8	133.7
March 2020	monthly	192	135.9	132.4
April 2020	monthly	103	135.6	131.3
May 2020	monthly	90	135.1	130.6

	Reporting period	Sales volume	House price index All property types	House price index Flats and maisonettes
June 2020	monthly	174	136.6	131.5
July 2020	monthly	128	137.2	132.5
August 2020	monthly	152	138.9	133.1
September 2020	monthly	175	141.4	134.7
October 2020	monthly	232	142.1	134.5
November 2020	monthly	209	143.6	136.1
December 2020	monthly	201	144.6	136.8
January 2021	monthly		144.7	136.8
February 2021	monthly		146.9	139.9

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Application release 1.5.17

CC14

2020 correspondence with Mr Murphy

Jessamy Gorham

From: Dimitris Themistocli <DimitrisThemistocli@ardent-management.com> on behalf of Dimitris Themistocli
Sent: 27 August 2020 10:02
To: Richard Murphy
Cc: Andy Gibson; Colin Cottage
Subject: RE: Craylands Estate

Dear Richard,

Hope you are well.

Further to your email of 24th July, we are unable to recommend for our client to purchase at the level of value you have proposed.

Whilst we note your statement in relation to the price achieved for 27 Peterborough Way, we do not accept that your clients' decision to move to Wales led them to accept a value less than they believed was Market Value. We have offered all property owners at the Craylands Estate the Market Value of their properties, and are of the view that this was arms-length transaction between a willing seller and willing buyer where the parties acted without compulsion. People are motivated to move home for a number of reasons and in this case your clients' reason was a wish to relocate. It was not the threat of compulsory acquisition.

We have reviewed the comparables you provided. However, all of the transactions were completed before the Covid-19 outbreak. As such, we are of the view that the comparables you provided cannot be relied upon to value maisonettes on the Craylands Estates. This is because of differences in the nature of the location and distances to transport links into central London. The Craylands Estate is approximately 2 miles east of Basildon mainline station (C2C line), whereas the SS13 comparables provided are located just 0.8 miles north of Pitsea Station (C2C line). With regard to the comparable you provided in Wickford, this is c2.5 miles north of the Craylands Estate and benefits from being c0.8 miles south of Wickford mainline station (Greater Anglia) which provides service into London Liverpool Street Station.

Given the above, we remain unable to recommend that our client increases their previous offer of £160,000 for first floor maisonettes and £165,000 for ground floor marionettes with a private garden. In addition to Market Value, your clients will be paid a discretionary loss payment and disturbance compensation where appropriate. Offers at this level are subject to a final inspection of each property to assess its condition and board approval.

I await to hear if agreement at the level we are offering is of interest to your clients.

Kind regards

DT



Dimitris Themistocli MRICS | Senior Surveyor

Ardent | Unit 113, The Print Rooms,
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Mobile +44(0)7763 550 106

E: dimitristhemistocli@ardent-management.com W www.ardent-management.com

From: Richard Murphy
Sent: 15 July 2020 10:09
To: Dimitris Themistocli <DimitrisThemistocli@ardent-management.com>
Cc: Andy Gibson <andy@richardjohnclarke.com>; Colin Cottage <ColinCottage@ardent-management.com>
Subject: RE: Craylands Estate

Hi Dimitris

I have reviewed the comparables and noted 2 * 2 beds that sold at £180,000 and £190,000 respectively and a 3 bed at £198,000. All had balconies rather than gardens. HPI makes very little difference.

27 Peterborough was one of our client who was desperate to move to Wales after enduring years of uncertainty because of this blight. This is not an unconnected sale as you know and it was with a background of compulsion. i.e. arms length transaction, willing seller, willing buyer, without compulsion.

