

**THE LONDON BOROUGH OF BARNET  
(WEST HENDON REGENERATION AREA)  
CPO No 1 2014**

STATEMENT OF EVIDENCE OF MARTIN COWIE

PLANNING INSPECTORATE REF: [APP/NPCU/CPO/N5090/74016]

## **1. INTRODUCTION**

- 1.1 My name is Martin Cowie and I am the Assistant Director – Strategic Planning, Regeneration and Transport employed by London Borough of Barnet and Re, its joint venture partner. I have worked at the Council for approximately 14 years.
  - 1.2 I am responsible for the operational delivery of the Strategic Planning and Regeneration service including the West Hendon Estate Regeneration Scheme and have held this post for approximately 18 months.
  - 1.3 Prior to this I served as the Council's Assistant Director of Planning and Building Control having overall responsibility for its statutory planning function. I have also previously been the Council's Major Developments Manager responsible for the delivery of large scale planning consents including those relating to the West Hendon Estate.
  - 1.4 I have led or been closely involved in the delivery of the Borough's strategic planning and housing policy and regeneration programme since joining the Council. This has entailed the preparation of Barnet's Local Plan, its housing and regeneration strategies and the implementation of all of the key development opportunities and estate regeneration schemes including Grahame Park, Stonegrove/Spur Road, Dollis Valley, and Brent Cross Cricklewood in addition to West Hendon.
- 1.4 My evidence will address:
- Why and how the Regeneration Project was conceived;
  - Why the Regeneration Project is so important to LB Barnet;
  - Overview of progress on Regeneration Project;
  - The need for the CPO;
  - Providing for affected parties;
  - Approach to negotiations;
  - Response to objections;
  - Conclusions

## **2.0 Why and how was the Regeneration Project conceived?**

- 2.1 The Regeneration Project came into being as a result of a number of key factors including the Borough's corporate priorities, the Decent Homes programme, environmental considerations and the need to secure longer term, viable and sustainable change in the locality.
- 2.2 The regeneration of Barnet's largest council housing estates, including West Hendon, Grahame Park, Stonegrove/Spur Road and Dollis Valley, has been a key component of the Council's Housing Strategy since 2000, which identified that a key challenge was creating holistic solutions to deal with "the close association between the highest deprivation levels in Barnet and our largest social housing estates".
- 2.3 It was recognised that the Council's objectives for regenerating West Hendon and the other large estates could not be met from the capital resources available at the time, as remains the case now, but rather that by realising the value of the land and working in partnership with developers and Registered Social Landlords it would be feasible to build sustainable communities where people will want to live with the sale of new private units funding the re-provision of social housing.
- 2.4 In July 2001, the Department for Communities and Local Government (DCLG) launched the Decent Homes Programme, requiring local authorities to ensure that their housing stock offers residents the opportunity of a decent home and promotes social cohesion, well-being and self-dependence. This was a critical trigger for the Council in seeking to comprehensively review the nature and condition of its housing stock across some of the larger estates in the Borough. These estates included Grahame Park, Stonegrove/Spur Road and Dollis Valley in addition to West Hendon.
- 2.5 The Council considered that merely bringing existing homes up to the Decent Homes standard on its four largest estates would fail to address the wider and more fundamental problems they faced including high levels of deprivation, poor layout and design, environmental degradation, lack of integration with local area, and long term sustainability. These matters are dealt with in more detail in Mr Shipway's Proof of Evidence.
- 2.6 In light of this, Barnet's Housing Strategy 2000-2003 set out plans to examine opportunities for estate regeneration on its largest estates with a view to making better use of available space to achieve the same or a higher density of dwellings, developing a mix of dwelling types to meet housing need in the Borough, diversifying tenure mix, breaking down the barriers with the surrounding communities, designing out crime, improving living conditions and introducing leisure facilities and health provision.
- 2.7 The delivery of the Council's plans to transform the Estate was dependent on the cost of the Regeneration Project being met through land values and the sale of private homes. It was decided that as the new affordable homes would exceed the Decent Homes standard, they would not be included in the Council's subsequent bid for Decent Homes funding which was submitted to the Government in 2003.
- 2.8 The London Plan 2004 identified Cricklewood/Brent Cross/West Hendon as an Opportunity Area with the potential to provide a minimum of 10,000 new homes. A planning framework for the Opportunity Area was subsequently prepared jointly by London Borough of Barnet and the Mayor. The Council adopted it as Supplementary Planning Guidance (SPG) in April 2004 and the Mayor subsequently adopted it as his Opportunity Area Planning Framework in December

2005. The SPG identifies the site as the "West Hendon Residential Quarter and Local Centre". Further information about the policy context is provided in Mr Wyld's Proof of Evidence.

- 2.9 The approach to the redevelopment and regeneration of the Estate has been subsequently embedded in other strategies and statutory documents including Corporate Plans, the Unitary Development Plan 2006, the Local Plan (Core Strategy) 2012 and the Barnet Regeneration Strategy which was adopted in 2010. The Regeneration Strategy highlighted the need to proceed with the review of the West Hendon masterplan which was then under way (CDA.28, pages 35-6). The Regeneration Strategy also sets out the approach being taken at the Council's other major regeneration initiatives (CDA.28, pages 3,5,6, 14-16, and throughout).
- 2.10 The Council is successfully regenerating 3 other post-war housing estates in Barnet, all of which involve the use of compulsory purchase powers. The Stonegrove and Spur Road Estate regeneration in Edgware is now over half way to completion, and will provide 999 new homes on completion in 2018, including the initial phase of 62 homes. Compulsory purchase powers were confirmed by the Council in 2012, after all the objections were withdrawn.

The Dollis Valley Estate in High Barnet will provide 631 new homes and a new community centre. A Compulsory Purchase Order for the whole estate was confirmed earlier this year. All the objections were withdrawn, with no need for an inquiry. The scheme is on track for completion in 2018.

The Grahame Park Estate is now in the middle of its first stage, which followed on from a successful CPO of part of the site 5 years ago, as part of a phased CPO strategy, as is being adopted at West Hendon. The second major stage at Grahame Park received a £56m award from the Government Estate Regeneration Fund in November 2014 and the Council will be seeking approval for the use of compulsory purchase powers to enable this stage to be developed at a Council meeting in December 2014. It will provide 3440 new homes on completion.

## **2.11 Estate conditions and accommodation standards**

- 2.12 The West Hendon Estate comprises post-war residential blocks constructed in the 1960s. As is common with local authority developments of that era, the construction of the Estate employed new industrialised forms of construction to achieve the ambitious targets and take advantage of Government incentives for local authorities to provide high volume housing. Most of the blocks on the Estate were built using the "Large Panel System" (LPS) concrete construction method which is no longer favoured. LPS is a method of construction which came under scrutiny during the 1970's and 1980s following the partial collapse in 1968 of Ronan Point, a tower block in Newham, killing four people and injuring seventeen others. This scrutiny impacted on the ability of residents seeking to exercise their Right-to-Buy to obtain mortgage finance in the mortgage market. On 17 January 1994 the Council's Housing and Environment Committee approved a rent to mortgage scheme for residents in High Rise and LPS properties including properties on West Hendon. The Council became the lender of last resort.
- 2.13 Aside from the concerns associated with Local Authority high rise and LPS construction methodology, the Estate suffers from many of the problems associated with post-war public housing including poor insulation, poor access and parking arrangements and management and maintenance difficulties. These problems persist despite an extensive Major Works programme of repairs in the 1990s. The existing buildings on the Estates provide poor quality living accommodation resulting in very unsatisfactory conditions for existing residents. The costs of improvement and refurbishment of the Estate to Decent Homes

standards would be significant and would still not address the fundamental inadequacies of the accommodation.

- 2.14 The homes on the Estate currently provide poor quality living accommodation. The buildings suffer from poor thermal performance and condensation, resulting in high maintenance costs for the Council and high heating bills for residents. Major components such as windows, bathrooms and kitchens require renewal as a matter of urgency in order to meet the Government's Decent Homes standard although a limited window replacement scheme has been carried out on some blocks. The lifts in the high rise block frequently break down and require regular maintenance at the expense of the Council and leaseholders. None of the existing properties on the Estate have private gardens except 1-10 Marriotts Close. Front doors open out onto publicly accessible footpaths and lack any 'defensible space', and individual blocks sit within bare and unusable communal 'amenity space'.
- 2.15 There is inadequate lighting of communal areas and poor security measures for individual homes. Levels of crime and anti-social behaviour are higher than in other estates across the Borough. West Hendon represents a pocket of multiple-deprivation and is within the most deprived areas of England.
- 2.16 The Estate is ranked in the "Indices of Multiple Deprivation" which are published by the Department for Communities and Local Government. The indices combine a number of indicators, chosen to cover a range of economic, social and housing issues, into a single deprivation score for each small area in England (known as 'lower level super output areas' or LSOAs). This allows each area to be ranked relative to one another according to their level of deprivation. The Estate comprises one LSOA. In the 2007 index the Estates ranked 2,988 out of 34,378 LSOAs nationally, putting the Estate in the 10% most deprived nationally.
- 2.17 In the 2010 Index the Estate was ranked 3,935 of 32,482 LSOAs nationally; putting it in the 12.11% most deprived and providing a relevant indication of its general condition and the reasoning in part behind the Council's objective of pursuing a comprehensive approach to estate renewal.
- 2.18 Between 1996 and 2000, the Council spent £1.6m on repairs to the elevations of the blocks on the Estate. However, this had done little to address the fundamental design faults and in 2001 a survey identified the presence of asbestos materials. Barnet Homes currently estimate that a total of £11.4 million would need to be spent to on the accommodation to bring it up to Decent Homes standards.
- 2.19 Notwithstanding the very significant cost of such an upgrade, the problem would still remain that this would still fail to address some of the other inherent problems at the Estate as indicated above and set out in the Statement of Reasons.
- 2.20 In the light of the fact that the existing homes failed to meet Decent Homes standards, and that upgrading them would be costly and would not solve many of the problems inherent in the Estate, the Council, after consideration of the options decided that comprehensive regeneration (with new public realm and town square, improved transport links and enhancements to the area surrounding the Welsh Harp Reservoir SSSI) would best achieve the delivery of the necessary improvements to standards of accommodation on the Estate.
- 2.21 On this basis it was envisaged that the Regeneration Project would incorporate well designed and high quality sustainable homes built to Code for Sustainable Homes Level 4, comply with

Lifetime Homes Standards including wheelchair provision, and incorporate Secure by Design Principles. It was considered that this type of investment would represent a significant improvement to the overall quality of housing accommodation in the area and create a more attractive, vibrant and sustainable neighbourhood with a more balanced and inclusive community.

- 2.22 The Council recognised however that it did not have the capacity to deliver the Regeneration Project without the assistance of third parties. It therefore embarked on the process of procuring a partner(s) to secure the delivery of the Project.

**2.23 Resident involvement and the selection of a development partner**

- 2.24 Consultation on the regeneration for the Estate has been a critical and on-going process of engagement with residents and local stakeholders since 2000, when the Council decided to take forward its initial proposals.

- 2.25 LBB sought feedback from local people on proposals by three potential developer partners before selecting a preferred partner. The Council selected its preferred development partner in June 2002, following a competitive tendering exercise advertised in the Official Journal of the European Community in November 2001, and involved consultation with residents and local stakeholders. In November and December of that year the Electoral Ballot Reform Services administered a non-statutory Test of Opinion, referred to as a ballot, to determine the level of support amongst residents towards the principle of regenerating the Estate and appointing the selected partner. Of those eligible to vote, 62.5% voted with 75% in favour.

**2.26 Appointment of development partners**

- 2.27 In June 2002 the Council selected the West Hendon Consortium (Metropolitan Housing Trust, Lovell Partnerships and Bellhouse Joseph) as its development partner to undertake regeneration proposals for West Hendon.

- 2.28 In May 2003 it was reported to Cabinet that Lovell was to withdraw from the partnership with Metropolitan Housing. On 31 May 2005, the Council approved a decision authorising Barratt Homes Limited to be admitted as a development partner (replacing Lovell Partnerships and Bellhouse Joseph) alongside Metropolitan Housing Trust (MHT) to form Barratt Metropolitan LLP. Commercial terms were agreed between the Council and Barratt Metropolitan for the Principal Development Agreement and this was agreed by Cabinet in July 2006. The Agreement was exchanged in August 2006.

**2.29 The Pledge**

- 2.30 In November 2002, the Council and its development partners outlined a number of proposals to the residents. These were known as the 'Pledge' (CDA.21). The Pledge document was prepared jointly by LBB and Metropolitan West Hendon (a partnership led by Metropolitan Housing Trust). A printed document was sent to all residents, and six advice surgeries and two exhibitions were held in November 2002.

- 2.31 At the time the Pledge was made, there were no non-secure tenants on the Estate, so the Pledge only related to secure tenants and long term leaseholders / freeholders.

