

The London Borough of Merton (Eastfields No. 1) Compulsory Purchase Order 2022 (APP/PCU/CPOP/T5720/3303017)

The London Borough of Merton (High Path No. 1) Compulsory Purchase Order 2022 (APP/PCU/CPOP/T5720/3303018)

The London Borough of Merton (Ravensbury No. 1) Compulsory Purchase Order 2022 (APP/PCU/CPOP/T5720/3303020)

Proof of Evidence of Mark Kidd

dated 26 January 2024

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1 INTRODUCTION

1.1 QUALIFICATIONS AND EXPERIENCE

- 1.1.1 I, Mark Kidd, am a Partner for Delva Patman Redler (**DPR**). I have been in this role since October 2023.
- 1.1.2 I have a BSc (Hons) in Building Surveying, a RICS accredited degree from Kingston University London.
- 1.1.3 As a Partner at DPR, I have knowledge/experience in lights issues that spans nearly two decades. In 2006 I started in the industry with a position at the London office of Gordon Ingram Associates (**GIA**). This role laid the groundwork for my expertise and provided a comprehensive understanding of the landscape of property rights in the context of urban development.
- 1.1.4 In 2010, I moved to the London offices of Anstey Horne, a long-established rights of light firm.
- 1.1.5 I returned to GIA in 2012, stepping into the role of Partner. The opportunity enabled me to broaden my scope through active engagements in complex rights of light negotiations and strategic decision-making.
- 1.1.6 My professional path then led me to Avison Young (**AY**) in 2017, a leading multidisciplinary property consultancy where my expertise was applied in expanding the right of light department as a Principal of the company.
- 1.1.7 The year 2023 signified a new chapter with the transition of the team to DPR following the disengagement of the right of light department from AY.
- 1.1.8 As an integral member of DPR since October 2023, I have been dedicated to upholding the firm's reputation for excellence.
- 1.1.9 My experience in complex large-scale regeneration projects across London is showcased through examples like Hammersmith Town Hall Civic Campus, Shell Centre/Southbank Place, Woodberry Downs, Wood Wharf, Barking Riverside, and various major projects for the likes of Barratt London, Transport for London, Ballymore and Hill Group. These projects encompass diverse challenges, including compulsory purchase orders, public inquiries, and multi-stakeholder collaboration.
- 1.1.10 DPR (as formerly at AY), were commissioned by Clarion Housing Group to assist with rights of light considerations in 2019.

- 1.1.11 This witness statement is made in support of the London Borough of Merton (High Path No 1) Compulsory Purchase Order 2022 (the **High Path CPO**), the London Borough of Merton (Eastfields No 1) Compulsory Purchase Order 2022 (the **Eastfields CPO**) and the London Borough of Merton (Ravensbury No 1) Compulsory Purchase Order 2022 (the **Ravensbury CPO**) in connection with the wider Estates Regeneration Programme (together, the **CPOs**).
- 1.1.12 The facts and matters set out in this witness statement are within my own knowledge. The facts set out below are true to the best of my knowledge and belief. Where reference is made to facts which are outside my knowledge, I set out the source of my information and I believe such information to be true.
- 1.1.13 I have been assisted by other professional advisors and officers of the London Borough of Merton (the **Council**) with the preparation of this witness statement, some of whom will also provide evidence to the inquiry.

1.2 INVOLVEMENT WITH THE PROGRAMME

- 1.2.1 I have been leading on the Merton Estates Regeneration Programme (also referred to in this proof of evidence at the **Scheme**) as part of my role at DPR, and previously to that AY, since 2021.
- 1.2.2 Throughout this time, I have been working alongside Iona McConnell, Brian Ham at Clarion (or his predecessor Chris Rolf), Trowers & Hamlins (**Trowers**) and Clarke Vallance at Savills.
- 1.2.3 The primary phase of rights of light work for the High Path CPO site and the Eastfields CPO site was initiated at AY in 2019. Initial tasks involved advising Clarion at the projects' outset on potential rights of light effects upon neighbouring properties. Where relevant, comprehensive technical assessments were undertaken. In the CPO context, this encompassed a detailed examination of potential rights of light effects of Eastfields Phase 1 for the Eastfields CPO and of High Path Phases 2 and 3 for the High Path CPO.
- 1.2.4 In relation to the Ravensbury CPO site, the original rights of light assessments were prepared by Hollis Chartered Surveyors (**Hollis**) in 2018. AY's instruction was subsequently expanded to provide rights of light advice specifically for the Ravensbury CPO, in relation to the potential rights of light effects of Phases 2, 3 and 4.
- 1.2.5 An important aspect of our/my role as rights of light consultant has been the close collaboration with Savills. This collaboration effort has involved AY switching to provide technical support function as part of the CPO process, with our advice focussing primarily on the materiality

of any effects upon light to relevant neighbouring properties. This collaborative approach ensures a comprehensive understanding of potential impacts and facilitates informed decision-making throughout.

