

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

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

**PUBLIC INQUIRY 29 JUNE 2021**

**PROOF OF EVIDENCE OF ROBERT PEARCE  
ON BEHALF OF SWAN HOUSING ASSOCIATION**

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

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## 1. INTRODUCTION

- 1.1 My name is Robert Pearce. I hold a membership of the Chartered Institute of Housing (CIHCM)
- 1.2 I worked extensively in Local Authority housing departments for 30 years and have been employed by Swan Housing Association for 17 years in various positions relating to homeownership generally but specifically advising and negotiating with homeowners facing compulsory acquisition. I am the Homeownership Project Manager for the Craylands and Fryerns Regeneration project.
- 1.3 I have worked on four projects where Orders have been upheld. #1 The London Borough of Tower Hamlets (Priestman Point) Compulsory Purchase Order 2005. #2 The London Borough of Tower Hamlets Crossways Estate (Hackworth Point and Mallard Point) Compulsory Purchase Order 2009. #3 The London Borough of Tower Hamlets (Blackwall Reach) Compulsory Purchase Order 2012. #4. The London Borough of Redbridge (Claire House and Repton Court) Compulsory Purchase Order 2014.
- 1.4 I currently work on two projects including the regeneration of Craylands & Fryern. I work with the appropriate Acquiring Authorities to ensure that all proper and reasonable steps are taken to purchase interests. I am the lead officer at Swan Housing Association responsible for negotiating the purchase of freehold and leasehold interests by private treaty. Recognising that regeneration projects can be a daunting time for homeowners who face losing their home, I advise homeowners on their rights and responsibilities where a CPO may be required, including information and discussion on compensation and the options available for homeowners.
- 1.5 I have experience of negotiating with homeowners on projects throughout East London and Essex (see paragraph 1.3 above). Three projects reached a satisfactory conclusion when the Order was upheld following a Public Inquiry, another project was successfully delivered without objections to the Order and the need for an Inquiry. Two projects are ongoing, including the regeneration of Craylands and Fryern.
- 1.6 I have been involved in the Craylands Phase North project since March 2017 specifically to negotiate the purchase of leasehold and freehold interests by Basildon Borough Council's (the "**Council**") development partner, Swan Housing Association ("**Swan**"). I have continued to negotiate with and advise homeowners on the process of rehousing and the rehousing options available to homeowners prior to making the Order and continuously to date. The purpose of the negotiations is to obtain the interests by private treaty and in accordance with legislation and guidance where compulsory acquisition may be required as a last resort. Please refer to the proof of evidence of Luke Riley for more detail as to the appointment of Swan as the Council's development partner.

- 1.7 My responsibility is to maintain contact with all homeowners throughout the process. The overriding intention is to negotiate buying the interests through agreement, using compulsory acquisition as a last resort. I advise homeowners on their rights and responsibilities and support them throughout the conveyancing process. I consider the personal household circumstances and help them consider the options available (See paragraph 5.7 below). For example, five homeowners opted to buy a shared equity lease on the new Swan development replacing Craylands. I assisted two homeowners in obtaining secure tenancies as their personal circumstances prevented them buying a property on any option available to them. Three homeowners opted to buy a property on shared equity arrangements in Basildon and elsewhere including Wales and Manchester. I explain to homeowners the principles of equivalence and encourage them to obtain their own independent professional advice.
- 1.8 Prior to making the CPO, I contacted all homeowners to explain the process of negotiation, the terms used, the rehousing options available, the independent advice available to them and the conveyancing process. The engagement schedule at Appendix RP1 indicates the type and frequency of contact and demonstrates that negotiations have continued throughout the process and continue, for example the homeowner of 9 Peterborough Way completed rehousing on the 29<sup>th</sup> April 2021.

## 2. SCOPE OF EVIDENCE

- 2.1 I have prepared this proof of evidence in support of the (Fryerns and Craylands) (Phase North) Compulsory Purchase Order 2020 (the “**Order**”) which was made on 19 August 2020. The land subject to the Order lies within the third phase of the regeneration and renewal of the Craylands Estate in Basildon (the “**Estate**”), described as Phase North which relates to 8.49 hectares of the Estate.
- 2.2 The Council’s purpose in making the Order, and seeking its confirmation is to enable the Council to acquire compulsorily the land the subject of the Order (“the **Order Land**”), in order to facilitate the delivery of the next (third) phase of the comprehensive redevelopment and renewal of the Estate. Please refer to the proof of evidence of Jamie Sullivan for a full description of the Order Land and the Scheme.
- 2.3 This proof of evidence focuses on the approach of Swan, being the development partner of the Council in the delivery of the Scheme, to the acquisition of the Order Land including the history of negotiations with the affected parties.
- 2.4 In section 3, I will detail Swan’s approach to land acquisition. Colin Cottage of Ardent has been commissioned to work for the Council as the acquiring authority and specifically negotiates values with the professional representatives of homeowners. My role is to negotiate with the other homeowners and to advise and assist all on rehousing options. I will also summarise the Government Guidance on compulsory purchase process and when compulsory purchase powers should be used.
- 2.5 In section 4, I will explain the public engagement with the Scheme from Swan’s perspective.
- 2.6 In section 5, I will identify the Order Lands and the interests with whom I have been negotiating and identify the outstanding interests. I will explain the process for contacting, negotiating and advising homeowners. I will detail the approach that has been taken by Swan in relation to the Order Lands and identify the work that has been undertaken by me, on behalf of the Swan, that has resulted in successful negotiations with the owners of the interests in the Order Lands and the best practice approach that Swan has followed regarding negotiations and acquisitions. My evidence should be read in conjunction with the proof of evidence of Colin Cottage on behalf of the Council as acquiring authority as the Council has carried out some of the negotiations in relation to the Scheme.
- 2.7 In section 6, I will detail the negotiations that have taken place with the objector to the Order, Mr Howe. Please also refer to Mr Cottage’s evidence.

3. **SWAN'S APPROACH TO THE ACQUISITION OF THE ORDER LANDS**

- 3.1 Swan's approach to negotiating with the homeowners is summarised in the Engagement Schedule (Appendix RP1) and detailed in paragraph 5 below. In particular, Swan's approach has been to acquire interests by negotiation, using a CPO as a last resort. 24 interests were acquired prior to making the Order, 4 interests have subsequently been acquired. Of the three remaining interests, 2 have accepted offers to purchase and are in conveyancing, leaving the objector Mr Howe. Please see paragraphs 5.12 and 5.13 below.
- 3.2 As has been noted above, Mr Cottage has also been involved in negotiations. He negotiated with Richard John Clarke, Chartered Surveyors representing homeowners (and Mr Howe). That is why our evidence should be read together.
- 3.3 My evidence demonstrates that Swan, in supporting the Council, and Ardent acting on its behalf, has taken reasonable steps to acquire all of the land and interests included in the Order by agreement and that there have been meaningful attempts at negotiation throughout the process. Prior to the making of the CPO. I also explain in section 5 below that negotiations have continued in parallel with the CPO process and that, given the long history of negotiations with the remaining objector, the CPO is a last resort.

#### 4. **SWAN'S ROLE IN PUBLIC ENGAGEMENT**

4.1 Swan and the Council have organised project information days on the Estate to inform, and update residents on the progress of the Scheme. Prior to COVID they were held on the following dates: Please see CD7.9.

- 5<sup>th</sup> December 2015
- 27<sup>th</sup> February 2016
- 18<sup>th</sup> May 2016
- 28<sup>th</sup> January 2017
- 9<sup>th</sup> September 2017
- 12<sup>th</sup> May 2018
- 23<sup>rd</sup> February 2019

4.2 All residents have received newsletters providing information and scheme updates. Please see CD7.8.

4.3 Swan and the Council issued a Homeowners Booklet in August 2018 (CD7.7). The Booklet informed all homeowners of the rehousing options available. The options were subsequently discussed and explained to homeowners during the course of negotiations that have continued prior to the making of the CPO to date. See also paragraph 5.8 below. The Booklet updated and replaced the original Craylands Information Booklet published in 2006 (CD7.6).

4.4 The options contained in the Booklet were amended in August 2019 to reflect the shared equity options available. All homeowners were advised of the changes (Appendix RP2). See also paragraph 5.7 below.

## 5. THE NECESSARY LANDS AND INTERESTS

- 5.1 Please refer to the Statement of Case (CD1.4), Page 5 section 3 for a description of the Order Land and interests and also to the proof of evidence of Jamie Sullivan.
- 5.2 Please refer to Mr Cottage's evidence (section 3) for a summary of the relevant Government guidance on Compulsory purchase process and the Criche Down Rules' (Published by the Ministry of Housing, Communities and Local Government in October 2015 and last updated in July 2019) ("**the CPO Guidance**") (CD3.1). Swan's approach complies with the CPO Guidance as explained further below.
- 5.3 When Swan first became involved in the Scheme, as explained above, there were 31 homeowners on the North phase of Craylands Estate. Prior to making the CPO on the 19<sup>th</sup> August 2020, 24 interests had been bought by private treaty, 3 interests have been bought following the making of the CPO, 3 interests have accepted offers to purchase. The objector holds one leasehold interest. A summary of the negotiations is contained at Appendix RP1. Details of negotiations with the outstanding interests are detailed in Section 5.17 below. Details of negotiations with the objector are also detailed in Section 6 of the proof of evidence of Colin Cottage.
- 5.4 To support homeowners in the process and help their understanding of the Scheme, Swan and the Council have held a number of Open Days, see paragraph 4.1 above. Prior to COVID, officers of Swan and the Council were available at the local community centre each week on Tuesdays and Thursdays (on a drop-in basis). Homeowners also received home visits by arrangement. During COVID, negotiations have continued through Email and telephone contact.
- 5.5 An Independent Leaseholder Advisor (ILA) Communities First, were appointed in March 2017. The ILA attended open days and their contact details were included in correspondence with homeowners. The ILA additionally sent flyers to homeowners independent of Swan and the Council. Subsequently the following homeowners made contact with the ILA:
- Mr Howe - 17 Peterborough Way. Contacted the ILA on 15th Jul 2019, 6th Dec 2019, 30th Jul 2020, 19th Aug 2020 and 27th Aug 2020. He queried the buy back process and the CPO and timescales.
  - Mr Renham - 21 Peterborough Way. Asked whether the ILA was truly independent as being paid by Swan. Opted to obtain his own professional advice.
  - Mr & Mrs Griffiths - 27 Peterborough Way. ILA provided general advice on homeowner rights. Mr & Mrs Griffiths obtained professional representation.
  - Mr & Mrs Akue - 33 Wells Gardens. ILA provided general advice on homeowner rights.
  - Mr & Mrs Gutteridge - 46 Rochester Way. ILA provided advice on homeowners' rights as a landlord.

- Mr Joiner - 124 Lincoln Road. Referred Mr Joiner to Swan for advice on personal family circumstances.
  - Miss Zwizwai - 12 Chichester Close. ILA provided advice on leaseholders' rights. Miss Zwizwai obtained professional representation.
- 5.6 The negotiation process agreed with the Council was for Swan to begin the negotiations to purchase properties and to complete as many as possible by private treaty. This approach enabled Swan as the developer to purchase interests, allowing for as much time as possible to negotiate purchase and to give homeowners time to consider the rehousing options. See paragraph 5.7 below.
- 5.7 The Council wrote to all homeowners dated 20<sup>th</sup> February 2017 (Appendix RP3) explaining that Swan would be negotiating with homeowners to purchase their interests and indicating the timescales for the project. Swan subsequently sent letters to resident homeowners and non-resident homeowners (Appendix RP4) explaining the negotiation process, the appointment of the ILA and arrangements for personal interviews. Further letters were sent on the 5<sup>th</sup> July 2017 to those homeowners who had not replied (Appendix RP5). The Homeowner Handbook dated June 2018 (CD7.7) was issued to all homeowners. An addendum to the Handbook was issued in August 2019 to clarify the shared equity arrangements for homeowners opting to purchase a property on the new development or elsewhere. (Appendix RP2).
- 5.8 Resident homeowners have a number of options to help with rehousing. All of which comply with the Land Compensation Acts, Government guidance and the CPO Guidance (CD3.1). The options are:
- (1) To sell their property to Swan and purchase a property elsewhere on the open market. The homeowners receive home loss and disturbance payments. All reasonable legal and professional fees are paid by Swan. 4 resident homeowners chose this option. Rehousing locations, where known, are identified on the engagement report at Appendix RP1;
  - (2) To sell their property to Swan and purchase a property on Swan's new Beechwood development (i.e. to remain on the Estate) on an equity share arrangement where the homeowner contributes the equity they hold in the Craylands property to buy a share in the Beechwood property. No rent is payable on Swan's share. The homeowner may keep the home loss payment or choose to contribute the payment to purchasing their share. All residential homeowners were given this option in February 2016 (See Appendix RP6). 5 resident homeowners chose this option. Messages expressing satisfaction with the process from two homeowners are attached at Appendix RP7.
  - (3) To sell their property to Swan and purchase a property on an equity share arrangement on the Craylands estate that is not due to be demolished or elsewhere in the Basildon area or within the UK if they so choose. The

homeowner contributes the equity they hold in the Craylands property to buy a share of the property. No rent is payable on Swan's share. The homeowner may keep the home loss payment or choose to contribute the payment to purchasing their share. 3 resident homeowners chose this option

- (4) The option for non-resident homeowners is to sell their interest to Swan and receive the statutory loss payment, and the reasonable costs incurred to purchase a replacement investment property.

5.9 Swan and the Council recognise that the options may not suit all homeowners and we assist homeowners with personal circumstances that prevent them from choosing one of the options. The personal domestic circumstances on each case is considered individually and on its merits. The Council's housing duty and housing policies are applied. To evidence this approach, two homeowners have been rehoused by the Council granting secure tenancies, following rehousing applications from the homeowners.

5.10 Swan commissioned the services of Tillet, Burns & Hughes a local Chartered Surveying company to provide valuation reports on the properties to be acquired. The market valuations were calculated on the "no scheme" principle. The valuation reports were applied to construct the offer to purchase the interests.

5.11 Relevant homeowners were written to in March 2017 and subsequently many agreed to allow access to their property for valuation purposes. Valuation reports were received for all homeowners by May 2018. Swan used the valuation reports to issue offers to purchase the interests in accordance with legislation and guidance. An example of a valuation report and the subsequent offer letter are attached as Appendices RP8a and RP8b.

5.12 On the 24<sup>th</sup> May 2017, Richard John Clarke, Chartered Surveyors emailed Swan explaining that they had been commissioned by Mr Tristan Howe, non-resident leaseholder of 17 Peterborough Way, to represent him and asked for details of any other homeowner affected by the proposals ( Appendix RP9). The request for Swan to provide details of the other residents was declined on the grounds of confidentiality. Subsequently Richard John Clarke Surveyors canvassed the estate offering to assist and represent homeowners with the valuation process. Eight leaseholders agreed to be represented. Attached as Appendix RP10 is an email dated 28<sup>th</sup> June 2017 between Swan and staff from Richard John Clarke agreeing the fees involved and the terms of representation. The Council subsequently commissioned Ardent Management Services to negotiate with Richard John Clarke on its behalf. Please refer to the proof of evidence of Mr Cottage for more information in relation to this. Swan continued to negotiate with the remaining leaseholders.

