
**WRITTEN SUBMISSIONS ON BEHALF OF
MR RONALD ALDERSON**

**RE- PARK BARN FARM, WISLEY COMMON
M25 JUNCTION 10 / A3 WISLEY INTERCHANGE
OBJECTOR REFERENCE: TR010030 / M25J10-AP034**

These written representations both summarise, and expand upon, the oral submissions made to the Examination at the OFH1 held on 12 November 2019.

Please also note that the document entitled “Objections to the grant of Compulsory acquisition – Rule 8 letter, Annex A” omits any reference to our client’s objection.

DEFINITIONS

“Applicant” / “AA” / “HE”	The acquiring authority / Highways England
“CCIP1”	A compelling case in the public interest
“Land” / “PBF”	The land, dwellings and other buildings at Park Barn Farm, Wisley Common, Woking, Surrey GU23 6QS
“PA 2008”	The Planning Act 2008 (as amended)
“RA”/“Our client”	Mr Ronald Alderson (and where the context permits, his family and extended family)
“RL”	Replacement land to be given in compensation for the compulsory acquisition of Special Category Land
“Scheme”	The proposed scheme for road junction and highway improvements at junction 10 of the M25 and A3 Wisley Interchange
“SCL”	Special Category Land, being common land and open space which is required for construction of the road scheme
“SoR”	The Applicant’s Statement of Reasons accompanying its draft development consent order ¹
“SoS”	The Secretary of State for Transport

¹ References in square brackets in the text below refer to the relevant paragraph number of that document

“Target Land”

Three plots of land totalling approximately 50 acres at PBF which HE proposes to acquire permanently by compulsory acquisition

PARK BARN FARM

RA is the owner and occupier of a total of approximately 100 acres of attractive mature woodland and parkland at PBF which includes his home, plus two adjacent dwellings where his son and daughter live along with their families.

SCOPE OF THE OBJECTION

(i) The ‘Target Land’ for acquisition

This objection concerns HE’s proposal to permanently acquire three significant plots of land comprising woodland and parkland at PBF (“the Target Land”). HE is not seeking to acquire any dwellings, however the Target Land does comprise an attractive part of the extended residential curtilage of these properties. This includes ponds, and a gently rising part of the Land where a summerhouse has been built with picturesque views across the fields, pond and woodland.

No part of the Target Land is actually required in the construction of the Scheme. It is simply required to serve the function of Replacement Land (“RL”) in compensation for Special Category Land (“SCL”) which would be taken for the carrying out of the necessary physical works.

RA does not object to the temporary possession of the other small plots of land at PBF, on the understanding that these parcels *are* reasonably required in connection with the construction of the physical works.

(ii) Need for the Scheme / HE’s preferred route option

We are neutral in terms of the specific highways case advanced by HE for needing to make road junction improvements. It is for the Examining Authority to assess the overall strength of that “need” weighed up in the context of this, and other, objections.

However, we support the choice of option 14 as HE’s preferred route on the simple basis that this is said to be the least environmentally damaging option which also satisfies its primary design objectives – and hence it is expected to minimise the overall requirement for RL as direct replacement for SCL².

² According to the Applicant’s Statement of Reasons the Scheme is generally designed to minimise land take [SoR, 5.5.1] and “*the design and associated land take is limited to the adjacent land*” [SoR, 5.5.2].

(iii) Special Parliamentary Procedure

We believe that there are compelling reasons why the Target Land should be excluded from the draft order. The RL which has been identified in the north-eastern and south-eastern quadrants (**SoR, 7.2.7**) is at least technically capable of justifying the case for compulsory acquisition of SCL without inclusion of the land at PBF.

Even if the Examining Authority is not satisfied on that issue, it does not mean that the draft order cannot be confirmed. It simply means that it cannot be confirmed without engaging the special parliamentary procedure.

GROUNDS OF OBJECTION

We consider that the DCO is unsuitable in its current form, and should not be confirmed. We object to the following parts of the draft order in so far as it relates to the land at PBF:-

- Part 5, Article 21 (compulsory acquisition of land)
- Part 5, Article 37 (special category land) – sub-paragraph (7) – definition of “replacement land”

There are three main strands to this objection, which are considered under the sub-headings below:-

(A) Over-compensation for loss of SCL

- (i) Disadvantages associated with the ‘SCL’ to be acquired*
- (ii) Benefits to the existing rights of way network*
- (iii) Absence of disadvantage in respect of permanent rights to be acquired*
- (iv) Section 131(5) PA 2008: land required for road widening and drainage*
- (v) High environmental quality of land at PBF*
- (vi) Historical land replacement ratios*

(B) CCIPI/ Prejudice to the landowner

(C) Alternative options

RELEVANT LAW & GUIDANCE

(i) Sections 122, 131 and 132 of the PA 2008

The two statutory conditions for the confirmation of compulsory acquisition powers over SCL are as follows:-

- i. The land must fulfil the definition of “replacement land”: ss.122(2)(c), 131(12) & s.132(12) of the PA 2008; and
- ii. A CCIPI must exist: s.122(3) of the PA 2008.

(ii) Definition of replacement land (“RL”)

There are two separate legal definitions of RL (see ss.131(12) & 132(12) of the PA 2008) depending on whether the order land (being SCL) is required permanently, or whether permanent rights are simply required over that land.

For the **compulsory acquisition** of SCL, the definition in s131(12) applies:

“ “replacement land” means land which is not less in area than the order land and which is no less advantageous to the persons, if any, entitled to rights of common or other rights, and to the public.”

For the **compulsory acquisition of rights** over SCL the definition in s132(12) applies:

“ “replacement land” means land which will be adequate to compensate the following persons for the disadvantages which result from the compulsory acquisition of the order right—

(a) the persons in whom the order land is vested,

(b) the persons, if any, entitled to rights of common or other rights over the order land, and

(c) the public.”

The first definition above sets a minimum standard of “equivalence” to be achieved. RL must be provided in a basic minimum 1:1 ratio; it must be at least equally advantageous to the SCL it replaces. Total land area can be measured absolutely, whilst it requires an exercise of planning judgment to weigh up the relative advantages and disadvantages of RL, in comparison to the order land (comprising SCL) that would be taken.

The second definition does not set any minimum threshold of equivalence – it merely requires land to be provided which is “adequate to compensate” for the disadvantage (if any) arising from the order right.

(iii) The interrelationship between RL and CCIPI

Neither of these definitions places any specific ceiling on the total amount of RL which might be given; nor does it place any other strict limit on the amount by which the benefits of that RL may be said to exceed the advantages of the existing SCL, or disadvantage suffered as a result of the acquisition of the order right.

Nevertheless, there are important practical limits to this because the second condition (s.122(3)) is that an order may authorise compulsory acquisition only where the decision-

maker is satisfied that there is a CCIPI. All this requires a fine balancing exercise which includes weighing up the prejudice, or detriment, that would be suffered by any private landownership interests affected by compulsory acquisition of the order land.

Clearly, it would be unnecessary to provide RL in more than a direct 1:1 replacement ratio (i.e. equivalence in terms of the total area) in a situation where the RL would be of at least equal advantage to the order land being taken – and in those circumstances it would be disproportionate to authorise the compulsory acquisition of additional RL if it would cause demonstrable injury to the interests of the affected landowner. Self-evidently this would fail to satisfy the second statutory condition of a CCIPI.

(iv) CA Guidance

These key legal principles are echoed in paragraphs 11-13 of the relevant Guidance:-

- In respect of whether the land is “RL” the SoS will need to be satisfied that the compulsory acquisition is needed for replacement land, that no more land is being taken than is reasonably necessary for that purpose, and that it is proportionate **[SoR, 5.2.6 (c)]**
- There must also be compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired **[SoR, 5.2.7]**.

The advice at paragraphs 8-10 of the CA Guidance is also relevant in the context of this objection:-

- That all reasonable alternatives to compulsory acquisition (including modifications to the scheme) have been explored **[SoR, 5.2.8(a)]**
- That the proposed interference with the rights of those with an interest in the land is for a legitimate purpose, and that it is necessary and proportionate **[SoR, 5.2.8(b)]**
- That the purposes for which the acquisition powers are included are legitimate and sufficiently justify interfering with the human rights of those with an interest in the affected land **[SoR, 5.2.8(e)]**

(A) OVER-COMPENSATION FOR LOSS OF SCL

HE states that it will provide “39.8 hectares of replacement common land and open space in exchange for that needing to be acquired for the Scheme” **[Planning Statement, 3.6.1]**.

It has also stated **[SoR, 7.2.6/ Appendix C, 2.7.18]** that the following broad ratios have been applied to the provision of RL, which mirrors previous adopted practice including for the

original M25 construction scheme through the Wisley Common area (see comments further below):-

- 2:1 (Open Space);
- 2.5:1 (for Common Land);
- 1:1 (acquisition of permanent rights 'where the right can be said to be a burden on the land')

In other words, the total area of RL which has now been identified for compulsory acquisition is substantially larger than the SCL it would replace.

This is despite the particularly high quality of the land at PBF, and statements made by the Applicant in respect of:-

- The low quality of the current user experience at locations close to the existing road network from where the RL would be acquired;
- The significant improvement to the existing RoW network that would result from a re-modelling of the road junctions; and
- The absence of any *disadvantage* arising from the acquisition of permanent rights over SCL.

Further, the Applicant has adopted the wrong approach to statutory provisions which militate towards a reduction in the overall RL requirement, e.g. where the order land is required in connection with the widening and/or drainage of an existing highway (s.131(5) PA 2008); or where s.132(3) applies.

These issues are considered further below:-

(i) Disadvantages associated with the 'SCL' to be acquired

The Applicant has pointed to serious disadvantages associated with the current public experience of using the SCL in the vicinity of the existing road junctions, including land parcels that would need to be acquired for the construction of the Scheme:-

"... the current road layout is poor if you wish to walk, cycle or horse ride either around the junction or the land that surrounds it. Noise is an important issue with the M25 and A3 both generating high levels of noise which disturbs local people and affects enjoyment of the common land." **[Environmental considerations - Statutory consultation brochure (Revised 12.02.2018)]**

"Several public footpaths and bridleways pass through the common land and open space surrounding junction 10, however both the A3 and M25 are barriers to movement between the different areas of accessible land in each quadrant." **[Planning Statement, 2.2.9]**

“There are no rights to cycle on the common land or open space around junction 10, which means that cycling in the area is limited to bridleways and highway based provision. There is a shared footpath/cycleway running along the highway verge on the east side of the A3 between Painshill and Ockham Park junctions. This is of variable quality and has little or nothing by way of protection from traffic on the A3. The Scheme will provide considerably enhanced connectivity for pedestrians, cyclists and equestrians [sic] resulting in significant benefits for these users. [Planning Statement, 2.2.10]

(ii) Benefits to the existing rights of way network

The Applicant has also made several boasts about how the design of the Scheme will improve the existing rights of way network in the vicinity of the M25 junction 10 and A3 Wisley interchange junctions. For example:-

Preferred route announcement: Winter 2017

“We have the opportunity to provide improved crossing points for pedestrians, cyclists and horse riders on dedicated bridges, separated from the traffic, minimising the risk of collisions” [Why Option 14?]