Address	Date	Price	HPI Price	Recep/£
2 Chevers Pawen, Basildon, Essex SS13 3EJ	11-Feb-19	£198,000	£194,615.64	1/3
42 Mariskals, Basildon, Essex SS13 3EH	14-Mar-19	£180,000	£178,691.60	2/2
4 Mariskals, Basildon, Essex SS13 3EH	24-May-19	£190,000	£190,014.49	2/2
		£189,333	£187,774	

These comps tend to support my earlier valuation which was £196,000 without a garden and £206,000 with a garden.

ADDRESS	PRICE	DATE	HPI PRICE	Adjusted for CONDITION (£6,000)	Valuation	RECEP/ BEDS	
50 Buckerills, Basildon, Essex SS13 3ER	£210,000	12-Dec-16	£217,781	-£10,000	£207,781	1/3	https://www
1 Mariskals, Basildon, SS13 3EH	£192,000	28/04/17	£194,742.86		£194,743	1/3	https://www
46, Mariskals, Basildon, Essex SS13 3EH	£200,000	15/12/17	£199,807.45		£199,807	1/3	https://www
Brook Drive, Wickford, Essex, SS12 9EQ	£175,000	04/07/18	£175,000	£10,000	£185,000	1/3	https://www
			£196,833		£196,833	167308	
				Say	£196,000		
				<u>With Garden</u>	£10,000		
				Total	£206,000		

With this in mind what is the highest price you can recommend and I will take client instructions.

Regards,
Richard Murphy MRICS
Richard John Clarke Chartered Surveyors
11 Masons Arms Mews
Mayfair, London, W1S 1NX

☎ 020 7499 8043
✉ richard@richardjohnclarke.com
🌐 www.richardjohnclarke.com

From: Dimitris Themistocli <DimitrisThemistocli@ardent-management.com>
Sent: 28 April 2020 09:14
To: Richard Murphy <richard@richardjohnclarke.com>
Subject: RE: Craylands Estate

Subject to Contract and Without Prejudice

Dear Richard,

Many thanks for confirming your instructions.

Having reviewed the file, I understand that on 10th February 2020 Colin advised he was prepared to recommend that the offers made to your clients in October 2018 were reconfirmed, notwithstanding evidence of a drop in values. The October 2018 offers were £160,000 for a first floor maisonette, and £165,000 for a ground floor maisonette with the benefit of its own private garden, plus discretionary loss payments and disturbance compensation where appropriate.

You will appreciate that there have been a limited amount of recent transactions within the locality with the most recent transaction being the December 2019 sale of 27 Peterborough Way which completed at £165,000. Since that time the Covid-19 crisis has obviously had a further negative affect to the market.

Nonetheless, I am still prepared to take instructions as to whether my client will agree to £160,000 for a 1st first floor maisonette and £165,000 for a ground floor maisonette, plus other heads of claim, subject to a final inspection of each of the properties to assess their condition.

I await to hear if agreement at the levels I am suggesting is of interest to your client's.

Kind regards

Dimitris



Dimitris Themistocli MRICS | Senior Surveyor

Ardent | Unit 113, The Print Rooms,
164-180 Union Street London, SE1 0LH
Mobile +44(0)7763 550 106

E: dimitristhemistocli@ardent-management.com **W** www.ardent-management.com

From: Richard Murphy <richard@richardjohnclarke.com>
Sent: 17 April 2020 19:17
To: Dimitris Themistocli <DimitrisThemistocli@ardent-management.com>
Subject: RE: Craylands Estate

Dear Dimitris

Obviously your client is keen to buy.
Please make a good offer and I will ask my client to consider.

Regards,
Richard Murphy MRICS
Richard John Clarke Chartered Surveyors
11 Masons Arms Mews
Mayfair, London, W1S 1NX

☎ 020 7499 8043

✉ richard@richardjohnclarke.com

🌐 www.richardjohnclarke.com

From: Dimitris Themistocli <DimitrisThemistocli@ardent-management.com>

Sent: 17 April 2020 14:25

To: Richard Murphy <richard@richardjohnclarke.com>

Subject: Craylands Estate

Good afternoon Richard,

Hope you are well.