- 2.32 The following are the commitments in the Pledge which have been and will continue to be met:

- All residents will have a new home in West Hendon. (CDA.21, pages 1, 2, 7-9).
- Tenants will be provided with a home which has the same number of bedrooms or more if a household is currently overcrowded (CDA.21, page 7).
- Rents and service charges will be affordable (CDA.21, pages 1, 10,14).
- Current rights (*including right to buy eligibility*) will be protected, and tenants will be able to choose to remain a Council tenant or to become an MHT tenant (CDA.21, pages 1, 7,10).
- Long leaseholders will have the option of purchasing a shared equity property if they meet the eligibility criteria (CDA.21, pages 1, 7, 8, 11).
- Leaseholders and freeholders on the Estate who purchased their home before September 2003 will have the opportunity to purchase a new home on the development using the equity on their existing home. If a leaseholder or freeholder is unable to buy a home outright they will have the option of purchasing a shared equity home. Rent will be not be charged for the proportion of equity owned by MHT - eligible home owners will have the opportunity to acquire a new home on the estate. Eligible resident homeowners will be offered shared equity options and providing a minimum of 50% of the equity in the new dwelling is purchased, no rent will be payable on the remaining equity (CDA.21, pages 1, 7, 11). To qualify, the existing owner occupier must live at the property as their only or principal home and have lived in the property as their only or principal home for at least 36 calendar months during the 5 years before being made an offer under the Shared Equity Scheme.
- Residents will help to decide how first class services will be provided – residents will have the opportunity to be involved in the management of the Estate through a Neighbourhood Management Partnership (CDA.21, pages 1,14). Currently, consultation with residents is carried out through the West Hendon RPB. There are also plans to set up a Community Trust to manage funds provided by the Developer for the benefit of West Hendon residents.
- Residents will have a choice of where to move (CDA.21, pages 1,12). Owner-occupiers were offered a reasonable choice of similar sized properties (CDA.21, pages 11,14). In practice, secure tenants will be asked to state a 1<sup>st</sup>/2<sup>nd</sup>/3<sup>rd</sup> preference for properties they are eligible for and these will be allocated in accordance with demand and eligibility criteria. Choice is available over different shared equity properties on a first come, first serve basis.
- Residents will be compensated for the cost of their move (CDA.21, pages 1,12). Residents were promised Home Loss and Disturbance payments – the statutory compensation code also provides for this.
- Residents will have a real say in the regeneration (CDA.21, pages 1, 3, 13, 16). Resident meetings, the West Hendon RPB, planning and CPO consultation have all engaged residents and will continue to do so.
- Resident votes count (CDA.21, pages 1, 16) – this related to the non-statutory test of opinion arranged by the Council in 2002 (referred to above in 2.25) and has therefore been met.

- Guaranteed first class management service irrespective of tenure (CDA.21, pages 1, 14) - this remains a commitment.
- Secure car parking will be provided for all homes (CDA.21, page 7) – car parking will be provided on the private estate roads and basement car parks via a permit system.
- New homes will have private gardens, balconies or roof terraces (CDA.21, page 8) – these are being and will be incorporated into the design of the dwellings.
- MHT will buy the leasehold or freehold of your home at full market value, plus agreed compensation (CDA.21, page 11). Compensation will be agreed or assessed in accordance with the compensation code.
- Residents can swap their existing home for a new home on West Hendon (CDA.21, page 11, Option 2) - eligible long leaseholders will retain this option. However, such property swaps were, and are, subject to a set of conditions (CDA.21, page 11, criteria applying to Option 2). Shared equity will be offered to those who cannot purchase outright.
- Resident leaseholders can revert to a Tenancy (CDA.21, page 11, Option 3) – MHT will consider requests for this option.
- Leaseholders and freeholders who own properties on the estate, but for whom this is not their principal home, will have their property purchased at full market value (CDA.21, page 11, final para). Payments will be as provided by the compensation code. Claimants may also be eligible for other payments such as reimbursement of reinvestment costs and basic loss payments.
- Moving Home - in working with individual residents on where they wish to live we propose that (CDA.21, page 12, first column):
  - Priority for homes with gardens will be given to households with children under the age of 10
  - Boys and girls of any age will not be expected to share a bedroom
  - Children or young people of the same sex will not be asked to share a room if there is more than 7 years between them in age
  - Dependents over the age of 18 will be entitled to their own room
  - Some of the new homes along the West Hendon Broadway will be allocated to adult sons and daughters living at home with their parents under the terms of the sons and daughters policy.
  - We will help tenants with their move, making as many of the arrangements for them as possible.
  - During the rehousing phases we will ensure that disruption is kept to a minimum and that empty properties will be fully secured.
- Residents will be entitled to Home Loss and Disturbance payments when they move into a new home (CDA.21, page 12, column 2). The amount to which they will be entitled for Home Loss varies depending on whether the resident is a tenant or an owner-occupier.

Tenants will qualify for a payment of £4900 per dwelling up from £2500; for owner-occupiers the supplementary Home Loss payment is up to 10% of the value of their home.

- Disturbance payments will be made in accordance with the compensation code to cover reasonable expenses incurred in moving home such as: costs of removal; disconnection and reconnections of utilities e.g. gas and electricity; redirection of mail; legal costs (CDA.21, page 12, column 2).
- Subsidised service charges for the affordable homes (CDA.21, page 14, column, bullet 2). To assist in achieving the objective of ensuring that the new mixed tenure neighbourhood is well managed in a cohesive, integrated and sustainable manner the Developer will create a Service Charge Endowment Trust Fund which will subsidise the service charge of relocated secure tenants and existing home owners buying a new build property on the scheme. The details of the fund and how it will be managed are currently being agreed and will be subject to consultation with the West Hendon RPB.
- We want Residents to be at the heart of decision making (CDA.21, page 16). The Developer, MHT and the Council have and will consult with residents on the following matters:
  - Overall scheme design, individual block design and unit design of the affordable housing units, zone/phase detailed planning applications;
  - Individual Resident Choice of certain internal fixtures and finishing's;
  - Project programme;
  - Allocations, nominations, decant and phasing;
  - Changes that affect the offer made to residents under Ground 10A of Schedule 2 of the Housing Act 1985 -

Project, planning, Ground 10A and CPO consultation have all sought the views of residents.

- 2.33 In relation to the Pledges outlined above it should be noted that the Residential Decant Strategy (CDB.12) sets out that secure tenants are entitled to a newly built property on the West Hendon Estate of the same size as their existing home, or larger if their housing needs are not met in accordance with the West Hendon Allocations Protocol. The entitlements for secure tenants based on their housing need and in accordance with the West Hendon allocations protocol which has been incorporated into a moving pack for secure tenants. This protocol enables the allocation of larger properties where tenant's needs change.
- 2.34 The West Hendon Allocations Protocol has been incorporated into a moving pack for Secure Tenants that was developed in conjunction with the Residents Regeneration Group, and sets out how allocations for newly built homes on the West Hendon Estate will be prioritised, as well as how the number of bedrooms required will be assessed for those secure tenants whose existing home is too small.
- 2.35 Secure tenants may also choose to move off the Estate, in which case they will be assessed against the Council's Housing Allocations Scheme, which sets out how social housing is allocated in the borough.
- 2.36 More information about the Decant Strategy, West Hendon Allocations Protocol and the Council's Housing Allocations scheme is contained in section 4 of Mr Shipway's statement of Evidence.
- 2.37 A number of commitments in the original Pledge will not be met and these are as follows:

- We guarantee that every Council tenant and owner-occupier, living on the West Hendon estate and Ramsey Close, will be offered a new home in the new West Hendon (CDA.21, page 3, first bullet point) - Council tenants and owner-occupiers living in Ramsey Close will not be offered a new home in West Hendon as Ramsey Close is no longer part of the Scheme. Furthermore, as I have explained at para 2.31 above, this commitment to a new home in West Hendon did not, and does not, apply to non-secure tenants, but it does still apply to secure tenants and long leaseholders. The Pledge applies to all the residents and tenants living on the estate as at 2003.
- All existing residents will have the opportunity to move to their new home within 5 years of the first new home being completed (CDA.21, page 13, first bullet point) - it is no longer possible for all existing residents to have the opportunity to move to their new home within 5 years of the first new home being completed, as due to changing market conditions the progress of the Regeneration Project has been delayed and a new planning permission was secured. All of the affordable housing provision for decanting needs will however be delivered in the early phases of the Scheme.
- You will only have to move once (CDA.21, page 1) - this pledge point however was caveated (CDA.21, page 7, bottom of column 1) to say 'unless they request a specific location or type of property'. Almost all eligible residents will be offered options which allow them to move only once. A number of residents have already agreed to a double move in order to secure a permanent property that works better for them due to changes in circumstances. The Scheme design is set 2 years before any decant and therefore occasionally residents' requirements may change.
- No one being rehoused will be required to live on a floor higher than their current home (CDA.21, page 7, top of column 2) - It is no longer achievable or reasonably practicable to re-house all existing residents on a floor no higher than their current home. That is again because of necessary changes to the 2008 Permission made by the 2013 Permission. The Council and Developer will however work closely with residents to assist in finding the most suitable accommodation for their needs.

2.38 Since the Regeneration Project was first conceived and the 2008 Permission was granted therefore, the details of the Project have had to change so as to respond to changing market conditions and estate occupation, and to ensure that the Project remains deliverable. However, as indicated all secure tenants presently occupying the estate will be re-housed in the new properties delivered by the Scheme, in accordance with the original Pledge. Likewise a shared equity scheme is also available to eligible long leaseholders to purchase new properties on the Estate.

2.39 The Council and the Developer have undertaken further consultation as detailed in the summary of consultation in the Statement of Case (CDA.11 sections 2.12 and 2.13, pages 8-10) including residents' meetings, exhibitions, newsletters and statutory consultation such as that undertaken during the planning process to keep residents fully informed about the changes to the proposals as they have evolved. The main change has been the approval of the revised masterplan and programme.

#### **2.40 The Council's arrangements with its development partner BMLLP**

2.41 The Council has entered into a principal development agreement (PDA) with the Developer which has been varied on a number of occasions as the Scheme has evolved.

2.42 The PDA as varied and restated was completed on 5th February 2014 and is subject to seven key conditions precedent including the grant of planning permission. If all these conditions were not met by 15th June 2014 either the Council or the Developer could have terminated the PDA by giving written notice but neither party did so. These conditions were satisfied by July 2014 and both parties chose to progress the project.

2.43 The detailed commercial terms of the PDA are commercially confidential, but the overarching principle is that the Council provides the land that it owns for deferred consideration in return for the developer agreeing to carry out the Regeneration Project, meeting all the development and construction costs, and paying the Council's project management, staffing, land acquisition costs and all the costs associated with the CPO process. Therefore, the Developer will provide all the financial capital required (including the cost of purchasing any properties the Council does not own), and the PDA also provides that both parties will co-operate to achieve the successful regeneration of the West Hendon Estate. There are certain viability conditions to ensure the Scheme remains viable and deliverable, and that the Developer is likely to receive an adequate financial return. The Council does not guarantee that the Developer will receive a return on its investment, and given therefore that the Developer will need to invest in each phase at its own risk, it is plainly appropriate that it should receive an adequate financial return. Mr Calladine explains in his evidence (section 7 pages 16 - 22) why the Developer is committed to the completion of the whole of the Scheme, and not just Phase 3.

#### **2.44 Conditions Precedent for each development phase**

2.45 There are a further 14 conditions precedent for each development phase, and no request for land to be transferred to the Developer (an 'acquisition notice') may be given by the Developer for a development phase until these are satisfied or waived. The key conditions for each phase are:- that the Council has been properly consulted; a minimum viability level achieved; that at least 30% of the units have been completed on the previous Development Phase; that detailed planning consent has been granted; that funding is available; that any CPO for that phase has been confirmed; all third party land interests in that phase have been extinguished or vested in the Council; a design certificate has been provided to the Council; the construction costs have been approved by the Council; a draft amended Master Programme has been provided to the Council; and that the Ground 10A consultation has occurred and DCLG consent to the use of Ground 10A powers granted.

2.46 The Council is obliged to transfer the land required for each development phase to the Developer on the date requested in the 'acquisition notice' served by the Developer, once all the conditions precedent have either been met or waived. When completing a transfer of the land for a development phase, the Council will take the benefit of an option to take the land back into Council ownership, should the development of that phase not proceed. If the Developer decides to use external funding and the land has a financial charge placed on it, the Council also requires Barratt Development PLC to guarantee payment of the charge if the phase does not proceed.

2.47 There are also 3 conditions subsequent, namely:

- execution of a Service Charge Endowment Trust (which will help reduce the levels of future service charges for both long leaseholders who have taken up the shared equity offer and the relocated secure tenants, in the event they are excessive)

- agreeing the Estate Management Strategy (to agree how the estate will be managed in the future)
- approval of the constitution of the Community Trust Fund (which will help run community facilities)

Each of the conditions subsequent must be satisfied before first marketing of any units by the Developer or (if earlier) first occupation or disposal. These matters are already under discussion between the Council, the Developer, the Partnership Board (the West Hendon RPB) and other key stakeholders.