1.3 **SCOPE OF EVIDENCE**

1.3.1 My evidence provides:

- (a) An explanation of my involvement and more broadly AY/DPR's involvement with the Scheme (Section 2);
- (b) An explanation of the technical analysis undertaken in order to assess the impact of the CPOs on rights of light, both within (where applicable) and outside of each Estate (Section 3); and
- (c) An explanation of efforts to assist Savills in the negotiations with interest holders to voluntarily acquire rights of light in respect of each Estate, in so far as it relates to the relevant CPOs (Section 4).

2 **AY/DPR's ROLE IN THE MERTON ESTATES REGENERATION PROGRAMME**

2.1 As noted above, this proof of evidence relates to the CPOs. The Order Land pursuant to the CPOs include:

2.1.1 Phase 1 of the Eastfields Estate;

2.1.2 Phases 2 and 3 of the High Path Estate; and

2.1.3 Phases 2 to 4 of the Ravensbury Estate.

2.2 My understanding is that the intention is to seek further compulsory purchase orders in respect of Eastfields Phases 2 and 3 and High Path Phases 4-7B in the future prior to commencement of those phases as and when it is necessary to acquire all remaining interests.

2.3 The purpose, need, justification, and statutory basis of the CPOs are delineated in the Statements of Reasons and Statements of Case for each of the three

Estates, as well as in Mr. Clarke Valance's proof of evidence. I do not intend to reiterate all of this information in my proof.

2.4 Below, I outline the key responsibilities associated with the Merton Estates Regeneration Programme and how these have evolved over the course of AY and DPR's tenure in the role.

2.5 **Order Land – the Eastfields CPO**

2.5.1 In 2019, AY was commissioned to provide advisory services to Clarion regarding potential rights of light impacts on neighbouring properties in connection with all phases of the development. The comprehensive assessment conducted by AY identified certain neighbouring properties where potential effects on light may be deemed noticeable and therefore, potentially require remedial action (see section 3 below for further explanation on the possible remedies available if material light losses are likely to arise).

2.5.2 Subsequent to this initial work, AY received specific instructions to evaluate the potential effects on light for those neighbouring properties affected by Eastfields Phase 1 only. Through this review, it was determined that none of the neighbouring properties outside the wider Eastfields Estate would be materially affected by Eastfields Phase 1, being situated at least 125 meters away.

2.5.3 The Eastfields CPO included various properties within the wider Eastfields Estate which may be affected in terms of rights to light. However, further legal due diligence undertaken by Trowers and work undertaken by AY served to indicate that it would not be necessary to acquire any rights of light. The Planning Inspectorate was consequently informed that all rights of light interests to be acquired through the Eastfields CPO could be removed from the CPO Schedule (CD 3.1).

2.5.4 Consequently, AY and subsequently DPR have had no further involvement in the Eastfields Phase 1 CPO process, as the assessments and legal considerations concluded that the rights of light for the properties were either non-existent or not materially impacted by the development.

2.6 **Order Land – the High Path CPO**

2.6.1 In 2019, AY was commissioned to deliver right to light advisory services for Clarion, encompassing a comprehensive assessment of the rights impacts on neighbouring properties throughout all phases of the proposed development.

2.6.2 Subsequent to the initial comprehensive assessment, AY received instructions to specifically evaluate the potential light effects for High

Path Phases 2 and 3 only. This resulted in a review of potentially affected neighbouring properties and the creation of an identification map for properties where serving CPO notices would be prudent. Additional details regarding this matter can be found in Section 3 below. For prudence, a cautious approach was initially taken when considering properties potentially affected by the development proposals. Further detailed scrutiny later concluded that certain properties, upon which notices of the High Path CPO had been served, would likely experience no material impact on their existing light.