By way of an introduction, I am working with Colin Cottage in relation to the above scheme and understand that you are acting on behalf of the owners of:

- 9 Peterborough Way
- 17 Peterborough Way
- 12 Chichester Close.

Please may you confirm that you are still instructed to act on behalf of the above claimants so we can start to move these acquisitions forward at the earliest opportunity.

I look forward to hearing from you.

Kind regards

Dimitris



Dimitris Themistocli MRICS | Senior Surveyor

Ardent | Unit 113, The Print Rooms,
164-180 Union Street London, SE1 0LH
Mobile +44(0)7763 550 106

E: dimitristhemistocli@ardent-management.com **W** www.ardent-management.com

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CC15

13 May 2021 revised offer to Mr Howe

Mr T Howe
39 Arndale Drive
Woodford Green
Essex
IG8 9BZ

Housing & Property Services
The Basildon Centre
St Martin's Square
Basildon, Essex, SS14 1DL
Email:Lesley.Oshea@basildon.gov.uk
Tel: 01268 533333
Date:13th May 2021

Dear Mr T Howe,

17 Peterborough Way, SS14 3QE
SUBJECT TO CONTRACT

Further to the previous discussions that have taken place between your surveyor, Richard John Clarke, and the Council's surveyor, Ardent, I am writing to confirm the details of the Council's revised offer to acquire your interest in 17 Peterborough Way.

The offer is being made with a view to providing you with alternative options, including a straight forward purchase of your interest reflecting your entitlement to compulsory purchase compensation and proposals to resolve the ongoing dispute over value if a value cannot be agreed.

Compulsory Purchase Compensation

The Council has instructed Ardent to undertake a an up to date valuation of your interest and in light of that valuation is able to provide the following improved financial offer which would reflect your entitlement to compensation in the event of compulsory acquisition.

Open Market Value	£165,000
Basic Loss payment	£12,375
Total	£177,375

You would also be paid any additional compensation in excess of this sum to which you were able to prove an entitlement. In particular, if you acquire another UK property investment in the UK within 12 months of selling your interest to the Council, you will be able to claim additional compensation equivalent to the reasonable costs you incur in purchasing that property, including stamp duty, surveyors fees and legal fees. Richard John Clarke will advise you how to claim any additional compensation you believe may be due to you.

This offer will remain open until 28 June 2021.

Compensation Dispute Resolution

If you do not feel able to accept the Council's offer, the Council is willing to agree to pay you the offer sum as a minimum amount of compensation, but look to resolve any dispute there may be as to the value of your property interest (or any other compensation) in one or more of the following ways;

- i) Allowing time for further negotiations to take place after the purchase of your interest completes.
- ii) Instruct an independent valuer to undertake a valuation of 17 Peterborough Way. The Council would meet the cost of the independent valuation, but the surveyor would be jointly instructed by both parties and so owe you a duty of care.
- iii) Make an agreed reference to the Upper Tribunal (Lands Chamber) under the simplified procedure.

Any additional compensation due to you would be paid within 28 days of it being agreed or determined by either the independent valuer or the Upper Tribunal.

If this offer is of interest to you, please confirm this by 28 May 2021.

As with all previous offers the Council has made to you, it would also reimburse any reasonable professional fees you incur in taking advice on any of the offers set out above.

I look forward to your confirmation of whether any of the offers are acceptable in principle and if you would like to enter into further discussions over the details of how they might operate, please don't hesitate to contact me.

Yours sincerely

A handwritten signature in black ink that reads "L O'Shea". The signature is written in a cursive, slightly slanted style.

Lesley O'Shea
Director, Housing & Property Services

cc. Richard Murphy, Richard John Clarke

If you would like to find out more about how Basildon Borough Council use your personal data please go to www.basildon.gov.uk/privacy