- 5.13 Although market valuations could not be agreed, the Council did increase the offer to purchase the leasehold interests in a reasonable attempt to reach agreement. Subsequently 20 homeowners agreed arrangements to sell their interests to Swan and as indicated in the Engagement Report at Appendix RP1, Swan and the Council continued to negotiate with homeowners. One homeowner, Mr Howe, 17 Peterborough Way, (the objector) has not accepted the offer to purchase. Details of the rehousing options for resident homeowners are contained in paragraph 5.8 above.
- 5.14 The Engagement Report which is appended at Appendix RP1 demonstrates the progress of negotiations with homeowners from March 2017 to date.
- 5.15 Details of newsletters and open days are set out at Section 4 above.
- 5.16 The interests included in the Order were:

Plot	Address	
1	26	Wells Gardens
2	33	Wells Gardens
4	12	Chichester Close
5	9	Peterborough Way
6	17	Peterborough Way
7	21	Peterborough Way
8	31	Peterborough Way

The following interests have subsequently been acquired through private treaty:

Plot	Address		Acquired
4	12	Chichester Close	28/09/20
5	9	Peterborough Way	29/04/21
7	21	Peterborough Way	26/01/21
8	31	Peterborough Way	09/11/20

- 5.17 Negotiations with the remaining interests have continued throughout the process. The homeowners of Plot 1, 26 Wells Gardens have agreed to sell their interest and purchase an alternative property on shared equity grounds. The arrangements have been delayed through Probate but all parties wish to continue to completion when Probate is granted.

**Plot 1 26 Wells Gardens Mr & Mrs Ogunbiyi**

Information letters sent 02/03/17, 18/04/18.

Offer to purchase 09/06/17, 25/04/18.

Personal interviews 23/05/17, 17/04/18, 22/05/18

Emails 17/09/18, 18/09/18, 30/01/19, 18/06/19, 16/02/20, 14/10/20, 17/12/20, 09/02/21.

Mr & Mrs Ogunbiyi have consistently engaged with Swan and the acquiring authority demonstrating a willingness to reach agreement. They procured the services of a mortgage advisor whose fees have been paid by Swan. Due to personal circumstances they have agreed with Swan to purchase a shared equity lease. They commenced the purchase of 17 Southwark Path, Basildon a property available on the open market in October 2018, however the chain collapsed in April 2019. Mr & Mrs Ogunbiyi continued to search for an alternative property and commenced the purchase of 12 Roydon Bridge, Basildon in December 2020. Currently the completion has been delayed due to Probate but all parties are keen to progress as soon as Probate resolved.

### **Plot 2, 33 Wells Gardens Mr & Mrs Akue**

Letters sent: 02/03/17, 06/07/17, 18/08/17, 07/11/17, 29/11/17 (2), 21/06/21, 23/10/18, 14/03/19, 20/05/20, 20/07/20, 12/05/20, 20/07/20, 18/03/21, 15/04/21, 14/05/21.

Offer to purchase: 12/06/18, 14/03/19, 22/04/21

Personal interviews: 21/06/18, 30/04/19

Information held by the Council as the landlord indicated that Mr & Mrs Akue lived elsewhere as their main residence in the UK. This information was corrected when the Council and Swan met with Mr Akue in June 2018. Along with the other homeowners, Mr & Mrs Akue were offered a shared equity arrangement on the new Beechwood development in February 2016 (Attached at Appendix RP6). Subsequently Mr and Mrs Akue were interviewed at home on 21<sup>st</sup> June 2018 and 30<sup>th</sup> April 2019. Mr & Mrs Akue have engaged with Swan and the Council from time to time as detailed in the Engagement Schedule at Appendix RP1 including letters and telephone calls and more recently Emails. In March 2021, Mr Akue advised that he would look for a property to purchase in the Basildon area on shared equity terms. On the 21<sup>st</sup> April Mr Akue advised that he had made an offer on a property but was unsuccessful. The valuation of 33 Wells Gardens has been updated to £170,000. As at 7<sup>th</sup> June 2021, Mr Akue has arranged to purchase a property, 17 First Avenue, Canvey Island, SS8 9LR on a shared equity arrangement, instructions have been issued and the matter is in conveyancing.

### **Plot 6, 17 Peterborough Way, Mr Tristan Howe**

Mr Howe has been represented by Richard John Clarke, Chartered Surveyors, Swan's personal contact with Mr Howe has therefore been limited to the period March – June 2017. Mr Howe has objected to the Order.

Letters sent by Swan: 02/03/17

Offers sent: 14/06/17, 23/10/18

Telephone contact with Swan: 29/03/18

Emails with Swan 03/03/17, 08/05/17, 16/05/17, 26/05/17, 14/06/17, 30/10/18, 31/10/18

Mr Howe did not accept the valuation of his interest and commissioned Richard John Clarke, Chartered Surveyors to negotiate on his behalf with the Council.

- 5.18 The Council and Swan recognises Government guidance and advice that acquiring authorities should seek to acquire land by negotiation wherever possible, but that given the timeframes involved in obtaining a CPO, the guidance encourages acquiring authorities to plan for and initiate the formal CPO procedures in parallel with negotiations. Accordingly, the Council and Swan continued to pursue a twin track approach of negotiation alongside the CPO process for the purchase of the Order Land.
- 5.19 The remaining residential homeowners have received and accepted offers to purchase their accommodation. Mr Howe, the objector remains the only homeowner who has not accepted the offers to purchase his leasehold interest.
- 5.20 All resident homeowners were given the opportunity to purchase a property on the new Beechwood Development i.e. to remain on the Estate (See Appendix RP6). Additionally, the options encouraged homeowners to remain local (See Handbook addendum Appendix RP2). To date, two homeowners chose to live outside the local area, one wished to retire to Wales and the other wished to live near family in Manchester.
- 5.21 The offer of shared equity arrangements to residential homeowners complies with the equivalence principle leaving the homeowner no better or no worse off financially because of the scheme. The homeowner is also given the option to retain the Home Loss payment or choose to contribute the payment towards the purchase price. The rehousing options encourage homeowners to stay on the Estate by purchasing on a shared equity arrangement a property on the new development or in the Basildon area. Two homeowners chose to live in another part of the country by choice.
- 5.22 Swan and the Council recognise that it is good practice to encourage homeowners to obtain their own professional advice. Eight homeowners commissioned the

services of Richard John Clarke, Chartered Surveyors to represent them, all fees have been paid by Swan.

- 5.23 In recognition of the existence of an established community in the area, the regeneration proposals have been developed through to ensure existing homeowners have an option to remain on the Estate or in the area by being offered a new replacement home in the Scheme, as well as other, flexible options which allow the homeowners to make choices which suit them.
- 5.24 The value of the interests have been calculated by a qualified chartered surveyor and valuer and the “no scheme” principle applied. Disturbance payments have been calculated, agreed and paid for losses incurred and home loss and loss payments have been made in accordance with the Land Compensation Acts and guidance.

6. **DETAILS OF NEGOTIATIONS WITH THE OWNER OF 17 PETERBOROUGH WAY**

Plot 6, 17 Peterborough Way, Mr Tristan Howe

- 6.1 Originally, the Council's records indicated Mr Howe was a residential leaseholder, however Mr Howe's non-resident status was identified during land referencing. Mr Howe has been represented by Richard John Clarke, Chartered Surveyors, Swan's contact with Mr Howe has therefore been limited. Please also see section 6 of Mr Cottage's evidence.
- 6.2 I first wrote to all homeowners including Mr Howe in relation to the acquisition of his leasehold interest on 2 March 2017(Appendix 4). Subsequently, on 24 May 2017, Richard Murphy of Richard John Clarke, Chartered Surveyors (RJC) wrote to Swan confirming instructions to act on Mr Howe's behalf (Appendix RP9).
- 6.3 On 14 June 2017, I wrote to Mr Howe, offering him £150,000 for his leasehold interest in 17 Peterborough Way (see Appendix 11), £55,000 more than he had purchased it for only six months earlier.
- 6.4 Also in June 2017, RJC undertook valuations of a number of properties on the Craylands Estate and on 21 June 2017 issued a valuation for 17 Peterborough Way at £215,000 (see Appendix CC5 of Mr Cottage's evidence). On 7 September 2017, I wrote to RJC noting that the form of construction referred to in their valuation report, *'reinforced concrete frame and prefabricated concrete panel construction'* was inaccurate (Appendix RP12). The maisonettes at Peterborough Way are actually of cross wall infill construction between block party walls and cavity construction piers. The cross walls are of timber framework with cladding externally, dry lined plasterboard internally and with the upper parts filled with double glazed PVC sections. This is relevant because while lenders will provide mortgages for reinforced concrete frame flats they have, over time, stopped lending against maisonettes at the Estate as a result of their unconventional construction type. The inability to obtain mortgage finance has impacted on the value of the maisonettes.
- 6.5 Following this exchange, discussions between Swan and RJC continued and on 19 January 2018 I wrote to RJC again (Appendix RP13) pointing to the inferior construction of maisonettes on the Craylands Estate, but also referring to the fact that a number of other landowners had commissioned independent valuations from chartered surveyors which had been consistent with Swan's valuations and offers.
- 6.6 On 12 April 2018, I wrote to Mr Murphy to advise him that the Council would be appointing a surveyor to take up negotiations with him.

Letters sent by Swan: 02/03/17

Offers sent: 14/06/17, 23/10/18

Telephone contact with Swan: 29/03/18

Emails with Swan 03/03/17, 08/05/17, 16/05/17, 26/05/17, 14/06/17, 30/20/18, 31/10/18

- 6.7 Mr Howe has not accepted the valuation of his interest and commissioned Richard John Clarke, Chartered Surveyors to negotiate on his behalf with the acquiring authority.

7. **STATEMENT OF TRUTH**

7.1 I declare that the evidence set out in this proof for the inquiry is true and follows accepted good practice. The opinions expressed are my own and are formed from professional judgements based on my experience.



Signed.....

ROBERT PEARCE

HOME OWNERSHIP PROJECT MANAGER

8 June 2021

## SUMMARY PROOF OF EVIDENCE OF ROBERT PEARCE

### 1. OVERVIEW

- 1.1 My name is Robert Pearce. I hold a membership of the Chartered Institute of Housing (CIHCM). I worked extensively in Local Authority housing departments for 30 years and have been employed by Swan Housing Association (“Swan”) for 17 years in various positions relating to homeownership generally but specifically advising and negotiating with homeowners facing compulsory acquisition. I am the Homeownership Project Manager for the Craylands and Fryerns Regeneration project. I have been involved in the Craylands Phase North project since March 2017 to negotiate the purchase of leasehold and freehold interests by the Council’s development partner, Swan.
- 1.2 I currently work on two projects including the regeneration of Craylands & Fryern. I work with the appropriate acquiring authorities to ensure that all proper and reasonable steps are taken to purchase interests. I am the lead officer at Swan responsible for negotiating the purchase of freehold and leasehold interests by private treaty. Recognising that regeneration projects can be a daunting time for homeowners who face losing their home, I advise homeowners on their rights and responsibilities where a CPO may be required, including information and discussion on compensation and the options available for homeowners.
- 1.3 My responsibility is to maintain contact with all homeowners throughout the process. The overriding intention is to negotiate buying the interests through agreement, using compulsory acquisition as a last resort. I advise homeowners on their rights and responsibilities and support them throughout the conveyancing process. I consider the personal household circumstances and help them consider the options available.
- 1.4 My evidence focuses on the approach of Swan, being the development partner of the Basildon Borough Council (the “Council”) in the delivery of the Scheme, to the acquisition of the Order Land including the history of negotiations with the affected parties. I refer to the proof of evidence of Colin Cottage of Ardent for the detail in relation the negotiation of values where homeowners have appointed professional representatives. I explain how I have negotiated with the other homeowners and advised and assisted all on rehousing options and detail the approach that has been taken by Swan in relation to the Order Lands. My evidence identifies the work that has been undertaken by me, on behalf of Swan, that has resulted in successful negotiations with the owners of the interests in the Order Lands and the best practice approach that Swan has followed regarding negotiations and acquisitions
- 1.5 I also explain the public engagement with the Scheme from Swan’s perspective.

## 2. **SWAN'S APPROACH TO THE ACQUISITION OF THE ORDER LANDS**

2.1 My evidence demonstrates that Swan, in supporting the Council, and Ardent acting on its behalf, has taken reasonable steps to acquire all of the land and interests included in the Order by agreement and that there have been meaningful attempts at negotiation throughout the process. Prior to the making of the CPO. I also explain that negotiations have continued in parallel with the CPO process and that, given the long history of negotiations with the remaining objector, the CPO is a last resort.

## 3. **SWAN'S ROLE IN PUBLIC ENGAGEMENT**

3.1 Prior to COVID, Swan and the Council organised project information days on the Estate to inform, and update residents on the progress of the Scheme, the details of which are set out in my proof.

3.2 All residents have received newsletters providing information and scheme updates. Swan and the Council issued a Homeowners Booklet in August 2018 (CD7.7) which updated and replaced the original Craylands Information Booklet published in 2006 (CD7.6). The options contained in the Booklet were amended in August 2019 to reflect the shared equity options available.

## 4. **THE ORDER LANDS AND INTERESTS**

4.1 I explain in my evidence how Swan's approach complies with the Guidance on Compulsory purchase process and the Criche Down Rules' (Published by the Ministry of Housing, Communities and Local Government in October 2015 and last updated in July 2019) ("**the CPO Guidance**") (CD3.1).

4.2 When Swan first became involved in the Scheme, there were 31 homeowners on the North phase of Craylands Estate. Prior to making the CPO on the 19<sup>th</sup> August 2020, 24 interests had been bought by private treaty, 3 interests had been bought following the making of the CPO and 3 interests had accepted offers to purchase. The objector holds one leasehold interest. A summary of the negotiations is contained in the Engagement Schedule appended to my evidence at RP1.

4.3 Prior to COVID, officers of Swan and the Council were available at the local community centre each week on Tuesdays and Thursdays. Homeowners also received home visits by arrangement. During COVID, negotiations have continued through Email and telephone contact.

4.4 An Independent Leaseholder Advisor (ILA) Communities First, were appointed in March 2017. The ILA attended open days and their contact details were included in correspondence with homeowners. The ILA additionally sent flyers to homeowners independent of Swan and the Council. The homeowners who made contact with the ILA are detailed in my proof of evidence.

- 4.5 The negotiation process agreed with the Council was for Swan to begin the negotiations to purchase properties and to complete as many as possible by private treaty. Swan subsequently sent letters to resident homeowners and non-resident homeowners explaining the negotiation process, the appointment of the ILA and arrangements for personal interviews.
- 4.6 Resident homeowners have a number of options to help with rehousing. All of which comply with the Land Compensation Acts, Government guidance and the CPO Guidance. The options are set out in detail in my proof of evidence but in summary are:
- 4.6.1 to sell their property to Swan and purchase a property elsewhere on the open market;
  - 4.6.2 to sell their property to Swan and purchase a property on Swan's new Beechwood development (i.e. to remain on the Estate) on an equity share arrangement where the homeowner contributes the equity they hold in the Craylands property to buy a share in the Beechwood property. No rent is payable on Swan's share. The homeowner may keep the home loss payment or choose to contribute the payment to purchasing their share;
  - 4.6.3 to sell their property to Swan and purchase a property on an equity share arrangement on the Craylands estate that is not due to be demolished or elsewhere in the Basildon area or within the UK if they so choose. The homeowner contributes the equity they hold in the Craylands property to buy a share of the property. No rent is payable on Swan's share. The homeowner may keep the home loss payment or choose to contribute the payment to purchasing their share; and
  - 4.6.4 the option for non-resident homeowners is to sell their interest to Swan and receive the statutory loss payment, and the reasonable costs incurred to purchase a replacement investment property.
- 4.7 Swan commissioned the services of Tillet, Burns & Hughes a local Chartered Surveying company, to provide valuation reports on the properties to be acquired. The market valuations were calculated on the "no scheme" principle. The valuation reports were applied to construct the offer to purchase the interests.
- 4.8 Relevant homeowners were written to in March 2017 and subsequently many agreed to allow access to their property for valuation purposes. Valuation reports were

received for all homeowners by May 2018. Swan used the valuation reports to issue offers to purchase the interests in accordance with legislation and guidance.