2.6.3 Concerning properties within the wider High Path Estate, slated for demolition as part of the later phases of the Scheme, it should be noted that the above-mentioned map also included properties that might be affected. However, Trowers' legal due diligence had established that, in the majority of cases, tenants did not hold the rights of light, as these rights were reserved for the freeholder (Clarion). While there were a small number of cases where rights of light were deemed possible, subsequent technical analysis by AY determined no material loss of light. As a result, no further work was necessary for existing properties earmarked for demolition in later phases. The Planning Inspectorate was consequently informed that some rights of light interests to be acquired through the High Path CPO could be removed from the CPO Schedule (CD 1.1).

2.6.4 Following the issuance of notices of the High Path CPO, AY and later DPR assumed a more technical role, supporting Savills in addressing the relatively small number of responses or objections that raised potential concerns related to rights of light. This often involved detailed site inspections of properties and technical analyses provided to Savills for their assessment of compensation due in relation to diminution in value. Additional details on how AY and then DPR collaborated with Savills in this capacity are elaborated in Sections 3 and 4 below.

2.7 **Order Land – the Ravensbury CPO**

2.7.1 The initial rights of light analysis for the Ravensbury CPO site were conducted by Hollis, while AY and later DPR were latterly instructed to advise on this Estate in 2022 as part of the CPO process.

2.7.2 An examination of the Hollis reports was carried out, followed by a subsequent review of neighbouring properties potentially affected by Ravensbury Phases 2, 3, and 4. This review resulted in the preparation of a map identifying properties where it might be prudent to serve notices of the Ravensbury CPO. It is worth noting that, at that time, this map also included properties within the Estate boundary that could be affected as well as properties outside of the Ravensbury Estate, primarily at Island House. However, Trowers' legal due diligence

established that no rights of light were enjoyed by the tenants within the Ravensbury Estate, as these rights were sufficiently reserved to the freeholder, Clarion.

- 2.7.3 The assessment of potential effects adopted a cautious approach, bolstered by supplementary technical analysis that indicated the absence of any significant loss of light in areas where the analysis was conducted by AY. More information on this process can be found in Section 3 below.
- 2.7.4 Following the issuance of notices of the Ravensbury CPO, AY and later DPR transitioned to a more technical role.
- 2.7.5 Following further investigations it was identified that some of the rights of light interests in respect of Island House to be acquired through the Ravensbury CPO would not be materially affected. The Planning Inspectorate was consequently informed that some of the rights of light interests to be acquired through the Ravensbury CPO could be removed from the CPO Schedule (CD 2.1).
- 2.7.6 AY/DPR supported Savills in assessing claims from properties which did benefit from rights of light which were likely to be affected by the development at Ravensbury Estate. This involvement included site inspections within neighbouring properties and providing technical analysis to Savills to assist in their assessment of compensation based on diminution in value.

3 THE TECHNICAL ANALYSIS UNDERTAKEN IN ORDER TO ASSESS THE IMPACT OF THE CPOS ON RIGHTS OF LIGHT BOTH WITHIN AND (WHERE APPLICABLE) OUTSIDE OF EACH ESTATE

3.1 Order Land – the Eastfields CPO

3.1.1 Following specific instructions from Clarion in 2019, AY undertook a detailed study through the creation of a comprehensive 3-D model that juxtaposed existing structures with both the proposed development and neighbouring buildings. Figure 1 below shows the extent of the 3-D model. The assessment was aimed at identifying any material effects upon neighbouring light due to the development.



Figure 1: AY 3D Model of Eastfields Estate with all Phases Shaded in Green

3.1.2 The analysis determined that, for the majority of the neighbouring properties, there would be no material effects on access to light. This conclusion was mainly attributed to the ample building separation distances present between the proposed development and the neighbouring site buildings.

3.1.3 However, the study did highlight possible noticeable light impacts on St Marks COE Academy and some residences on Hammond Avenue, located to the north-west and west of the site respectively. However,

these effects were considered in the context of all future phases of development and not Eastfields Phase 1 in isolation.