“Access via a new bridge connecting the Ockham Common side of the A3 to Pond Farm and the Scout campsite (replacing the existing Cockrow bridge). It also links the Wisley and Ockham Commons for pedestrians, cyclists and horse riders” [Side road preferred routes]

“New bridge for vehicles and non-motorised users, replacing existing accesses” [Map 3: Connections to the A3 Northbound and Southbound]

Statutory consultation brochure [Revised 12.02.2018]

“Improve crossing facilities for pedestrians, cyclist and horse riders and incorporate safe, convenient, accessible and attractive routes” [key scheme objectives]

“Improved routes for pedestrians, cyclists and horse riders” [proposed scheme measures]

Statement of Reasons

It will improve *“facilities for cyclists, walkers and other vulnerable users of the network” [5.4.15]*

Planning Statement

“The Scheme will provide significantly enhanced facilities for pedestrians, cyclists and horse riders through new provision and improvements to the network of PRow and local road connections and meet the key objective to incorporate safe,

convenient, accessible and attractive routes.” [Executive Summary: Scheme benefits]

“Closure or temporary diversion of routes during parts of the construction period will result in temporary significant adverse effects. Overall effects on NMUs will be beneficial once the Scheme is operational.” [5.3.23]

“...the health benefits during operation include increases in physical activity from the improved and more accessible NMU routes.....” [5.3.24]

“The social benefits of the Scheme are the improvements to the NMU facilities and improved connectivity/accessibility, plus health benefits from increases in physical activity to be experienced through improved and more accessible NMU routes...” [5.3.27]

(iii) Absence of disadvantage in respect of permanent rights to be acquired

HE has stated that s.132(3) is engaged. It has explained that the acquisition of permanent access rights over existing tracks across SCL does not burden that land in such a way as to become less advantageous to any person, or to the public:-

“2.7.16 Some of the proposed permanent rights will be along bridleways and associated routes where these are separate from the M25 and A3 and associated overbridges. These will remain part of the common land and open space and will enhance public access to them and there will, therefore, be some limited loss of the advantage conveyed by these areas to the owners or the public when burdened by the rights. These works are outlined in the first three bullet points of paragraph 3.5.5.” [SoR, 2.7.16]

It is unnecessary to provide compensatory RL for that part of the order land where s.123(3) applies. This should be removed from any RL calculation.

(iv) Section 131(5) PA 2008 – land required for widening or drainage of an existing highway

Similarly, there is no legal requirement for providing compensatory RL for any part of the order land to which s.131(5) applies: land required for the widening or drainage of an existing highway where the giving in exchange of other land is “unnecessary”.

HE’s rationale is puzzling because it has stated that s.132(5) is engaged [SoR, Annex C, 2.7.3] whilst s.131(5) is not engaged. It would appear that both statements cannot be true.

HE has stated that s.131(5) is not engaged [SoR, Annex C, 2.7.3] because the SCL is to be acquired for “a broader range of purposes than the widening or drainage of an existing highway”.

In fact there are no other such purposes. HE proposes to elongate and widen the circulatory carriageway and the junction entry and exit slip roads on the roundabout at M25 junction 10, and plans to implement a range of other road widening measures [“The Scheme”: Planning Statement, para. 3.6] which the Applicant describes elsewhere as a

Scheme comprising “widening and enlargement of existing highway infrastructure..” [Planning Statement, 5.3.14] and a “linear alteration and improvement project, and as such the design and associated land take is limited to the adjacent land” [SoR, 5.5.2].

The other features of the Scheme are at the very least directly and closely associated with these “road-widening” purposes (and associated drainage requirements) even if it concluded that not every individual element meets that strict definition. The focus of the consideration must be the substance of the project as whole.

It is also very clear that, taken in isolation, the A3 road improvement comprises nothing other than road-widening (and associated drainage) as a matter of substance:-

“Widening of the A3 from three to four lanes either side of junction 10...”

“Widening of the A245 Byfleet Road to the west of the A3 Painshill Junction, to provide three lanes in each direction.....”

[The Proposed Scheme: Statutory consultation brochure (Revised 12.02.2018)]

Accordingly, the decision-maker must go on to consider whether the provision of RL is “unnecessary” – and if that consideration is satisfied the draft order can be confirmed without the provision of RL.

In our view, the provision of RL as compensation is unnecessary because the ‘advantage’ provided by the existing SCL is low due to the poor current road layout, and because the Scheme is designed to deliver significant improvements to the overall usability of the rights of way network in the vicinity of the existing junctions.

Also, having regard to the totality of the common land and open space in this area this is not a case where “*all or a large part of [the common land or open space] would be lost*”, being the situation described in the CA Guidance as one where the SoS may be reluctant to be satisfied on the terms of s.131(5)/s.132(5).

Alternatively, and by analogy with s.132(3), any part of the order land to which this provision applies (i.e. not being the whole of the order land) should be removed from any compensatory RL calculation.

Additionally, it must be observed that whilst the Applicant has said it was ‘convenient’ to include two separate ‘nationally significant infrastructure projects’ within the wrapper of a single DCO application, it can be seen that this approach does raise awkward complications vis a vis compliance with these statutory tests.

(v) High environmental quality of land at PBF

He has stated that none of the RL parcels is identical in character to the SCL that would be included in the order and that work would be needed to improve the amenity and habitat value [SoR, Appendix C, 2.7.19].

This is not accepted, or at least, the land at PBF is no less advantageous than the land it would replace. It is a highly attractive natural resource, which is already connected to the

public rights of way network in the general vicinity of M25, Junction 10. The site is somewhat shielded from direct sight and sound of the traffic along the M25/A3 corridor. 'Quid pro quo' it would offer a very significant advantage to the users of it, and to the public, and would be 'just as good' as the land it replaces, with particular regard to the advice contained in paragraph 5.181 of the National Policy Statement for National Networks (December 2014).³

In context, the land at PBF makes up approximately 50% of HE's overall proposed land take (39.8 ha) for RL, in a ratio which is more than double the area of land that would be taken across the Scheme as a whole. In these circumstances the decision-maker must be utterly satisfied that this scale of compulsory acquisition is fully and properly justified, having regard to the two statutory conditions.

(vi) Historical land replacement ratios

The Applicant seeks to justify the level of RL provision by reference to previous practice, including the ratios that were applied when the A3 Esher Bypass and M25 Wisley Interchange was originally constructed through the Wisley Common area [SoR, 7.2.6 and Appendix C, 2.7.4-2.7.15]. However, this is not guiding "precedent" in the way that HE seeks to claim.

The current situation is not directly analogous to what occurred in the 1970's and 1980's. As the Applicant has explained, the land taken at that time was central to the commons. In relation to the M25 construction it also severed the affected common land units, and no access could be provided from the motorway to the severed edges of the commons. Those were very specific and compelling reasons why the offer of "exchange land" had to be a much greater than the area being taken for the construction of the roads. It was necessary in order to adequately compensate for that loss.

The state of affairs today is completely the opposite with a busy road network in situ, as HE does itself admit:-

"It could be argued that much of the Special Category Land required for the Scheme is close to existing busy roads and, therefore, not the best parts of such land in terms of advantage to the public." [SoR 2.7.11]

It continues:

"This could then enable the ratio of the Replacement Land to be lower if it is set further away from traffic disturbance. However, the need for this Scheme is a direct consequence of the 1979 M25 project, which placed the new motorway and Wisley Interchange through some of the quieter parts of the commons near Pond Farm and Telegraph Hill, so the argument is only relevant to reducing the replacement land ratio for the areas of Special Category Land permanently acquired for widening the

³ It states, 'Any exchange land should be at least as good in terms of size, usefulness, attractiveness, quality and accessibility.'

A3 corridor (which follows the old route of Portsmouth Road across the commons), much of which is open space.” [SoR, 2.7.11]

This is an entirely false argument. The historical position has no bearing on whether the statutory conditions for RL are satisfied now, and in any event it is stretching matters to beyond breaking point to describe the need for this Scheme as a direct consequence of the 1979 M25 project.

Taken at face value, HE’s argument (above) that a different approach could be taken to the land required for the A3 corridor also encounters the added difficulty of how to differentiate between the RL requirements of two NSIPS within the shell of a single draft Order.

The only relevant consideration is to judge what advantage is provided by the SCL in this location today, and then to decide whether there is a case for requiring land in greater quantity depending on factors such as usefulness, attractiveness, quality and accessibility. There is no justification for using a higher replacement ratio here because the RL would be generally contiguous with the order land, and would have the effect of enhancing the size of other more usable areas of existing ‘high grade’ common land and open space.

Further, and in any event, the compulsory acquisition of SCL around the road junction would not significantly deprive those who are entitled to use it, and the public, of its advantages. As HE has stated, there is in fact an opportunity to greatly improve the overall user experience. The ‘net’ effect would be a distinct improvement as compared to the existing situation.

(B) CCIPI/ PREJUDICE TO THE LANDOWNER

RA strenuously resists the Inclusion of the Target Land within the draft order. Compulsory acquisition would be seriously detrimental to our client’s interests.

The Target Land comprises the most attractive and valuable part of the amenity land at PBF (including a summerhouse) which has been used and enjoyed throughout the period of ownership. The proposed acquisition would sever the existing residential curtilage with a significant resulting loss of amenity.

The identification of the Target Land as part of the Scheme has also caused our client to endure significant personal difficulties at a time of serious ill-health, by frustrating his genuine, and ongoing, attempts to sell the Land. This has already resulted in potential buyers for the whole of PBF deciding not to proceed.

The surrounding facts and circumstances in this regard are fully described in RA’s statutory declaration which accompanied the service of his blight notice – see **Appendix**.

It is also thought likely that sub-division of the most attractive part of the Land will leave the residue much harder to sell given that the unencumbered site commands a unique proposition in the current market-place in terms of its size, quality and proximity to the M25/London.