- 2.48 At the end of each phase of the Scheme, there is an 'overage' calculation whereby any financial returns (or profits) over the agreed minimum as set out in the PDA will be split according to a formula between the Developer and the Council, so the Council will receive remuneration for its land holdings at that time. At the time of entering into the revised PDA in 2014, no overage was expected until later phases by either the Council or the Development Partners due to the initial upfront capital investment required, and the likelihood that early phases would not be as profitable as the later ones. This is quite normal for regeneration schemes of this nature, because of the need to provide essential infrastructure and replacement social housing and community facilities early on in such projects. In our experience in Barnet, this has certainly been the case.
- 2.49 Therefore until all of the conditions have been satisfied or waived, there is no absolute certainty that any individual phase will proceed. Subject to the confirmation of the CPO, which is itself one of the conditions precedent, the Council is satisfied that it is likely that the conditions will be met. This is evidenced by the fact that the Developer carried out the first phase of the scheme in 2011/12 successfully, and is currently well under way with sub phase 3a. For sub-phase 3a the conditions precedents were all either satisfied or waived and this phase started on site in January 2014. In this case, the viability condition was waived by the Developer and this was accepted by the Council.
- 2.50 Although Phase 3 does not presently meet the viability test within the PDA, and is not expected to do so, the remaining phases of the Scheme do meet that precondition, and are likely to continue to do so. Phase 3 involves the provision of a significant amount of infrastructure and also the delivery of the majority of the Scheme's affordable housing. Provision of this physical and social infrastructure is a necessary prerequisite to the delivery of the remaining phases of the Scheme. Therefore, unless the Developer delivers Phase 3, it cannot proceed to develop those more profitable later phases. The delivery of Sub Phase 3a is also supported by £5.5M social housing grant through the Affordable Homes Programme, and £6.8M of funding from Get Britain Building. As the overall Scheme is financially viable, and because the Developer will achieve an adequate commercial return from the sale of the residential and commercial units in the Scheme, the Council is satisfied that the Developer is able to deliver of the Scheme and remains committed to doing so.
- 2.51 The PDA also includes provision for the agreement to be terminated in the event of insolvency, failure to implement any recovery plan by the Developer, or the failure of the Developer to complete a particular phase. The purpose of these provisions is to ensure that, should one of these events occur the Council has the ability to deliver the Scheme.

### **3.0 Why the Regeneration Project is so important to LB Barnet**

3.1 The Regeneration Project is a key priority for the Council, having been highlighted in policy documents from the Housing Strategy 2000 onwards. As one of the Council's four identified Priority Estates it is a critical project delivering not only new and affordable homes but a new, attractive and sustainable neighbourhood with supporting infrastructure and facilities serving existing and new communities. Along with the other priority post-war estates, the Regeneration Project represents a massive commitment by the Borough to invest in existing localities and communities for their long term benefit whilst delivering other strategic objectives in relation to place making, neighbourhood integration, public health and well-being, growth and economic prosperity. Phase 3 of the Scheme, the completion of which will be facilitated by the Order, will enable the completion (subject to the likely need to seek and exercise further compulsory powers) of the whole of the Regeneration Project.

### **3.2 Barnet's Sustainable Community Strategy - 2010 - 2020**

3.3 The Sustainable Community Strategy for Barnet 2010-20 is the 'umbrella strategy' for all the plans and strategies of our key partners. It sets out a strategic vision for Barnet as a place and provides vehicle for addressing difficult cross-cutting issues.

3.4 The vision for Barnet states:

*"It is 2020. Barnet is known as a successful London suburb. It has successfully ridden difficult times to emerge as resilient as ever. The public service is smaller than before but the organizations within it, through effective partnerships, work together to deliver good services and there is a healthy relationship between them and residents who do things for themselves and their families.*

*Established and new residents value living here for the borough's excellent schools, strong retail offer, clean streets, low levels of crime and fear of crime, easy access to green open spaces and access to good quality healthcare.*

*Barnet is an economically and socially successful place. With high levels of educational qualifications and access to good transport networks, residents continue to have access locally, in other parts of London and beyond to jobs in a wide variety of different industries.*

*Barnet's success is founded on its residents, in particular through strong civic society, including its diverse faith communities, founded on an ethos of self-help for those that can, and support through a wide range of volunteering activities for others. Different communities get on well together with each other".*

3.5 The Regeneration Project is helping to deliver this key strategic vision for the Council by enabling the much needed transformation of this part of the Borough through the provision of a high quality residential led development. It will create a balanced, mixed and inclusive community and with the provision of new local community facilities, public realm, open space and infrastructure will significantly enhance the physical environment and prosperity of the area bringing about improvements to the quality of life for existing residents and the wider neighbourhood.

### **3.6 Barnet's Corporate Plan 2013-2016**

3.7 The following priorities within the Corporate Plan are embedded within this Scheme in seeking to improve the environmental, economic and social conditions of the local area:

- To maintain a well-designed, attractive and accessible place, with sustainable infrastructure across the borough.
- To maintain the right environment for a strong and diverse local economy.

- To create better life chances for children and young people across the borough.
  - To sustain a strong partnership with the local NHS, so that families and individuals can maintain and improve their physical and mental health.
  - To promote a healthy, active, independent and informed over 55 population in the borough to encourage and support our residents to age well.
  - To promote family and community well-being and encourage engaged, cohesive and safe communities.
- 3.8 The Regeneration Project is already contributing, and will continue to contribute, very significantly towards meeting these priorities through the delivery of an attractive new place and high quality and sustainable homes with supporting services and infrastructure. These include a primary school, open spaces, play and recreational facilities and local shops. The development will be well integrated and enhance the adjoining town centre and improve the local economy.
- 3.9 **Barnet's Housing Strategy**
- 3.10 The Council's regeneration plans continue to be a key element of the current Housing Strategy, (CDA.26) agreed in 2010 ("the Strategy"). In particular, this Strategy restates the opportunities for significant transformation and regeneration in some areas of the Borough, including West Hendon and other regeneration estates as indicated in the Housing Strategy 2000, (CDA.26, page 7).
- 3.11 The Housing Strategy has the overarching objective of providing housing choices that meet the needs and aspirations of Barnet residents, and sets out how the Council will deal with a number of challenges including high prices, a shortage of affordable housing and the potential threats to the qualities that make the Borough attractive.
- 3.12 It identifies the following core objectives:
1. Increasing housing supply, including family sized homes, to improve the range of housing choices and opportunities available to residents
  2. Improving the condition and sustainability of the existing housing stock
  3. Promoting mixed communities
  4. Maximising opportunities available for those wishing to own their home
  5. Providing housing related support options that maximise the independence of Residents
  6. Providing excellent value services that exceed residents expectations (CDA.26 page 1)
- 3.13 Housing is a key driver for Barnet's growth and regeneration plans and the Regeneration Project makes a key contribution towards the delivery of objectives 1 and 3 in particular. These will be delivered through the provision of both affordable and market housing and supporting community facilities. The Scheme will provide up to 2000 new homes, of which a minimum of 25% will be affordable, including 43% social rented units.
- 3.14 The Council is currently developing a new draft Housing Strategy (CDA.27). The Council's Housing Committee approved the draft strategy on 27 October 2014 and have authorised officers to carry out a consultation exercise on it between December 2014 and February 2015, following which a revised draft will be considered by the Housing Committee for final approval in April 2015.

- 3.15 The Council's new draft Housing Strategy includes the following core objectives:
1. Increasing Housing Supply (Page 12)
  2. Delivery of Homes that people can afford (Page 20)
  3. Sustaining quality in the Private Rented Sector (Page 23)
  4. Tackling Homelessness (Page 25)
  5. Providing suitable housing to support vulnerable people (Page 28)
  6. Deliver efficient and effective services to residents (Page 35)
- 3.24 Regeneration is specifically dealt with under the first of the above objectives, in the following paragraphs of the draft Housing Strategy:
- "Estate regeneration - focuses on the Council's largest estates, Grahame Park, West Hendon, Stonegrove/Spur Road and Dollis Valley, and seeks to replace poor quality mono-tenure estates with high quality and modern mixed-tenure developments. Much of this is achieved through taking advantage of existing low densities which provide the opportunity for a higher number of new homes financed through private sales. Once fully completed, estate regeneration will see 3,000 existing council dwellings replaced with almost 7,000 mixed tenure homes, with existing secure council tenants rehoused in new homes provided by housing associations.*
- Although hampered by the economic downturn, good progress has been made with the estate regeneration programme" (CDA.27 page 14).*
- 3.14 Progressing the Regeneration Project is therefore fundamental to the delivery of the Council's Housing Strategy, since as well as ensuring that the existing social homes are replaced with homes that meet the Decent Homes Standard, it will assist in meeting housing need generally across the Borough. In addition, the Estate, which suffers from high levels of deprivation, will be replaced with a new and integrated mixed tenure development catering for a wide range of housing needs; thereby meeting a further key objective of the Council's to tackle the social and economic problems associated with its largest Council estates.
- 3.15 Further information in relation to the Council's housing priorities is contained in Mr Shipway's Proof of Evidence.
- 3.16 Local planning policy**
- 3.17 The West Hendon element of the Opportunity Area referred to earlier (para 2.8, page 3) was dropped in the London Plan 2011 given that outline planning permission had been granted in 2008 for the site.
- 3.18 The London Plan (CDC.02) seeks to increase housing supply and to ensure that identified housing needs are met to improve housing choice and affordability and provide better accommodation. It also highlights the contribution that sensitive renewal of existing residential areas can make to realising brownfield housing capacity. In relation to housing provision, the plan set a strategic target of 22,550 additional homes in Barnet between 2011 and 2021.
- 3.19 Barnet's Local Plan Core Strategy (CDC.03) adopted in 2012 sets out a 15 year 'vision', helping to shape the kind of place that Barnet will be in the future. It contains fundamental, cross-cutting objectives and policies that Barnet and its partners will seek to deliver. It has

been set the challenge of meeting the 4th highest housing target in London. Over 28,000 new homes are expected to be delivered between 2011 and 2025/26.

- 3.20 The Core Strategy (CDC.03) sets out when, where and how this growth will be delivered as part of Barnet's Three Strands Approach - "Protection, Enhancement and Growth" - which seeks to guide development in the Borough. Over half of this target is expected to be delivered in the Regeneration and Development Areas of Brent Cross Cricklewood, Mill Hill East and Colindale together with the Priority Estates (Dollis Valley, Grahame Park, Granville Road, Stonegrove Spur Road and West Hendon). It refers to these estates being subject to long term programmes of regeneration in order to tackle poor quality housing, social isolation and transform these areas into successful mixed tenure places and also sets out key infrastructure programmes and projects to support this housing growth.
- 3.21 The Scheme, which is informed by a masterplan and design guidance, accords with planning policy by including the provision of much needed private sector and affordable residential accommodation along with a new primary school, community facilities and high quality open spaces including a reconfigured York Park, in a manner that is coherent and attractive in terms of layout, form and appearance. The Scheme will integrate into its surroundings, re-connecting with the Broadway and Hendon Rail Station and will support the regeneration of West Hendon Town Centre by providing new commercial uses and extensive public realm improvements. In addition the proposal will provide better access to existing areas of public space and recreational facilities, namely the Welsh Harp SSSI via two new foot and cycle bridges and secure substantial ecological measures.
- 3.22 The Scheme presents an opportunity to deliver the comprehensive re-development of the West Hendon Estate which has been identified as one of the Council's Priority Housing Estates for regeneration as set out in Barnet's Local Plan Core Strategy Development Plan Document (2012) (CDC.04). The Scheme is also considered to be entirely consistent with the sustainability principles advocated in the National Planning Policy Framework (CDC.01) and the London Plan (2011) (CDC. 02).
- 3.23 Further information in relation to the Council's planning policies is contained in Mr Wyld's Proof of Evidence.
- 3.24 Benefits to be obtained from the Scheme**
- 3.25 Overall the Scheme accords with the Council's corporate objectives and will deliver substantial regeneration benefits in terms of housing, social, community and physical improvements for residents and the general well-being of the Borough. These are explained in detail at section 7 of my Evidence.
- 3.26 The proposals will bring forward the much needed transformation of the area and the redevelopment of a 1960's housing estate in very poor condition. It will create a balanced, mixed and inclusive community and will significantly enhance the physical environment of the estate, bringing about improvements to the quality of life for existing residents and the wider community through the provision of enhanced social and environmental infrastructure.
- 3.27 The proposals will provide approximately 2,000 residential units in a re-configured layout formed of courtyard blocks and four tall buildings along a re-provided York Park. This will benefit existing residents and bring new residents into the area, responding to recognised housing need within Barnet and London. It will transform the character of West Hendon and

the Broadway from a run-down, isolated area to an integrated urban location benefiting from a high quality landscape and linkages with the Welsh Harp.

- 3.28 The Scheme will provide land for a new 2 form entry primary school and nursery and associated community centre. Additional community and commercial facilities will be provided on the Broadway together with enhanced public realm and highways layout, significantly improving local pedestrian and cyclist connectivity.
- 3.29 A new strategic network of open green spaces will be provided within the area, strengthening links to the Welsh Harp open space and West Hendon recreation ground. These will be accessed via two new pedestrian bridges, one of which is within the Order Land. The site will benefit from extensive investment in public realm and open space including a re-provided York Park with two equipped play areas and a civic space connecting the Broadway to the Welsh Harp.