4.9 On the 24<sup>th</sup> May 2017, Richard John Clarke, Chartered Surveyors wrote to Swan explaining that they had been commissioned by Mr Tristan Howe, non-resident leaseholder of 17 Peterborough Way, to represent him and asked for details of any other homeowner affected by the proposals. The request for Swan to provide details of the other residents was declined on the grounds of confidentiality. Subsequently, Richard John Clarke Surveyors canvassed the Estate offering to assist and represent homeowners with the valuation process. Eight leaseholders agreed to be represented. The Council subsequently commissioned Ardent Management Services to negotiate with Richard John Clarke on its behalf. Swan continued to negotiate with the remaining leaseholders.

4.10 Although market valuations could not be agreed, the Council did increase the offer to purchase the leasehold interests in a reasonable attempt to reach agreement. Subsequently 20 homeowners agreed arrangements to sell their interests to Swan. The Council continued to negotiate with homeowners. One homeowner, Mr Howe of 17 Peterborough Way (the objector) has not accepted the offer to purchase. I refer to the evidence of Colin Cottage in relation to this property.

4.11 The interests included in the Order were:

Plot	Address	
1	26	Wells Gardens
2	33	Wells Gardens
4	12	Chichester Close
5	9	Peterborough Way
6	17	Peterborough Way
7	21	Peterborough Way
8	31	Peterborough Way

The following interests have subsequently been acquired through private treaty:

Plot	Address		Acquired
4	12	Chichester Close	28/09/20
5	9	Peterborough Way	29/04/21
7	21	Peterborough Way	26/01/21
8	31	Peterborough Way	09/11/20

4.12 **Plot 1, 26 Wells Gardens** - Negotiations with the remaining interests have continued throughout the process. The homeowners of Plot 1, 26 Wells Gardens, Mr & Mrs

Ogunbiyi, have agreed to sell their interest and purchase an alternative property on shared equity grounds.

**Plot 2, 33 Wells Gardens** - Information held by the Council as the landlord indicated that Mr & Mrs Akue lived elsewhere as their main residence in the UK. This information was corrected when the Council and Swan met with Mr Akue in June 2018. Along with the other homeowners, Mr & Mrs Akue were offered a shared equity arrangement on the new Beechwood development in February 2016. Mr & Mrs Akue have engaged with Swan and the acquiring authority from time to time as detailed in the Engagement Schedule. In March 2021 Mr Akue advised that he would look for a property to purchase in the Basildon area on shared equity terms. On the 21<sup>st</sup> April Mr Akue advised that he had made an offer on a property but was unsuccessful. The valuation of 33 Wells Gardens has been updated to £170,000. As at 7<sup>th</sup> June 2021, Mr Akue has arranged to purchase a property, 17 First Avenue, Canvey Island, SS8 9LR on a shared equity arrangement, instructions have been issued and the matter is in conveyancing.

- 4.13 **Plot 6, 17 Peterborough Way**, Mr Tristan Howe. Mr Howe has been represented by Richard John Clarke, Chartered Surveyors, Swan's personal contact with Mr Howe has therefore been limited to the period March – June 2017. Mr Howe has objected to the Order and I refer to the evidence of Colin Cottage in relation to this property.
- 4.14 The Council and Swan recognise the CPO Guidance and advice that acquiring authorities should seek to acquire land by negotiation wherever possible, but that given the timeframes involved in obtaining a CPO, the guidance encourages acquiring authorities to plan for and initiate the formal CPO procedures in parallel with negotiations. Accordingly, the Council and Swan continued to pursue a twin track approach of negotiation alongside the CPO process for the purchase of the Order Land.
- 4.15 The offer of shared equity arrangements to residential homeowners complies with the equivalence principle leaving the homeowner no better or no worse off financially because of the scheme. The homeowner is also given the option to retain the Home Loss payment or choose to contribute the payment towards the purchase price. The rehousing options encourage homeowners to stay on the estate by purchasing on a shared equity arrangement a property on the new development or in the Basildon area. Two homeowners chose to live in other part of the country by choice.
- 4.16 The value of the interests have been calculated by a qualified chartered surveyor and valuer and the "no scheme" principle applied. Disturbance payments have been calculated, agreed and paid for losses incurred and home loss and loss payments have been made in accordance with the Land Compensation Acts and the Guidance.

**RP1**

**Engagement Schedule - Redacted**

**Total**

Craylands North Buyouts - Progress  
Budget Code:59913

Name	No.	Address	Res / Non res	Correspondence	Contact	Contact			Valuation & date	Offer date & result	Solicitors Instructed	Completion	Comments	Relocated to (where known)
						Letter	Interview	Email						
	17	Peterborough Way	NR			170302,		170303, 170508, 170516, 170526, 170614, 181030, 181031.	£150,000 June 17,	170614, Refused, 181023 BBC offer £160,000, 181030 refused.			170508 Homeowner wants valuation. Agreed TBH to value. 170509 spoke Mr H seeking solicitor advice before valuation visit. 170523 obtaining own survey and valuation. <b>170526</b> rejects valuation wants £200,000 plus. <b>Lease bought Dec2016 for £95,000.</b> 171212 post returned to BBC not delivered. 180410 17 Peterborough has a tenant, Jade Hill who's tenancy runs out 29th July unless renewed. Through the agent Abbots. 180619 Homeowner rang BBC. 181030 Mr Howe to BBC rejecting offer. 181031 Mr Howe to BBC CPO timescales.	Represented by Richard John Clark, Chartered Surveyors
	26	Wells Gardens	R			170302, 180418,	170523, 180417, 180522 telecon.	180917, 180918, 190130, 190618, 200216, 201014, 201217, 210209,	£260,000 170609. £270,000 April 18.	170614, Accepted	201202		170523 Wants valuation and agreed to further interview after Valuation offer received. 170710 accepts offer, will advise of solicitors details. 170725 copy of offer letter sent. 180417 Joint visit Swan / BBC, see letter. 180425 Reval offer letter. 180522 Wants me to talk to mortgage advisor, will send email confirming to comply with Data Protection. 180522 spoke mortgage advisor, see file note. 180711 Wants purchase off estate, asks for c£10k of HLP to be paid in cash with remainder made up from equity from sale and Swan's contribution of up to £100k. 181005 Shared equity application received for 17 Southwark Path. TBH asked to prepare homebuyers survey. 181018 Report to LR to approve buy-out. Lawyer Alan Lee 03458390131 ex 1038. 181024 spoke to lawyer, gave update on arrangements. 190130 instructed solicitors completion subject to financial assessment. 190403 returned IFA but no response. 190418 chain collapsed. 190530 desk top revalue - no change. 200226 Spoke mortgage broker, can only get £105k mortgage BUT would not get mortgage on a s/o arrangement because of "history". 201014 mortgage advisor fees agreed. 201109 mortgage offer received - looking for alternative property. Mortgage offer withdrawn details of DIYSO sent. DIYSO agreed. 201209 Estate Agent confirms property vacant. 201217 update to sellers. 210204 update to sellers, chase solicitors. 210420 conveyancing delayed due to Probate but all parties want to continue.	
	33	Wells Gardens	R			170302, 170706, 170818, 171107, 171129 (2), 180621, 181023, 190314, 190520, 200720, 200512, 210318, 210415, 210514,	181023 telecon. 210413 telecon. 210421 telecon. 210513 txt msg, 210526 tphone. 210519 telecon, 210525 telecon.	210323, 210415, 210420, 210514, 210526,	Appointment for valuations made. £155,000 June 18 BBC val £165,000 March 19, £170,000 May 21.	180612 no response, 190418 BBC offer accepted	210527		171129 Letters sent to home address and property. 171212 BBC letter returned "Gone Away". 180411 joint visit Swan / BBC no access letter left. 180522 leaseholder spoke to independent advisor at open day <b>180619 claim resident at property asked BBC to check records.</b> 180531 rang left message to contact. 180531 Mr Akue rang requested valuation and offer, confirmed he is residential homeowner the Brennan Rd address is his former property. Arranged for TBH to contact. 180621 joint visit Swan / BBC explained options, wants to stay local, will start looking, didn't think scheme was going ahead letter sent confirming. 181023 tele con, explained options and slipped timescale. 190314 BBC offer letter £165,000. 190418 appointment visit 30th April. 190520 confirm interview. 190501 redemption statement received. 200720 pre CPO letter. 200720 BBC letter explaining CPO and options - no response. No response to serving CPO. 210318 BBC letter sent explaining urgent need for Mr A to respond and discuss current situation, reiterates options available to purchase replacement property. 210323 contacted BBC, has been looking for suitable property but without success wants to discuss equity share option. 210413 copies of previous correspondence sent via email. 210414 Mr A accepts offer but needs equity share, can replace existing mortgage. Discussed options for equity share, wants to stay local will contact Estate Agents and advise when offer accepted. 210415 letter confirming telephone conversation, reiterating offer and asking for estate agent details. 210421 valuation reviewed by Ardent, increased to £170,000, informed Mr Akue. 210421 Mr A rang he has found a property and made an offer, I sent the shared equity application form for him to complete and explained the shared equity arrangements. 210512 confirmed that legal charge arrangements can apply following Counsel advice rather than shared equity arrangements, far simpler. 210513 txt from Mr A mentioning difficulty, need to discuss with him to clarify. 210504 left voice message in response to Txt. sent letter and email to Mr Akue explaining simplified arrangements. 210519 Phoned Mr A, and explained the purchase arrangements, he has received explanatory letter of 14th May and will take to various estate agents in the Basildon area. 250421 clarified purchase arrangements for estate agent. 250521 to Mr Akue confirming arrangements and advising Mr A confirms mortgage provider position. 210525 Mr Akue rang, he has identified a property - application for assisted purchase sent 210526 Mr A rang, I clarified the info required. 210527 offer to purchase replacement property accepted confirmed purchase arrangements to Mr A and estate agent. Instructed TLT solicitors to proceed. 210607 email to Mr A's solicitors explaining process and payment of fees.	Basildon
	2	Chichester Close	NR			170302, 170706,	170724 telecon. 170907 telecon. 171024 telecon.	170907 (2), 170918, 170919, 171024, 171212,	£145,000, Aug 17,	170818, Accepted	170919,	180906	170724 request TBH valuation. 170906 agree surveyor fees own valuation. 170907 explained process to Mr Farnham he wants to sell outright not reinvest. Will send own surveyors valuation. Agreed legal fees. 170913 Own surveyor values £135,000. 171212 seeking possession unauthorised occupant. 180403 vacant possession pending. 180522 PO hearing arranged June. Completion due 6th September.	Canvey Island.

	6	Chichester Close	R			170706, 170705, 170726, 170818,	170928 telecon, 180108 telecon,	170825, 170829, 170921, 171030, 171130, 180110, 180116, 180124, 180602,	£155,000 Oct 17.	171024 Accepted	180206,	180803	Confirms RJC representing. 170921 arranged valuation survey for 9th October 2017. 170928 Returned Mr Williams call - wants to move away from the Estate but remain in Basildon area. see file note. 171130 email concerning offer and valuation, and Swan response. 171107 discussed Swan's offer - looking for a personal arrangement, agreed to contact again in 4 weeks (depending on options agreed with BBC). 180104 wants to purchase on open market, son will obtain mortgage, will confirm offer accepted when property found to purchase. 180110 accepts offer. 180116 supplied solicitor info to leaseholder. 190124 agree solicitor fees. 180424 TLT update seller keen to complete asap. 180530 Estate agent rung he will chase solicitors acting for Mr Williams.	Richard John Clarke, Chartered Surveyors	Wickford
	12	Chichester Close	R			180425, 200205,	190205 telecon,	190219, 190402, 200211	£155,000, Sept 17, £156,000 April 18.	170928, 181023 BBC offer £165,000. Rejected 190219. 190314 Accepts BBC offer. 190430 withdraws acceptance. 200217 accepts offer.	200227	200928	170822 agrees to allow valuation and offer, will discuss personal circumstances after. Using private surveyors for advice. <b>Probably Equity Share or Shared Ownership</b> - Valuation arranged 11th September. <b>170901</b> request to authorise surveyors. 170905 Confirms surveyors representing. 170919 survey rearranged for 170920. 171102 interviewed, worried about being made homeless, discussed personal circumstances, large debts, charges on property will have very small equity. <b>Hardship</b> . 171221 Phoned for update, advised options being considered and will contact again Jan / Feb. BBC advised of hardship - will consider assistance. 1803228 Ms Z to agree appointment w/c 9th April to discuss finances. 180328 appointment to visit 11th April 10:30 am. 180411 RF/RP Visit letter sent. 180425 Reval offer sent. 180524 provided redemption statement - now querying valuation and wants to look at S/O arrangement but confirm with Council what they can do to help as well. 180808 asked for update and meeting to discuss help from BBC, will send available dates. 180821 Homeowner confirms hardship and charges secured against the property. 181129 requests visit BBC Swan. Meeting confirmed for 6th Dec 2PM. 190205 may be able to port mortgage requested copy of BBC offer letter. 190219 rejects offer but investigating mortgage porting. 190312 says can port mortgage. 190314 SE application form sent. 190402 asked for £7,500 equity share! 190430 no longer accepts offer wants more. 200211 offered on prop in Manchester will send application form. 200218 to deliver form to Pilgrim. 200227 TLT instructed.	Richard John Clarke, Chartered Surveyors	Manchester
	19	Chichester Close	NR			170302, 170706,	170404 Telecon.	170301 to Mrs Hill. 171019,	£145,000 July 17	170802, Accepted	170823,	180103	Joint leaseholders separated. 170404 spoke Mr Hill sent copies BBC and Swan letter, he will get back to me with intention. Pending response to offer. 170816 accepts offer, looking to rehouse tenants. 171003 not buying reinvestment property. 171019 now buying reinvestment property advised on costs recoverable. 171212 update from TLT. 171219 completion due 3rd Jan 18		Manchester
	39	Chichester Close	R									170519	Bought shared equity new development.		Beechwood
	124	Lincoln Road	R			180425, 180725,	170103 Tel con Mrs Joiner. 170425 visit. 170906 telecon. 180724 visit, 180918 tel con. 181030 visit. 181211 visit,	180918, 181204, 181212,	£145,000 April 17. £147,500 April 18.	170411, Accepted	190516	190516	Joint leaseholders separated. Note correspondence address for Mr Joiner. 170503 Email BBC for assistance. 170504 BBC confirm in touch with Joiner. 170510 Mr J accepts offer, Mrs J does not. 170523 Advised to get own legal advice ref. compensation. 170530 Accepts offer but <b>wants shared equity</b> . 170906 gave update. 180328 update sent. 180425 reval offer sent. 180724 visit unable to secure mortgage, arrangement with Mr Joiner not agreed although solicitors have written, will have c £60k equity, poor credit rating, low income etc. 180918 agreed settlement with partner, seeking financial advice will want interview in a couple of weeks. 181030 provided evidence can't get mortgage. 181204 requested update. 181211 both parties to instruct solicitors but hold completion pending rehousing offer from BBC. 190430 BBC confirm registered as a priority. 190501 offered BBC property.		Basildon
	127	Lincoln Road	NR			170302, 170412,		170413, 170420,	£100,000 April 17	170524 accepted	170524	170310	170412 wants to sell. 170420 agree legal fees.		Basildon
	148	Lincoln Road	R			170302, 170901, 180404,	170530 telecon, 180404 telecon,	181113 telecon,	£145,000 April 17,	170524, Refused. 181023 BBC offer £160,000, 181106 accepts offer,	190129	190516	170413 Valuation £145,000. <b>170530</b> Not satisfied with valuation, unable to purchase elsewhere. £40k mortgage redemption, may get own valuation. May have to get <b>shared equity arrangement</b> . 170901 request to authorise surveyors. 180404 rang wanted to know progress, will wait for his surveyors to negotiate a value. 181113 made offer, form sent. 181119 agreed fees. 181129 v2 application emailed. 181205 TBH requested Homebuyer survey. Completion due 3rd October.	Richard John Clarke, Chartered Surveyors	Basildon
	3	Peterborough Way	NR			170302, 170706, 170901,		170710, 170713, 170719 (2), 181205,	£150,000 Aug 17,	170802, 181023 BBC offer £165,000, Accepted	181205	191105	170710 asked for time line for VP. 170719 explained reposition costs. 170724 requests TBH valuation. 170901 request to authorise surveyors. 180619 tenants have approached BBC. 181205 Agreed legal fees, confirmed arrangements, instructed TLT. Completion due 12th July 2019. 190712 no VP no completion tenants approached BBC for rehousing.	Richard John Clarke, Chartered Surveyors	Basildon
	9	Peterborough Way	R			170302, 170706, 170901,	180329 telecon.	180508, 201216	£150,000 July 17,	170802, 181023 BBC offer £165,000, Accepted 201208.	201208,	210429	170711 requests valuation. 170901, 180329 telecon wanted to know what's happening - see file note. 180508 offered homeowner appointment with Swan BBC.. Agreement HOT's signed, TLT instructed. 201216 Email confirming TLT instructed to Mr Cass. 210415 ready to Exchange. 210420 completion date 29th April 2021.	Richard John Clarke, Chartered surveyors	Basildon