Conclusion / Human Rights

The relevant legislative framework (above) is only designed to guarantee a minimum of net “equivalence” in terms of RL. It does not justify the compulsory acquisition of an excess of RL where it is not required.

The second statutory condition (s.122(3) PA 2008) requires the SoS to be satisfied of a “compelling case” – not merely what is in the overall public interest. Contrary to HE’s assertion it has not been sufficiently demonstrated that the RL which has been identified is the minimum necessary [SoR, 6.2.2].

For the reasons discussed at section “A” above, it has been shown that the HE’s demand for RL is excessive. The proposed compulsory acquisition of the land at PBF is therefore both unnecessary and disproportionate, and this would unreasonably interfere with RA’s rights under Article 1 of the First Protocol and Article 8 of the European Convention on Human Rights.

We therefore disagree very strongly with the Applicant’s assertions in this case that the powers sought are necessary, proportionate and justified, and in accordance with all relevant statutory (s.122 of the PA 2008) and policy guidance [SoR 1.5.1; 5.8.1 & 5.8.2], and that there is a compelling case in the public interest [SoR 1.5.2; 5.8.3].

(C) ALTERNATIVE OPTIONS

RA’s objection is predicated on the basis that it is unnecessary to provide RL at PBF, or at any other location in substitution for it.

(i) Pond Farm [SoR, Appendix C, 5.5.1]

In the alternative, it is considered that other better options exist elsewhere for meeting any residual needs. In particular, the Surrey Wildlife Trust (“SWT”) site at Pond Farm would provide a more suitable location generally, being within the Ockham and Wisley Commons Site of Special Scientific Interest (SSSI), and therefore more centrally connected to the existing network of common land and open space. It would also meet HE’s stated preference for an area of RL in the southwestern quadrant [SoR, Appendix C, 6.1.3]

It is understood that this site was explored for use as SPA compensation land during 2018 but this was rejected due to SWT requirements for winter grazing of its cattle herd (**Habitats Regulation Assessment, Annex C, para. 3.1.6**). However, it does not appear this use would be totally incompatible with a new right of public access if it was to be carefully managed to accommodate the current use by SWT.

Additionally, SWT makes a case that its herd is vital not only to the management of the SSSI, but also to the Thames Basin Heaths SPA as a whole. The transfer of this land into public hands would therefore provide a valuable guarantee that such uses would be able to continue for the benefit of future generations as a specific management objective for that land.

APPENDIX

STATUTORY DECLARATION

OF RONALD ALDERSON

RE- BLIGHT NOTICE

DATED

29 July 2019

STATUTORY DECLARATION

- by -

RONALD GEORGE ALDERSON

relating to property comprising
land and buildings at
Park Barn Farm, Wisley Common,
Woking, Surrey GU23 6QS

I RONALD GEORGE ALDERSON of Park Barn Farm, Wisley Common, Woking, Surrey GU23 6QS **DO SOLEMNLY AND SINCERELY DECLARE** as follows:

1. I make this declaration in support of a Blight Notice in respect of land and buildings at Park Barn Farm, Wisley Common, Woking, Surrey GU23 6QS (hereinafter "the Property").

Description of the Property

2. I am the registered owner of the Property which comprises residential dwellings, other outbuildings and approximately 100 acres of parkland all of which is registered at the Land Registry within title numbers SY176150, SY171875, SY178627, SY206874, and SY176149 [**Exhibit "RA1"**].
3. There are three dwellings on the land.
4. The main house, Park Barn Farm, is where I live with my partner Jacqueline Varley. The dwelling was converted around 15 years ago pursuant to a planning permission granted on 2 December 2003 (ref. 03/P/02225) for conversion of the aisled barn to a 4 bedroom dwelling.
5. My daughter and her family lives on one side of the main house, which is the original farmhouse.
6. On 7 May 2019 Guildford Borough Council granted a certificate of lawfulness under ref. 19/P/00523 for independent use of the adjacent dwellinghouse, which we refer to as "The Annex" [**Exhibit "RA2"**]. This is where my son Neil and his family live.

Background to the road scheme

7. We understand that Highways England ("HE") intends to acquire part of the Property in connection with its plans for a major junction improvement on the M25 motorway (M25 Junction 10/A3 Wisley Interchange Scheme). Our land is apparently required as 'mitigation land' to be offered in substitution for other land which is due to be lost as part of the physical road works.
8. In December 2016 we attended a meeting in Cobham when HE first launched their proposals for the Wisley Interchange. We looked at the plans in detail and spoke to one of HE's personnel in attendance who assured us that the Property would definitely not be affected by the new scheme.

9. In February 2017 the road scheme went to public consultation in and around the Wisley, Cobham, Ripley area. At this stage we still did not know that our Property would be affected.
10. In early September 2017, however, we received a registered letter from HE advising us that it was intending to compulsory purchase part of our Property, although it is only recently that we have known precisely which part of the Property would be directly affected.
11. On 29 November 2017 we received a letter from HE confirming that it had made its 'preferred route announcement' (Option 14) and would be looking to acquire land at Park Barn Farm [Exhibit "RA3"].
12. We have now received a plan from HE showing the land it intends to compulsorily acquire amounting to approximately 55 acres of parkland, fields and one of the ponds.
13. HE's letter dated 17 June 2019 [Exhibit "RA4"] states that it is seeking to acquire plot numbers as 11/8, 11/8a, 11/9, 11/9a, 11/12, 11/14, 11/14a, 11/17 and 28/2. These areas are illustrated on HE's plan ref. HE551552 [Exhibit "RA5"]. None of the outbuildings or dwellings are included with this area for compulsory acquisition.

Marketing of the Property for Sale

14. Jacky and I have been anxious to sell the Property for a long time now because of health concerns and wanting to move on with our lives.
15. We first put the Property up for sale with Chancellors estate agents on July 14, 2017 [Exhibit "RA6"]. This was before we ever knew the Property would be affected by the road scheme.
16. In 2018 we received firm interest from three separate buyers, with a potential sale in the region of £6 to £6.5m for the whole Property, however none of this interest has led to a concluded sale. Most recently, in November 2018, we were offered £4.25m on a price adjusted basis which was designed to reflect HE's proposed land-take, but this buyer also went away.
17. We have now received a letter from Chancellors [Exhibit "RA7"] confirming that all these potential buyers have been deterred by the uncertainty surrounding HE's compulsory land acquisition in connection with its road improvement scheme.
18. Towards the end of last year we took the Property off the market on the advice of Chancellors estate agent. This was initially to be for a period of 3

months as a sales tactic, because when the marketing details re-appear it will come up in web searches as a new property for sale.

19. We are actually now looking to re-market the Property with Savills, but this has now stalled over who should pay for the upfront costs of surveying and pegging-out the new boundary to the land. Savills wrote to us on 19 July 2019 to say that they need these new boundaries accurately marked out on the ground, and fenced, before they can effectively market the Property or else potential purchasers are likely to walk away [Exhibit "RA8"]. We are now looking to move ahead with this matter so we can get the Property back on the market as soon as possible.

AND I MAKE THIS SOLEMN DECLARATION, conscientiously believing the same to be true by virtue of the provisions of the Statutory Declarations Act 1835.

SIGNED AND DECLARED BY **RONALD GEORGE ALDERSON** of Park Barn Farm,
Wisley Common, Woking, Surrey GU23 6QS

This *29th* day of *July* 2019

Before me:

Solicitor/~~Commissioner for Oaths~~

KWW Solicitors
70 Walton Road
East Molesey
Surrey KT8 0DL

"Exhibit 1" as referred to in my statutory declaration

SIGNED AND DECLARED BY RONALD ALDERSON

This *29* day of *July* 2019

Before me:

Solicitor/Commissioner for Oaths

KWW Solicitors
70 Walton Road
East Molesey
Surrey KT8 0DL

H.M. LAND REGISTRY
Filed Plan of Title No. SY 176150

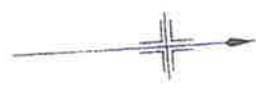
Scale 1/2500

ELMBRIDGE DISTRICT

O.S. Sheet SURREY XVII 7 & 8

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BYFLEET PARISH



OCKHAM
PARISH

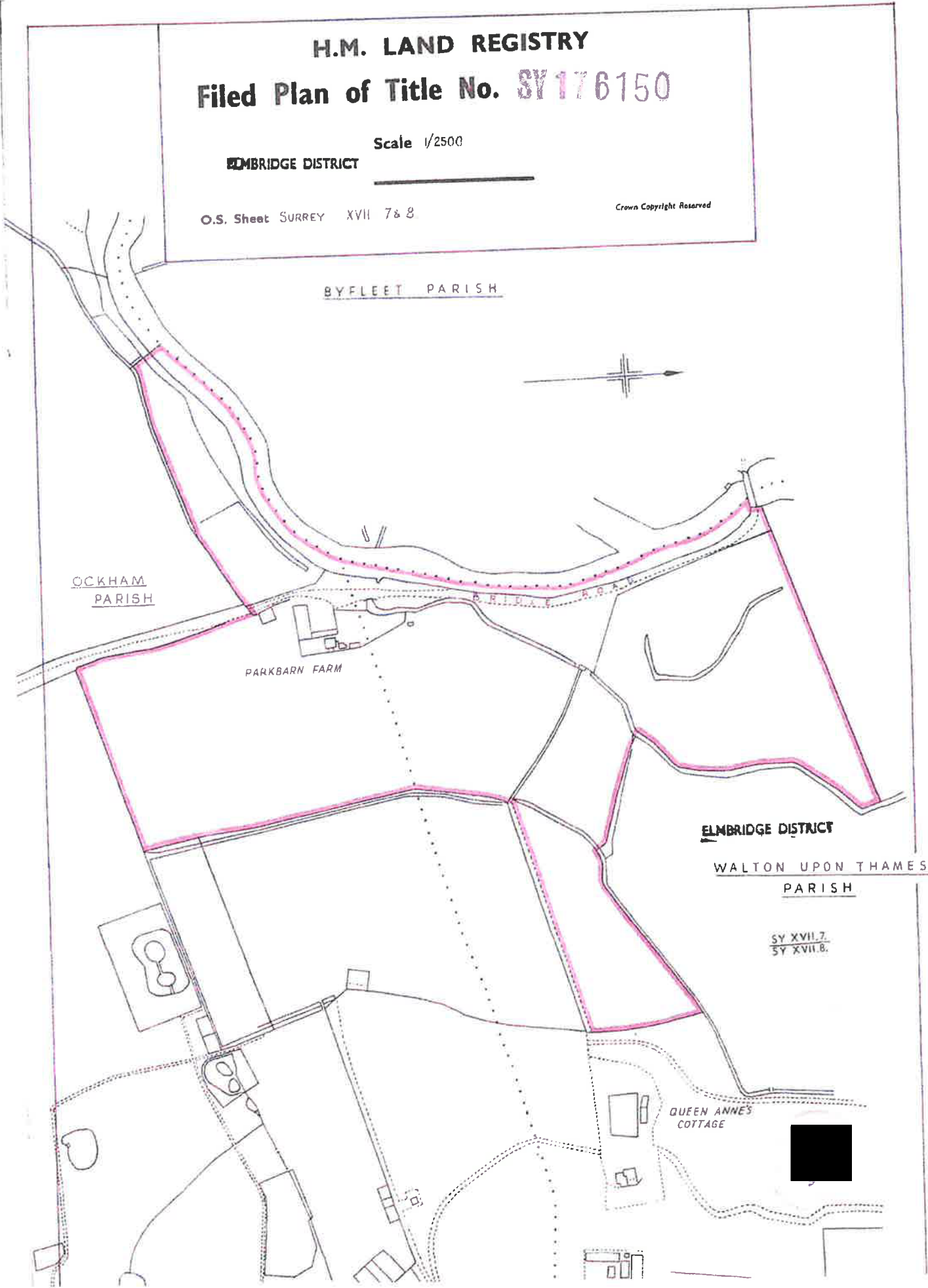
PARKBARN FARM

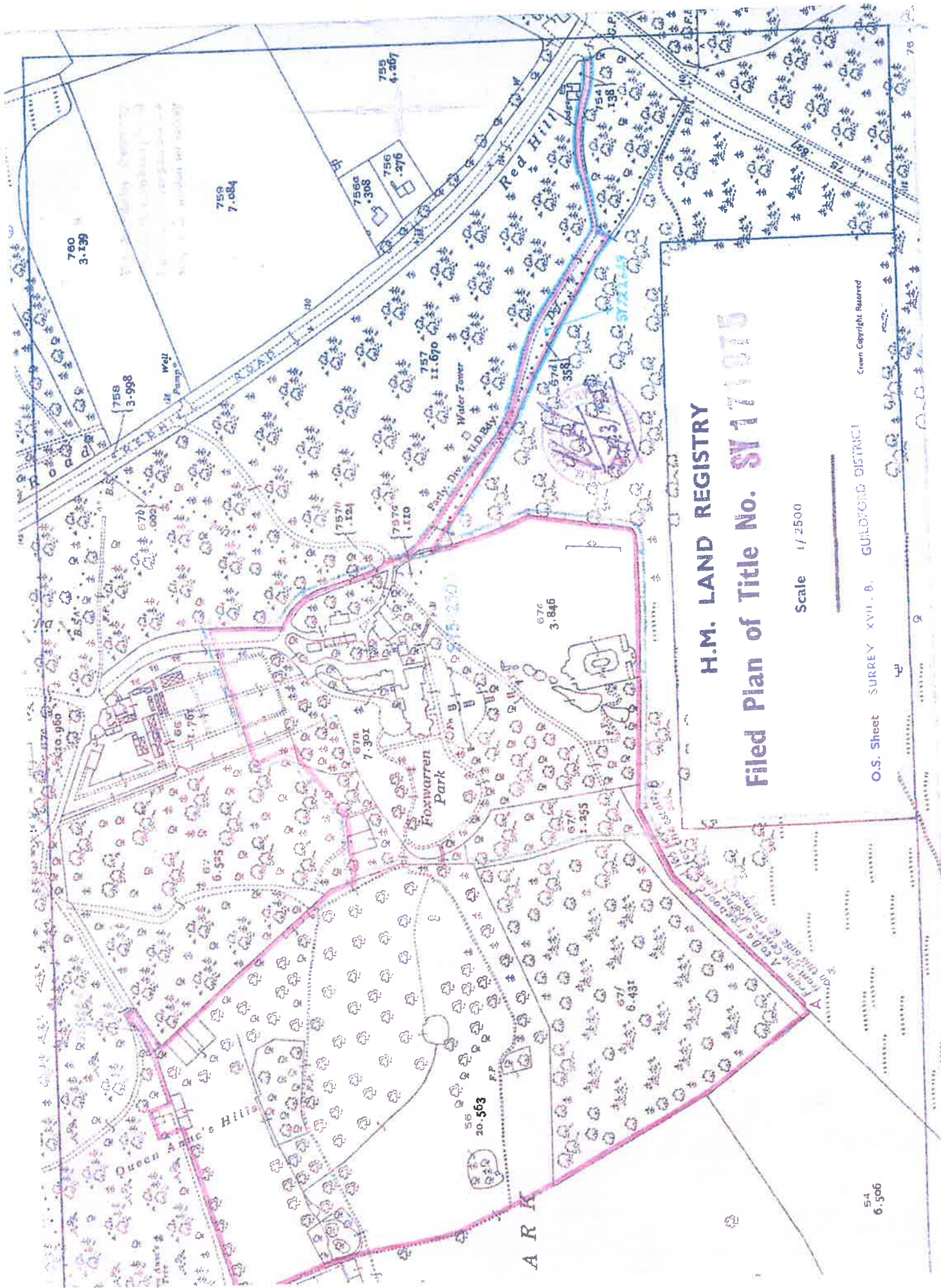
ELMBRIDGE DISTRICT

WALTON UPON THAMES
PARISH

SY XVII.7.
SY XVII.8.

QUEEN ANNE'S
COTTAGE





H.M. LAND REGISTRY

Filed Plan of Title No. SY 171875

Scale 1/2500

Green Copyright Reserved

O.S. Sheet SURREY XVII. B. GUILDFORD DISTRICT

54
6.506

H.M. LAND REGISTRY
Filed Plan of Title No. SY173627

Scale 1/2500

O.S. Sheet SURREY XVII. 7 & 8

Crown Copyright Reserved

BYFLEET PARISH

59

PARKBARN FARM

AMBRIDGE DISTRICT

K

WALTON UPON THAMES
PARISH

SY XVII.7.
SY XVII.8.

QUEEN ANNE'S
COTTAGE

AVIARIES



H.M. LAND REGISTRY
Filed Plan of Title No. **SY 170149**

Scale 1/2500

O.S. Sheet SURREY XVII. 7 & 8.

Crown Copyright Reserved

59

PARKBARN FARM

ELMBRIDGE DISTRICT

WALTON UPON THAMES
PARISH

SY XVII.7
SY XVII.8.