- 3.1.4 Regarding Eastfields Phase 1 only, which is the subject of the Eastfields CPO, the findings were clear. The location of Eastfields Phase 1, situated to the south-west of the site and at a considerable distance from the properties mentioned above, would result in no adverse effects on their access to light.
- 3.1.5 The nearest properties to Eastfields Phase 1 stand at a distance of approximately 125 meters, effectively nullifying any potential light impact from the development. Furthermore, the Rowan Road Jewish Cemetery, located to the south of the site, has no existing properties and hence is not a factor in the assessment.
- 3.1.6 Given the negligible impact on neighbouring properties, particularly concerning Eastfields Phase 1 of the development, it was deemed unnecessary to serve notices of the Eastfields CPO for rights of light matters to neighbours outside the Eastfields Estate boundary.
- 3.1.7 Additionally, an assessment was conducted to evaluate potential temporary effects on the rights of light for residents within the Eastfields Estate boundary, particularly those occupying areas designated for Eastfields Phase 2 while Eastfields Phase 1 is under construction. AY provided an indicative Eastfields CPO map indicating the location of Eastfields Phase 1 (as outlined at that time and for reference purposes only) and demarcations of potentially affected properties. This map is illustrated in Figure 2 and a larger version in Appendix 1.
- 3.1.8 Prior to the Eastfields CPO being made, the boundary position of Eastfields Phase 1 was amended, albeit to a minor degree and principally relating to the southwest and northeast corner. This resulted in additional properties within the Estate being incorporated into Eastfields Phase 1 (namely, 1-12 Thrupp Close and 1-12 Potter Close). However, following reappraisal of the amended boundary and potentially affected residents, this had no material bearing on our initial conclusions.
- 3.1.9 Following further legal detailed investigations it was determined by Trowers that no tenants had a right of light that could be materially affected by Eastfields Phase 1.
- 3.1.10 Consequently, there has been no need for further action or involvement in a CPO process in relation to rights of light by AY and DPR.

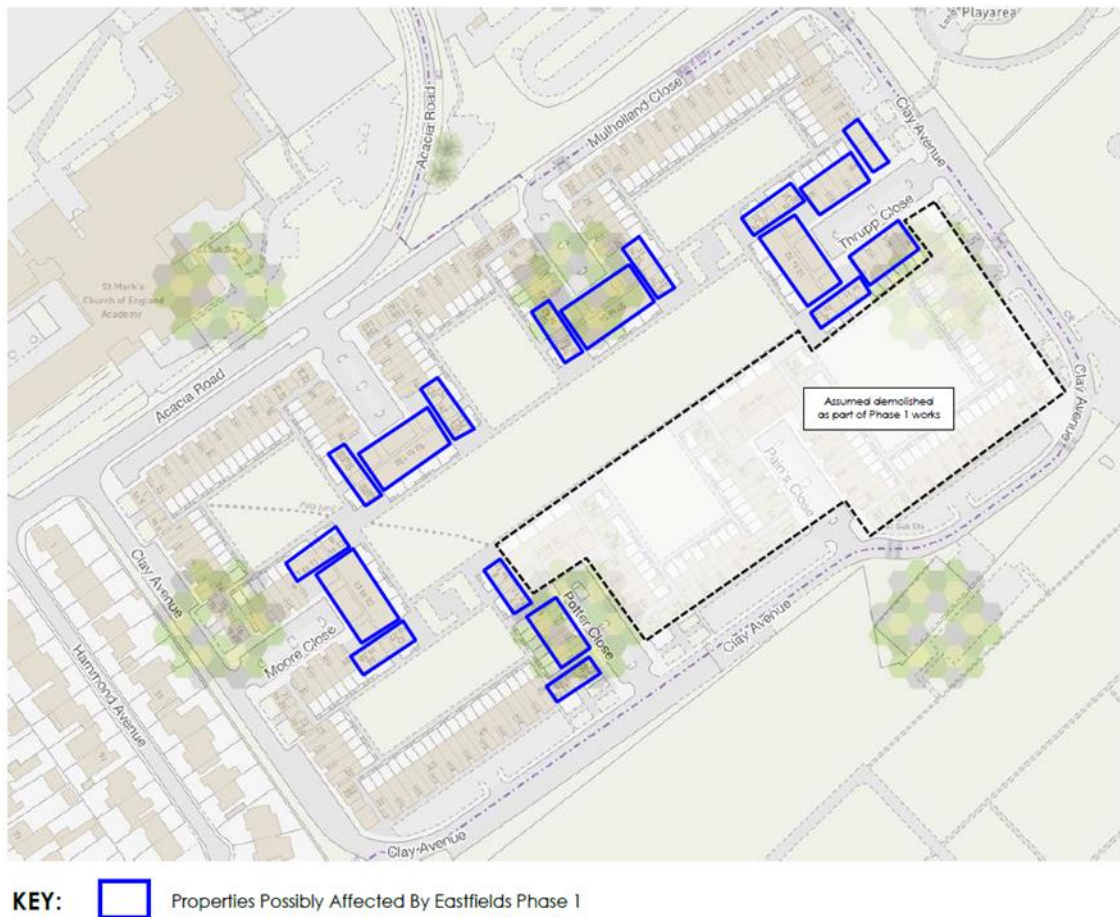


Figure 2: AY Map (Eastfields Phase 1 outline edged in black dotted line is indicative)

