

**TRANSPORT AND WORKS ACT 1992
TRANSPORT AND WORKS (INQUIRIES PROCEDURE) RULES 2004
TOWN AND COUNTRY PLANNING ACT 1990
BOSTON BARRIER ORDER**

**DOCUMENT EA/7/1
PROOF OF EVIDENCE
OF
RICHARD SCRIVEN
LAND AND PROPERTY**

**FOR
ENVIRONMENT AGENCY**

MARCH 2017

SUMMARY PROOF OF EVIDENCE

1 Introduction

- 1.1 My name is Richard John Scriven BSc (Hons) MRICS FAAV. I am a member of the Royal Institution of Chartered Surveyors (MRICS) and a Fellow of the Association of Agricultural Valuers (**FAAV**). I also hold a Bachelor of Science Honours Degree (BSc (Hons)) in Rural Enterprise and Land Management. I have over 20 years' experience in the property and surveying profession.
- 1.2 I am a partner in the firm of Fisher German LLP, a property consultancy business that was established in 1990 following the merger of two much older businesses with roots dating back about 1840.
- 1.3 I have been involved throughout my career in infrastructure schemes involving compulsory purchase, acting either for affected parties or for acquiring authorities. My responsibilities include the assessment of property impacts and consultation with affected owners and interested parties.

2 Identification of Affected Property Owners, Occupiers and Interests in land

- 2.1 A comprehensive land referencing exercise has been undertaken by Mott MacDonald Limited and notices served upon all identified parties. Where enquiries have failed to identify persons with an interest in land, notices have been served on the land by way of erection of notices on site.
- 2.2 I am satisfied that all reasonable efforts have been made to try to identify all affected landowners and occupiers. The Book of Reference (**A/15**) read in conjunction with the Order plans (**A/14**) detail all interests in land.
- 2.3 The Environment Agency has sought to consult with all affected parties by way of meetings, correspondence, telephone contact and public events. The Environment Agency has approached all affected landowners and occupiers who have lodged formal objections to the application to the Secretary of State and these are dealt with in my Proof of Evidence.

3 Interests in land sought by the Order

There are a number of categories of land and rights over land to be acquired or used as described in the draft order and as detailed on the plans and Book of Reference (**A/14**).

4 Liaison with Landowners and Occupiers of Affected Property and Land and Interested Parties

- 4.1 At the date of production of this Proof of Evidence, the Agency is in active discussions with all landowners and occupiers affected by the proposed Boston Barrier Scheme and the current position is described in more detail in my Proof of Evidence. I briefly summarise below the current position in respect of the principle affected parties below:

- 4.2 The Environment Agency has secured an option agreement with the Port of Boston to allow the provision of new grain handling facilities for Frontier Agriculture. The option allows for a lease of land required for the conveyor tower. The lease together with the powers contained in the Order will allow for delivery of the proposed mitigation works.
- 4.3 A legal agreement has been concluded with the Port of Boston providing a package of works and compensation for the Port. The Port have withdrawn their objection and have written to the Secretary of State expressing full support for the Scheme.
- 4.4 Heads of Terms for a legal agreement have been agreed with G.W. Padley Limited for permanent acquisition of land and for temporary rights over land. It is expected the legal agreement will be completed shortly.
- 4.5 Heads of Terms are under negotiation with Pinguin Foods Limited in respect of retention of their existing storm water outfall pipe which was constructed over the Environment Agency's land without consent.
- 4.6 Negotiation of heads of terms are well advanced with the Crown Estate regarding temporary and permanent interest in land required for the Scheme. The legal agreement is anticipated to be completed in the near future.
- 4.7 The Environment Agency is currently seeking to agree a full specification for mitigation works with Witham Sailing Club and the Royal Yachting Association. It is hoped that a Statement of Common Ground can be concluded in the near future.
- 4.8 The Environment Agency have been in contact with the operators of the Boston Belle and have offered compensation for any losses arising from construction works.
- 4.9 The Environment Agency has secured an option agreement for lease of a riverside quay from the Port of Boston for use by the fishermen during construction works. The quay would be fitted out and made suitable for use by the fishermen. The Agency has also offered disturbance compensation and continues to work towards reaching agreement with the fishermen. In the event that an agreement cannot be reached, my opinion is that the mitigation and compensation offered will ensure no adverse impacts upon the fishermen.
- 4.10 The Environment Agency has prepared a Construction Noise and Vibration Management Plan to minimise disturbance to residents of Wyberton Low Road. The proposed mitigation methods combined with the possibility of temporary relocation of local residents will in my opinion result in no residual unacceptable effects on the residents.
- 4.11 The Environment Agency has also contacted all interested parties who have raised objections to the Scheme and my Proof of Evidence describes the current position in more detail.