QUEEN ANNE'S
COTTAGE

SY582507

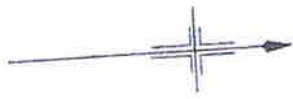
AVIARIES

SY582506

GUILDFORD DISTRICT

OCKHAM PARISH





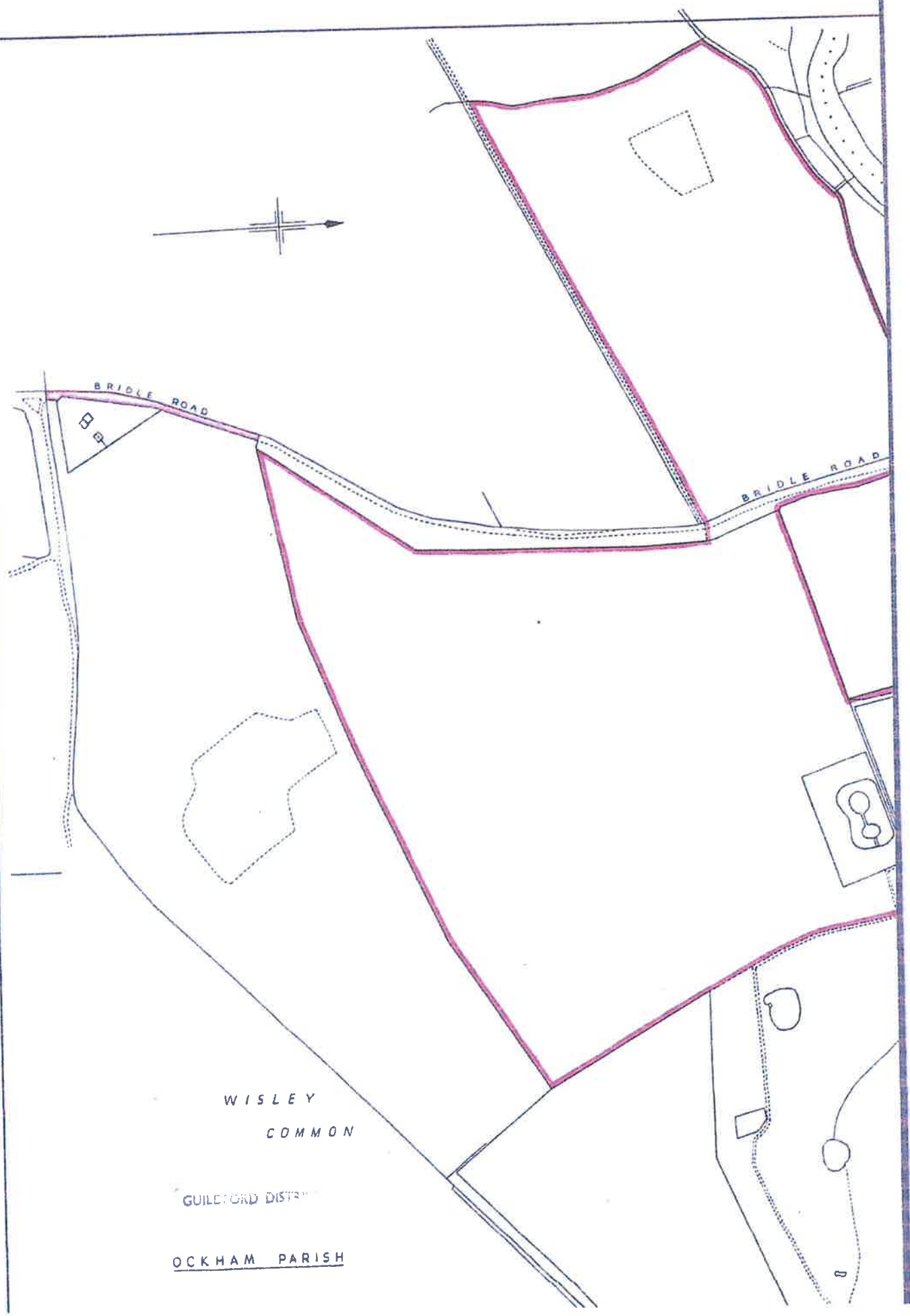
BRIDLE ROAD

BRIDLE ROAD

WISLEY
COMMON

GUILDFORD DISTRICT

OCKHAM PARISH



M.B. 25

H.M. LAND REGISTRY

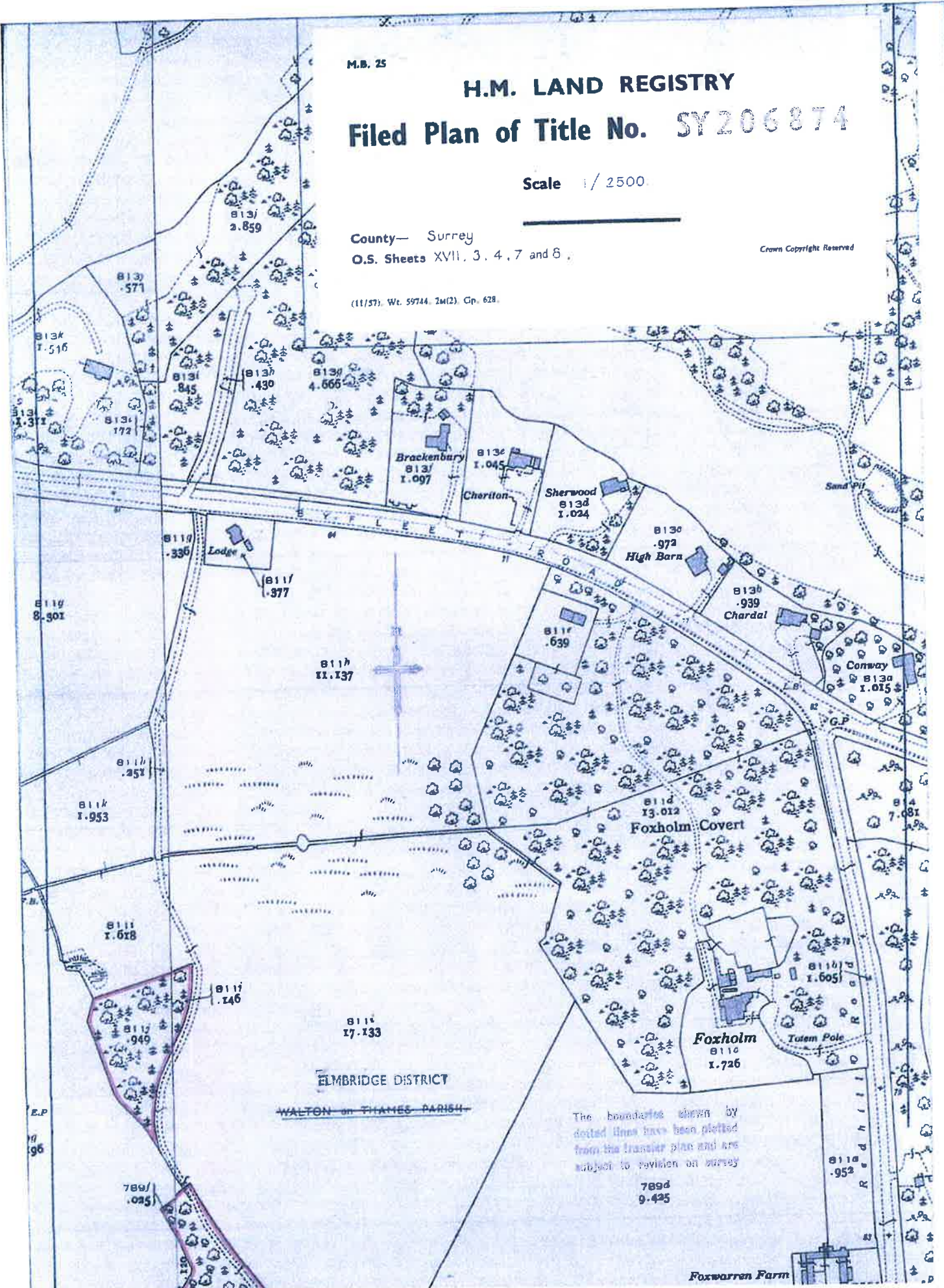
Filed Plan of Title No. SY206874

Scale 1/2500.

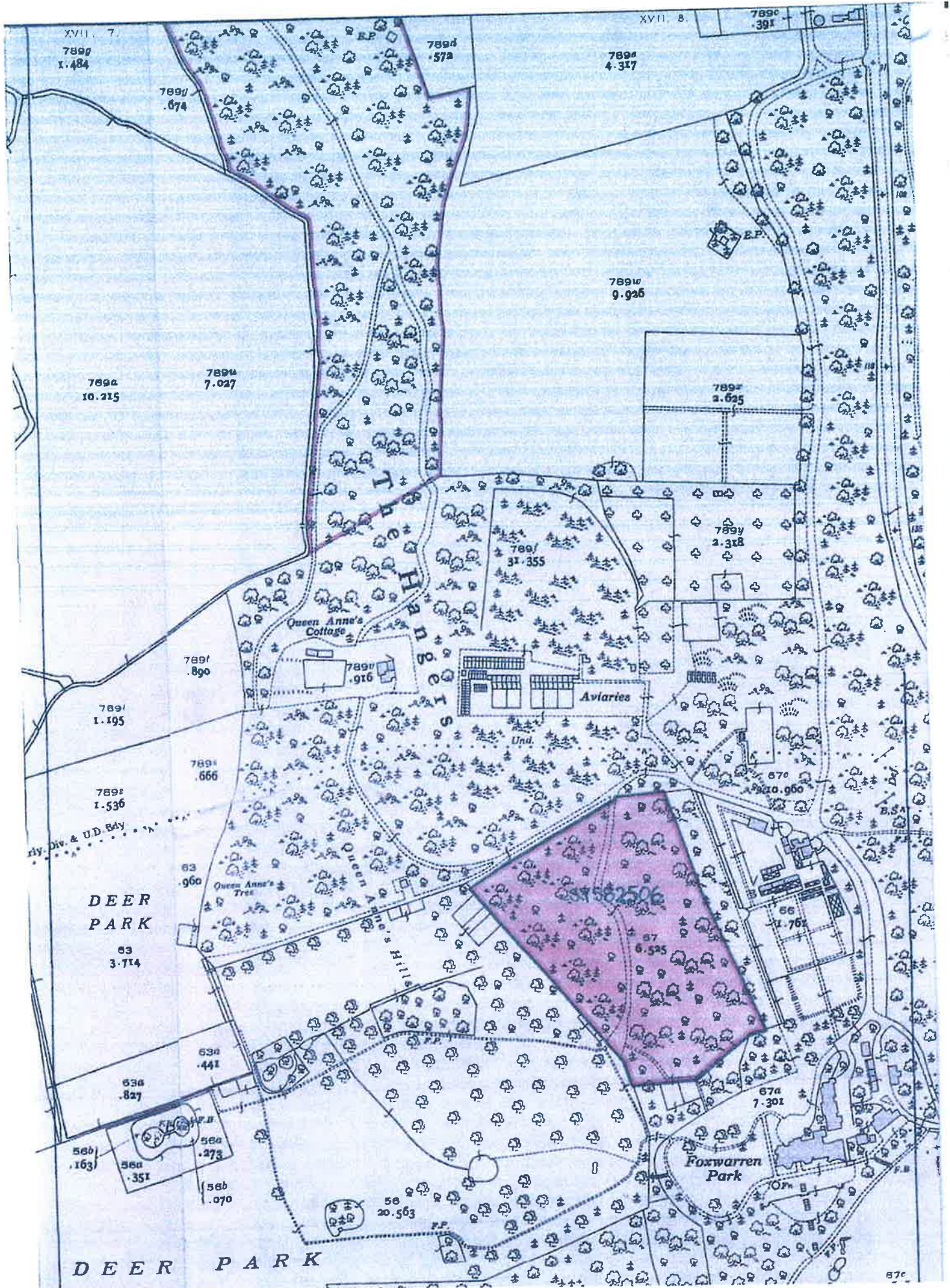
County— Surrey
O.S. Sheets XVII. 3, 4, 7 and 8.

Crown Copyright Reserved

(11/57). Wt. 59744. 2M(2). Cp. 628.



Foxwarren Farm



XVII. 7.
7899
1.484

789d
57a

789e
4.317

789c
391

789j
.674

789w
9.926

789z
10.215

789u
7.027

789r
2.625

789y
2.318

789i
31.355

789f
.890

789v
916

789i
1.195

789z
1.536

789i
.666

63
.960

Queen Anne's Tree

Queen Anne's Cottage

Aviaries

Und.

670
920.960

DEER
PARK

63
3.714

67
25.525

63a
.441

63a
.827

56b
.163

56a
.351

56a
.273

56b
.070

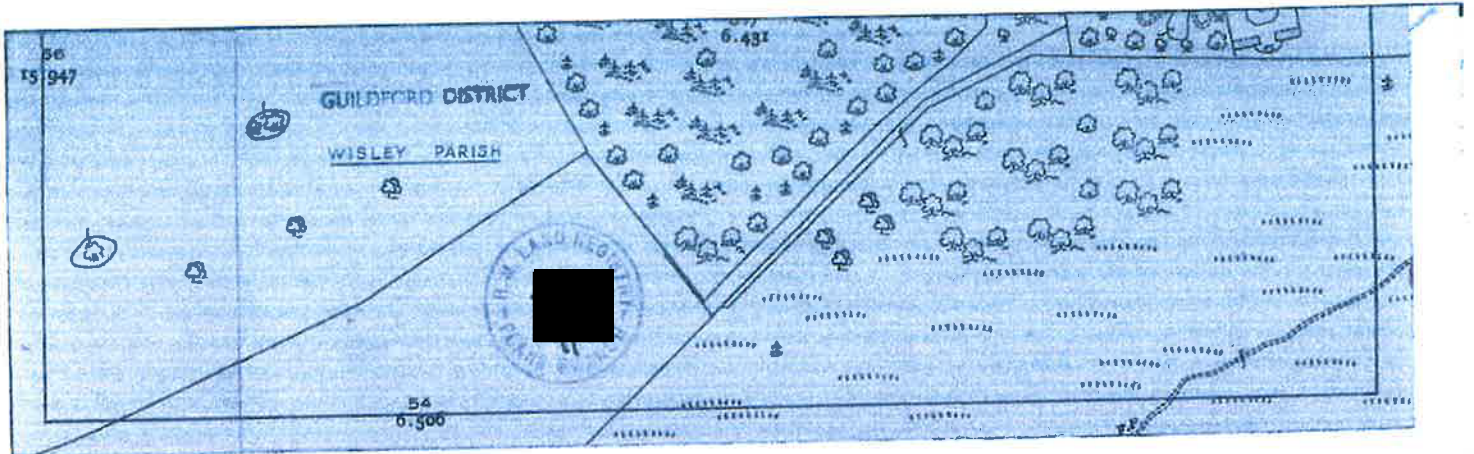
67
20.563

67a
7.301

Foxwarren Park

DEER PARK

67c



"Exhibit 2" as referred to in my statutory declaration

SIGNED AND DECLARED BY RONALD ALDERSON

This 29 day of July 2019

Before me:

~~Solicitor/Commissioner for Oaths~~

KWW Solicitors
70 Walton Road
East Molesey
Surrey KT8 0DL



**GUILDFORD
BOROUGH**

Tracey Coleman
Director of Planning and Regeneration

M B Garbett
Keystone Law
48 Chancery Lane
London
WC2A 1JF

**Town and Country Planning Act 1990 (as amended): Section 191:
Town and Country Planning (Development Management Procedure)
(England) Order 2015: Article 39**

**Approval of application for Certificate of Lawfulness of existing use or development:
19/P/00523**

Date of Decision: 07/05/2019

Proposal: Certificate of Lawfulness for existing use to establish whether the use of an outbuilding as a single dwelling occurred more than 4 years prior to this application

Location: The Annex Park Barn Farm, Wisley Common, Wisley, Woking, GU23 6QS
For: Mr R Alderson

Guildford Borough Council hereby certify that on 22/03/2019 the use or operations described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and edged in black on the plan attached to this certificate was lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended) for the following reason(s):-

First schedule:

Certificate of Lawfulness for existing use to establish whether the use of an outbuilding as a single dwelling occurred more than 4 years prior to this application

Second Schedule:

The Annex Park Barn Farm, Wisley Common, Wisley, Woking, GU23 6QS

Informatives:

1. This decision relates expressly to drawing: 1048PB01 received on 22/03/2019.

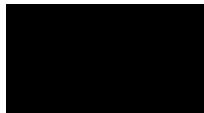
For Your Information

This Certificate is issued solely for the purpose of section 191 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use or operations specified in the First Schedule taking place on the land described in the Second Schedule was lawful, on the specified date and, thus was not liable to enforcement action under section 172 of the 1990 Act (as amended) on that date.

This certificate applies only to the extent of the use or operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use, operations or other matter which is materially different from those described or which relates to other land may render the owner or occupier liable to enforcement action.

Please read the Important Notes attached.



Tracey Coleman
Director of Planning and Regeneration

Important Notes

The applicant is recommended to retain this decision notice in a safe place or with the title deed of the property.

Building Regulations and other legislation

This permission relates only to planning legislation. It is your responsibility to seek any authorisations required under other legislation.

In particular, Building Regulations approval may be required for this work. For free informal advice please contact our Building Control Service at www.guildford.gov.uk/buildingcontrol or telephone 01483 444545.

Attention is drawn to Section 20 of the Surrey Act 1985 which requires that when a building is erected or extended, proper provision shall be made for the fire brigade to have means of access to the building and any neighbouring building.

Appeals to the Secretary of State

General

You, or an agent acting on your behalf, can appeal if you were the person who made the application. Appeals are dealt with by the Planning Inspectorate, an executive agency of the Department for Communities and Local Government. Its primary function is to determine appeals on behalf of the Secretary of State.

Appeals must be made to the Planning Inspectorate within certain time limits and on forms provided by the Planning Inspectorate. You can find more information on how to appeal at <https://www.gov.uk/appeal-planning-inspectorate>. If you do not have internet access you can contact the Planning Inspectorate at

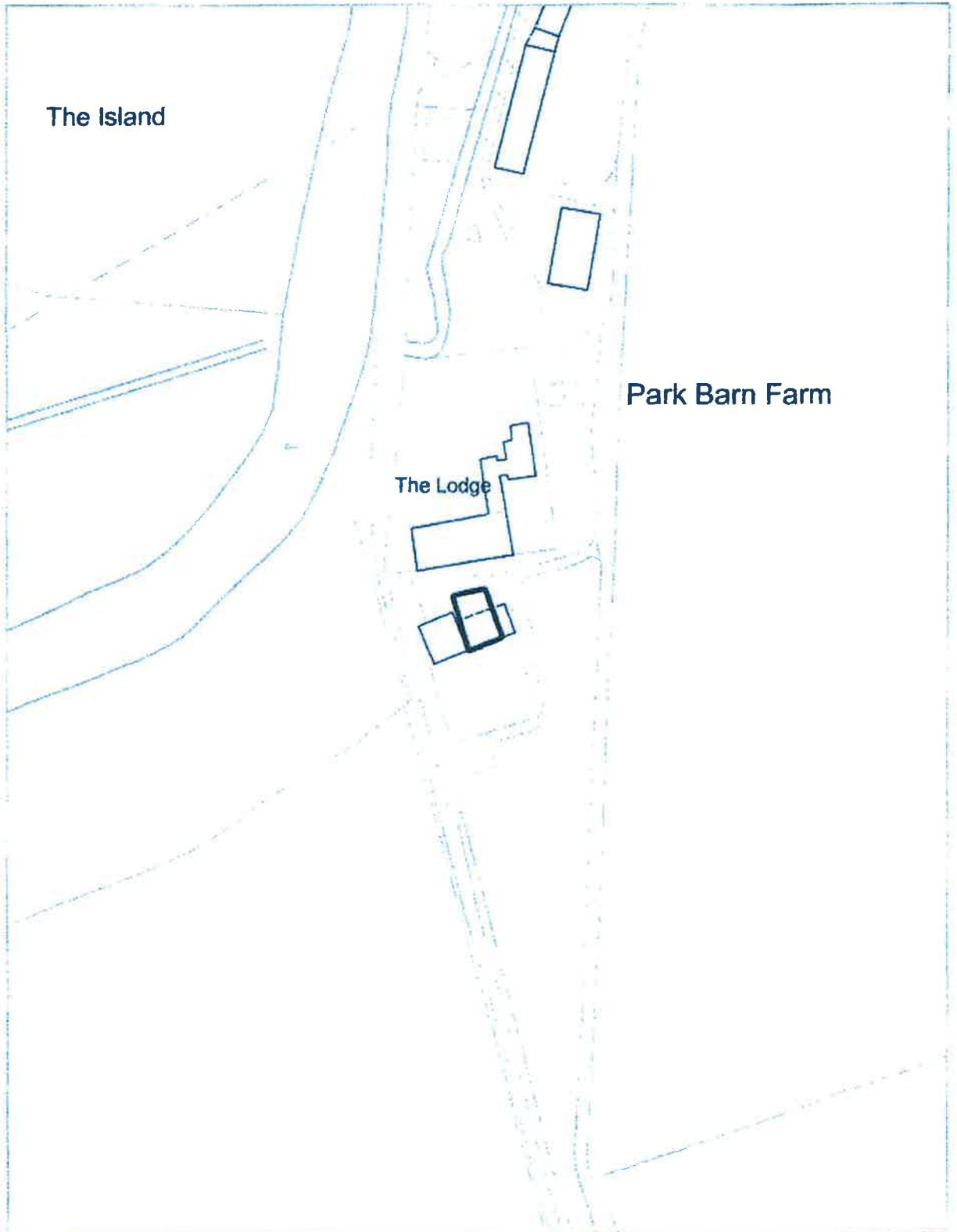
The Planning Inspectorate
Customer Support Team
Room 3/13
Temple Quay House
2 The Square
Bristol
BS1 6PN
Telephone: 0303 444 5000
Fax: 0117 372 8782
Email: enquiries@planning-inspectorate.gsi.gov.uk

Certificate of Lawful Use or Development

Under section 195 of the Town and Country Planning Act 1990 (as amended) if you are aggrieved you may appeal to the Secretary of State against the decision of the local planning authority to refuse your application or to grant it subject to conditions, or if a decision is not made within a certain period. There is no time limit for making an appeal.

Appeals must be made to the Planning Inspectorate on forms provided by the Inspectorate.

19/P/00523 - The Annex Park Barn Farm, Wisley Common, Wisley, Woking



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Licence No. 100019625.

This map is for identification purposes only and should
not be relied upon for accuracy.

Print Date: 07/05/2019



Not to Scale



GUILDFORD
BOROUGH

“Exhibit 3” as referred to in my statutory declaration

SIGNED AND DECLARED BY RONALD ALDERSON

This *29th* day of *July* 2019

Before me:

[Redacted Signature]

Solicitor/Commissioner for Oaths

KWW Solicitors
70 Walton Road
East Molesey
Surrey KT8 0DL



Our ref: PRA/S-M25j10/1/1
Mr R Alderson
Park Barn Farm
Wisley Common
Wisley
Woking
GU23 6QS

Hugh Coakley
Highways England
Area 5 team M25 junction 10 / A3
Wisley Interchange Regional
Investment Programme
(South and East)
Bridge House
Walnut Tree Close
Guildford
GU1 4LZ

29 November 2017

Dear Mr Alderson,

I wanted to take this opportunity to write to you personally about the outcome of the Preferred Route Announcement (PRA) on the M25 junction 10/A3 Wisley interchange improvement scheme.

Since the close of the informal, non-statutory consultation in February 2017, we have been analysing the results and further developing the scheme options, and are now pleased to announce that the preferred option for this scheme is Option 14, the elongated roundabout. This option adds more capacity and provides dedicated free-flow left turns for all traffic using the roundabout. It also provides pedestrians, cyclists and horse riders with segregated crossings at the junction.

Whilst a majority of consultation respondents (64%) stated a preference for Option 9 (the 4-level flyover), a large number of respondents highlighted real concerns about the environmental impact it would have on the environmentally sensitive land surrounding the junction. As a result, we have undertaken further refinements to the outline design of Option 14 and it now offers both better safety and congestion performance than was presented during consultation, along with a lesser environmental impact. We believe this refined option delivers the best possible scheme, to meet everyone's needs.

The scheme will also deliver the widening of the A3 between Ockham Junction and Painshill Junction from three to four lanes, adding much needed capacity, improving traffic flow and reducing delays. To ensure that all road users are safe, and to prevent conflict between vehicles directly entering and exiting a four-lane high speed section of the A3, direct accesses onto and off of the A3 between these junctions will be stopped up.