3.2 Order Land – the High Path CPO

- 3.2.1 Following specific instructions from Clarion in 2019, AY undertook a series of detailed rights of light studies through the creation of a comprehensive 3-D model that juxtaposed existing structures with both the proposed development and neighbouring buildings. The assessments were aimed at identifying any material effects upon neighbouring light due to the development.
- 3.2.2 In 2021, AY conducted a thorough assessment of rights of light for the proposed development. The evaluation spanned the entire development area, including the approved High Path Phase 1 and High Path Phase 2 blocks, as well as the outline plans for Phases 3 to 7. The aim was to gain a comprehensive understanding of potential rights of light implications arising from the overall regeneration scheme.
- 3.2.3 To ensure reasonable accuracy, the methodology involved on-site surveys, extensive research, and investigation into areas where rights of light might be impacted. AY also collected neighbouring floorplans from online sources to enhance the assessment's precision.

3.2.4 The comprehensive rights of light assessment is visualised in Figure 3 below, displaying both the 3-D model and the extensive spatial scope under consideration.



Figure 3: AY 3D Model of High Path Estate Phases 1 to 7 shaded green

3.2.5 The work culminated in a comprehensive rights of light assessment report in 2021, detailing the likely impacts on neighbouring properties' light. The assessment determined that a number of neighbouring properties could potentially seek injunctions or compensation due to the effects on light. Subsequent to this assessment, Clarion instructed AY to focus exclusively on High Path Phases 2 and 3, which are of the phases subject to the High Path CPO.

3.2.6 AY conducted a detailed review exclusively focused on the potential effects of High Path Phases 2 and 3. This resulted in the creation of an indicative High Path map, as illustrated in Figure 4 below and a larger version in Appendix 2, pinpointing neighbouring properties where potential light impact might occur. It is important to highlight that AY adopted a highly cautious approach, possibly extending the spatial scope beyond what might be deemed as strictly necessary. However, this robust approach was taken to ensure that no neighbouring owner was overlooked in cases where there was a potential risk of light loss.