#### **4.0 Overview of progress on Regeneration Project**

- 4.1 In March 2008, the Council granted planning permission (planning ref: W13230A/07) for a standalone 'Pilot Phase 1a' as part of the regeneration proposals. Outline planning permission (planning ref: W13987/04) for the comprehensive regeneration of the Estate was granted on 1 July 2008 (the 2008 Permission), with reserved matters approval (planning ref: H/04103/08) for Phase 2 known as 'Lakeside' granted on 22 December 2008.
- 4.2 By then however the economic downturn had taken hold of the economy and this initial 'Lakeside' phase was not viable. In order to get the Project started, the Council agreed to allocate £4m of its Government Growth Area Fund (GAF) towards infrastructure works at West Hendon in 2009.
- 4.3 On 29<sup>th</sup> April 2010, the Council agreed a Deed of Variation which extended the term of the PDA to allow the Phase 2 to commence. This allowed land to be transferred to the Developer to commence this Phase comprising 151 private and 35 affordable homes (186 in total), which were completed in July 2013 and have been either been sold or occupied by existing secure tenants. The 8 Affordable housing units in the pilot phase have also been completed.
- 4.4 Whilst both the Council and the Developer remained committed to delivering the fundamental aims of the Regeneration Project, the changing economic climate was starting to impact on the proposals. It was agreed between the Council and the Developer that further development under the 2008 Permission was not possible in the light of these issues.
- 4.5 With input from the Council and other stakeholders, the Developer prepared revised Masterplan proposals, and from Autumn 2011 the Council and the Developer held pre-application discussions to revise the Masterplan with a view to securing a suitable and viable development proposal for the Estate and wider West Hendon area. This approach is described in more detail in Mr Wyld's and Mr Heyns' Proofs of Evidence.
- 4.6 The Developer subsequently submitted a 'hybrid' (part-detailed, part-outline) planning application (ref: H/01054/13) for the Scheme in March 2013. This set out a revised approach to phasing incorporating Phase 3a and 3c (in part) submitted in detail with 3b and 3c (in part) and Phases 4, 5 and 6 in outline, subject to Reserved Matters submissions.
- 4.7 On 19 November 2013, the Council and Developer entered into an agreement pursuant to section 106 of the Town and Country Planning Act 1990 (the "Section 106 Agreement"), in

respect of the Scheme. Planning Permission for the Scheme was subsequently granted on 20 November 2013. The parties also agreed a Deed of Variation to the PDA dated 5 February 2014.

- 4.8 Residents were kept fully informed of the project and these stages by way of the regular meetings of the West Hendon Resident Regeneration Group (RRG) and public meetings and consultation events/exhibitions.
- 4.9 More recently the Developer submitted a request to the Council to vary the Section 106 Agreement associated with the Scheme to enable the earlier delivery of units during Phases 3a and 3b, rather than in phase 3c. This proposed variation was agreed by the Council's Planning Committee on 29th October 2014 (CBD.38), subject to amendments to the timing of education contribution payments in response to the earlier delivery and higher child yield and in the timing of the provision of the Cool Oak Lane pedestrian and cycle-bridge. This is described in Mr Wyld's evidence at paragraphs 3.13-3.18.
- 4.10 The variation to the Section 106 Agreement is currently in the process of being drafted and agreed between the Council and the Developer. The variation has also been agreed in principle by the Council as landowner and I do not foresee any difficulties in the Agreement being completed early in the New Year.

## **5.0 Providing for affected parties**

- 5.1 Since the test of opinion was undertaken in November 2002 the Council and its development partners have undertaken further consultation with residents at different stages of the design process for the previous scheme as well as the new master plan for the Scheme. As referred to in the Statement of Case (CDA.11 sections 2.12 and 2.13, pages 8-10) consultation has been undertaken through various media including residents meetings, exhibitions, newsletters and statutory consultation processes.
- 5.2 In particular, formal consultation was carried with residents as part of the consultation process for the hybrid planning application for the Scheme which resulted in the 2013 Planning Permission. Approximately 5000 letters were posted to residents and local businesses as part of the planning process.
- 5.3 I have already covered the changes made to the Regeneration Project, notably through the 2013 Permission, and the effect these have had on the Council's ability to continue to meet the commitments in the Pledge.

## **5.4 Resident Consultation**

- 5.5 A Resident Regeneration Group (RRG) was established over ten years ago and is facilitated by a Resident Independent Adviser and open to all residents of the West Hendon Estate. The group has been engaged through the design and development process acting as a focus for detailed discussion of the plans.
- 5.6 Consultation took place throughout the previous planning application between 2005 and 2008 process with the RRG and community groups and the RRG was provided with regular updates during a period of financial review between 2008 and 2010 to keep residents in touch with any changes to and progress with the development of the first phase on-site. Local businesses were also kept informed during the planning consultations.

- 5.7 The RRG were engaged once the full review of the masterplan commenced in 2010. In addition to updates to the RRG, community engagement was held to reach the wider community on the changing approach to the Scheme. This was carried out in two stages:
- 5.8 Stage One of the public consultation was carried out at an early stage of the design process of the Scheme in February/March 2012. This included:
- Dialogue with the RRG and local ward councilors.
  - Distribution of newsletter to 680 households on the estate and businesses along the Broadway.
  - Public exhibition and consultation event in the Community Space, 189 West Hendon Broadway on 27<sup>th</sup> March between 3.30pm and 8.30pm, attended by 70 local residents, business owners and community group members.
  - Feedback forms were provided for comments on the emerging masterplan.
- 5.9 The Developer's submitted Statement of Community Involvement – SCI, (CBD.16) identified that the majority of attendees were positive about proposals with the vast majority considering estate regeneration to be an urgent priority. The following main issues were raised:
- Concerns over the protection of green areas and children's play provision
  - Concerns about parking provision with residents seeking off-street parking and businesses on the West Hendon Broadway concerned that proposals will prevent them from having vehicular access
  - Residents' requirement for a viable community centre in the estate to be used for social means
  - Residents' concerns regarding re-housing during the demolition process
  - Residents' reassurance that security would be increased
- 5.10 Responses were fed back to the RRG in May 2012.
- 5.11 **Further Consultation on the Scheme**
- 5.12 Stage Two of the public consultation took place between October and December 2012 and comprised:
- Meetings with stakeholder groups (Welsh Harp Joint Consultative Committee, West Hendon Ward Members, Leader of the Labour Group and RRG);
  - Distribution of letter to 5,500 Barnet residents and local businesses on the status of the project;
  - An advert in the West Hendon Times on 29<sup>th</sup> November 2012.
  - A public exhibition setting out full details of the proposals contained within the planning application took place between 3pm and 9pm on Wednesday 5<sup>th</sup> December and 10am and 1pm on Saturday 8<sup>th</sup> December 2012.
- 5.13 A dedicated consultation helpline and contact email address was made available to residents from March 2012, and remained operational during the determination of the planning application.
- 5.14 The SCI (CBD.16 page 12) states that 180 visitors attended the exhibition, with a total of 38 feedback forms received. In addition six emails and eight telephone calls were received requesting further information. While the SCI states that many of the responses were positive, concerns were raised relating to the following issues:

- High rise buildings;
- Privacy;
- The right to light;
- Parking;
- Increased congestion;
- Timescale for rehousing;
- Impact on wildlife and conservation area;
- Increasing population;
- Disruption during the redevelopment process;
- Lack of affordable housing.

5.15 These representations were taken into account in the Scheme design by the Developer wherever feasible, as set out in CBD.16. The Council was and remains satisfied that the Scheme design reflects these concerns wherever it was possible to do so.

5.16 After the 2013 planning application was submitted the Developer undertook the following community engagement activities:

- Attended regular Residents Regeneration Group (RRG) meetings and Partnership Board (West Hendon RPB) meetings
- Presented to the application to the Welsh Harp Joint Consultative Committee
- Distributed a newsletter and survey of estate leaseholders and freeholders
- Attended an open meeting of residents held in the West Hendon Estate community centre in which more than 60 residents attended
- Arranged a site visit and presentation for the 'Welsh Harp Conservation Group'
- Arranged a site visit and presentation for GLA Member for Barnet Andrew Dismore and LBB Leader Alison Moore

5.17 The Council and the Developer have also joined the West Hendon Regeneration Partnership Board (West Hendon RPB), which was set up in January 2014 and has superseded the RRG. This Board includes all key stakeholders and ensures that residents and local businesses are kept informed of all significant construction work during each phase of the project. The Partnership Board's purpose is to monitor the regeneration of West Hendon to ensure it is fit for the future residents of the West Hendon estate and for other key stakeholders. Two places on the Partnership Board are reserved for key stakeholders that either live or work in the local area, and six places are for residents on the estate. Partnership Board members also provide feedback on issues relating to the re-development, regeneration and future management of the Scheme.

5.18 In summary, there has been substantial consultation and engagement with residents, the wider community and relevant stakeholders.

## **6.0 Approach to negotiations**

6.1 Under the Terms of the PDA the Council is required to use its reasonable endeavours to secure vacant possession of the land for the Scheme, by agreement where possible and through the use of its compulsory powers under section 226 of the Town & Country Planning Act 1990 & Ground 10A of Schedule 2 to the Housing Act 1985.

6.2 In March 2014 the Council appointed Capita to assist in private treaty negotiations, and since then they have been actively pursuing these negotiations to acquire properties in advance of

the making of the Order and the exercise of the compulsory powers which are to be conferred by it, if it is confirmed. The details of this process are covered in Mr Watling's Evidence.

- 6.3 The Order affects residential properties at 1-76 Franklin House, 11-98 Marriotts Close and 1-32 Tyrrel Way, 2 Perryfield Way (Flat 1-5), 2-5a (inclusive) Parade Terrace, 181- 201 (odd numbers only), and a number of residential and commercial units at The Broadway. Within the Estate there are a range of leaseholder properties in private ownership, secure tenant properties, non-secure properties, and properties owned by the Developer. On the Broadway there are a number of private properties, secure tenant and non-secure and commercial units.
- 6.4 The Council and the Developer have made efforts to acquire land interests by private treaty, as set out in Mr Calladine's evidence at Para 7.3-7.5. For example, part of the land needed to build phase 3a was owned by Catalyst Housing Association. This land was acquired by the Developer after negotiations involving the Council in January 2014. In addition the Order Land comprises an electricity sub-station at Franklin House and land adjacent to Cool Oak Bridge.

#### **6.5 Ground 10A process**

- 6.6 Ground 10A of Part 11 of Schedule 2 of the Housing Act 1985 can be used to obtain possession of Council dwellings occupied by secure tenants on the West Hendon Estates.
- 6.7 As part of the statutory consultation required, Ground 10A of Part V of Schedule 2 of the Housing Act 1985 notices dated 12<sup>th</sup> March 2014 were served on 236 secure tenants and to 1 secure tenant on the 18<sup>th</sup> March 2014 within the West Hendon Estate Regeneration area. The notice included a schedule setting out the main features of the Scheme, stated that the Secretary of State's approval would be sought, and advised that comments or observation should be made to the Council within a period of 28 days from the date of the notice.
- 6.8 13 responses were received within the 28 day period. In accordance with the relevant statutory provisions, the Council has considered the representations made but these were not considered to be substantive objections or to warrant counter-proposals. The Council then applied to the Secretary of State and received approval for the use of Ground 10A powers on 1<sup>st</sup> August 2014.

#### **6.9 Non-secure tenants**

- 6.10 Separate procedures have been implemented to assist the non-secure (temporary) Council tenants move from properties within the Order Land. As at December 2014, Barnet Homes had rehoused 51 of the 86 non-secure tenants, 6 non-secure tenancies had been cancelled and the Council's homelessness duty discharged, leaving 25 households which have either awaiting an assessment of housing need to be undertaken or awaiting to be re-housed. The Council is confident that the process is on track and that all the non-secure tenants will have been found suitable alternative accommodation by the end of March 2015. Further details regarding the re-housing of non-secure tenants is set out in Mr Shipway's Evidence at paragraphs 4.13 – 4.21 pages 11-13.

#### **7.0 Justification for the Order**

- 7.1 The Council is committed to securing the regeneration of the Estate and the wider West Hendon area. The need for comprehensive re-development is supported in adopted planning policy documents including the NPPF, the London Plan and the Barnet Local Plan - Core Strategy. The Council has followed a transparent and objective decision making process leading up to the decision to exercise its compulsory powers to secure delivery of the Scheme.