The land surrounding M25 junction 10 and the A3 presents a number of challenges for developing the scheme and many of the environmental constraints make the development of the side road access arrangements challenging.

As we have previously mentioned to you, we have identified that there is an opportunity to acquire and use a number of hectares of your land at Park Barn Farm as part of the replacement land required for the scheme. This arises from the need to acquire common land and public open space to replace land that is needed to construct the new scheme. The requirement to provide this replacement land falls under the Planning Act 2008. This land will also be used as part of the environmental compensation and mitigation package for the scheme. Attached to the end of this letter is a plan of which parts of your land we would like to

acquire. We realise that our plans have progressed from our previous discussion and we would like to meet with you again to discuss the announcement and the implications of proposed land acquisition. Please contact Marc Woodall Marc.woodall@atkinsglobal.com to agree a convenient date and time.

Please also find hard copies of the PRA brochure enclosed – please let me know if you would like any extra copies. All materials, including a copy of the consultation report are available in electronic format on the scheme webpage www.highways.gov.uk/m25j10.

A second, statutory consultation will take place early in early 2018, where you will have another opportunity to give your views and influence the developments of the design for the preferred option. We'll let you know more about this nearer the time.

I have also enclosed some further information regarding survey work that we need to undertake as the scheme progresses. I would be grateful if you could consider this letter and respond at your convenience.

I look forward to meeting with you soon to continue our discussions.

Yours sincerely,



Hugh Coakley
Project Manager
Capital Programmes
Regional Investment Programme (South and East)
Highways England

"Exhibit 4" as referred to in my statutory declaration

SIGNED AND DECLARED BY RONALD ALDERSON

This 20th day of July 2019

Before me:

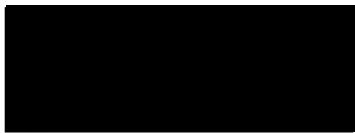
.....
Solicitor/Commissioner for Oaths

KWW Solicitors
70 Walton Road
East Molesey
Surrey KT8 0DL

HELLO BEN, FOR YOUR INFO AND YOUR COMMON



Jacqueline Varley
Park Barn Farm
Wisley Common
Woking
GU23 6QS



Jonathan Wade
Highways England
Bridge House
1 Walnut Tree Close
Guildford
GU1 4LZ

Tel: 0300 123 5000

17 June 2019

Dear Jacqueline Varley,

M25 junction 10/A3 Wisley interchange scheme

As you may be aware from previous correspondence, Highways England intends to seek powers (to be contained in the Development Consent Order (DCO) to compulsorily acquire land and rights over land for the proposed M25 junction 10/A3 Wisley interchange scheme (the Scheme).

I am writing to update you on the timeline for the Scheme and to set out Highways England's process for acquiring land and/or rights in land for the Scheme.

Highways England's preferred approach is to enter into early negotiations for the acquisition of land and/or rights in land. You may already have been contacted by the Valuation Office (VOA) acting on behalf of Highways England in this regard.

Application for a Development Consent Order

Highways England intends to submit a DCO application to the Planning Inspectorate very shortly. The DCO will authorise the construction of the Scheme and provide Highways England with various other powers in respect of it, including powers to acquire and use land. If the application is accepted it is likely the examination of the application will begin in autumn 2019, lasting for up to 6 months, with a decision from the Secretary of State anticipated in autumn 2020. As a landowner affected by the Scheme you will be entitled to make representations about the application to the Planning Inspectorate and to participate in the examination.

Acquisition of land

Highways England's intention and preference is to seek to reach voluntary agreement with affected landowners and occupiers as to land and land rights required for the Scheme. When Highways England uses compulsory purchase powers, compensation is payable to the owners of the land. This compensation is calculated in accordance with the Compensation Code (the Code). Highways England has well-established policies and processes for dealing with compulsory purchase cases and is advised on matters of compensation by the VOA.

While under the DCO we may take possession of any land required so that we can begin work on the Scheme, negotiations for the acquisition of the land and/or rights in land can take some considerable time. In some cases, full settlement may not be reached until many years after the land has been obtained. This is obviously not advantageous to landowners due to the elapsed time involved.

In view of this we are now offering to proceed with negotiations for purchase by agreement where a suitable financial settlement can be agreed in advance of the grant of compulsory powers, should the Scheme be approved.

A purchase or lease by agreement is where the parties concerned willingly enter into a contract to transfer or rent the property at a mutually agreed price, having regard to the valuation principles set out in the Code. Such purchases are called "favourable opportunity" purchases by Highways England and the power to make such purchases derives from Section 248 of the Highways Act 1980.

Your land interest

According to our checks, you have an interest in the following plots which will be affected by the Scheme. These plots can be viewed on the land plans on the Highways England website.

<https://highwaysengland.co.uk/projects/m25-junction-10-to-a3-wisley-interchange/#media>

To find your plots, check the land plan sheet number and the search for the plot number. For example: Land Plan Sheet Number / Plot Number: 1/3 – see Sheet 1, Plot 3.

Your Land Plan Sheet Numbers / Plot Numbers

11/8, 11/8a, 11/9, 11/9a, 11/12, 11/14, 11/14a, 11/17 and 28/2

We are writing to invite you to enter into discussions to enable Highways England to acquire your interest in land by agreement and to offer you the opportunity to negotiate the price for your land interest in advance, for purchase or lease in respect of the above plot number/s.

Legal and agent fee reimbursement

Highways England will cover all reasonable legal and agent's fees related to this transaction, so if you wish to appoint an agent please have them submit their table of fees

to the VOA for consideration and approval. The address to which to submit fee details is: highways.dvs@voa.gsi.gov.uk.

Legal fees will usually be reimbursed on completion of the acquisition. Highways England's conveyancing solicitors for this Scheme will recommend payment of your solicitors' fees after checking time sheets etc. Agents fees, again reimbursed on completion, would be checked by our valuer from the VOA to ensure that the fee is reasonable.

We do not pay any reimbursement directly to the solicitors or agents as the contract is between the landowner and these bodies and not with Highways England, so any payment will be made directly to you as the landowner. You will then need to recompense those that have been contracted to work on your behalf.

Further information

Please visit our website for further information regarding the Scheme:

<https://highwaysengland.co.uk/projects/m25-junction-10-to-a3-wisley-interchange/>

If you have any other queries about this letter, please contact us by:

- email – info@highwaysengland.co.uk
- telephone – 0300 123 5000; or
- by writing to me using the address given at the top of this letter

Yours sincerely



Jonathan Wade
Project Manager, Regional Investment Programme (South East)
Highways England

"Exhibit 5" as referred to in my statutory declaration

SIGNED AND DECLARED BY RONALD ALDERSON

This 29th day of July 2019

Before me:

Solicitor/Commissioner for Oaths

KWW Solicitors
70 Walton Road
East Molesey
Surrey KT8 0DL



IND:

EXTENTS OF LAND UNDER THE TITLE NUMBER SHOWN IN RED (AS PER LAND REGISTRY DATA RECEIVED 11/01/2016)

DEVELOPMENT CONSENT ORDER (DCO) BOUNDARY

EXISTING HIGHWAY BOUNDARY

Scale 1:2500

0m 50m 100m 150m

Legend:

- REPLACEMENT LAND (Red outline)
- DEVELOPMENT CONSENT ORDER (DCO) BOUNDARY (Pink outline)
- EXISTING HIGHWAY BOUNDARY (Dashed line)

NO.	DESCRIPTION	DATE	BY	FOR	BY	DATE	NO.	DESCRIPTION	DATE	BY	FOR	BY	DATE
1	Issue	11/01/2016	ATKINS	Highways England	11/01/2016	1	Issue	11/01/2016	ATKINS	Highways England	11/01/2016	1	Issue
2	Issue	11/01/2016	ATKINS	Highways England	11/01/2016	2	Issue	11/01/2016	ATKINS	Highways England	11/01/2016	2	Issue
3	Issue	11/01/2016	ATKINS	Highways England	11/01/2016	3	Issue	11/01/2016	ATKINS	Highways England	11/01/2016	3	Issue
4	Issue	11/01/2016	ATKINS	Highways England	11/01/2016	4	Issue	11/01/2016	ATKINS	Highways England	11/01/2016	4	Issue
5	Issue	11/01/2016	ATKINS	Highways England	11/01/2016	5	Issue	11/01/2016	ATKINS	Highways England	11/01/2016	5	Issue

ATKINS
 11th Floor, 25 Abchurch Lane, London EC4N 3DF, UK
 Tel: +44 (0)20 7325 5100
 Fax: +44 (0)20 7325 5101
 Email: atkins@atkins.com
 Working on behalf of **highways england**

INITIAL NON-CONTRACTUAL CODE S0

Project No: M25 Junction10A3 Wisley interchange

PROXIMITY OF SCHEME EXTENTS AND REPLACEMENT LAND
MR ALDERSON

Drawings:
 HES51822 - ATK - ILO - I
 M25_L2 - SK - ZH - 000001
 Scale: A3 Date: 11/01/2016 Rev: 1.1 File: M25_L2.dwg
 Drawn: [Name] Checked: [Name] Approved: [Name]

"Exhibit 6" as referred to in my statutory declaration

SIGNED AND DECLARED BY RONALD ALDERSON

This *29th* day of *July* 2019

Before me:

~~Solicitor/Commissioner for Oaths~~

KWW Solicitors
70 Walton Road
East Molesey
Surrey KT8 0DL

RESIDENTIAL ESTATE AGENCY TERMS OF BUSINESS

In accordance with Section 18 of the Estate Agents Act 1979

These terms set out the Agreement between 'you' (the "Seller", as set out in the Seller Details below) and The Chancellors Group of Estate Agents Ltd ("CGEAL", "we" or "us").

Property Address/es: Park Barn Farm Wisley Common, Woking

Postcode: GU23 6QS

(the "Property")

Freehold

Leasehold

Lease granted in N/A for N/A years

Ground rent EN/A

Annual Maintenance charge EN/A in year N/A

Asking price £ 6,800,000

To include N/A

OUR AGENCY (See clause 6 for definitions) AND AGREED FEES & CHARGES:

Sole Selling Rights 2% of the sale price, including any amount agreed for fixtures and fittings, plus VAT

Joint Sole Agency 2.5% of the sale price, incl any amount agreed for fixtures and fittings, plus VAT, with % of that amount payable to the agent that introduces the purchaser and % to the other agent.

Multiple Agency 3% of the sale price, incl any amount agreed for fixtures and fittings, plus VAT

You appoint us for the "Agency Period". The Agency Period will commence on the date that these terms are signed by the Seller and will extend to 40 weeks after the 1st day that the Property is able to be marketed in compliance with current legislation and will continue thereafter unless terminated by either you or us upon 14 days' prior written notice to the other.