	21	Peterborough Way	NR			170302,		170508, 171122, 170711, 170719, 170920, 170928, 171122, 180213, 180405, 180411,	£140,000 April 17,	170503 refused. 181023 BBC offer £160,000,	191022	210126	See also 23 Wells Gardens. Offer held pending finance. 170503 LR agrees offer. 170508 Accepts value but wants equivalent to purchase cheapest investment property in area. 170711 Advised to get qualified surveyors advice. 170719 Claiming replacement value required, has appointed his own surveyor. 170920 Emailed Homeowner for update on own surveyor. 170928 Details received of solicitors acting for homeowner. 171122 agreed surveyors fees. 180213 Will commission different surveyor, insists on replacement value £200k or more. 180405 request update on surveyor and disputes valuation. 191217 s21 Notice expires 23rd Jan 2010. 200728 Son in Law acting, reluctant to evict for fear of reprisals from the tenant. May need vesting.
	27	Peterborough Way	R			170302, 180412, 190402, 190522,		170705, 170706, 170709, 170712, 170720, 170727, 180329, 180530, 180614, 180619, 180904, 181017, 190228,	£135,000 April 16, refused. £137,500 June 17. Refused.	160409, 170629, Refused, 181023 BBC offer £165,000 accepted.	190712	191202	170705 Does not accept offer, is member of Craylands Homeowner Group (?) and is taking legal advice. <b>Probably can only afford equity share.</b> 180329 update sent as requested. 190516 wants to proceed with shared equity purchase. 190522 LETTER EXPLAINING SHRED EQUITY PROCESS.
	31	Peterborough Way	R			170302, 170706, 170726, 170817, 170901, 190502,	171107 telecon 171114, 180129 telecon, 180820, 190502,	180130, 180321, 180921, 181002,	£155,000 May 18	180509,	200624	201109	170901 request to allow TBH surveyors to value. 171107 wants interview personal circumstances and advice, visit arranged for 14th November. 171114 Interview see file - <b>hardship</b> . 181001 pending BBC advice on potential homelessness. 180130 BBC to interview. 180321 arranged valuation 26th April also seeing solicitor 26th March for advice. Arranged valuation 6th May. 180524 BBC to contact Mr Thompson for rehousing interview. 180820 interview confirmed divorce proceedings started but equity will not be sufficient and Mrs T works in retail, 16 hours per week. 190502 to complete application form. 191121 BC pending financial agreement on divorce arrangements. Completion due 9th November.
	41	Peterborough Way	R									161216	Bought shared equity new development.
	42	Rochester Way	R			170302,	180329 telecon.1804 18 telecon,	171005,	£265,000 170607.	170614. Accepted	171005	180504	170629 Agreed solicitor and surveyor fee quote. Has replacement property accepted. TLT instructed to purchase. 170713 pulling out of current purchase arrangement, intends to lk again in 3 months. Possible redundancy, wants to buy on open market. 171005 found property to buy wants to sell asap. 171220 chain collapsed starting again. 180329 wants completio 13th April, explained not realistic and Mrs Willis will chase her solicitor, agreed to increase Disturbance to £3k to assist in removal transition. 180418 Seller has signed docs. 180423 contracts signed and deposit sent.
	46	Rochester Way	NR			170302, 170706,	170706, 171214 telecon. 180320 telecon. 180405 telecon,	171017, 171107, 171130,	£230,000 Aug 17, £240,000 Sept 17, £250,000 Oct 17.	170823, Refused 171017, Accepted	171107	181030,	170706 Spoke Mr G, he wants valuation. His tenant is troublesome and may prove difficult if she knows property will be sold. Will arrange a date with her and contact me next week. 170807 Has spoken to tenants and requests valuation visit. 170808 TBH to contact directly to arrange survey. Valuation appointment 170817. 170810 survey arranged 17th August. 170830 sends in own valuation claim (estate agent values) 170920 amended offer made. 171010 chased response to offer. 171024 response to ITLA valuation. 171107 agreed to instruct, agreed solicitors fees. 171130 confirm Swan paying costs to TLT. 180220 sub tenant approached IA, referred to BBC. Sub tenant details Ms Georgina West 01268 980226. 180227 NTQ served expires 29th March. 180320 Mr Gutteridge advises his managing agents have not started possession proceedings, advised him to seek legal advice or approach ARMA. 180327 gave sub tenant BBC Housing Advice details. 180405 still waiting for VP.
	20	Wells Gardens	NR			170302,	180405 telecon,	170523, 180201, 180405, 180412,	£240,000 July 17	170802, Accepted	180424	180815	170523 spoke Sonia Palfrey at Family. Agreed to value, make offer and take it from there. Temp let through BBC homeless so Family will dispose when empty. 170622 TBH unable to contact, asked Family for help. 180201 copy of valuation report sent to Sonia Palfrey, Mosaic reviewing internally. 180412 Mandy at Family confirm sale can go ahead and property vacant.
	22	Wells Gardens	R			170302,		170316, 170329, 170411,	£250,000 170407.	Accepted	170425	20170707	Offer sent 170407 £250,000. Accepted. Completion due 7th July 16.
	23	Wells Gardens	NR			170302,		181106,	£135,000 April 17.	170503 refused. 181023 BBC offer £165,000,	191022	200107	Mr Renham's late wife. Valuation received 170413. SEE ALSO 21 PETERBOROUGH WAY. 181106 solicitors letter to BBC, Mr Renham email to BBC re council tax. Completion due 3rd January 2020.
	30	Wells Gardens	R			170302, 170706, 171129	171129 telecon.	171102,	£245,000 170807, £250,000 171102,	170809, Rejected 171102 Accepted	171102	180130	170726 wrong owner info. Wants valuation and offer. 170904 wants £275,000. 170906 explained valuation details and offered to pay for own surveyor. 170926 telecon ref private survey. 170926 Surveyor will bill in advance. 171003 Have found a property to purchase, pending own surveyors valuation. 171102 own surveyor values £250,000, made offer. 171129 Agreed search fee will be paid as disturbance. Estate Agent at top of chain - 5 property chain.
	32	Wells Gardens	R			170302,			£210,000 April 16.		Apr-16	170616	Buying Plot 8:10. 16 Constable Avenue. Agreed shared equity

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6 High Street  
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Essex SS6 7EG

Richard John  
Clarke, Chartered  
surveyors

Wales,

Richard John  
Clarke, Chartered  
surveyors

Basildon  
Beechwood

Basildon

Hair & Co LLP

Basildon  
Beechwood

	38	Wells Gardens	R			170302, 170706,		170801, 170807, 170808(2), 170809, 170816, 170828, 170829, 170906, 180221, 180620, 181023, 190205,	£240,000 July 17 Amended to £245,00 Accepted. Aug 18. Desk top revalue stays at £245,000. Rejected by homeowner.	170808 Accepted 180824 rejected. 181003 agrre £250,000.		200117	Son & daughter authorised to act on behalf of homeowners- Daughter living at property. 170711 requests valuation. 170727 Offer. 170808 rejects offer valuation as not comparable. 170808 asked leaseholder to consider offer £245,000. 170809 Accepts £245,000. 170816 fees agreed, TLT instructed. <b>170816 accepts subject to shared equity offer.</b> 180221 update sent. 180531 options sent. 180814 will consider buying on open market because of time in building Beechwood property. 181023 Wants plot 10.01 as shared equity arrangement. 190205 inform of financial assessment. 190314 IFA form sent. <b>Plot 10.8.</b>
	41	Wells Gardens	NR			170302, 170706,		170816,	£145,000 Aug 17,	170802, Accepted.	170823,	180103	see 19 Chichester. 170816, Property void. Not buying reinvestment property as yet. Completion due 3rd Jan 18.
	43	Wells Gardens	NR			170302, 171212, 171213,	170509 telecon,	171025, 171220, 180206, 180306, 180307, 180410,	£145,000 170607	170614, Accepted	171025	180427	170509 Wants to sell outright, has tenant in occupation. Agreed will wait for a month before updating on value. 170518 TBH to value. 171025 accepts offer agree solicitr fees. 171220 agree tp pay agency early termination fee. 171213 agency fee to be paid in advance. 180206 agency fees still not submitted. 180306 suggested completion 21st March. 180307 Agents only just served notice on tenants. 180403 homeowner confirms property vacant. 180410 Service charge retention suggested. 180424 Agree to complete 27th / 30th April.
	47	Wells Gardens	R			170302, 170706, 171130, 180307, 181129,	170725 telecon with TBH. 180424 interview. 190409 interview,	190423,	requested. 180424 will contact TBH. £142,500 May 18. 190314 BBC offer £165,000.	180509, Refused. 190409 Accepted.	190815	200615	170725 requests valuation beginning September (after holidays). Depends on valuation <b>but may need equity share.</b> 171130 request to contact. 180206 visit no access. 180307 chaser letter sent. 180411 Joint visit Swan / BBC left letter with son. 180424 interview Swan / BBC. Valuation arranged 2nd May. 181129 request meeting. 1903 14 BBC offer £165,000. 190409 accepts offer will look for reprovision. 190730 proposed arrangements to purchase plot 10.7 sent. 190815 solicitors instructed plot 10.7. 200408 update email to leaseholder.

Beechwood

Beechwood

**RP2**

**Letter dated 22 August 2019 and Homeowners booklet addendum**

**Swan** Housing Association  
Pilgrim House, High Street,  
Billericay, CM12 9XY  
[www.swan.org.uk](http://www.swan.org.uk)

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\*  
\*  
\*

Date: 22<sup>nd</sup> August 2019

Direct dial: 03003032500  
Email: [rpearce@swan.org](mailto:rpearce@swan.org) .uk

Dear

Re: Homeowner Information Booklet

I am writing to all resident homeowners on the Craylands Estate (North), concerning an amendment to the Craylands Homeowner Information Booklet. Originally launched in June 2018, the Book includes information on options available to Craylands homeowners to purchase an alternative property.

Specifically, Option 3 "Buying an Equity Share of a Property on Craylands" and Option 4 "Buying an Equity Share in Basildon" have been amended to better reflect the shared equity arrangements required for each option.

In summary instead of Swan buying an equity share in a replacement property identified and bought by the homeowner, Swan will buy the replacement property and grant the homeowner a shared equity lease. This change is required to comply with consumer credit legislation.

I enclose a copy of the original handbook with an addendum to replace pages 7 – 17.

The Booklet explains the options available to resident homeowners, gives details of the scheme and summarises the rights and responsibilities of all concerned but if you would like to discuss any aspect of the Booklet please contact me on [rpearce@swan.org.uk](mailto:rpearce@swan.org.uk) mobile 07860 411308, office 0300 303 2500.

Yours sincerely



Rob Pearce  
Homeownership Project Manager  
Swan Housing Association

## 5. Options for Homeowners affected by the regeneration

Not all Homeowners on the estate will need to be bought out and the property demolished. If your property is to be demolished, you are a homeowner who uses your property as your only or principal home and have lived in your property for at least 12 months, there are 5 options for relocation that are set out in detail below. In each option we will agree with you to buy your property from you at full open market value by agreement. You will also receive compensation through a Home Loss payment of 10% of the value of your property and a Disturbance payment to cover the reasonable costs of moving home. More details of Disturbance payments can be found on page xx of this booklet. The overriding principle is that financially you should be no worse off or no better off financially by having to sell your home and buy another

The options available to Homeowners will depend on your circumstances so you need to read this document carefully.

Depending on your circumstances, you will be able to use the income from the sale of your home and your Home Loss payment to choose one of the following options:

- Option 1 To purchase a property elsewhere including Beechwood on the open market.
- Option 2 Move into one of the new homes on the new Beechwood development owning a shared equity lease.
- Option 3 To purchase a property on Craylands Estate not due for demolition or a resale property on Beechwood owning a shared equity lease.
- Option 4 To purchase a property in the Basildon Town area, owning a shared equity lease.
- Option 5 To purchase a property on the Beechwood Estate on shared ownership terms and conditions.

### The options for relocation

Negotiations for the purchase price of your home will commence 6-9 months before you are due to move. This will give a reasonable period for you to consider your options for future accommodation.

The options you choose will depend on your individual circumstances. There are 5 options for you to consider, which are set out in detail over the following pages. To qualify, you should be using the property as your only or principal home and will have to have lived there for 12 months immediately preceding the sale to Swan.

### Independent Advice

If you would like independent advice, please contact the independent advisor, Communities First who can be contacted on **0300 365 7150** or email [craylands@communitiesfirst.uk.com](mailto:craylands@communitiesfirst.uk.com)



### **Option 1: Resident homeowners who wish to move away from the Estate**

Swan will buy your current home at open market value and you will move off the Estate.

This will apply to properties in the North of the estate. Properties in the South area will be subject to planning permission being achieved and confirmation of funding. You will also receive a 'Home Loss' payment of 10% of the value of your home to a maximum of £63,000 (provided you have used your property as your only or main home for 12 months immediately preceding the date of sale).

You will also receive help with the reasonable cost of moving by way of a Disturbance Payment.

#### **Example for homeowners wishing to move away from the estate**

Current property value: £150,000

Home Loss Payment: (10% of value) £15,000

A Disturbance cash payment £2,000

**Total payment towards new property: £167,000**

Swan will also pay the reasonable legal and surveyor fees and disbursements incurred in selling your home to Swan and buying another.

### **Option 2: Buying an Equity share of a new property on the Beechwood development**

We recognise that for different reasons some homeowners may be unable to purchase a property in which case the equity share option may be suitable for you. To qualify, you should be using the property as your only or main home for 12 months immediately preceding the sale, in accordance with section 29 of the Land Compensation Act 1973.

The homeowner sells their property to Swan and purchases a shared equity lease from Swan on a new property on Beechwood Village using the value of their existing home less any outstanding mortgage (max number of bedrooms based on their existing property). Swan's stake in the property will be a maximum of up to £100k; Swan's equity share will be repaid when the property is sold in the future. The homeowner keeps their home loss payment.

An example of how this will work:

Value of existing property	£150,000
Outstanding mortgage	£ 50,000
Equity held by homeowner	£100,000

Purchase price Beechwood property £250,000

Homeowner ports?? or replaces existing mortgage and contributes £150,000 (including the equity held by the homeowner for the existing property towards the cost of the new Beachwood property £150,000

Swan HA retains an equity share in the lease to the value of £100,000

Homeowner will hold an equity share of 60%  
Swan HA takes an equity share of 40%

- The homeowner will also receive a Home Loss Payment of £15,000 (being 10% of the value of the existing property) and reasonable moving costs.
- The homeowner will not pay any rent or interest on the share they do not own.
- The homeowner will be responsible for paying any ground rent, service charges and other property charges that may apply.
- The new lease can be transferred by agreement, to first generation children & relatives. If the property is sold to a third-party Swan's share will become payable.
- The homeowner will be able to buy additional 10% shares of the property, at the market value at the time, up to 100%.
- The homeowner must put the minimum of the purchase price of their current property towards their share of the home. If the homeowner can purchase a minimum of 40%, they can keep the Home Loss Payment.