- 7.2 The Regeneration Project has been split into 6 delivery phases to ensure that the regeneration is sustainable and deliverable. Completion of all 6 phases is necessary to meet the Council's objectives and comprehensively to regenerate the wider area. The CPO will enable the completion of phase 3, construction of which commenced in January 2014. The Council has assembled the sites to enable the delivery of Phase 1 and 2 and the construction of sub-phase 3a without recourse to compulsory powers, as set out in Mr Calladine's Evidence (pages 17 & 18 paragraphs 7.2 – 7.8). Whilst the Council remains committed to seeking to assemble the land interests for the remainder of Phase 3 by agreement, negotiations to date have demonstrated this is very unlikely to be possible within a reasonable timeframe. Consequently the Order is necessary to assemble the land interests to enable the completion of the next phase of the Scheme.
- 7.3 Careful consideration has been given to the inclusion of each parcel of land within the Order Land and the Council is satisfied that all of the Order Land is required to enable the completion of sub-phases 3b and 3c of the Scheme. These represent the necessary next phase of the masterplan proposals, as they link together the two sites currently being developed under phase 3a, and they will enable a substantial part of the public realm at the heart of the scheme to be built and provided, which will include the key visual link between the Broadway and the Welsh Harp SSSI. The re-development of The Broadway will seek to return vacant units to active uses and will result in visual and qualitative improvements to the retail and commercial floorspace on offer within the locality, thereby benefiting the well-being of the area.
- 7.4 Without the completion of all of the phases of the Scheme the wider benefits of the Regeneration Project will not be realised, and instead isolated pockets of redevelopment would remain within an area of decay and deprivation. The market alone could not deliver sub-phases 3b and 3c, and consequently compulsory purchase is the only means to ensure delivery of the whole of the Regeneration Project.
- 7.5 The phasing of the Scheme has also taken account of the objective of ensuring, so far as possible, that residents only have to move once. No more land than is required to secure the delivery of sub-phases 3b and 3c has been included in the Order, but it is anticipated that up to three additional CPOs may be sought in order to deliver later phases (4, 5 and 6) of the Scheme. A single CPO is not appropriate as the compulsory acquisition powers would have expired before the later phases are ready for delivery.
- 7.6 In deciding to exercise its powers under section 226(1) (a) of the Town and Country Planning Act 1990, the Council believes that the compulsory acquisition of the Order Land will facilitate its redevelopment, and (in relation to the requirements of section 226(1A)) will result in very significant improvements to the economic, social and environmental well-being of its area. The Council considers that the redevelopment of the Order Land will hugely improve the overall quality of the housing accommodation available locally, as well as the overall appearance of the area, with current and future residents enjoying a greatly improved quality of life from living in the proposed new homes.
- 7.7 The Scheme will create a more attractive, vibrant and sustainable neighbourhood through high design standards; an improved mix of housing tenures and sizes; clear and distinct improvements to the public realm; and, overall, a more balanced and inclusive community.
- 7.8 As previously explained, if the Order is confirmed the Scheme will proceed to completion of phase 3. This will then enable the delivery of phases 4-6. Completion of the entire Scheme is

anticipated in 2025. The Council is likely to need to make up to three further CPOs in order to secure the delivery of the later phases.

7.9 The key social, economic and environmental well-being benefits which will be achieved by the Scheme as a whole are therefore as follows:

- The provision of high quality sustainable homes with an improved tenure mix of private and affordable housing units, including the re-provision of social housing exceeding the Decent Homes standard;
- All residential units built to Code for Sustainable Homes Level 4 and Lifetime Homes standards;
- Improvements to pedestrian and cycle connections throughout the local area particularly with regard to accessing off-site leisure and recreation facilities on the other side of the Welsh Harp;
- The provision of a new two-form entry primary school and nursery and the construction of a new community centre;
- An increase in the quantity and quality of on-site amenity space and substantial improvements to the quality of existing open space;
- New and improved retail and commercial uses;
- Improvements to the overall townscape to provide clearly defined public realm and landscaped areas;
- Management of, and improved community interaction with the natural habitat at the Welsh Harp Reservoir, ensuring it remains a valued community asset;
- The Scheme will be designed to Secure by Design standards, to help design out anti-social and criminal activities, which are a major problem on the Estate at present, due to the out-dated nature of the common areas, external areas and general layout.

#### 7.10 Human Rights

7.11 Careful consideration has been given by the Council to the interference with the individual rights of those directly affected by the Order that are protected by the Human Rights Act 1998 which will result from the exercise of the compulsory powers included in the Order. These include in particular Article 8 (respect for private and family life and home) and Article 1 (the right to peaceful enjoyment of possessions) of the European Convention on Human Rights. The decision to make or confirm the CPO must strike a fair balance between the public interest associated with the regeneration of the land and the interference with these private rights.

7.12 In view of the clear justification for making the Order as set out in the Council's evidence, the Council considers that the making and the confirmation of the Order are warranted because there is a compelling case in the public interest to do so, and because the exercise of compulsory powers is proportionate in order to achieve the objectives of the wider regeneration of West Hendon.

7.13 The Council and the Developer have carried out extensive consultation and engagement with residents on the Estate and in the surrounding area in relation to the Regeneration Project, and the local community has had the opportunity to make representations which the Council and Developer have carefully taken into account.

- 7.14 If the Secretary of State confirms the Order, the compulsory acquisition of the interests in the Order Schedule will be necessary only if the Developer has been unable to acquire those interests by agreement within the timescales required to deliver sub-phases 3a and 3b of the Scheme. As explained in previous sections of my evidence, efforts to acquire the relevant interests are on-going. In addition, all those whose interests are compulsorily acquired will be entitled to fair compensation which will be determined independently by the Upper Tribunal (Lands Chamber) if it cannot be agreed.
- 7.15 The Council is therefore firmly of the view that there is a compelling case in the public interest for the compulsory acquisition of each and every parcel of land comprised in the Order Schedule. It is also convinced that the public interest that will be gained from the development and the wider social, environmental and economic benefits to be realised as a result of the Regeneration Project outweigh the necessary interference with existing private rights and interests in the Order Land. The Council therefore believes that a fair and proportionate balance has been struck between the interests of those whose human rights will be affected and the community as a whole.
- 7.16 Equality Act**
- 7.17 The public sector equality duty under section 149 of the Equality Act 2010 requires the Council to have due regard to: (i) the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; and (ii) the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. ‘Protected characteristics’ are: gender, race and disability, sexual orientation, age, religion or belief, pregnancy and maternity and gender re-assignment.
- 7.18 The Council is committed to improving the quality of life for all and to encouraging wider participation in the economic, educational, cultural, and social and community life in the Borough, and it has considered the likely impacts of the Scheme by reference to the requirements of this legislation. The Council considers that the regeneration Scheme will deliver an attractive neighbourhood in this part of West Hendon and be fully integrated with the wider community. The Scheme will make a significant contribution to the provision of high quality private and affordable housing units in the Borough as well as providing supporting educational and recreational facilities.
- 7.19 Physical accessibility and legibility of the area would be improved for pedestrians and vehicle users in a location that is currently very poor, and proposed alterations to the road network would also improve access to public transport facilities within the vicinity of the Scheme.
- 7.20 All new dwellings would be built to ‘Lifetime Homes’ standards and there would be a 10% provision of wheelchair accessible/ adaptable units parking spaces would be designated disabled car parking spaces. Those residents not accommodated within the new development would be re-housed by the Council in alternative accommodation based on an assessment of their needs.
- 7.21 Importantly in this context, the Scheme will deliver an inclusive place for people of all ages, with a housing mix that reflects different life stages, a range of housing tenures, and community and recreational facilities and public spaces which are accessible to all. The promotion of social cohesion, health and well-being and the reduction of dependency are fundamental principles guiding the Regeneration Project.

7.22 It is considered therefore that the Scheme complies with the Council's duties under the Equality Act 2010, and with both Barnet Council's Equalities Policy (CBD34, p121) and the commitments set in our Equality Scheme, and will support the Council in meeting its statutory equalities responsibilities.

### **7.23 New Rights**

7.24 The Order includes provision for the compulsory acquisition of rights over land under the powers contained in section 13 of the Local Government (Miscellaneous Provisions) Act 1976. These comprise crane over-sailing rights, and rights of access for the purposes of: (i) erecting scaffolding and undertaking works; and (ii) construction, maintenance and public use of the pedestrian and cycle-bridge over the reservoir and its banks. At the time of making the Order the Council confirms that such rights were not in existence over the relevant parts of the Order Land.

7.25 Rights for crane over-sailing and rights of access for the erection of scaffolding will only need to be exercised during the Scheme construction phase, whilst the rights of access for the construction, maintenance and public use of the new pedestrian and cycle bridge (including the placing of bridge supports) at Cool Oak Lane over the reservoir and its banks are required permanently. Account is being taken in the design of the proposed bridge of the environmental effects and implications for the statutory functions of the CRT. The bridge is also being designed to reflect the listed status of the adjoining Cool Oak Lane Bridge and the surrounding environment of the Welsh Harp SSSI. When the Order was made it did not seem likely that the Council would be able to negotiate the acquisition by agreement of the necessary land and rights within a reasonable timescale, but negotiations with CRT are progressing and it is possible that agreement will be reached before the Order is considered by the Secretary of State.

7.26 Without these rights, it will not be possible to deliver the regeneration proposals.

### **7.27 Negotiations**

7.28 As is set out in section 6 of this Evidence, the Council's surveyor has contacted all freeholders and long leaseholders within the Order Land inviting them to commence negotiations by agreement. These negotiations will continue in parallel with the compulsory purchase process, but due to the number of third party interests within the Order Land it is unlikely the Council will be able to acquire all the necessary interests by private agreement within a reasonable timescale. This approach is endorsed by the Circular (CDA.10). Any uncertainty with regard to securing the site and the site assembly timescale would create difficulties in delivering the Regeneration Project.

7.29 Confirmation of the Order will enable the regeneration of the Order Land to take place in accordance with a managed programme, providing certainty for land assembly and implementation of sub-phases 3b & 3c of the Scheme. Such certainty will contribute towards the achievement of the Council's regeneration objectives for the Order Land, the wider Estate and West Hendon area as set out in adopted policy outlined above at section 3.0.

### **7.30 Impediments**

7.31 The Council is satisfied that there are no planning or other impediments to the delivery of the re-development of the Order Land. Some further road closure orders will be required but as

noted in Mr Wyld's Evidence, these are not likely to delay or otherwise impede the delivery of sub-phases 3b and 3c (see Appendix 1 to Mr Wyld's Evidence).

- 7.32 In conclusion, having regard in particular to the benefits to be achieved from the regeneration proposals, and the poor quality of existing accommodation and the built environment in which it currently exists, the Council considers the use of compulsory purchase powers to be necessary and justified, and that in all the circumstances there is a compelling case in the public interest to make the Order in order to facilitate the delivery of sub-phases 3b & 3c of the Scheme.
- 7.33 If the Order is not confirmed, the Regeneration Project will be delayed or even stop altogether. Attempts to assemble all of the land interest by agreement have been unsuccessful and without an assembled site it will not be possible to complete Phase 3. Pockets of new development will therefore sit within an old and unattractive setting and if the regeneration does not continue the wider social, environmental and economic benefits of the Scheme will not be realised.
- 7.34 The Council has carefully considered the need for compulsory purchase powers and takes the view that these are necessary and justifiable in the public interest to enable the Scheme to be delivered as a comprehensive whole and in accordance with its policies and aspirations. In my experience the assembly of large sites within existing residential areas where there are many and complex ownerships can only be resolved satisfactorily by the use of compulsory purchase powers.

## **8.0 Response to objections**

- 8.1 A number of objections have been made to the Order which fall within the scope of my evidence and to which I respond below. These have been grouped together below in accordance with the Schedule of Objector themes.

### **8.2 Objection Theme 1 – The Land is not required for the scheme to proceed**

Two objectors have queried the need to acquire properties on the Broadway, as follows:

Objector Number	Plot	Objector	Remaining/Non Remaining
1	33	A. Keller & Sons	Remaining
5	27	Mr B Gordhanbai Patel Mrs V Babubhai Patel Mr B. Patel, Mr H Patel	Remaining

- 8.3 Response - As set out in para 4.18 of the Statement of Case and para 7.3 of my evidence, the properties on the Broadway are needed in order to create the visual link through to the Welsh Harp and to create the important new pedestrian link to the new urban square from the Broadway to the new homes. The concept of place-making is very important to the Council, and this connection is vital if the economic and well-being benefits to the area from the Scheme are to be fully realised.

**8.4 Objection Theme 3 – Retailing will not be improved with the acquisition of the subject property**

One objector has stated that in his opinion retailing will not be improved with the acquisition of the subject property.

Objector Number	Plot	Objector	Remaining/Non-Remaining
1	33	A. Keller & Sons	Remaining

**8.5 Response** – The Council believe it is very important to add variety to the ‘linear’ nature of the retailing along West Hendon Broadway. The creation of the new urban square, with retail frontages, will add interest to the area. The original masterplan for West Hendon added significantly more retail space in a much larger town square, but the recession of 2007/8 and changing retail patterns brought about by the internet means the provision of a large area of extra retail space in West Hendon is no longer necessary or viable. An improvement to the existing space however is considered to be a necessary part of the Scheme, and the Council is convinced that retailing in West Hendon will be enhanced as a result of delivering the Scheme.

**8.6 Objection Theme 4 – No community, social environmental or economic benefits to be derived from the acquisition**

A large number of objections say that there are no community, social, environmental or economic benefits to be derived from the acquisition of their properties.