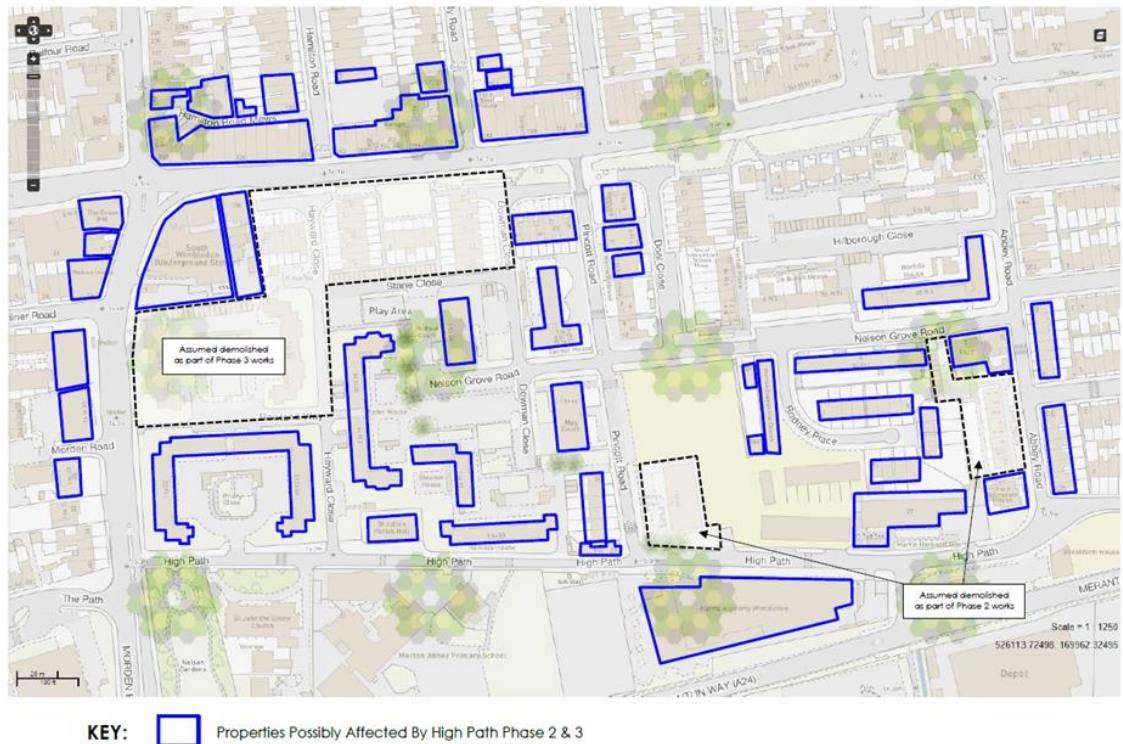


Figure 4: AY Map (High Path Estate Phases 2 and 3 outline edged in black dotted line is indicative)

- 3.2.7 As outlined in Clarke Vallance’s proof, subsequent to AY’s detailed 3-D modelling exercise of the latest High Path Phases 2 and 3 models (see Figure 5 below), it was determined that some of the interests would not be materially affected by the redevelopment. Consequently, Clarion and the Council deemed it unnecessary to acquire rights of light from these particular interests. As a result, the Council and Clarion sought to modify the High Path CPO, excluding any interests that do not require inclusion in the CPO, and has communicated this modification to the relevant property owners.
- 3.2.8 It is important to highlight that the aforementioned map (Figure 4) also encompasses properties within the High Path Estate. These buildings were included in consideration of the potential impact of High Path Phases 2 and 3 on those within Phase 3 to 7 areas within the wider High Path Estate, albeit on a temporary basis. However, subsequent to Trowers’ due diligence with regard to these properties, it was determined that the vast majority of tenants within these areas do not possess rights of light over the freeholder, namely Clarion, with the exception of Flat 16 Tanner House, Pincott Road, London SW19 2NW. Subsequent technical assessments have confirmed that there would be no material impact on rights of light on this Estate property.
- 3.2.9 The 3-D assessment model prepared by AY (an image of this is shown in Figure 5 below) has served as the basis for all detailed assessments, which in turn has played an important role in providing advice to Savills

regarding the materiality of the potential light loss to neighbouring properties.



Figure 5: AY/DPR 3D Model of High Path Estate Phases 2 to 3 shaded gold

3.2.10 It is important to acknowledge that any assessment of this nature relies on a set of assumptions, including room layouts, dimensions, and other important elements for analysis. When such information cannot be sourced from online platforms due to privacy considerations, entering neighbouring properties is not considered a standard or appropriate practice unless explicitly requested by the neighbour.

3.2.11 As previously mentioned, the analysis confirmed that several properties notified of the CPO were not materially affected by High Path Phases 2 and 3, leading to their withdrawal from the CPO. As expected, it also confirmed that some neighbouring properties could be impacted, potentially posing a risk to the successful delivery of the development. Further insights into responses to CPO notices, especially in cases where rights of light were limited, are detailed in Section 4 below.

3.3 Order Land – Ravensbury CPO

3.3.1 As previously mentioned, the initial rights of light assessment was conducted by Hollis. Hollis advised that, for Ravensbury Phases 2 to 4, there were relatively limited rights of light effects on the neighbouring properties.

3.3.2 Figure 6 below displays an image of a 3-D model of the site, which was latterly generated by AY to consider the potential effects on certain neighbouring properties.



Figure 6: AY 3D Model of Ravensbury Estate with Phases 2-4 shaded green

3.3.3 While Hollis did identify the potential for interference with light for a limited number of neighbouring properties, suggesting the possibility of injunctions and compensation as remedies, AY was subsequently engaged to review this assessment and determine the prudence of serving notices of the Ravensbury CPO on the affected properties. In exercising a cautious approach, AY provided guidance on potential light loss, leading to the creation of a map depicted in Figure 7. A larger version is at Appendix 3.



Figure 7: AY Map (properties possibly affected by Ravensbury Estate Phases 2 to 4)

3.3.4 During this process, properties within the Ravensbury Estate boundary were also considered due to the phased nature of development, with temporary effects on existing tenants who may enjoy rights of light. However, due diligence conducted by Trowers revealed that none of these tenants held rights of light over their freeholder, Clarion. Consequently, these interests were not included within the Ravensbury CPO.

3.3.5 Following the Ravensbury CPO being made, AY/DPR provided technical support to Savills to carry out further investigations and to assist with assessing claims from affected rights of light interest holders. It was established that some properties within Island House would not be materially affected by the Ravensbury CPO and consequently it was no longer necessary to acquire all of the rights of light interests scheduled within the CPO.

