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Secretary of State for Communities and Local Government
National Planning Casework Unit
5 St. Philips Place
Colmore Row
Birmingham
B3 2PW

Thursday 17th July 2014

[18 JUL 2014

Dear Sir,

**Re: The London Borough of Barnet (West Hendon Regeneration Area)
Compulsory Purchase Order No. 1 – 2014
Claimants: Dennys & Moshie Forte
Address: 45 Franking House, West Hendon, London NW9 7QA**

We are instructed by the Freeholders of the above property which is affected by the Compulsory Purchase Order.

1. Our clients object in principal to this CPO they have no alternative but to instruct us to object to the CPO on their behalf. Our clients take the view that while matters relating to compensation will be considered at the Lands Tribunal, the grounds of objection should be met, or the requirements of the legislation referred to in paragraph Circular 06/2004, "Compulsory Purchase and the Crichel Down Rule" will not be fulfilled. Paragraph 19 states Parliament has always taken the view that land should only be taken compulsorily where there is clear evidence that the public benefits will outweigh the private loss, and it further states that the Human Rights Act reinforces that basic requirement.

2. The grounds are set out below

Ground 1

No significant attempt has been made to negotiate the purchase of our client's interests.

Ground 2

We consider that the acquisition our client's interests may have been possible without the use of Compulsory Purchase Powers. However in the absence of any

serious discussions with either myself or my client then the Acquiring Authority has resorted to the blunt tool of a Compulsory Purchase Order which is unfair and inequitable.

Ground 3

No attempt has been made to discuss with my clients the affect of all the works that are currently taking place. No account has been taken of my client's personal circumstances or what mitigating actions the Acquiring Authority intend to offer.

Ground 4

My client and I are of the opinion that the proposed scheme does not or will not enhance the social environment in this locality. No evidence has been provided to indicate the affects of the scheme on the existing residents and the community and how this will be affected and altered as a result of the scheme.

Ground 5

The current scheme provides for a significant open space known as York Memorial Park which is jointly used and enjoyed by all the residents on the Estate. This significant large area will be lost within the proposed development and not replaced other than by way of small "postage stamp" amenity areas which offer significantly lesser amenity areas than that which currently exists.

Ground 6

We are of the opinion that the proposed development is of a substantially higher density than the existing development and does not improve the built environment in this locality. Furthermore it would appear that the proposed development exceeds GLA guidelines.

Ground 7

We question whether the transport infrastructure has been considered within the development plans. The current locality with the busy high street already struggles with the existing development and with no proposed improvements to the transport structure we envisage that the higher density proposed development will place a substantial burdon on the local transport infrastructure. We are not aware of any studies that have been carried out to examine the affects of this and our opinion is that the development will be detrimental in this regard.

Ground 8

The current Estate with its large open amenity areas adjacent to the Welsh Harp Reservoir provides for an attractive area with a flora and fauna which is enjoyed by a substantial number of people including those on the Estate and those visiting the area. Our opinion is that the development will have a detrimental affect on the flora and fauna and the environment in this locality. We are not aware of any studies that have been carried out to assess the affects of the development on these factors.

Ground 9

Furthermore whilst the public consultation exercises have been prolonged, the "goal posts" are continually moved to the detriment of our clients. The scheme was first muted in 2002 and the Acquiring Authority has altered the parameters on a number of occasions leading to uncertainty to both owners and residents in the vicinity which has led to a blight on the Estate for the last twelve or more years.

In the intervening period the proposed scheme and development has changed a significant number of times and this has been to the detriment of my client and other interests in the locality. The ensuring of blight and uncertainty which has resulted in a lack of investment and general deterioration in the locality has significantly disadvantaged my client and the Acquiring Authority has done little or nothing to mitigate this situation.

Ground 10

York Memorial Park has significant historic significance being a commemoration in respect of bomb damage from World War II. The redevelopment of this space has been detrimental to that memorial.

Ground 11

We are of the opinion that the proposed scheme will have a substantial impact on local services in particular schools, education and health services. The impact on these services will be significant and substantial. We are not aware of any research or studies that have been carried out to assess the impact of these changes, and therefore believe the Acquiring Authority has not had proper regard to these issues or if it has done so has failed to provide details.

Ground 12

Consequently we do not feel that the Acquiring Authority has fully explored or considered the overall affects of this scheme or discussed the available alternatives. As such the scheme is of detriment to my client when other options are open to the Acquiring Authority.

Ground 13

In our opinion the Acquiring Authority has not satisfactorily made a case for requiring Compulsory Purchase Order Powers.

This CPO will breach my client's Human Rights under Article 1,

"Every natural or legal person is entitled to the peaceful enjoyment of his possessions".

For the reasons mentioned in the earlier grounds my clients do not feel that there is justifiable interference in the public or general interest and the interference with my client's property is not proportional.

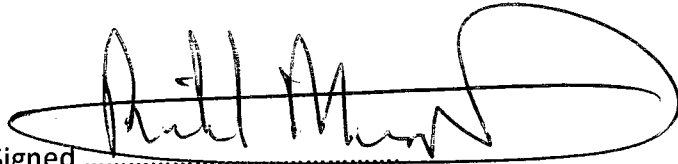
The CPO will therefore be at odds with Circ 06/2004 Paragraph 17 and 19

Ground 14

This CPO will breach my Client's Human Rights under Article 8.

"Everyone has the right to respect for his home"

"There shall be no interference by a public authority with the exercise of this right"



Signed
Richard Murphy Dip. Surv; MRICS

of

Richard John Clarke Chartered Surveyors
Unit 1, The Galleria
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London E18 1AY

who are authorised to sign this Objection on behalf of the above mentioned person(s)

Dated 17/07/2024