Objector Number	Plot	Objector	Remaining/Non-Remaining
1	33	A Keller & Sons	Remaining
2	20	Mr & Mrs Coleman	Remaining
12	26	Mr Patel	Remaining
13	?	Mr & Mrs Ahmed	Remaining
14	14	Dennys & Moshie Forte	Remaining
15	20	Veronica Payne	Remaining
16	26	Bhavna Patel	Remaining
17	14	Adekunbi Adubifa	Remaining
18	14	Afsanah Monafred	Remaining
19	14	Jason Waters	Remaining
21	T2-20	Marlene Guimaraes	Remaining

22	T2-20	Michael & Anne Thoumine	Remaining
23	T2-20	James & Mary Benham	Remaining
24	T2-20	Mohammed Naveed Siddiqui	Remaining
25	T2-20	Sadaf Ahmed	Remaining
26	T2-20	Aasif & Amina Variava	Remaining
27	T2-20	Adeoba & Adebimpe Okekunle	Remaining
28	T2-20	Piyush & Dipavali Patel	Remaining
29	T2-20	Mary Olubi	Remaining
30	4 & 5	Amratlal & Bharti Asawala	Remaining
31	4 & 5	Ronald Greeen & Luke Sabarta	Remaining
32	5	L De Montfort	Remaining
33	5 & 6	Alexander Whelan	Remaining
35	8 & 9	Debbie Dean	Remaining
36	10 & 11	Diane Steel	Remaining
37	10 & 11	Mazhar & Zahida Hussein	Remaining
39	10 & 11	Siobahn Rothnie	Remaining
40	10 & 11	Fuard & Facel	Remaining
41	T2-20	Peter Wicker	Remaining
42	T2-20	Ali Rahimian	Remaining
43	T2-20	Kate Merrell & Branko Pajevic	Remaining
44	N/a	11 Warner Close 12 Warner Close 14 Warner Close 25 Warner Close 46 Warner Close 59 Warner Close  2 Marsh Close 4 Marsh Close	Non-Remaining

		11 Marsh Close 36 Marsh Close 124 Marsh Close 161 Marsh Close 164 Marsh Close 229 Marsh Close	
45	18 & 19	Adelaide Adams	Remaining
46	18 & 19	Felicity Ibe	Remaining
47	18 & 19	Jacqueline Parsons	Remaining
49	18 & 19	Hassan & Maria Osman	Remaining
50	18 & 19	Collis Graham & Marlene Newman	Remaining
51	18 & 19	Eagle Bay Limited (Farhat Baig)	Remaining
52	20	Imad Hazeez	Remaining
53	20	Joseph Killeen	Remaining
54	20	Naseem Kadiri	Remaining

8.7 Response – The Council is entirely satisfied that the Scheme will provide significant social, environmental and economic well-being benefits as required by s.226 (1A) TCPA 1990. I have covered this issue extensively in earlier parts of my evidence and summarised in para 7.9.

8.8 **Objection Theme 6 - March 2017 vacant possession date for The Broadway properties is unreasonable**

One objector has stated that in his opinion the March 2017 vacant possession date for The Broadway properties is unreasonable.

Objector Number	Plot	Objector	Remaining/Non-Remaining
1	33	A. Keller & Sons	Remaining

8.9 Response – The Council thinks it important to create the civic space that links the Broadway to the Welsh Harp with new commercial facilities early in the Scheme. This point is addressed in Para 7.3. The vacant possession date is to enable the Scheme to be progressed in accordance with the phasing plan.

8.10 **Objection Theme 7 - Existing estate dwellings are structurally sound and adequate**

Objections have been received that state that the existing estate dwellings are structurally sound and adequate.

Objector Number	Plot	Objector	Remaining/Non-Remaining
8.01 - 8.42	Various	Various	13 Non - Remaining & 29 Remaining

8.11 Response - The Council's case is not founded on the structural condition of the properties, but rather that the Estate does not meet modern housing standards and currently provides poor quality living accommodation. Furthermore, relevant planning and housing policy objectives seek re-development and regeneration of the estate. This is explained fully in paras 2.1 to 2.22 of my evidence and in Mr Shipway's Evidence at paras 3.9 to 3.26

#### 8.12 **Objection Theme 8 - Human Rights**

A number of objectors have stated that their Human Rights will be affected.

Objector Number	Plot	Objector	Remaining/Non-Remaining
2	20	Mr & Mrs Coleman	Remaining
8.01 - 8.42	Various	Various	13 Non - Remaining & 29 Remaining
12	26	Mr Patel	Remaining
13	?	Mr & Mrs Ahmed	Remaining
14	14	Dennys & Moshie Forte	Remaining
15	20	Veronica Payne	Remaining
16	26	Bhavna Patel	Remaining

8.13 Response – I have already addressed this issue at paras 7.0 to 7.9 and specifically with regards to Human Rights at 7.10 to 7.15 above. The process of compulsory purchase includes independent assessment of the justification for the Order by the Inspector and the Secretary of State, and fair compensation is payable where land or rights are acquired.

#### 8.14 **Objection Theme 9 - Lack of adequate consultation**

A large number of the objections state that there has been inadequate consultation.

Objector Number	Plot	Objector	Remaining/Non-Remaining
2	20	Mr & Mrs Coleman	Remaining
8.01 - 8.42	Various	Various	13 Non - Remaining & 29 Remaining
12	26	Mr Patel	Remaining

13	?	Mr & Mrs Ahmed	Remaining
14	14	Dennys & Moshie Forte	Remaining
15	20	Veronica Payne	Remaining
16	26	Bhavna Patel	Remaining
18	14	Afsanah Monafred	Remaining
19	14	Jason Waters	Remaining
20	14	Peter Carr	Remaining
21	T2-20	Marlene Guimaraes	Remaining
22	T2-20	Michael & Anne Thoumine	Remaining
23	T2-20	James & Mary Benham	Remaining
24	T2-20	Mohammed Naveed Siddiqui	Remaining
25	T2-20	Sadaf Ahmed	Remaining
26	T2-20	Aasif & Amina Variava	Remaining
27	T2-20	Adeoba & Adebimpe Okekunle	Remaining
28	T2-20	Piyush & Dipavali Patel	Remaining
29	T2-20	Mary Olubi	Remaining
30	4 & 5	Amratlal & Bharti Asawala	Remaining
31	4 & 5	Ronald Greeen & Luke Sabarta	Remaining
32	5	L De Montfort	Remaining
33	5 & 6	Alexander Whelan	Remaining
34	6 & 7	Edward & Juliet Kent	Remaining
35	8 & 9	Debbie Dean	Remaining
36	10 & 11	Diane Steel	Remaining
37	10 & 11	Mazhar & Zahida Hussein	Remaining
38	10 & 11	James Rock	Remaining

39	10 & 11	Siobahn Rothnie	Remaining
40	10 & 11	Fuard & Facel	Remaining
41	T2-20	Peter Wicker	Remaining
42	T2-20	Ali Rahimian	Remaining
43	T2-20	Kate Merrell & Branko Pajevic	Remaining
44	N/a	11 Warner Close 12 Warner Close 14 Warner Close 25 Warner Close 46 Warner Close 59 Warner Close	
		2 Marsh Close 4 Marsh Close 11 Marsh Close 36 Marsh Close 124 Marsh Close 161 Marsh Close 164 Marsh Close 229 Marsh Close	Non-Remaining
45	18 & 19	Adelaide Adams	Remaining
46	18 & 19	Felicity Ibe	Remaining
47	18 & 19	Jacqueline Parsons	Remaining
48	18 & 19	Laurence & Trina Welford	Remaining
49	18 & 19	Hassan & Maria Osman	Remaining
50	18 & 19	Collis Graham & Marlene Newman	Remaining
51	18 & 19	Eagle Bay Limited (Farhat Baig)	Remaining
52	20	Imad Hazeez	Remaining
53	20	Joseph Killeen	Remaining
54	20	Naseem Kadiri	Remaining

8.15 Response – The Council believes it has fully met its duties in relation to consultation regarding the Scheme. Section 5 of my Evidence deals with this aspect of the Council's processes.

**8.16 Objection Theme 10 - Original ballot no longer a valid endorsement**

Some objectors have stated that the original ballot is no longer a valid endorsement.

Objector Number	Plot	Objector	Remaining/Non-Remaining
4	N/a	Andrew Dismore	Non-Remaining
8.01 - 8.42	Various	Various	13 Non - Remaining & 29 Remaining
17	14	Adekunbi Adubifa	Remaining

- 8.17 Response – The ballot process and the Pledge (CDA.21) that was made at the time is described in paras 2.24 to 2.39. The ballot asked about appointing Metropolitan Housing Trust as the schemes development partner, and residents were asked whether they supported the general aim of regenerating the estate as a phased redevelopment. On that basis, the Council believes that holding a further ballot is not necessary.**

**8.18 Objection Theme 11 - Previous assurances made by the Council (e.g. a choice of homes in the new development, residents will only be required to move once etc.) are no longer being met**

Many of the objections have stated that previous assurances made by the Council are no longer being met.

Objector Number	Plot	Objector	Remaining/Non-Remaining
2	20	Mr & Mrs Coleman	Remaining
4	N/a	Andrew Dismore	Non-Remaining
8.01 - 8.42	Various	Various	13 Non - Remaining & 29 Remaining
17	14	Adekunbi Adubifa	Remaining
18	14	Afsanah Monafred	Remaining
19	14	Jason Waters	Remaining
20	14	Peter Carr	Remaining
21	T2-20	Marlene Guimaraes	Remaining
22	T2-20	Michael & Anne Thoumine	Remaining
23	T2-20	James & Mary Benham	Remaining

24	T2-20	Mohammed Naveed Siddiqui	Remaining
25	T2-20	Sadaf Ahmed	Remaining
26	T2-20	Aasif & Amina Variava	Remaining
27	T2-20	Adeoba & Adebimpe Okekunle	Remaining
28	T2-20	Piyush & Dipavali Patel	Remaining
29	T2-20	Mary Olubi	Remaining
30	4 & 5	Amratlal & Bharti Asawala	Remaining
31	4 & 5	Ronald Greeen & Luke Sabarta	Remaining
32	5	L De Montfort	Remaining
33	5 & 6	Alexander Whelan	Remaining
34	6 & 7	Edward & Juliet Kent	Remaining
35	8 & 9	Debbie Dean	Remaining
36	10 & 11	Diane Steel	Remaining
37	10 & 11	Mazhar & Zahida Hussein	Remaining
38	10 & 11	James Rock	Remaining
39	10 & 11	Siobahn Rothnie	Remaining
40	10 & 11	Fuard & Facel	Remaining
41	T2-20	Peter Wicker	Remaining
42	T2-20	Ali Rahimian	Remaining
43	T2-20	Kate Merrell & Branko Pajevic	Remaining
44	N/a	11 Warner Close 12 Warner Close 14 Warner Close 25 Warner Close 46 Warner Close 59 Warner Close  2 Marsh Close 4 Marsh Close	Non-Remaining

		11 Marsh Close 36 Marsh Close 124 Marsh Close 161 Marsh Close 164 Marsh Close 229 Marsh Close	
45	18 & 19	Adelaide Adams	Remaining
46	18 & 19	Felicity Ibe	Remaining
47	18 & 19	Jacqueline Parsons	Remaining
48	18 & 19	Laurence & Trina Welford	Remaining
49	18 & 19	Hassan & Maria Osman	Remaining
50	18 & 19	Collis Graham & Marlene Newman	Remaining
51	18 & 19	Eagle Bay Limited (Farhat Baig)	Remaining
52	20	Imad Hazeez	Remaining
54	20	Naseem Kadiri	Remaining

8.19 Response – I have addressed this issue at paras 2.29 to 2.39 above. Most of the Pledge (CDA.21) promises will still be met. Residents will have a choice of properties, though not everyone will get their first choice, and due to the decanting needs not all residents will get a choice of which block they will be rehoused in. In phase 3, only three residents are likely to need to move more than once, in order that they can be allocated a property that better meets their needs. This is very much in accordance with the spirit of the Pledge (see para 2.37, third bullet, of my evidence). However, the Council and the Developer will continue to work closely with occupiers to try to meet residents' preferences wherever possible. Overall, the Council believes that overall the Scheme will be beneficial to the majority of residents, even if not all of the previous assurances can be met in full in every case – see paras 2.29 to 2.39 of my evidence.

#### 8.20 **Objection Theme 12 - Conflicting messages regarding timescales for possession**

Objection that there are conflicting messages regarding timescales for possession.

Objector Number	Plot	Objector	Remaining/Non-Remaining
2	20	Mr & Mrs Coleman	Remaining

8.21 Response – The Council has endeavoured to keep residents fully informed of any changes to the programme which have occurred, as part of the consultation process or in letters from Capita. See paras 5.4 to 5.18 of my evidence.

## 8.22 Objection Theme 13 - Lack of Negotiation

Some objectors have stated that there has been a lack of negotiation.