### **Option 3: Buying an equity share of a property on Craylands.**

The homeowner sells their existing property to Swan and purchases either an existing property on Craylands that is not due for demolition or a resale Beechwood property from a third party on the open market. The new property must have the same number of bedrooms or less as the existing property.

The homeowner will identify the property they wish to buy and make an offer to purchase. Swan will buy the property, subject to a satisfactory survey carried out by a qualified chartered surveyor. The homeowner will buy a shared equity lease from Swan using the value of their existing property. Swan will retain an equity share of the property up to £100,000. The homeowner keeps their home loss payment.

An example of how this would work:

Value of existing property	£150,000
Outstanding mortgage	£ 50,000
Equity held by homeowner	£100,000
Purchase price Craylands property or Beechwood resale	£250,000
Homeowner transfers or replaces existing mortgage and contributes £150,000 towards the cost of the new property	£150,000
Swan contributes £100,000 to the purchase price of the replacement property.	£100,000

Swan owns the freehold interest and grants the homeowner a shared equity lease.

- The homeowner will also receive a Home Loss Payment of £15,000 and reasonable moving costs.
- The homeowner will not pay any rent or interest on the share they do not own.
- The homeowner will be responsible for paying any ground rent, service charges and other property charges that may apply.
- The new lease can be transferred by agreement, to first generation children & relatives. If the property is sold to a third-party Swan's share will become payable.
- The homeowner will be able to buy additional 10% shares of the property, at the market value at the time, up to 100%.
- The homeowner must put the minimum of the purchase price of their current property towards their share of the home. If the homeowner can purchase a minimum of 40%, they can keep the Home Loss Payment.

#### **Option 4: Buying an Equity Share in Basildon**

The homeowner sells their existing property to Swan and purchases a property on the open market in the Basildon area. The new property must have the same number of bedrooms or less as the existing property.

The homeowner will identify the property they wish to buy and make an offer to purchase. Swan will buy the property, subject to a satisfactory survey carried out by a qualified chartered surveyor. The homeowner will buy a shared equity lease from Swan using the value of their existing property less any mortgage outstanding. Swan

will retain an equity share of the property up to £100,000. The homeowner keeps their home loss payment.

This option is the same as option 3 except the property will be anywhere on the Basildon Town area not specifically the Craylands estate.

An example of how this would work:

Value of existing property	£150,000	
Outstanding mortgage	£ 50,000	
Equity held by homeowner	£100,000	
Purchase price of replacement property bought on the open market.		£250,000
Homeowner transfers or replaces existing mortgage and contributes £150,000 towards the cost of the property		£150,000
Swan contributes £100,000 to the purchase price of the replacement property.		£100,000

Swan owns the freehold interest and grants the homeowner a shared equity lease.

- The homeowner will also receive a Home Loss Payment of £15,000 and reasonable moving costs as required under the Land Compensation Acts.
- The homeowner will not pay any rent or interest on the share they do not own.
- The homeowner will be responsible for paying any ground rent, service charges and other property charges that may apply.
- The new lease can be transferred by agreement, to first generation children & relatives. If the property is sold to a third-party Swan's share will become payable.
- The homeowner will be able to buy additional 10% shares of the property, at the market value at the time, up to 100%.
- The homeowner must put the minimum of the purchase price of their current property towards their share of the home. If the homeowner can purchase a minimum of 40%, they can keep the Home Loss Payment.

### **Option 5: Purchasing a shared ownership property on the Beechwood development**

The homeowner sells their existing property to Swan and purchases a new shared ownership property on Beachwood Village from Swan using all the equity in their existing home to purchase a share of less than 100%. Typically, the minimum share that can be purchased on a shared ownership scheme is 30%. Swan will retain the remaining share. The leaseholder will pay a rent on Swan's share calculated at the prescribed shared ownership rental levels (currently 2.75%). The homeowner keeps their home loss payment.

An example of how this would work:

Value of existing property	£150,000	
Outstanding mortgage and/or debts secured against the property	£ 65,000	
Equity held by homeowner	£85,000	
Purchase price of replacement shared ownership property on Beachwood.		£250,000
Homeowner contributes the equity from their existing property.		£ 85,000

Homeowner purchases 35% share  
Swan retains 65% share; homeowner pays rent on Swan HA's share.

- The homeowner will also receive a Home Loss Payment of £15,000 and reasonable moving costs.
- The homeowner will pay rent on Swan's share.
- The homeowner will be responsible for paying any ground rent, service charges and other property charges that may apply.
- The homeowner will be able to buy additional 10% shares of the property, at the market value at the time, up to 100%.
- The homeowner must put the minimum of the equity they receive from their current property towards their share of the home.

**Swan and Basildon Borough Council will also consider any exceptional circumstances that may apply to individual households who are unable to purchase an alternative property on any of the schemes described above.**

## **The process of selling your home to Swan**

If you are a homeowner affected by the regeneration, Swan will contact you individually to discuss the terms and conditions of the purchase of your home and the options available to support you in obtaining alternative accommodation.

### **What happens if I extend/improve my new home?**

Once you've purchased your home through a shared equity scheme, any major improvements you make (for example: a conservatory) may affect the value of the property. If you decide to sell your home in the future, your property will need two valuations. One of these valuations will include the improvements you've made and the other will be based on the original house you purchased. When you sell your property, you'll receive back the value of the percentage of the property you own, plus the difference between the two valuations. You, not Swan, will benefit from improvements you make.

### **For example, if you own 50% of your property:**

Property valuation including improvements:	£250,000
Property valuation without improvements:	£220,000
Value you've added:	£30,000
Your property sells for:	£250,000
Swan will receive 50% of the sale price, less the value added:	£110,000
You'll receive:	£140,000

### **The date your home would be purchased**

**Because the remainder of the regeneration programme is scheduled to take place in phases, not all Homeowners in homes to be demolished will be contacted immediately.**

You will be kept informed throughout the process and nearer to the time of moving you will be individually contacted by Swan to discuss the terms and conditions of the purchase of your home and the possible options available to support you in obtaining alternative accommodation

Swan will do its best to ensure that homeowners will only move once to their new home. However, in certain circumstances homeowners might need to move temporarily before moving into their final home.

### **Being bought out early**

If you live in the South of the Estate and wish to sell your property early and move off the Estate, please contact the Development and Investment team at Basildon Borough Council. Each case will be considered on its own merits

### **Valuing your property and Compensation**

Swan will offer you the open market value of your home. For valuation purposes we assume that you would be willing to sell at the open market value that you could reasonably achieve in the market.

In addition to paying the open market value, Swan will pay an extra 10% of the value of the home subject to a maximum of £61,000. This is termed the "Home Loss" payment (in accordance with Section 33 of the Planning and Compulsory Purchase Act 2004 as amended). A Home Loss payment is only made to homeowners who have lived in their property as their main or only home for at least for 12 months preceding the date of sale.

## Disturbance payments for homeowners

In addition, you will qualify for the reasonable costs of moving to be paid by Swan. These costs are known as disturbance costs.

This following is not intended to be a definitive guide to Disturbance payments but as an aid to understanding what constitutes “disturbance”. For further information you are advised to seek your own independent advice or to view the Land Compensation Manual on the Valuation Office Agency website [www.voa.gov.uk](http://www.voa.gov.uk). This note endeavours to explain the legal requirements and the type of costs that can be claimed by homeowners when having to sell their property in the circumstances of the regeneration scheme.

. Section 37 of the Land Compensation Act 1973 stipulates that where a person is displaced from any land as a result of an authority possessing compulsory purchase powers, person shall be entitled to a disturbance payment. A person will not be eligible for disturbance payment if not in lawful possession of the land from which he is displaced. No time limit to pay disturbance compensation.

It is meant to cover the reasonable costs incurred when a homeowner must move, however the costs must not be too indirect and the claimant must do their best to keep the costs down. The principle is that a claimant should not be in any worse or necessarily any better position because they must sell their home.

The costs a homeowner can claim as disturbance varies according to their circumstances so can vary between neighbours. In all events the costs must be reasonable. Examples of the type of costs that may apply to homeowners are:

- Removal costs
- Legal and surveyor’s costs
- Disconnection and reconnection of services including cable / satellite TV.
- Forwarding post for three months
- A contribution to adapting carpets and curtains that may be required.
- Where a mortgage is in place it can include any reasonable mortgage redemption fees if payable, surveyor’s costs incurred when applying for a mortgage, sometimes mortgage arrangement fees if it is shown they are unavoidable.
- Stamp Duty Land Tax (SDLT) – may be included at the rate payable in purchasing an equivalent property.

Swan will pay £2,000 as a Disturbance Payment to cover these costs, however if you can demonstrate that your reasonable disturbance costs are more than £2,000 Swan will consider paying them. *Is the £2K a flat fee that does not need to be evidenced, any extra needing to be the subject of a formal claim?*

As part of the disturbance payment, Swan will pay your reasonable fees involved in the selling and buying of a property.

## **Special Adaptations within the Home**

If, following the recommendations of an Occupational Therapist you have had special adaptations made to assist you within your home Swan will pay for disconnection/removal from your existing home and refitting in the new home. This will be carried out normally as advised by an occupational therapist who would nominate a suitable contractor if necessary. This would generally only apply to households moving to a home outside of the Estate. If the adaptations could not be reinstalled in the new home, Swan, in consultation with the Council's Occupational Therapists, would arrange for new adaptations

## **Non-resident Homeowners**

If you are a non-resident homeowner, Swan will buy your home, subject to vacant possession, at its open market value. You will be responsible for ensuring that you give Swan vacant possession. This means that everyone living at the property has left it and you have cleared it of all personal effects. If the property is rented, then you will be responsible for ensuring that any agreement has ended and that tenants leave the house.

Additionally, Swan will pay a statutory Basic Loss payment, the reasonable fees incurred in selling your property to Swan and purchasing another. Swan will also pay any reasonable re-investment costs should you choose to buy a replacement property for investment. The replacement property must be bought within 12 months of completing the sale of your existing property. Basic Loss Payments are covered under Section 33A of the Land Compensation Act 1973 where persons who have a qualifying interest in land which is compulsorily acquired but whom are not in occupation of the dwelling which is being compulsorily acquired. Therefore, to the extent that they are not entitled to Home Loss payments in respect of any part of their interest they are instead entitled to a payment of whichever is the lower of 7.5% of the market value of their property or £75,000.

**RP3**

**Letter dated 20th Feb 2017 from the Council to homeowners  
explaining negotiations to start**

**Regeneration and Economic  
Development**

The Basildon Centre  
St Martin's Square  
Basildon, SS14  
External tel: 01268 533333  
Ask for: Development and  
Investment  
Email

[developmentandinvestment@basildon.gov.uk](mailto:developmentandinvestment@basildon.gov.uk)

20 February 2017

Dear Owner

As you are aware, the regeneration of the Craylands estate is progressing towards the next phase. It is anticipated that the Developer will require vacant possession of the buildings in the North Phase where you currently live /or own a property, around the end of 2018.

With that in mind and as part of the contract the Council has with the Developer, Swan Housing, the Council has resolved to put a Compulsory Purchase Order (CPO) in place to ensure the progress of the re-development. However, as always, the Council and Swan will make all efforts to agree a purchase price with you for your dwelling far in advance of needing to enact a CPO.

To help matters along, Swan Housing will make contact with you in April 2017 to begin negotiations regarding the purchase of your dwelling. Starting then gives everyone more time to sort out their future housing or to replace their rental property.

To ensure you understand your legal rights in this matter an Independent Resident Advisor will be appointed to support and advise you.

I'm sure you will want more information than is contained in this letter and that will be provided by Swan Housing in due course. However, I thought I would write to you now to ensure you have some idea of the timescales involved and to assure you that Swan Housing and Basildon Council will try to make the process as smooth and painless as possible for you.

You will receive a more formal letter from the Council regarding the CPO but as previously said, I wanted you to have this prior warning.

Yours sincerely



Rab Fallon  
Fryerns & Craylands BBC Project Co-ordination

**RP4**

**Letter dated 2nd March 2017 to homeowners from Swan explaining  
process going forward**



**Swan** Housing Association  
Pilgrim House, High Street,  
Billericay, CM12 9XY  
[www.swan.org.uk](http://www.swan.org.uk)

\*  
\*  
\*  
\*  
\*

Direct dial: 01277 8445283  
Mob: 07860 411308  
Email: [rpearce@swan.org.uk](mailto:rpearce@swan.org.uk)

Date 2<sup>nd</sup> March 2017

Dear (Name)

**Re: (Address)**

I am writing further to the recent letter from Rab Fallon at Basildon Borough Council dated concerning the next phase of the Craylands regeneration scheme and how it affects you.

Swan will be contacting homeowners from April 2017 to discuss your circumstances and the options available to you to sell your property and buy another.

To explain the process in more detail, Swan will obtain a valuation report for your property from a qualified Chartered Surveyor which will identify the market value of your property. We will then write to you with a formal offer to buy your property. This offer will include the market value and details of the statutory payments that will be made under the terms of the Land Compensation Acts including a Home Loss Payment, a Disturbance Payment and the legal fees that will be paid by Swan. For residential owners living in the property as your principle home it will also explain the options available to you to purchase on the open market or the option to purchase a property on the new development under a shared equity arrangement.

Swan have employed Tillett, Burns and Hughes a local firm of Chartered Surveyors to assess the market value of your property and their representatives will be contacting you to arrange an appointment at your home so that the Valuation Report can be prepared. The property is valued on the basis that there is no redevelopment scheme in place and with vacant possession when the sale is completed. This is the first step in preparing our offer to purchase your property.

Swan understands that this can be a difficult time for homeowners and I would emphasise that we will do all we can to buy your property through meaningful negotiations and by talking through your circumstances and concerns. Swan staff will be available at the Beechwood Community Centre two days each week where you can call in for a pre-

arranged appointment or you can arrange for a meeting in your home to discuss your personal circumstances in confidence.

Should you wish to seek independent advice at no cost to you the Communities First Foundation has been appointed to act as an independent advisor specifically for homeowners. Communities First can be contacted on Freephone 0300 365 7150 or email [craylands@communitiesfirst.uk.com](mailto:craylands@communitiesfirst.uk.com)

Your contact at Swan is Rob Pearce, Homeownership Project Manager although all staff involved in the Craylands project are available to help.

I will contact you again in early April to arrange an appointment to discuss your circumstances and the options available to you.

Yours sincerely

Rob Pearce  
Homeownership Project manager  
Swan Housing Association

**RP5**

**Reminder letter to homeowners dated 5 July 2017**



**Swan** Housing Association  
Pilgrim House, High Street,  
Billericay, CM12 9XY  
[www.swan.org.uk](http://www.swan.org.uk)

Name  
Address  
Basildon  
Essex  
SS14

Direct dial: 01277 8445283  
Mob: 07860 411308  
Email: [rpearce@swan.org.uk](mailto:rpearce@swan.org.uk)

Date 5<sup>th</sup> July 2017

Dear Name

**Re: 38 Wells Gardens**

I am writing further to my letter of the 2<sup>nd</sup> March 2017 concerning the redevelopment of the Craylands Estate and Swan's approach to buy your property by agreement.

Many residents have responded to Swan's request to value your property so that a formal offer to purchase can be made. As mentioned previously, Swan has employed Tillett, Burns and Hughes a local firm of Chartered Surveyors to assess the market value of your property.

Although you may choose to obtain your own valuation for your property, Swan can only make an offer to purchase following a valuation carried out by Chartered Surveyors commissioned by Swan. Bearing this in mind please contact Lyn Tait at Tillett, Burns and Hughes directly on 01268 554848.