Special Terms: Fee will be reduced to 1 % Plus Vat on sale price.

Assuming the sale exchanges at the Asking Price the Agency Fee payable will be £ 81,600 Inc VAT (£ 68,000 plus VAT) (as at the current rate – see clause 20 for more information). Should the selling price be higher or lower than the Asking Price our Agency Fee will be correspondingly higher or lower.

Withdrawn charge of £ N/A Inc VAT (£ N/A plus VAT)

- You appoint CGEAL to act as your agent on the basis marked above and the other terms of this Agreement.
- We produce a Guide to Sellers to assist clients with understanding key aspects of the property sales process and the terms of our agency. You understand that the guide can be found at _____, applies to this agreement and you agree to be bound by it.
- You confirm that you have all necessary consents to instruct us to sell the Property and:
 - you are the sole owner(s) of the Property as recorded at the Land Registry; or
 - you have authority to sign this contract on the owner's behalf and will provide us with appropriate evidence of this authority (such as, Power of Attorney, Appointment as Agent for Owner or Appointment as Trustee).

By signing this agreement you agree that you are personally responsible for all fees and charges due.

SELLER DETAILS:

Full Name: Mr Ronald Alderson

Signed: _____

Date: 14/07/2017

Full Name: _____

Signed: _____

Date: 14/07/2017

Seller Address (if different):

Landline(Home): 01932 345321

(Business):

Mobile: 07714007887

E-mail address: parkbarnfarm@btinternet.com

NB: We may be restricted by law from fully implementing your instructions until we have received this document signed and initialled plus identification: photographic personal identity and evidence of address.

On behalf of CGEAL:

Name: Terry Barrett

Signed: _____

Date: 14/07/2017

Please contact the above named individual if there are any questions related to service or these terms of business.

The Chancellors Group Of Estate Agents Ltd is a member of the Ombudsman Services: Property.

The Chancellors Group Of Estate Agents Ltd is incorporated and registered in England, number 2345397, Registered Office One Station Square, Bracknell RG12 1QB.

Initials

"Exhibit 7" as referred to in my statutory declaration

SIGNED AND DECLARED BY RONALD ALDERSON

This *29th* day of *July* 2019

Before me:

.....
Solicitor/Commissioner for Oaths

KWW Solicitors
70 Walton Road
East Molesey
Surrey KT8 0DL



Dated 25/07/2019

38 Commercial Way
Woking
Surrey
GU21 6JN

01483 770701 - Sales & Lettings

woking.sales@chancellors.co.uk
woking.lettings@chancellors.co.uk

Good Morning Ronald,

Below is a list of the three buyers who wanted to buy your property but due to the Highways Agency being unclear throughout the sale process on how much land they wanted and how much land you would be left with they withdrew their interest.

Mr Billy Edmonds,

when you was on the market at the asking price of £6,800,000 Mr Edmonds came to view the property with his family he wanted to buy the property and the 100 Arcs of land and his offer was £6,500,000, but due to the High Ways Agency at that time saying they wanted 30 Arcs of your land this meant Mr Edmonds walked away from moving forward on your property.

Time and date of buyer introduced on 03/02/2018 09:00

Mr Nazmi Yousef,

Came over from the U.S.A to view your property looking to buy it for a family holiday home at the time your property was on the market for the asking price of £6,300,000 and he was looking to offer £6,000,000 but once again he was put off buying the property due to the High Ways Agency now asking for between 40 and 50 Arcs of land.

Time and date of buyer introduced on 14/07/2018 14:30

Mr Terry Daniels,

Mr Daniels offered £4,250,000 when we adjusted the asking price in line with the land the High Ways Agency was now looking to take from you 40 to 50 Arcs, now Mr Daniels carried out lots of searches on the property and the land and he was advised due to the High Ways Agency not submitting their final amount of land they would be looking to take it would be best from him to walk away from the purchase.

Time and date of buyer introduced on 24/11/2018 15:30

Many Thanks

Terry Barrett

chancellors.co.uk

"Exhibit 8" as referred to in my statutory declaration

SIGNED AND DECLARED BY RONALD ALDERSON

This 20th day of July 2019

Before me:

Solicitor/Commissioner for Oaths

KWW Solicitors
70 Walton Road
East Molesey
Surrey KT8 0DL

savills

19 July 2019
Our Ref: CBS130047

Mr and Mrs R Alderson
Park Barn Farm
Wisley Common
Woking
Surrey
GU23 6QS

Ian Camplin
E: icamplin@savills.com
DL: +44 (0) 1932 586 200

10 High Street
Cobham
Surrey
KT11 3DY
T: +44 (0) 1932 586 200
savills.com

Dear Mr and Mrs Alderson

PARK BARN FARM, WISLEY COMMON, WOKING, SURREY, GU23 6QS

Further to my visit to Park Barn Farm and our subsequent discussions, I write in relation to the compulsory purchase being proposed on a portion of your land.

We discussed at the time of my visit that it would not be possible to effectively market Park Barn Farm unless and until the redefined acreage is accurately marked and appropriately fenced.

The reasons are that any incoming buyer would wish to fully understand the boundaries of the property and their potential future ownership as well as any impact that this redefined area would have on their enjoyment of the property and ultimately the overall value.

We very much look forward to assisting you in the sale as soon as it is practical.

With kind regards.

Yours sincerely



Ian Camplin
Head of Office

Offices and associates throughout the Americas, Europe, Asia Pacific, Africa and the Middle East.

Savills (UK) Limited, Chartered Surveyors. A subsidiary of Savills plc, Registered in England No. 2805138
Incorporated in the United Kingdom. Registered Office: 11th Floor, 55 Abchurch Lane, London EC4N 3DF



Statement of Case

Notice of Reference to the Upper Tribunal (Lands Chamber) on behalf of Ronald George Alderson

Land at Park Barn Farm, Wisley Common, Woking, Surrey GU23 6QS

The landowner objects to Highway England's [HE] counter-notice on the following grounds:-

1. **Section 151(4)(c)**: *that the appropriate authority propose in the exercise of relevant powers to acquire a part of the hereditament or, in the case of an agricultural unit, a part of the affected area specified in the counter-notice, but (unless compelled to do so by virtue of this Chapter) do not propose to acquire any other part of that hereditament or area in the exercise of any such powers;*

HE's contends that:-

"Given the quantity of retained parkland, Highways England consider that the taking of the land required for the Scheme will not seriously affect the amenity or convenience of the main house and other buildings at Park Barn Farm"

(HE letter dated 3/10/19)

This reason is not accepted. The landowner will provide evidence as to the manner in which this land is currently used and enjoyed. The proposed acquisition of part would leave the landowner with a significantly diminished parcel of land which is severely detrimental to its overall amenity value.

In particular, HE is seeking to acquire the most attractive and valuable part of the land in amenity terms. There is a prospect that this land will experience significant use by visiting members of the public in future as it is connected via the existing public rights of way network.

2. **Section 151(4)(f)**: *that (for reasons specified in the counter-notice) the interest of the claimant is not a qualifying interest;*

HE's counter-notice does not proffer any reason as to why the landowner's interest is not considered to be a "qualifying interest". Plainly, the landowner does own a

protected “qualifying interest” pursuant to the relevant statutory definitions: sections 149(2)(a), 149(3)(b), s.168(3)(a), s.168(4) and Schedule 13 of the 1990 Act.¹

In particular, the landowner’s freehold ownership interest relates to the whole of the hereditament described in the blight notice. The landowner qualifies as a “resident owner-occupier” according to the specific definition (s.168(3)(a)) which includes, *inter alia*, a person who occupies a ‘substantial part’ of the hereditament in right of an owner’s interest in it, and has so occupied that part of the hereditament for more than a period of six months prior to the date of service of the blight notice.

Two residential buildings adjacent to the main house are inhabited by close family members: ‘The Annex’ is occupied by the landowner’s son (Neil Alderson) and his wife Charlotte and their son; the dwelling on the opposite side is occupied by the landowner’s daughter, Helen Alderson, and her two children. However, these family interests do not preclude the qualifying nature of the landowner’s interest in respect of the whole hereditament as a matter of fact and degree. Ronald Alderson owns, occupies and controls the vast majority of the land specified in the blight notice.

HE’s letter dated 3/10/19 states that the blight notice does not relate to a “single hereditament”, however for all the above reasons this objection is not adequately made out or explained.

3. Section 151(4)(g): that the conditions specified in paragraphs (b) and (c) of section 150(1) are not fulfilled.

The two statutory requirements are satisfied in this case:

- The landowner has made reasonable endeavours to sell his interest in the land: s.150(1)(b);
- The landowner has been unable to sell his interest except at a price substantially lower than that for which it might reasonably have been expected to sell if no part of the hereditament or unit were, or were likely to be, comprised in such land s.150(1)(c).

HE’s assertion that these requirements have not been met is fanciful in the extreme, and also distressing to the landowner. In reality the landowner’s submitted evidence leaves no credible room for doubt about these matters. The blight notice was accompanied by a statutory declaration which provides substantial evidence of the landowner’s extensive, and certainly, reasonable endeavours, to sell the land and buildings ever since July 2017.

The landowner has absolutely no desire to delay a sale merely on account of price (or otherwise):-

¹ The Town and Country Planning Act 1990 (as amended)

- a. Firstly, the marketing of the property has relied upon the expertise of professional agents, appointed by the landowner on his behalf, to achieve a sale of the property at a realistically achievable price (i.e. a fair open market value). Agents have expressed the view that the property is 'unique' without any direct comparable in the marketplace, and which due to its nature, is generally more difficult to sell than a standard residential property;
- b. Second, it will be noted that efforts to sell the land have been ongoing since July 2017. This was before the landowner was ever aware that HE's road scheme might involve the compulsory acquisition of land at Park Barn Farm; and
- c. Third, the decision to market the land for sale in July 2017 was originally taken as a result of the landowner's health worries which still persist. HE is aware that the landowner is unwell having been diagnosed with cancer. These are significant ongoing health concerns which has required the landowner to undergo a further hospital procedure recently. Mr Alderson and his partner Jackie are therefore very anxious to conclude a sale of the land as quickly as possible, as they have been for nearly 2 and a half years now, so that they can move on with their lives. It is the profound uncertainty surrounding HE's road scheme which has frustrated and delayed any prospect of achieving a sale in this case.

Further expert witness evidence in relation to these issues will be provided at the hearing.