Objector Number	Plot	Objector	Remaining/Non-Remaining
2	20	Mr & Mrs Coleman	Remaining
5	27	Mr B Gordhanbai Patel Mrs V Babubhai Patel Mr B. Patel, Mr H Patel	Remaining
12	26	Mr Patel	Remaining
13	?	Mr & Mrs Ahmed	Remaining
14	14	Dennys & Moshie Forte	Remaining
15	20	Veronica Payne	Remaining
16	26	Bhavna Patel	Remaining
21	T2-20	Marlene Guimaraes	Remaining
22	T2-20	Michael & Anne Thoumine	Remaining
23	T2-20	James & Mary Benham	Remaining
24	T2-20	Mohammed Naveed Siddiqui	Remaining
25	T2-20	Sadaf Ahmed	Remaining
26	T2-20	Aasif & Amina Variava	Remaining
27	T2-20	Adeoba & Adebimpe Okekunle	Remaining
28	T2-20	Piyush & Dipavali Patel	Remaining
29	T2-20	Mary Olubi	Remaining
30	4 & 5	Amratlal & Bharti Asawala	Remaining
32	5	L De Montfort	Remaining
34	6 & 7	Edward & Juliet Kent	Remaining
36	10 & 11	Diane Steel	Remaining
37	10 & 11	Mazhar & Zahida Hussein	Remaining

39	10 & 11	Siobahn Rothnie	Remaining
40	10 & 11	Fuard & Facel	Remaining
41	T2-20	Peter Wicker	Remaining
43	T2-20	Kate Merrell & Branko Pajevic	Remaining
45	18 & 19	Adelaide Adams	Remaining
48	18 & 19	Laurence & Trina Welford	Remaining
50	18 & 19	Collis Graham & Marlene Newman	Remaining
52	20	Imad Hazeez	Remaining
53	20	Joseph Killeen	Remaining
54	20	Naseem Kadiri	Remaining

8.23 Response – As explained in paragraphs 6.0-6.4 above, and in Mr Watling’s evidence, the Council has made, and continues to make, attempts to acquire properties by agreement, in accordance with the advice in Circular 06/2004 (CDA 10).

#### 8.24 **Objection Theme 14 - CPO should be the last resort**

Some objectors have stated that a CPO should be the last resort.

Objector Number	Plot	Objector	Remaining/Non-Remaining
2	20	Mr & Mrs Coleman	Remaining
12	26	Mr Patel	Remaining
13	?	Mr & Mrs Ahmed	Remaining
14	14	Dennys & Moshie Forte	Remaining
15	20	Veronica Payne	Remaining
16	26	Bhavna Patel	Remaining

8.25 Response – The justification for the Order is set out in my evidence at paras 7.0 to 7.15 of my evidence. The Council considers that the certainty that the Order will bring to Scheme delivery and programme is a vital necessity.

**8.26 Objection Theme 15 - The Council's surveyors' initial offers do not represent market value (cf: offers under Right to Buy)**

Some objectors have stated that the initial offers do not represent market value.

Objector Number	Plot	Objector	Remaining/Non-Remaining
8.01 - 8.42	Various	Various	13 Non - Remaining & 29 Remaining
30	4 & 5	Amratlal & Bharti Asawala	Remaining
32	5	L De Montfort	Remaining
34	6 & 7	Edward & Juliet Kent	Remaining
36	10 & 11	Diane Steel	Remaining
37	10 & 11	Mazhar & Zahida Hussein	Remaining
39	10 & 11	Siobahn Rothnie	Remaining
40	10 & 11	Fuard & Facel	Remaining
45	18 & 19	Adelaide Adams	Remaining
48	18 & 19	Laurence & Trina Welford	Remaining
50	18 & 19	Collis Graham & Marlene Newman	Remaining
52	20	Imad Hazeez	Remaining
53	20	Joseph Killeen	Remaining
54	20	Naseem Kadiri	Remaining

**8.27 Response – The Council's approach to negotiations is set out in paras 6.0 to 6.4 above and in Mr Watling's evidence. The Council is aware of its duty to give open market value for the properties it acquires, and has instructed Capita on that basis.**

**8.28 Objection Theme 16 - No attempt to assist business relocation**

One objection stated that there has been no attempt to assist business relocation.

Objector Number	Plot	Objector	Remaining/Non-Remaining
12	26	Mr Patel	Remaining

**8.29 Response – The Council or Capita, as explained in Mr Watling's Proof of Evidence, have held initial discussions with every occupier in the commercial units advising them of timescales, of**

their rights and responsibilities and obligation to relocate and mitigate their loss - and that they can be represented by a qualified surveyor. The Council have also offered more formal meetings to discuss matters, but no occupier has come forward at the date of writing this evidence. The agents will continue to send letters every two months, encouraging business owners to come forward and enter into negotiations.

8.30 The Council and the Developers will also offer all affected businesses the opportunity to engage so that they can be offered assistance in relocating their businesses when appropriate.

8.31 Concerns of Existing Residents – the following objections are themed around the subject of the concerns that existing residents have about the scheme.

#### **8.32 Objection Theme 24 - Breakup of a strong community**

A number of residents have expressed the view that the Scheme will result in the break-up of a strong community.

Objector Number	Plot	Objector	Remaining/Non-Remaining
7	N/a	P M Cooke	Non-Remaining
8.01 - 8.42	Various	Various	13 Non - Remaining & 29 Remaining
17	14	Adekunbi Adubifa	Remaining
18	14	Afsanah Monafred	Remaining
21	T2-20	Marlene Guimaraes	Remaining
22	T2-20	Michael & Anne Thoumine	Remaining
23	T2-20	James & Mary Benham	Remaining
24	T2-20	Mohammed Naveed Siddiqui	Remaining
25	T2-20	Sadaf Ahmed	Remaining
26	T2-20	Aasif & Amina Variava	Remaining
27	T2-20	Adeoba & Adebimpe Okekunle	Remaining
28	T2-20	Piyush & Dipavali Patel	Remaining
29	T2-20	Mary Olubi	Remaining
30	4 & 5	Amratlal & Bharti Asawala	Remaining
31	4 & 5	Ronald Greeen & Luke Sabarta	Remaining

32	5	L De Montfort	Remaining
33	5 & 6	Alexander Whelan	Remaining
36	10 & 11	Diane Steel	Remaining
37	10 & 11	Mazhar & Zahida Hussein	Remaining
39	10 & 11	Siobahn Rothnie	Remaining
40	10 & 11	Fuard & Facel	Remaining
41	T2-20	Peter Wicker	Remaining
42	T2-20	Ali Rahimian	Remaining
43	T2-20	Kate Merrell & Branko Pajevic	Remaining
44	N/a	11 Warner Close	
		12 Warner Close	
		14 Warner Close	
		25 Warner Close	
		46 Warner Close	
		59 Warner Close	
		2 Marsh Close	Non-Remaining
		4 Marsh Close	
		11 Marsh Close	
		36 Marsh Close	
		124 Marsh Close	
		161 Marsh Close	
		164 Marsh Close	
		229 Marsh Close	
45	18 & 19	Adelaide Adams	Remaining
46	18 & 19	Felicity Ibe	Remaining
47	18 & 19	Jacqueline Parsons	Remaining
49	18 & 19	Hassan & Maria Osman	Remaining
50	18 & 19	Collis Graham & Marlene Newman	Remaining
51	18 & 19	Eagle Bay Limited (Farhat Baig)	Remaining
52	20	Imad Hazeez	Remaining

53	20	Joseph Killeen	Remaining
54	20	Naseem Kadiri	Remaining

8.33 Response – Secure tenants on the Estate will be re-housed in the new properties built as part of the Scheme, and all the resident leaseholders that qualify for the shared equity scheme will be able to remain in a new property at West Hendon, should they choose to do so. The Council acknowledge that non-secure (temporary) tenants, some of whom have been living on the estate for a number of years, will be re-housed away from West Hendon (see para 6.9). However, as of mid-November 2014, 31 of the 32 tenants that had been rehoused had been found homes elsewhere in Barnet, at an average of just 3.2 miles from West Hendon. In addition, the scheme includes the construction of a new community centre building in a later phase to replace the existing community centre building which will remain in place whilst this phase of the scheme goes ahead. A new primary school is also planned to be built later in the project, which does not exist at present, which will help build local cohesion, community ties and improve social wellbeing (see paragraph 7.9 above). The Council believes that the existing strong community will be retained and strengthened by the Regeneration Project and the introduction of new residents and businesses into West Hendon.

#### 8.34 **Objection Theme 25 - Shared equity options are unviable**

Two objections state that the Shared Equity options are unviable.

Objector Number	Plot	Objector	Remaining/Non-Remaining
2	20	Mr & Mrs Coleman	Remaining
4	N/a	Andrew Dismore	Non-Remaining

8.35 Response - The Developer provided full details of the shared equity scheme to eligible property owners in November 2014. The details are also available on the West Hendon website. The Council believes that in most cases the shared equity option is viable, although this will depend on individual circumstances and depending on property owners existing mortgage arrangements.

#### 8.36 **Objection Theme 26 - No leasehold flats will be built before the third phase**

One objection states that no leasehold flats will be built before the third phase.

Objector Number	Plot	Objector	Remaining/Non-Remaining
4	N/a	Andrew Dismore	Non-Remaining

8.37 Response - leasehold flats are being made available for qualifying Shared Equity leaseholders in each phase.

#### 8.38 **Objection Theme 27 - Secure tenants should have the choice to remain Council tenants and must also have guarantees that any new lease is on the same terms as their existing lease**

A number of objections state that secure tenants should have the choice to remain as Council tenants and that any lease should be on the same terms as their existing lease.

Objector Number	Plot	Objector	Remaining/Non-Remaining
4	N/a	Andrew Dismore	Non-Remaining
8.01 - 8.42	Various	Various	13 Non - Remaining & 29 Remaining

8.39 Response – All existing secure tenants will be rehoused in new homes at West Hendon and will have a choice of either a Council secure tenancy or a Registered Provider (Housing Association) Assured Tenancy from Metropolitan Housing – see para 2.32 4<sup>th</sup> point.

**8.40 Objection Theme 28 – There is no provision for temporary or privately renting tenants on the estate**

A number of objections state that there is no provision for temporary or privately renting tenants on the estate.

Objector Number	Plot	Objector	Remaining/Non-Remaining
4	N/a	Andrew Dismore	Non-Remaining
8.01 - 8.42	Various	Various	13 Non - Remaining & 29 Remaining

8.41 Response – This is correct. Non-secure or temporary tenants are being re-housed elsewhere by Barnet Homes (the Council Arm's Length Management Organisation) when their properties are required for the regeneration Scheme. See Section 6.9. Private tenants will need to find their own new accommodation, unless they ask the Council for help, in which case they will be rehoused in accordance with the Housing Allocation Policy.

**8.42 Objection Theme 29 – Health & Safety (dust, pollution, security etc.)**

A number of objections state concerns about Health and Safety (dust, pollution, security etc.)

Objector Number	Plot	Objector	Remaining/Non-Remaining
7	N/a	P M Cooke	Non-Remaining
8.01 - 8.42	Various	Various	13 Non - Remaining & 29 Remaining
10	T2-20	M Manage	Remaining
11	T2-20	Mr P Manage	Remaining
44	N/a	11 Warner Close 12 Warner Close 14 Warner Close	Non-Remaining

		25 Warner Close 46 Warner Close 59 Warner Close	
		2 Marsh Close 4 Marsh Close 11 Marsh Close 36 Marsh Close 124 Marsh Close 161 Marsh Close 164 Marsh Close 229 Marsh Close	

8.43 Response –The development of the Scheme is guided by a series of safeguarding conditions attached to the planning consent in addition to building regulations to ensure safe and compliant delivery and to minimise disturbance locally and The Council monitors the construction works on the site on a regular basis.

8.44 **Objection Theme 29 – York Park is a 'memorial park' left to the community after the Second World War and will be lost**

A number of objections refer to the loss of York Park and it being left to the community after the Second World War.

Objector Number	Plot	Objector	Remaining/Non-Remaining
8.01 - 8.42	Various	Various	13 Non - Remaining & 29 Remaining
12	26	Mr Patel	Remaining
13	?	Mr & Mrs Ahmed	Remaining
14	14	Dennys & Moshie Forte	Remaining
15	20	Veronica Payne	Remaining
16	26	Bhavna Patel	Remaining
17	14	Adekunbi Adubifa	Remaining
18	14	Afsanah Monafred	Remaining
19	14	Jason Waters	Remaining
20	14	Peter Carr	Remaining
21	T2-20	Marlene Guimaraes	Remaining

22	T2-20	Michael & Anne Thoumine	Remaining
23	T2-20	James & Mary Benham	Remaining
24	T2-20	Mohammed Naveed Siddiqui	Remaining
26	T2-20	Aasif & Amina Variava	Remaining
28	T2-20	Piyush & Dipavali Patel	Remaining
29	T2-20	Mary Olubi	Remaining
30	4 & 5	Amratlal & Bharti Asawala	Remaining
31	4 & 5	Ronald Greeen & Luke Sabarta	Remaining
32	5	L De Montfort	Remaining
33	5 & 6	Alexander Whelan	Remaining
35	8 & 9	Debbie Dean	Remaining
36	10 & 11	Diane Steel	Remaining
38	10 & 11	James Rock	Remaining
39	10 & 11	Siobahn Rothnie	Remaining
40	10 & 11	Fuard & Facel	Remaining
41	T2-20	Peter Wicker	Remaining
42	T2-20	Ali Rahimian	Remaining
45	18 & 19	Adelaide Adams	Remaining
46	18 & 19	Felicity Ibe	Remaining
47	18 & 19	Jacqueline Parsons	Remaining
48	18 & 19	Laurence & Trina Welford	Remaining
49	18 & 19	Hassan & Maria Osman	Remaining
50	18 & 19	Collis Graham & Marlene Newman	Remaining
51	18 & 19	Eagle Bay Limited (Farhat Baig)	Remaining
52	20	Imad Hazeez	Remaining

53	20	Joseph Killeen	Remaining
54	20	Naseem Kadiri	Remaining

8.45 Response – York Park is not included in the land being acquired under this Order. It will be reconfigured and renewed as part of the overall Scheme, and some of it has already been built on or re-provided. See para 3.21 and 3.29 for more details. The Council believes that the most attractive features of York Park will be retained, and that the reconfigured open space will be better used.