Following the valuation report will then , Swan will write to you with a formal offer to buy your property. This offer will include the market value and details of the statutory payments that will be made under the terms of the Land Compensation Acts including a Loss Payment, a Disturbance Payment and the legal fees that will be paid by Swan.

Swan understands that this can be a difficult time for owners and I would emphasise that we will do all we can to buy your property through meaningful negotiations. Swan staff can be available at the Beechwood Community Centre two days each week for a pre-arranged appointment or you can arrange for a visit to the property to discuss your circumstances in confidence.

Should you wish to seek independent advice at no cost to you the Communities First Foundation has been appointed to act as an independent advisor specifically for

homeowners. Communities First can be contacted on Freephone 0300 365 7150 or email [craylands@communitiesfirst.uk.com](mailto:craylands@communitiesfirst.uk.com)

Your contact at Swan is Rob Pearce, Homeownership Project Manager although all staff involved in the Craylands project are available to help.

For further information or to arrange an appointment to discuss your circumstances please contact me on: switchboard 0300 303 2500, direct dial 01277 8445283, mobile 07860 411308 or Email [rpearce@swan.org.uk](mailto:rpearce@swan.org.uk)

Yours sincerely

A handwritten signature in black ink, appearing to read 'Rob Pearce'.

Rob Pearce  
Homeownership Project Manager  
Swan Housing Association

**RP6**

**Letter dated 12th Feb 2016 inviting homeowners to apply for a  
property on the new development**



**Swan HOUSING  
ASSOCIATION**

Tramway House  
3 Tramway Avenue  
Stratford  
London

E15 4PN

12<sup>th</sup> February 2016

12<sup>th</sup> February 2016

Dear (Name)

Direct Line: 01277 3144334

Retained Equity

Email: [mstallard@swan.org.uk](mailto:mstallard@swan.org.uk)

As you are aware as part of the wider regeneration programme your home is due for demolition in the future. As you may also be aware Swan have agreed to discuss with affected owners the possibility of a Retained Equity purchase. Please note this offer only applies to owners who live in their homes (i.e. it does not apply to absentee landlords)

Over the next 6 months we are completing 53 homes for sale on the estate and some of these homes could be made available for Retained Equity . We would like to ask if you maybe interested in purchasing one of these homes under the Retained Equity option. While there may be other opportunities for you , these homes are completing soon and give you the opportunity to look at this option in more detail.

We are currently estimating the price of the new homes at the following. Please note we will review these prices at the time of launch based upon the market conditions at the time.

1 bed flat from £ 143,000

2 bed flat from £157,000

2 Bed House from £ 226,500

3 Bed House from £245,000

4 bed house from £286,000

While we have yet to complete the new plans and the timescales for the overall scheme our current thinking is that we will aim to start works on the infill sites on the Northern Section first. Your home falls within the northern section. We of course need to purchase relevant properties before works commence. Based upon our current programme it is unlikely we will start purchases before autumn 2017. If this offer is oversubscribed we will offer priority to residents of the Northern Section.

Clearly there a number of detailed issues that need to be addressed but we need to know if you are interested in pursuing this option. If you are interested in Retained Equity can you please confirm your interest by returning the attached form by the 26<sup>th</sup> February?

Alternately you can e mail via the details below. If we do not hear from you by the above deadline we shall assume you are not interested in this option at the moment. Once we know who is interested we can discuss the process going forward. The next step will be for you to provide proof of residence and some sort of basic financial assessment.

If this offer is oversubscribed we will offer priority to residents of the Northern Section.

If you have any queries please do not hesitate to contact me on 01277 3144334 or via [mstallard@swan.org.uk](mailto:mstallard@swan.org.uk) .

Yours sincerely

Mark Stallard

Regeneration Manager

**RP7**

**Satisfaction messages from homeowners**

**From:** Mr O  
**Sent:** 15 May 2021 14:46  
**To:** Rob Pearce <[rpearce@swan.org.uk](mailto:rpearce@swan.org.uk)>  
**Subject:** Re: Your new home

**\*\*\* This email has come from an external source - be careful with any links or requests \*\*\***

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Good day Mr Pearce,

Thank you for your email. Please find below the feedback requested.

Feedback on sale of [\[Craylands property\]](#) & purchase of [\[Beechwood Property\]](#)

It is a great delight for my wife and I to provide feedback on the transactions with Swan Homes in respect of the sale of our former home at [\[Craylands Property\]](#) and the purchase of our new home at [\[Beechwood Property\]](#) under the Basildon Council Regeneration Project of Craylands Estate in Basildon

We are happy to report a very satisfactory outcome for us in terms of the advice, consultations, negotiations and excellent customer provided by Mr Rob Pearce on behalf of Swan Homes especially throughout the difficult periods of delays in price negotiations, equity share arrangement and the new home construction.

We also wish to acknowledge the special and kind consideration by Swan management on the equity share arrangement on the new home that facilitated the completion of all transactions. Overall, we were extremely satisfied with the services provided by Swan Homes and we are equally delighted so far with our new home.

Kind regards.

Mr & Mrs O

Sent from my iPad

**From:** [REDACTED]@sky.com  
**Sent:** 25 May 2021 16:12  
**To:** Rob Pearce <rpearce@swan.org.uk>  
**Subject:** Review

**\*\*\* This email has come from an external source - be careful with any links or requests \*\*\***

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I had a good experience dealing with Swan Housing Association during and after the purchase of my property from them. Initially I was skeptical at the beginning but later found them forthcoming with my enquiries and concerns as the process progressed. Their staffs are easy to approach and respond to messages on time. Even after completion, they responded and fixed the teething issue that I encounter. Overall, my experience with Swan is a positive one and I recommend them for a prospective buyer. I'm very happy with my property, and love living in it.

O. A [REDACTED]

**RP8a & RP8b**

**Example Valuation report and Offer Letter - Redacted**

# **VALUATION OF LEASEHOLD INTEREST**

**12 CHICHESTER CLOSE,**

**BASILDON,**

**ESSEX SS14 3QR**

**PREPARED BY:-** Robert Burns, LLB (Hons), DipArb., FRICS., IRRV., MCI Arb.

**TILLET, BURNS & HUGHES**

**Chartered Surveyors,  
1 Anne Boleyn Mansions,  
High Road,  
Pitsea,  
Basildon,  
Essex  
SS13 3AN**

**Telephone: 01268 554848  
Facsimile: 01268 584500  
E Mail: mail@tbhsurveyors.co.uk**

**REPORT DATE:-** 22nd September 2017.

Mr R. Pearce,  
Home Ownership Project Manager,  
Swan Housing Association,  
Tramway House,  
3 Tramway Avenue,  
Stratford,  
London  
E15 4PN

## **VALUATION OF LEASEHOLD INTEREST**

### **12 CHICHESTER CLOSE, BASILDON, ESSEX SS14 3QR**

This Report is, for convenience, arranged under the following main headings:-

- 1.0 INSTRUCTIONS
- 2.0 QUALIFICATIONS
- 3.0 BASIS OF VALUATION
- 4.0 DESCRIPTION OF PROPERTY
- 5.0 CONDITION
- 6.0 TOWN PLANNING
- 7.0 OPINION OF VALUE
- 8.0 CONSENT TO PUBLICATION
- 9.0 LIMITATION OF LIABILITY

#### **Appendices:**

- Photographs
  - Location Map
- - - - -

### **1.0 INSTRUCTIONS**

- 1.1 This firm is instructed by e-mail dated 22 August 2017 from Mr Rob Pearce, Home Ownership Project Manager, Swan Nu Living to prepare a market valuation of the leasehold interest in the above-mentioned property, on the basis of full and vacant possession, as at the valuation date.

- 1.2 It is understood that the valuation is required in connection with the acquisition of the leasehold interest.
- 1.3 In accordance with instructions received the property was inspected by Mr Robert A. Burns, LLB (Hons), DipArb., FRICS, IRRV (Hons), MCI Arb. on 11th September 2017 (externally only) and 20th September 2017 (internally).

## **2.0 QUALIFICATIONS**

- 2.1 My full name is Robert Anthony Burns.
- 2.2 My qualifications are:-
- (a) Bachelor of Laws – LLB (Hons).
  - (b) Diploma in Arbitration (College of Estate Management/University of Reading) - DipArb.
  - (c) Fellow of the Royal Institution of Chartered Surveyors - FRICS. (Member Building Surveying, Dispute Resolution, Commercial and Valuation Faculties).
  - (d) Member of the Institute of Revenues, Rating and Valuation – IRRV (Hons).
  - (e) Member of the Chartered Institute of Arbitrators - MCI Arb.
  - (f) RICS Registered Valuer, No. 0028541.
- 2.3 I have 52 years post qualification experience in matters relating to valuation of residential land and buildings.
- 2.4 I have been a partner in the general practice surveying firm of Tillett, Burns & Hughes for the last 43 years, during which time I have undertaken valuations of residential properties throughout Essex on behalf of individuals, mortgage lending institutions, registered social landlords, developers and others.
- 2.5 I regularly prepare valuation reports as an Expert Witness to assist Courts in connection with litigation.
- 2.6 I confirm that I am independent of any estate agents and I have no conflict of interest.
- 2.7 The property is located approximately 1.8 kilometres north of the partnership office at Pitsea, Essex. It is in an area with which I am familiar and which is within my normal geographical sphere of operations.

### **3.0 BASIS OF VALUATION**

- 3.1 I am instructed to give an opinion of the **market value** of the leasehold interest in the property. I do not have details of the terms of the lease but assume that they are usual for the grant of a leasehold interest of this type of property and the unexpired term is in excess of 80 years. Should this not be the case, I should be informed accordingly as the valuation should be reconsidered.
- 3.2 The valuation has been carried out in accordance with the requirements of the latest edition of the Royal Institution of Chartered Surveyors' Valuation – Professional Standards (Red Book).
- 3.3 **Market value** is defined as the estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arm's length transaction after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion.
- 3.4 The date of valuation is the date of this report, namely 22nd September 2017.
- 3.5 It is confirmed that this valuation can be treated as valid for a period of three months from the date of this report, assuming there are no abrupt changes in underlying market conditions during this period.
- 3.6 To the best of my knowledge, all the information upon which I have relied is relevant at the date of this report and there have been no material changes since the information was obtained or provided.
- 3.7 A structural survey is not within the terms of the instructions and has not been undertaken. I have not inspected parts of the property which are covered, unexposed or inaccessible and cannot confirm that such parts are free from defect. Service installations have not been tested.
- 3.8 I am not aware of any hazardous materials incorporated in the building.
- 3.9 I have assumed the property is free from any latent defects and that there are no adverse ground or soil conditions affecting the property.
- 3.10 The property has been measured in accordance with the latest Code of Measurement Practice published on behalf of the Royal Institution of Chartered Surveyors.
- 3.11 It has been assumed that good title can be shown to the interest which is being valued and that the property is not subject to any unusual or onerous restrictions, encumbrances or outgoing affecting the Title.

- 3.12 It is assumed the property is unaffected by any Statutory or Local Authority Notices and that neither the property nor its use give rise to a contravention of any Statutory or Local Authority requirements.
- 3.13 If, upon investigation of Title or receiving the result of Land Searches, any variation to the assumptions made in this section is found, the valuation should be referred back to me for reconsideration.
- 3.14 No allowance has been made for any liability for taxation which may arise on actual or notional disposal of the property.
- 3.15 Floor areas and construction details have been verified on site. I have not made any written enquiries of Planning, Highway or other Statutory Authorities.

#### **4.0 DESCRIPTION OF PROPERTY**

- 4.1 The property comprises a two storey, end-of-terrace maisonette built on the ground and first floors of a four storey block, comprising 12 maisonettes of similar type and age.
- 4.2 There are fenced gardens to the front and rear of the property.
- 4.3 The property was constructed about 48 years ago.
- 4.4 The plot on which the property stands fronts onto the public footpath leading to the highway and public parking spaces. There is a soft landscaped public area adjoining the side wall of the property.
- 4.5 The location is a modern residential estate originally constructed as part of a municipal housing scheme by Basildon Council and comprises mainly two storey terraced dwelling houses and four storey blocks of maisonettes, all of similar age to the subject. There are local shops on the estate and the location is convenient for all usually expected modern amenities.
- 4.6 Pitsea main line railway station is approximately 2.3 kilometres to the south east beyond Pitsea shopping and commercial centre and major superstores.
- 4.7 The property is constructed as follows:-
- Roof: The main roof to the block is flat and covered with mineral felt. The upper limit of the subject maisonette is assumed to be a proportion of the horizontal concrete decking which forms the ceilings of No. 12 and the floor of the property above.

Walls: The side wall is of conventional modern cavity construction (two skins of brick or block joined together by metal ties across an approximately 50mm wide cavity). There is facing brick to the side cavity wall but, apart from the rear wall of the living room which has been rebuilt in brickwork incorporating a double glazed PVC section patio door system, the walls across the front and rear of the property are of 125mm thickness prefabricated cross wall, timber frame construction, clad externally with mineral chip facing board and, above window cill height, with double glazed PVC sections. The party wall running from front to rear is of 225mm brick/blockwork.

Internally, the walls are dry lined with plasterboard and decorated. Internal partitions are of hollow construction with plasterboard dry lining.

Floors: The floors in all rooms are covered. The covering in the ground floor kitchen/dining room is of tiles and that to the living room of laminate. One of the first floor bedrooms is covered with carpet and the other bedrooms and bathroom are covered with laminate. They are indicated as being of concrete with mortar screed to the lower floor and suspended timber to the upper floor.

Windows and Doors: Apart from the front door which is of glazed timber, windows and doors are of PVC section incorporating sealed double glazing units to front and rear elevations.

Joinery: Internally, joinery is of standard decorated timber sections.

The kitchen has floor standing and wall hung cupboards which are in reasonable condition.

4.8 The property has a gross covered area of approximately 94m<sup>2</sup> and the interior is partitioned to provide the following accommodation:-

Ground Floor: Entrance hall, cloakroom/toilet, kitchen/dining room and living room.

First Floor: Three bedrooms and bathroom (with bath, wash basin and toilet).

4.9 There are storage cupboards incorporated within the gross covered area.

4.10 Mains electricity, water and drainage are connected.

- 4.11 Heating is by electrically powered apparatus and a false feature hollow chimney breast and fireplace have been installed against the party wall in the living room. Domestic hot water is provided by an electrically powered installation.

## **5.0 CONDITION**

- 5.1 I am not instructed to carry out a full building condition survey, nor have I inspected those parts of the property which are covered, unexposed or inaccessible and such parts have been assumed to be in good repair and condition. I cannot express an opinion about or advise upon the condition of uninspected parts and this Report should not be taken as making any implied representation or statement about such parts.
- 5.2 Tests have not been carried out of drains and other service installations and, therefore, similarly, no comment is made.
- 5.3 I was unable to gain access to the first floor front bedroom as it was locked at the time of my inspection. Elsewhere, the property has been reasonably well maintained and some improvements have been undertaken which include installation of a brick skin each side of a pair of sliding PVC patio doors to the rear of the living room. The area to the front of the property is paved and there is a paved patio adjoining the rear.
- 5.4 I noted a mature deciduous tree growing on the public landscaped area to the right of the building which is within potential root influencing distance of foundations and services. The tree has been reduced in height and bulk and ongoing maintenance should continue in order to avoid any problems arising in the future.
- 5.5 I noted that the balustrade beneath the handrail over the outer string of the staircase has been removed and ranch style rails installed. The gaps between the rails are greater than those which would be approved by current Building Regulations.

## **6.0 TOWN PLANNING**

- 6.1 For the purposes of valuation, it is assumed that all appropriate Building Regulation and Town Planning consents were in place before construction and were complied with up to completion.
- 6.2 It is understood that the property has always been used for residential purposes and this valuation is undertaken on the basis that this use would continue.