5 Compensation

Whilst it is acknowledged that compensation is not a matter for the Public Inquiry, I confirm that compensation to those with an interest in land affected by the scheme will be assessed based on the market value of land and interests in property, severance and injurious affection to retained land, together with any disturbance losses and the claimants' associated professional costs.

6 Issues Raised in the Statement of Matters

6.1 In my Proof of Evidence, I address the points that the Secretary of State raised that relate to land and property matters and the current positions are summarised below:

6.2 **Matter 11 (b)** –The Boston Barrier Scheme will provide significantly improved levels of flood risk management for Boston, including residents and businesses, and this point is dealt with in detail in Mr Jim Anderson’s Proof of Evidence (**EA/1**). In my opinion the purposes are more than sufficient to justify the relatively limited interference which the Barrier Scheme would cause.

6.3 **Matter 11 (d)** – In my opinion all of the interests in land and rights over land included within the Boston Barrier Scheme are necessary to implement the proposed scheme, including its construction and future operation.

6.4 **Matter 14 (b)** - A detailed specification of works adapting the existing quay at the Port of Boston for use by the fishing fleet has been provided to the fishermen and it is hoped that agreement will be shortly reached with them. The Proof of Evidence of Mr Franklin confirms what is proposed is reasonable and appropriate, even if agreement is not reached with the fishing fleet.

6.5 **Matter 14 (c)** - The Environment Agency have secured an option agreement to facilitate construction and future use of the proposed conveyor support tower and associated facilities and Powers contained in the Order are sufficient to allow operation and construction of these mitigation works. I am confident the Order provides adequate protection for Frontier Agriculture; this is covered in more detail in section 6 of this Proof of Evidence.

6.6 **Matter 15** –The Port of Boston have withdrawn their objections to the scheme and have written a letter of support. I am confident the scheme will not disrupt their duty as Harbour Authority.

6.7 **Matter 16** – The current position with respect to statutory undertakers is covered in detail in section 5 of my Proof of Evidence. I believe that statutory utility networks will be adequately protected during the works.

7 Conclusions

7.1 The Environment Agency has sought to minimise the impact of the proposed Boston Barrier Scheme on private property. For those parties impacted, the Environment Agency has sought to negotiate Heads of Terms and legal agreements in respect of compensation and/or mitigation measures in order to minimise any impacts. The land identified on the Order plans (**A/14**) and the six categories of land detailed within those plans are in my opinion the minimum that would reasonably be required for the Scheme.

7.2 The Environment Agency remains in active correspondence with all these parties so as to minimise the impact of the Scheme upon them.

7.3 Where land or interests in land are affected by the Scheme, the Environment Agency will compensate affected landowners in accordance with the Compensation Code. It is the Environment Agency’s opinion that no business will be made unviable due to the Scheme and that upon conclusion of the construction works there will be no long term detriment to business users of the river.

7.4 Having reviewed the evidence provided by the Environment Agency, I am of the opinion that there is a compelling case in the public interest to justify the powers sought under the Order including the compulsory acquisition of land and rights over land and any resulting interference with the human rights (in particular rights under article 1 of the First Protocol of the European Convention on Human Rights) of those affected.