4 ATTEMPTS TO ACQUIRE RIGHTS OF LIGHT BY VOLUNTARY AGREEMENT

4.1 Order Land – the High Path CPO

- 4.1.1 I would refer the reader to the proofs of evidence of Iona McConnell attached at (CD 13.10) and of Clark Vallance attached at (CD 13.14) which explains the efforts which have been exercised by Clarion (under the direction of Savills) in order to acquire rights to light within the High Path Estate in respect of the High Path CPO.
- 4.1.2 In addition to acquiring freehold and leasehold interests, Clarion has sought to acquire rights to light which may be impacted by the CPOs.
- 4.1.3 Whilst Savills have led on the negotiations with the relevant neighbouring interests, given the technical nature of the rights to be acquired, AY/DPR was instructed to provide rights of light technical advice and analysis.
- 4.1.4 The following is a summary of the key workstreams led by AY/DPR, contributing to the efforts in acquiring rights of light.
- (a) **Liaison with Neighbouring Interests:** AY/DPR has been actively involved in engaging with neighbouring interests or their representatives, often chartered surveyors specialising in rights of light, in connection with technical output. It is noteworthy that, as a demonstration of good neighbourly practice, Clarion has agreed to cover all costs incurred by neighbouring interests in engaging their chartered surveyor.
 - (b) **On-Site Measurements:** AY/DPR has conducted meetings with representatives or property owners at their respective properties to undertake detailed internal measurements, where required. These measurements are important for updating the 3-D models mentioned earlier, ensuring that the assessment aligns accurately with the physical dimensions of the properties and considers the impact on rights of light.
 - (c) **Technical Pack Completion:** Following the on-site measurements, detailed and updated technical packs have been meticulously prepared. These packs are then provided to the neighbouring representatives for their thorough review.
 - (d) **Integration with Diminution Value Assessment:** The updated analysis has been shared with Savills and has contributed to the assessment of diminution value for each specific property. This, in turn, informs the associated compensation offer extended to the respective property owners.

4.1.5 Through these collaborative and technical efforts, AY/DPR have facilitated the rights of light acquisition process, ensuring a comprehensive approach that aligns with the best interests of all parties involved.

4.2 **Outstanding objections in relation to rights of light**

4.2.1 Whilst I do not propose to repeat the evidence in Clarke Vallance's proof, below I set out my understanding of the status of the negotiations with each of the outstanding objections.

The Trafalgar Public House, 23 High Path, London, SW19 2JY

4.2.2 Whilst it has been confirmed that there is no material impact upon rights of light, it is understood that Heads of Terms for an agreement have been reached on a Without Prejudice basis. It is anticipated by both parties that the agreement will be formalised, and the objection withdrawn prior to the commencement of the Public Inquiry.

42-72 Abbey Road, London SW19 2NA

4.2.3 The owner of 42 Abbey Road coordinated access for Savills and AY to survey a selection of the Abbey Road objectors' properties. These properties are all of a similar architectural style being in a terrace and, therefore, reasonable analysis assumptions can be drawn from the section that were inspected. Subsequently, the rights of light technical analysis established that the impacts upon light are not material and would be imperceptible to occupants. This was not surprising bearing in mind the low-density housing that is proposed opposite the Abbey Road properties.

4.2.4 Nonetheless, I understand Clarion has agreed Heads of Terms for the acquisition of the rights of light with the owner of 42 Abbey Road and that many of the Abbey Road objectors and now also willing to agree terms on the same basis to those agreed for 42 Abbey Road.

4.2.5 In addition, a number of the Abbey Road objectors are in the process of appointing a solicitor to formalise the terms in a deed of release as appropriate. It is anticipated by both parties that the owner of 42 Abbey Road will then coordinate the withdrawal of the objection prior to the commencement of the Public Inquiry.

Flat 3, Kent House, London SW19 1HZ

4.2.6 I understand that concerns were raised by the relevant interest that light implications would devalue property but otherwise would be support the scheme as a benefit to the community.

- 4.2.7 It was determined by AY's technical assessment that there would be no material loss of light and any impact would be imperceptible to occupants.
- 4.2.8 I understand from Mr Vallance at Savills that he has confirmed to the Objector that AY undertook a detailed technical analysis of the area and concluded that any slight reduction in light at this property will be imperceptible to any occupants of this flat. I understand that Mr Vallance has tried to engage with the Objector on numerous occasions however the Objector does not return his calls or response to his emails. The matter is unlikely to be resolved prior to the Public Inquiry.