## 7.0 OPINION OF VALUE

- 7.1 In arriving at my opinion of value below, I have had regard to evidence of properties which have been sold, properties available for sale in the current market and any value for alternative uses. I have made adjustments which I consider reasonable for the differences in age, size, type of construction, location and state of repair as noted above.
- 7.2 There have been very few publicly recorded details of sales of similar properties on this estate which have been registered in the recent past. From my experience of the type of property, I have found that usual sources of mortgage finance are not readily available, because of the type of construction and terms of some leases which can impose restrictions on value.
- 7.3 I have assumed, as stated above, that the remaining term of the lease on this property is in excess of 80 years and, should this not be the case, the matter should be referred back to me for reconsideration of the valuation.
- 7.4 I have noted details of properties of similar type, location and age which have sold within the last 12 months.
- 7.5 Among the evidence which I have reviewed, are the following:-
- (a) **17 Peterborough Way, Basildon, SS14 3QE**  
Sold at £95,000 on 5th December 2016;
  - (b) **41 Peterborough Way, Basildon, SS14 3QE**  
Sold at £130,000 on 20th December 2016;
  - (c) **50 Craylands, Basildon, SS14 3RH**  
Sold at £130,000 on 31st May 2017;
  - (d) **72 Lincoln Road, Basildon, SS14 3RB**  
Sold at £150,000 on 14th July 2017.
- 7.6 I am of the opinion that the **market value** of the leasehold interest in the property as described, on the assumption of vacant possession as at **22nd September 2017**, is fairly reflected in a figure of **£155,000 (one hundred and fifty five thousand pounds)**.
-

7.7 The valuation reflects movements in market prices which have occurred in the recent past. However, values are sensitive to Government policies and it is expected that the value of the subject property will follow usual market trends.

## **8.0 CONSENT TO PUBLICATION**

8.1 Neither the whole nor any part of this Valuation Report, nor any reference thereto may be included in any published document, circular or statement nor published in any way without the Valuer's written approval of the form and context in which it may appear.

## **9.0 LIMITATION OF LIABILITY**

9.1 This Valuation Report is provided for the stated purpose and for the sole use of the named Client. It is confidential to the Client and their professional advisers and the Valuer accepts no responsibility whatsoever to any other person.

9.2 Floor areas and construction details have been verified on site. I have not made any written enquiries of Planning, Highway or other statutory authorities and comment in this Report is based upon my previous experience in the area. Details of tenure have not been verified.

9.3 The valuation is based upon a visual inspection of the property, together with any verbal information supplied, and no inspection has been made of any Title Deeds nor other relevant document unless specified in this Report.

Report prepared by:-



.....  
R.A. Burns. LLB (Hons), DipArb., FRICS, IRRV, MCI Arb.

TILLETT, BURNS & HUGHES  
1 Anne Boleyn Mansions,  
High Road, Pitsea,  
Basildon, Essex SS13 3AN

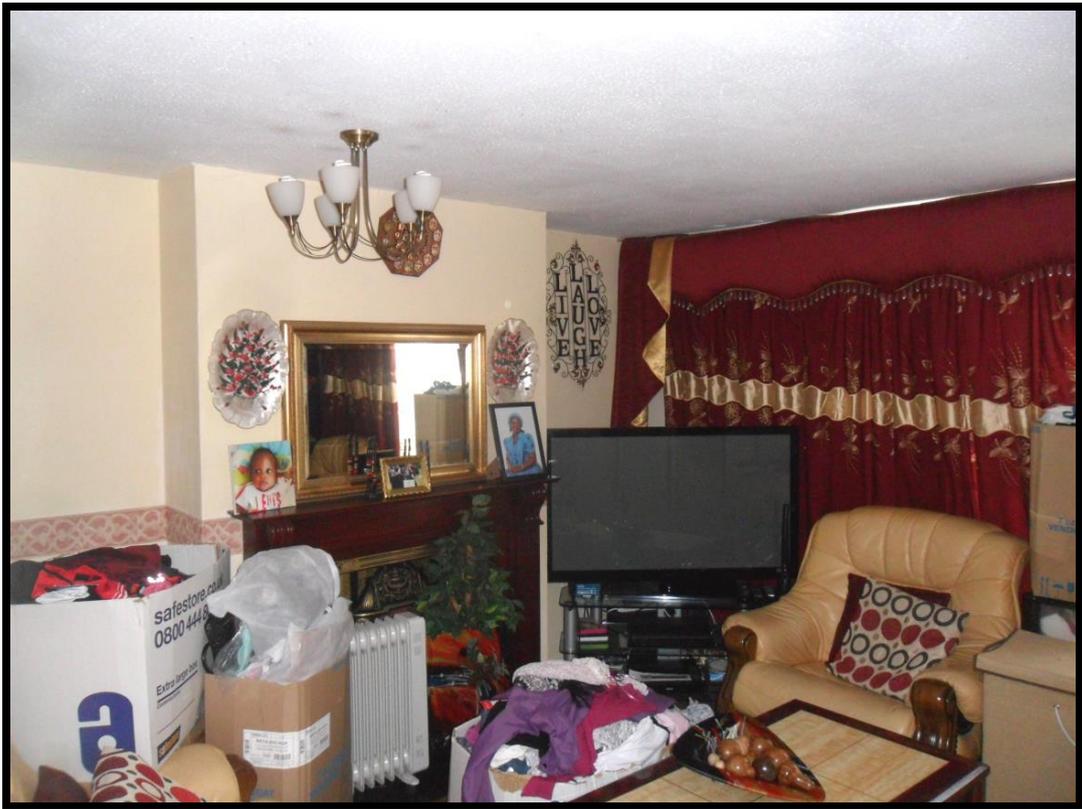
Tel. No.: 01268 554848  
Fax No: 01268 584500  
E-mail: mail@tbhsurveyors.co.uk

RAB/LMT/V. 22nd September 2017.

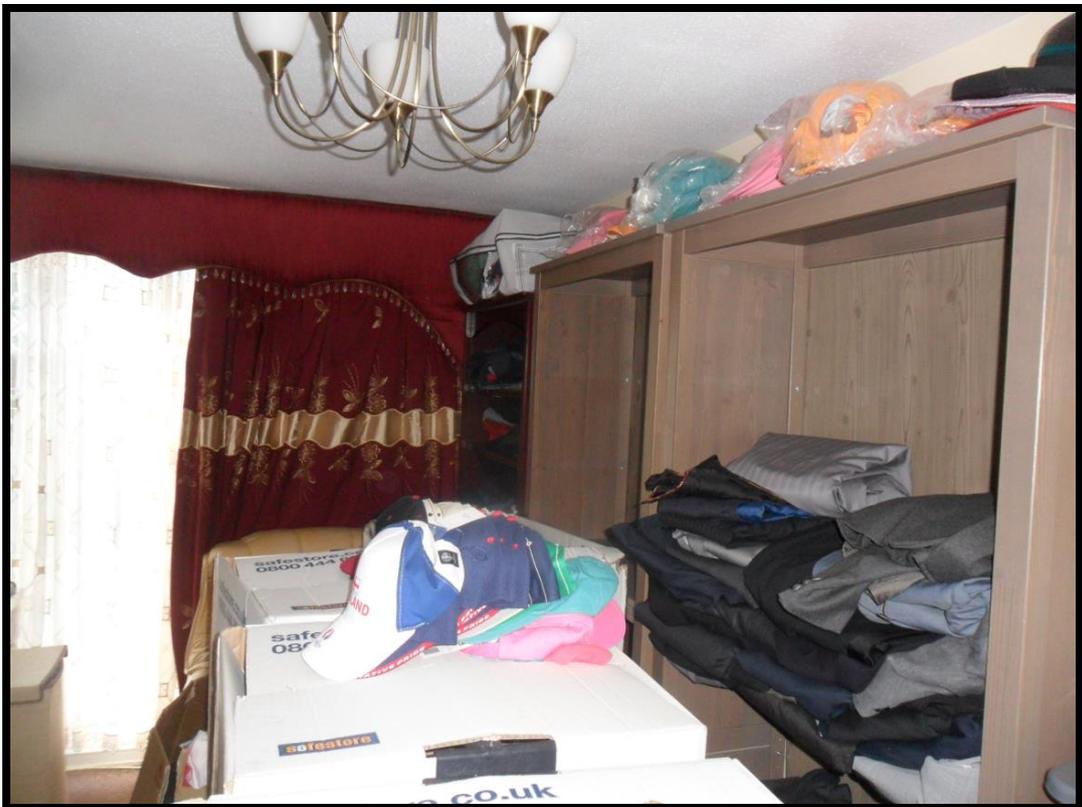
**12 Chichester Close  
Basildon, Essex SS14 3QR**



**Front / Flank Elevations**



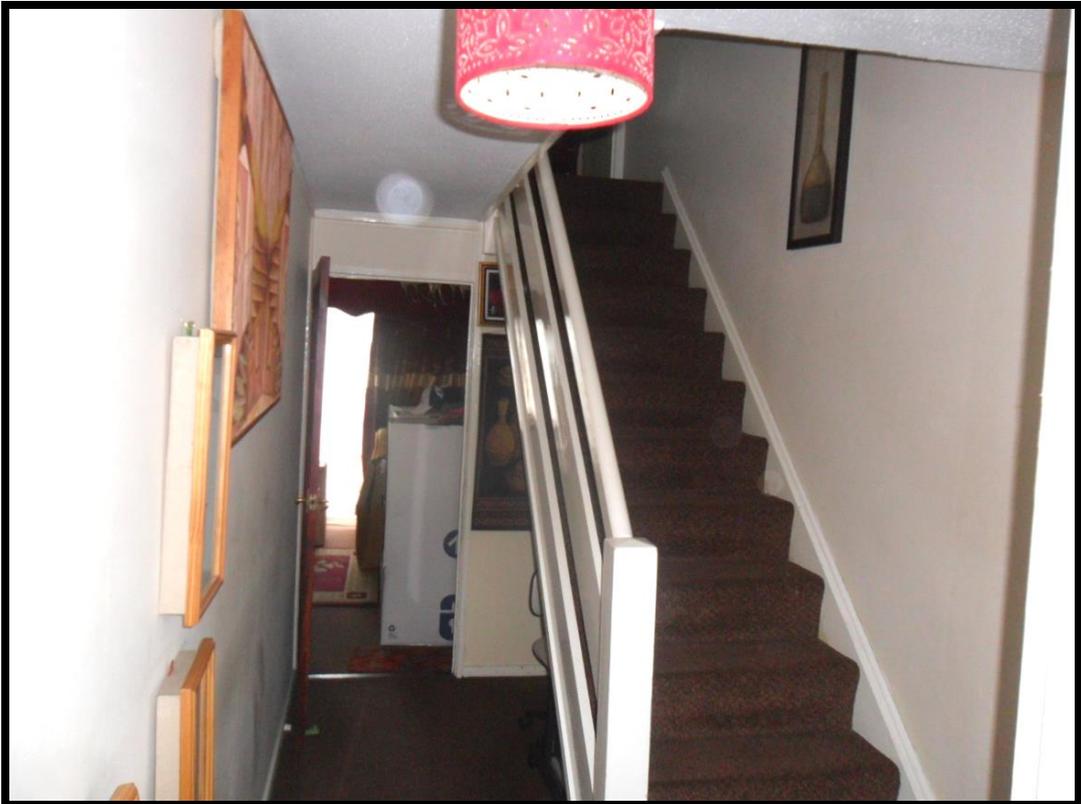
**Living Room (Part)**



**Living Room (Part)**



**Kitchen/Diner**



**Hall and Staircase**



**Bedroom**



**Bedroom**



**Bathroom**



**Bathroom Ceiling (Condensation Stains)**

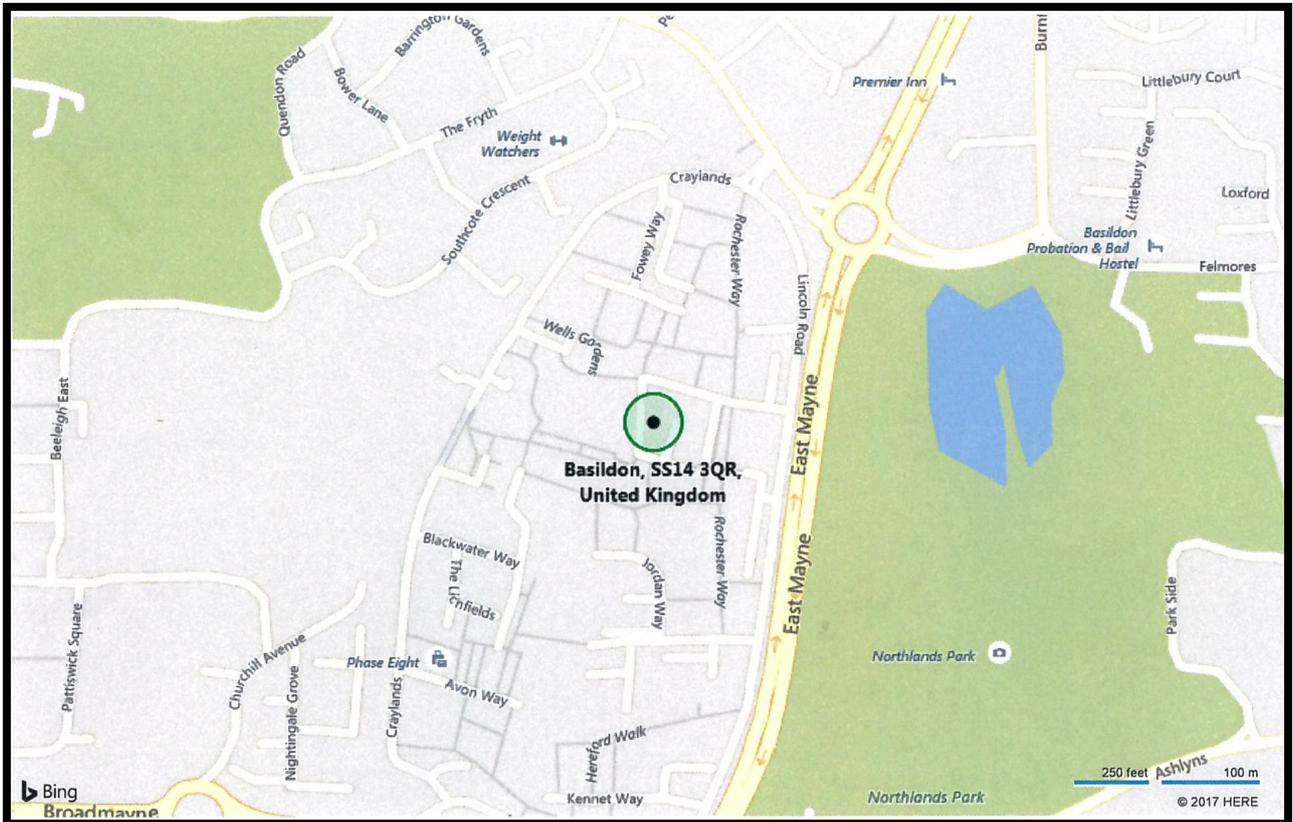


**Garden**



**Mature Tree on Public Landscape Area to Side of Property**

# LOCATION MAP



**12 Chichester Close,  
Basildon, Essex SS14 3QR**



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

[REDACTED]  
12 Chichester Close  
Basildon,  
Essex  
**SS14 3QR**

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

29<sup>th</sup> September 2017

**Without prejudice and subject to contract.**

Dear [REDACTED]

**Re: 12 Chichester Close**

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

Taking into account a number of factors including the price comparable properties have actually been sold for, the market value of **12 Chichester Close** has been calculated at **£155,000**.

Under the terms of the Land Compensation Acts if you are eligible to receive a Home Loss payment equivalent to 10% of the market value and a Disturbance payment to cover the costs incurred in moving. Please see the attached information on Disturbance payments. Swan will also pay the reasonable legal fees incurred in selling your property and buying another.

Swan's offer to buy your property is as follows:

Market value:	£155,000
Home loss payment @	
10% market value:	£ 15,500
Disturbance payment:	£ 2,000
Total:	<b><u>£172,000</u></b>

**What happens next?**

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

Once the legal fees are approved you can instruct your solicitor to act for you in the transaction and I will instruct Swan's solicitors as necessary to enable you to sell your property to Swan. Please remember that this arrangement only applies to the reasonable legal fees relating to the sale of the property and any subsequent purchase you may make..

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

Yours sincerely

Rob Pearce  
Homeownership Project Manager  
Swan Housing Association

## **Disturbance Payments for Homeowners**

**This note is not intended to be a definitive guide to Disturbance Payments but as an aid to understanding what constitutes “disturbance”. For further information you are advised to seek your own independent advice if you wish and at your own expense or to view the Land Compensation Manual on the Valuation Office Agency website [www.voa.gov.uk](http://www.voa.gov.uk).**

Some homeowners have asked for an explanation of Disturbance payment, what it is and what costs can be claimed as a disturbance payment. This note endeavours to explain the legal requirements and the type of costs that can be claimed by homeowners when having to sell their property in the circumstances of the redevelopment scheme.

There is no statutory definition of ‘disturbance’ and the right to compensation for disturbance is founded upon case law. It is meant to cover the reasonable costs incurred when a homeowner has to move, however the cost must not be too remote and the claimant must act reasonably to mitigate costs. Additionally there is the principle of “equivalence” which in summary means that a claimant should not be in any worse or necessarily any better position.

The costs a homeowner can claim as disturbance differs according to their circumstances so can vary between neighbours. In all events the costs must be reasonable. Examples of the type of costs that may apply to homeowners are:

- Removal costs
- Disconnection and reconnection of services including cable / satellite TV.
- Forwarding post for three months
- A contribution to adapting carpets and curtains that may be required.
- Where a mortgage is in place it can include any reasonable mortgage redemption fees if payable, surveyors costs incurred when applying for a mortgage, sometimes mortgage arrangement fees if it is shown they are unavoidable.
- Stamp Duty Land Tax (SDLT) – may be included at the rate payable in purchasing an equivalent property i.e. if the property you are selling is worth £150,000 the contribution at today’s rates would be £500.

Swan will pay £2,000 as a Disturbance Payment to cover these costs, however if you can demonstrate that your reasonable disturbance costs are more than £2,000 Swan will consider paying them.

In addition Swan will pay your reasonable legal fees involved in the selling and buying of a property.

Rob Pearce  
Homeownership Project Manager  
Swan Housing Association

**RP9**

**Email dated 24th May 2017 from Richard John Clarke, Chartered Surveyors to Swan explaining that they had been commissioned by Mr Tristan Howe**

## Jessamy Gorham

---

**From:** Bethan Handley <bethan@richardjohnclarke.com> on behalf of Bethan Handley  
**Sent:** 25 May 2017 12:58  
**To:** Rob Pearce  
**Cc:** Richard Murphy  
**Subject:** RE: Phase 2 - Beechwood

Hi Rob,

I appreciate that giving out clients details is inappropriate, but I was just hoping you could let me know which roads will be affected within this phase.

I can find the rest of the relevant details from the land registry.

Richard will be in touch regarding our fee quote.

Many thanks,

**Bethan Handley** MSc RICS  
**Richard John Clarke** Chartered Surveyors  
11 Masons Arms Mews  
Mayfair, London, W1S 1NX

 020 7499 8043

 [bethan@richardjohnclarke.com](mailto:bethan@richardjohnclarke.com)

 [www.richardjohnclarke.com](http://www.richardjohnclarke.com)

---

**From:** Rob Pearce [mailto:Rpearce@nuliving.co.uk]  
**Sent:** 24 May 2017 18:01  
**To:** Bethan Handley <bethan@richardjohnclarke.com>  
**Cc:** Richard Murphy <richard@richardjohnclarke.com>  
**Subject:** RE: Phase 2 - Beechwood

Dear Bethan

Many thanks for your message concerning 17 Peterborough Way and the Craylands scheme in general.

Unfortunately due to data protection requirements I am unable to provide details of our clients names and addresses to a third party. However, planning decisions are publicly available at Basildon Council.

I would also want to clarify the position with regards to your fees. On behalf of the Acquiring Authority, Swan will pay your reasonable fees to produce a valuation report on the property. I would require a fee quote in advance to authorise the costs as reasonable. In relation to a homeowner commissioning you to act for them in the CPO process, Swan cannot agree to pay any fees at this stage so you would undertake the work either at your own risk or subject to an arrangement with your client.

Kind regards

**Rob Pearce**  
**Homeownership Project Manager**

Tel: 01277 31 52 83 | Mob: (0)7860 411 308 | Main: 0300 303 2500



Tramway House | 3 Tramway Avenue | Stratford | London | E15 4PN

[www.swan.org.uk](http://www.swan.org.uk) [nuliving.co.uk](http://nuliving.co.uk)

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---

**From:** Bethan Handley [<mailto:bethan@richardjohnclarke.com>]  
**Sent:** 24 May 2017 16:43  
**To:** Rob Pearce  
**Cc:** Richard Murphy  
**Subject:** Phase 2 - Beechwood

Hi Rob,

I have just tried to call you, I hope you don't mind me getting in contact.

You have been speaking with my colleague Richard regarding the purchase of 17 Peterborough Way. We have been instructed to act on behalf of the leaseholder with regards to the valuation and subsequent negotiations.

We are also hoping to approach the remaining homeowners that will be impacted by the second phase of the development to find out whether they require representation.

I was hoping you could point me in the right direction as it is not clear from my research which properties you are hoping to acquire.

Any assistance in this matter will be greatly appreciated.

Many thanks,

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 [bethan@richardjohnclarke.com](mailto:bethan@richardjohnclarke.com)

 [www.richardjohnclarke.com](http://www.richardjohnclarke.com)

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**RP10**

**Commission email to private surveyors 28 June 2017**

**Subject:** RE: Craylands CPO  
**Date:** Wednesday, 28 June 2017 at 09:04:29 British Summer Time  
**From:** Rob Pearce  
**To:** 'Richard Murphy'  
**CC:** 'Bethan Handley', Mark Stallard  
**Attachments:** image001.png, image002.png, image003.png

Dear Richard

Many thanks for your message concerning Craylands.

We accept your valuation fee but request that you send the addresses of the clients who have commissioned you as not all homeowners are affected by the proposals.

Secondly we accept your rate for negotiations but would add that this cannot be a "open cheque" and we will require supporting evidence when Invoices are submitted.

I trust that you find these arrangements suitable but please let me know if you wish to discuss anything.

Kind regards

**Rob Pearce**  
**Homeownership Project Manager**

Tel: 01277 31 52 83 | Mob: (0)7860 411 308 | Main: 0300 303 2500



Tramway House | 3 Tramway Avenue | Stratford | London | E15 4PN

[www.swan.org.uk](http://www.swan.org.uk) [nuliving.co.uk](http://nuliving.co.uk)

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---

**From:** Richard Murphy [mailto:richard@richardjohnclarke.com]  
**Sent:** 22 June 2017 17:08  
**To:** Rob Pearce  
**Cc:** Bethan Handley  
**Subject:** Craylands CPO

Dear Rob,

Following our previous discussion we now have approximately 8 leaseholders who have instructed us to act of their behalf. We have assumed you are acting in the shadow of a CPO and you would therefore be willing to pay our reasonable fees.

Our valuation fee is £650+VAT and £200+VAT per hour for negotiations.

Please confirm this is acceptable to you and we will send over our valuations when they are complete.

Regards,

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

 020 7499 8043

 [richard@richardjohnclarke.com](mailto:richard@richardjohnclarke.com)

 [www.richardjohnclarke.com](http://www.richardjohnclarke.com)



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**From:** Bethan Handley  
**Sent:** 25 May 2017 12:58  
**To:** 'Rob Pearce' <[Rpearce@nuliving.co.uk](mailto:Rpearce@nuliving.co.uk)>  
**Cc:** Richard Murphy <[richard@richardjohnclarke.com](mailto:richard@richardjohnclarke.com)>  
**Subject:** RE: Phase 2 - Beechwood

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Many thanks,

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**11 Masons Arms Mews**  
**Mayfair, London, W1S 1NX**

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Kind regards

**Rob Pearce**  
**Homeownership Project Manager**

Tel: 01277 31 52 83 | Mob: (0)7860 411 308 | Main: 0300 303 2500



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**Sent:** 24 May 2017 16:43  
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**Cc:** Richard Murphy  
**Subject:** Phase 2 - Beechwood

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Many thanks,

**Bethan Handley MSc RICS**  
**Richard John Clarke Chartered Surveyors**  
**Masons Arms Mews**  
**Wayfair, London, W1S 1NX**



020 7499 8043



[bethan@richardjohnclarke.com](mailto:bethan@richardjohnclarke.com)



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**RP11**

**Offer letter to Mr Howe dated 14<sup>th</sup> June 2017**



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

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

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

14<sup>th</sup> June 2017

**Without prejudice and subject to contract.**

Dear Mr Howe

**Re: 17 Peterborough Way**

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

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

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

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

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

**What happens next?**

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

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

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

Yours sincerely

Rob Pearce  
Homeownership Project Manager  
Swan Housing Association

**RP12**

**Letter from Swan to Richard John Clarke Chartered Surveyors  
Dated 7 September 2017**



**Swan** Housing Association  
Pilgrim House, High Street,  
Billericay, CM12 9XY  
[www.swan.org.uk](http://www.swan.org.uk)

Bethan Handley MSc RICs  
Richard John Clarke Chartered Surveyors  
11 Masons Arms Mews  
Mayfair  
London  
W1S 1NX

Direct dial: 01277 315283  
Email: [rpearce@swan.org](mailto:rpearce@swan.org) .uk

Date: 7<sup>th</sup> September 2017

Dear Bethan

Without Prejudice & Subject to Contract

**Ref: Craylands Estate, Basildon, Essex**

Many thanks for your valuation report prepared for properties on the Craylands Estate. The report does highlight a number of issues that I trust you can clarify before proceeding with further communication or commencing negotiation.

The report seems to be generic with just the address and photo changed according to the property. Can you advise whether this is the case? If not can you comment on the condition of the individual properties and provide photographic evidence? The condition of a property is relevant when considering the market value.

The report indicates that the buildings are of concrete construction which is reflected in your valuation, however a concrete frame is not the form of construction for the maisonette blocks on Craylands and I did wonder whether you checked beforehand with any local chartered surveyors who would have an in depth knowledge of the properties and the area? Local surveyors would also have been able to assist by explaining the history of the property market in the neighbourhood and the environmental factors relevant to the market value which led in part to the Council's decision to regenerate.

The properties are of cross wall infill between block party walls and cavity construction piers. The cross walls are of timber framework with cladding externally, dry lined plasterboard internally and the upper parts filled with double glazed PVC sections. Over time some mortgage lenders have declined to lend on the estate because of this method of construction.

Turning to the three examples you provide for comparable purposes. Unlike Craylands, the properties are all of conventional cavity construction with pitched roofs covered with tiles (you will have noted that Craylands are flat roofs covered with felt) additionally the properties have very large balconies at each level. I would add that market sales are on-going in the

neighbourhood and properties being routinely bought and sold. It would seem that such properties are far more suitable for comparable purposes than those you have selected.

I would ask that you review your valuations having regard to the information provided above.

In relation to negotiations there are a couple of matters that need to be resolved prior to commencing relative correspondence with you. As I have mentioned previously Swan has a duty to comply with data protection and confidentiality and as such will require written authority from the relevant homeowners confirming that you represent them and are authorised to discuss their personal circumstances with Swan. Direct negotiations commenced with some of the homeowners prior to your involvement and some have subsequently provided written confirmation that you represent them and are authorised to discuss their personal circumstances. Although relevant homeowners have been asked to provide written confirmation some remain outstanding, I attach details of the outstanding authorisations to date and would ask that you advise the homeowners to respond to Swan's request as soon as possible.

Furthermore, there are three homeowners who appear on your listing that have not responded to requests for a valuation survey to be undertaken. I am sure you will appreciate that Swan are unable to make an offer to purchase a property without an accurate valuation report from the surveyors commissioned by the Acquiring Authority. Although correspondence has been sent to the homeowners on a number of occasions explaining the process, I am unclear whether homeowners are aware that they need to allow access to the premises so that a comprehensive valuation report and subsequent offer to purchase their lease can be made. Perhaps you could advise them to contact the surveyors directly to arrange a survey? The Chartered Surveyors who have been commissioned are:

Tillett, Burns & Hughes,  
1 Anne Boleyn Mansions,  
High Road,  
Pitsea,  
Basildon,  
Essex  
SS13 3AN.  
Telephone Lyn Tait on 01268 554848

I would confirm that your negotiation fee is £200 per hour. However, I am sure you will appreciate that officers from Swan and the Acquiring Authority have a fiduciary duty to ensure costs are reasonable and necessary and as such would ask that you evidence any subsequent claims. I am told that you have been involved in other similar projects so assume that you have a process already in place. Perhaps you could propose how this would work in practice and I can seek approval in accordance with good financial practice.

Yours sincerely

Rob Pearce  
Homeownership Project Manager  
Swan Housing Association

**RP13**

**Letter from Swan to Richard John Clarke Chartered Surveyors  
Dated 19 January 2018**



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

**Swan** Housing Association  
Pilgrim House, High Street,  
Billericay, CM12 9XY  
[www.swan.org.uk](http://www.swan.org.uk)

Direct dial: 01277 315283  
Email: [rpearce@swan.org](mailto:rpearce@swan.org) .uk

Date: 19<sup>th</sup> January 2018

Dear Richard

Without Prejudice & Subject to Contract

**Ref: Craylands Estate, Basildon, Essex**

I refer to the exchange of emails concerning the issues raised over time surrounding your valuation report on some of the Craylands properties.

In relation to keeping homeowners informed, Bethan indicated in her response that she felt that *"...during negotiations is not common practice to comment on the other parties valuations in the presence of clients. Efforts to undermine the other parties valuation in this way is not in the spirit of negotiations. I therefore ask that in future you keep discussions between ourselves and I will communicate updates to my clients when I deem appropriate."* I regret that I cannot agree not to keep homeowners directly informed of progress. Furthermore, Basildon Council as the Acquiring Authority must satisfy itself that homeowners are kept fully informed throughout the process.

Before commencing or in the case of some of your clients recommencing negotiations it is my understanding that the parties should come from a reasonable and substantive starting point and there are issues with your original valuation report that would seem not to comply with this approach. For detail I would refer you to my earlier letter to Bethan but in brief the report identified the wrong construction method and did not identify that the actual construction method has proved difficult to mortgage historically, the report did not indicate internal condition, the comparables were not comparable to Craylands even though there are properties similar to Craylands being marketed and sold in the area which support Swan's valuation and offer.

I would add that several homeowners have commissioned their own valuation reports and three different Chartered Surveyors based locally and in London have independently valued similar properties carried out in accordance with the requirements of the latest edition of the Royal Institution of Chartered Surveyors' Valuation – Professional Standards (Red Book) and by and large support our valuation and subsequent offers.

I would confirm that your negotiation fee is £200 per hour. However, I am sure you will appreciate that officers from Swan and the Acquiring Authority have a fiduciary duty to ensure costs are reasonable and necessary and as such would ask that you evidence any subsequent claims. I am told that you have been involved in other similar projects so assume that you have a process already in place. Perhaps you could propose how this would work in practice and I can seek approval in accordance with good financial practice.

Yours sincerely

Rob Pearce  
Homeownership Project Manager  
Swan Housing Association