Dane Road, London SW19

- 4.2.9 I am aware of an objection referencing potential concerns about 'daylight, sunlight, and overshadowing' effects on properties along Dane Road. It is important to note that these issues are planning related matters and are entirely distinct from the considerations related to rights of light, which were the focal points of the assessments for the CPO.
- 4.2.10 Moreover, the properties in question on Dane Road are situated at a considerable distance, approximately 30 meters east of phase 2 of the development on Abbey Road. Specifically, only the gable ends of the Dane Road properties face in this direction, and they do not feature any pertinent windows. Additionally, the windows facing the main windows south-north direction are not oriented towards the site, making them unlikely to be materially impacted.
- 4.2.11 Furthermore, an analysis of windows within the 26-72 Abbey Road properties, situated to the west of Dane Road, and thus closer to phase 2, with windows facing directly towards the site, has shown no material effects. This supports the conclusion that a similar lack of material impact would be applicable to the properties along Dane Road.

4.3 **Order Land – the Eastfields CPO**

As previously detailed, there are no pertinent or materially affected interests related to rights of light for the Eastfields CPO, and consequently, there has been no need to address any issues in a rights of light capacity. The absence of relevant interests in this context has obviated the necessity for engagement or resolution in relation to rights of light concerns.

4.4 **Order Land – the Ravensbury CPO**

As mentioned earlier, Savills has prepared a detailed assessment of diminution in value and has offered compensation to various flat owners at Island House,

however, I understand that none of the affected interest holders have objected to the Ravensbury CPO.

4.5 **Other neighbouring interests**

AY/DPR, along with Savills, have also engaged with other neighbouring interests who have sought to negotiate the acquisition of their rights of light. These interest holders have expressed an interest in potentially detailed considerations. It is important to note that none of these interests have objected to the CPO notices. In relation to interests located on Estate, as previously discussed after due diligence by Towers, it has been determined that their property interests do not benefit from rights of light or there is no material effect upon light. Therefore, AY/DPR have not been required to be involved in any discussions with these interests.

5 CONCLUSION

- 5.1 My proof has detailed my qualifications and experience, affirming my suitability to provide expert advice on complex matters related to rights of light in the context of large regeneration development sites. As an integral part of the Scheme, AY/DPR's collaboration with Savills has been instrumental in comprehensively assessing the potential impacts on neighbouring properties across each the CPOs.
- 5.2 I have outlined AY/DPR's efforts in aiding Savills during negotiations with interest holders to voluntarily acquire rights of light, particularly concerning existing residences within the purview of the relevant CPO. AY and subsequently DPR undertook thorough reviews, incorporating technical assessments, where relevant, aligned with well-established industry methodologies to gauge the materiality of potential impacts on rights of light.
- 5.3 This collective effort has culminated in assisting Savills in pinpointing areas where rights of light could be affected, guiding the strategic serving of CPO notices. Post-serving notices, AY/DPR have played a technical role, aiding Savills in comprehending the effects on objectors' homes, assessing diminution value, and determining appropriate levels of compensation.
- 5.4 The result has been the resolution of the majority of outstanding objections, a detailed account of which has been presented in this proof. AY/DPR's involvement in this process underscores the commitment to ensuring a thorough and equitable resolution to rights of light matters within the framework of large-scale regeneration developments.

6 STATEMENT OF TRUTH AND DECLARATION

6.1 Statement of Truth

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. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.

6.2 Declaration

- 6.2.1 I confirm that my report has drawn attention to all material facts which are relevant and have affected my professional opinion.
- 6.2.2 I confirm that I understand and have complied with my duty to the inquiry as an expert witness which overrides any duty to those instructing or paying me, that I have given my evidence impartially and objectively, and that I will continue to comply with that duty as required.
- 6.2.3 I confirm that I am not instructed under any conditional or other success-based fee arrangement.
- 6.2.4 I confirm that I have no conflicts of interest.
- 6.2.5 I confirm that I am aware of and have complied with the requirements of the rules, protocols and directions of the inquiry.



Signed: _____

Dated: 26 January 2024

MARK KIDD

Appendix 1
Eastfields Phase 1 Map

Appendix 2

High Path Phases 2 and 3 Map

Appendix 3
Ravensbury Phases 2-4 Map