#### 8.46 **Objection Theme 34 - Concerns regarding the appropriation of York Park**

A number of objections refer to concerns over the appropriation of York Park

Objector Number	Plot	Objector	Remaining/Non-Remaining
18	14	Afsanah Monafred	Remaining
19	14	Jason Waters	Remaining
20	14	Peter Carr	Remaining
21	T2-20	Marlene Guimaraes	Remaining
22	T2-20	Michael & Anne Thoumine	Remaining
23	T2-20	James & Mary Benham	Remaining
24	T2-20	Mohammed Naveed Siddiqui	Remaining
26	T2-20	Aasif & Amina Variava	Remaining
28	T2-20	Piyush & Dipavali Patel	Remaining
29	T2-20	Mary Olubi	Remaining
30	4 & 5	Amratlal & Bharti Asawala	Remaining
31	4 & 5	Ronald Greeen & Luke Sabarta	Remaining
32	5	L De Montfort	Remaining
35	8 & 9	Debbie Dean	Remaining
36	10 & 11	Diane Steel	Remaining
38	10 & 11	James Rock	Remaining

39	10 & 11	Siobahn Rothnie	Remaining
40	10 & 11	Fuard & Facel	Remaining
41	T2-20	Peter Wicker	Remaining
42	T2-20	Ali Rahimian	Remaining
45	18 & 19	Adelaide Adams	Remaining
47	18 & 19	Jacqueline Parsons	Remaining
48	18 & 19	Laurence & Trina Welford	Remaining
49	18 & 19	Hassan & Maria Osman	Remaining
50	18 & 19	Collis Graham & Marlene Newman	Remaining
52	20	Imad Hazeez	Remaining

8.47 Response – Appropriation of land is a separate process to compulsory process and is not being considered at this Inquiry. The Council believes that its statutory appropriation procedures were appropriate and carried out in accordance with the law. Any further necessary appropriations will be carried out on the same basis.

8.48 **Objection Theme 35 - No real open space arising from the Scheme**

A number of objections refer to there being no real open space arising from the Scheme.

Objector Number	Plot	Objector	Remaining/Non-Remaining
12	26	Mr Patel	Remaining
13	?	Mr & Mrs Ahmed	Remaining
14	14	Dennys & Moshie Forte	Remaining
15	20	Veronica Payne	Remaining
16	26	Bhavna Patel	Remaining
18	14	Afsanah Monafred	Remaining
19	14	Jason Waters	Remaining
20	14	Peter Carr	Remaining
21	T2-20	Marlene Guimaraes	Remaining

22	T2-20	Michael & Anne Thoumine	Remaining
23	T2-20	James & Mary Benham	Remaining
24	T2-20	Mohammed Naveed Siddiqui	Remaining
26	T2-20	Aasif & Amina Variava	Remaining
28	T2-20	Piyush & Dipavali Patel	Remaining
29	T2-20	Mary Olubi	Remaining
30	4 & 5	Amratlal & Bharti Asawala	Remaining
31	4 & 5	Ronald Greeen & Luke Sabarta	Remaining
32	5	L De Montfort	Remaining
35	8 & 9	Debbie Dean	Remaining
36	10 & 11	Diane Steel	Remaining
38	10 & 11	James Rock	Remaining
39	10 & 11	Siobahn Rothnie	Remaining
40	10 & 11	Fuard & Facel	Remaining
41	T2-20	Peter Wicker	Remaining
42	T2-20	Ali Rahimian	Remaining
47	18 & 19	Jacqueline Parsons	Remaining
48	18 & 19	Laurence & Trina Welford	Remaining
49	18 & 19	Hassan & Maria Osman	Remaining
50	18 & 19	Collis Graham & Marlene Newman	Remaining
52	20	Imad Hazeez	Remaining

8.49 Response – There will be a net gain of open space as a result of the Scheme. See Mr Wyld's evidence paragraph 5.6. There will also be two new pedestrian bridges linking the regeneration area to the extensive open spaces on the other side of the Welsh Harp; the land and rights for the construction and maintenance of the new Cool Oak Lane pedestrian bridge is included in the Order Land. See paragraphs 3.21 and 3.29 of my evidence.

#### 8.50 **Objection Theme 36 - Loss of green spaces and parks**

Two objections refer to the loss of green spaces and parks.

Objector Number	Plot	Objector	Remaining/Non-Remaining
9	T2-20	Dulcie Manage	Remaining
10	T2-20	M Manage	Remaining
11	T2-20	Mr P Manage	Remaining

- 8.51 Response – See section 3.29 and 7.7 and 7.9. The existing park will be reconfigured and when completed the new Scheme will provide more open space than existed before. See Mr Wyld's evidence at para 5.6. York Park is not included in the Order Land.
- 8.52 **Objection Theme 37 - Lack of additional local services e.g. primary health care, secondary schools etc.**

A number of objections refer to infrastructure: specifically, reference is made to the lack of local services such as primary health care, secondary schools etc.

Objector Number	Plot	Objector	Remaining/Non-Remaining
4	N/a	Andrew Dismore	Non-Remaining
7	N/a	P M Cooke	Non-Remaining
8.01 - 8.42	Various	Various	13 Non - Remaining & 29 Remaining
12	26	Mr Patel	Remaining
13	?	Mr & Mrs Ahmed	Remaining
14	14	Dennys & Moshie Forte	Remaining
15	20	Veronica Payne	Remaining
16	26	Bhavna Patel	Remaining
17	14	Adekunbi Adubifa	Remaining
18	14	Afsanah Monafred	Remaining
20	14	Peter Carr	Remaining
25	T2-20	Sadaf Ahmed	Remaining
30	4 & 5	Amratlal & Bharti Asawala	Remaining

33	5 & 6	Alexander Whelan	Remaining
34	6 & 7	Edward & Juliet Kent	Remaining
37	10 & 11	Mazhar & Zahida Hussein	Remaining
39	10 & 11	Siobahn Rothnie	Remaining
44	N/a	11 Warner Close 12 Warner Close 14 Warner Close 25 Warner Close 46 Warner Close 59 Warner Close  2 Marsh Close 4 Marsh Close 11 Marsh Close 36 Marsh Close 124 Marsh Close 161 Marsh Close 164 Marsh Close 229 Marsh Close	Non-Remaining
46	18 & 19	Felicity Ibe	Remaining
47	18 & 19	Jacqueline Parsons	Remaining
49	18 & 19	Hassan & Maria Osman	Remaining
51	18 & 19	Eagle Bay Limited (Farhat Baig)	Remaining

8.53 Response – A new primary school and nursery is being proposed as part of a later phase of the Scheme, which was not included in the initial proposals. Primary Health Care facilities are the subject of on-going discussions with the Barnet CCG but when the 2013 Permission was issued for the Scheme, no additional provision was considered necessary by the Local Health Authority. Please refer to Mr Wyld's evidence at para 5.31. We are aware of complaints that although the local surgeries are taking on new patients, they do not have enough resources to see patients quickly, hence the on-going discussions.

#### 8.54 **Objection Theme 38 - Demands on public transport**

A number of objections refer to there being additional demands on public transport.

Objector Number	Plot	Objector	Remaining/Non-Remaining
7	N/a	P M Cooke	Non-Remaining

12	26	Mr Patel	Remaining
13	?	Mr & Mrs Ahmed	Remaining
14	14	Dennys & Moshie Forte	Remaining
15	20	Veronica Payne	Remaining
16	26	Bhavna Patel	Remaining
20	14	Peter Carr	Remaining
24	T2-20	Mohammed Naveed Siddiqui	Remaining
27	T2-20	Adeoba & Adebimpe Okekunle	Remaining
30	4 & 5	Amratlal & Bharti Asawala	Remaining
32	5	L De Montfort	Remaining
35	8 & 9	Debbie Dean	Remaining
37	10 & 11	Mazhar & Zahida Hussein	Remaining
40	10 & 11	Fuard & Facel	Remaining
44	N/a	11 Warner Close	
		12 Warner Close	
		14 Warner Close	
		25 Warner Close	
		46 Warner Close	
		59 Warner Close	
		2 Marsh Close	Non-Remaining
		4 Marsh Close	
		11 Marsh Close	
		36 Marsh Close	
		124 Marsh Close	
		161 Marsh Close	
		164 Marsh Close	
		229 Marsh Close	
45	18 & 19	Adelaide Adams	Remaining
46	18 & 19	Felicity Ibe	Remaining
47	18 & 19	Jacqueline Parsons	Remaining

51	18 & 19	Eagle Bay Limited (Farhat Baig)	Remaining
52	20	Imad Hazeez	Remaining
53	20	Joseph Killeen	Remaining

8.55 Response – at Section 7 paras 7.1 to 7.7 above I describe the general well-being benefits of the Scheme. In addition, the highway improvements will make it easier to cross the A5 (West Hendon Broadway), and the pedestrian route to West Hendon station will be improved. The removal of the current gyratory system and the removal of the dedicated bus lanes on the A5 will improve traffic flow generally on the A5, having no detriment to the bus routes serving the area. Overall, West Hendon has reasonable access to public transport and the Council are of the view that this will be not be detrimentally impacted by the Scheme. See Mr Wyld's evidence at paras 4.22 to 4.31.

8.56 **Objection Theme 39 - Lack of information on the design for the pedestrian and cycle-bridge**

The objection from the Canal & River Trust refers to there being a lack of information on the design for the pedestrian and cycle bridge.

Objector Number	Plot	Objector	Remaining/Non-Remaining
6	38, 38A, 39, 40, 40A, 41, 41A, 41B, 42, 43, 43A & 44	Canal & River Trust	Remaining

8.57 Response – para 7.9 refers to the general benefits arising from the new pedestrian and cycle bridge being proposed as part of this next phase. The detailed design is being worked up by the Developer and as set out in Mr Calladine's evidence (page 21 paragraph 7.27) due to various site constraints it may be necessary for a detailed planning application to be submitted in respect of the bridge. The 2013 Permission approves the principle of a bridge in this location.

8.58 **Objection Theme 40 - Impact on statutory undertaking**

The objection from the Canal & River Trust refers to there being an impact on the statutory undertaking of the Canal and River Trust.

Objector Number	Plot	Objector	Remaining/Non-Remaining

6	38, 38A, 39, 40, 40A, 41, 41A, 41B, 42, 43, 43A & 44	Canal & River Trust	Remaining
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8.59 Response – whilst there will be a limited impact on the environment of the Welsh Harp reservoir during the construction phase, there will be no impact on the statutory functions of the CRT, as explained in the Statement of Reasons paras 11.1 to 11.15 (CDA.05). The effect on the Canal and River Trust is also dealt with in Ms Blackman's evidence (S4, pages 11-12).

**8.60 Objection Theme 41 - Council has not approached CRT to amend or vary the leases to enable the construction of the bridge**

This objection also refers to the need to vary leases, loss of public open space, lack of negotiation and that the bridge is not essential, being an objection of the Canals and River Trust.

Objector Number	Plot	Objector	Remaining/Non-Remaining
6	38, 38A, 39, 40, 40A, 41A, 41B, 42, 43, 43A & 44	Canal & River Trust	Remaining

The Council has been in detailed negotiations with CRT since March 2014 and an agreement is in the process of being finalised. The current state of negotiations is referred to in Mr Watlings evidence at para 4.2.4, p7, 4.7.40-1, p16, and his Negotiations Schedule. I believe that these negotiations will result in an agreement being reached in January 2015.

**8.61 Objection Theme 42 - The Order includes public open space and the Council is not offering exchange land**

Objector Number	Plot	Objector	Remaining/Non-Remaining
6	41A, 41B, 42, 43, 43A	Canal & River Trust	Remaining

Please see my evidence 3.21, 3.29, 7.9 and 7.15 for the general justification of the use of the land in the Order area and the benefits the bridge will bring to improving access to the open space on the other side of the Welsh Harp. Mr Wyld's evidence deals specifically with why no exchange land is considered necessary at paras 5.7-5.8.

**8.62 Objection Theme 44 - The pedestrian and cycle bridge is desirable but not essential**

Objector Number	Plot	Objector	Remaining/Non-Remaining
6	38, 38A, 39, 40, 40A, 41, 41A, 41B, 42, 43, 43A & 44	Canal & River Trust	Remaining

Please see my evidence at paras 3.21, 3.29, 7.9 and 7.15 for the benefits the bridge will bring. The Council believes it is essential that this bridge forms part of the Scheme.

**8.63 Objection Theme 45 - Lack of negotiation**

Objector Number	Plot	Objector	Remaining/Non-Remaining
6	38, 38A, 39, 40, 40A, 41, 41A, 41B, 42, 43, 43A & 44	Canal & River Trust	Remaining

8.64 Please see my response at para 8.60 above

**8.65 Objection Theme 46 - Explanation as to the order dated 3 June 2014**

One objection requests an explanation of the order dated 3<sup>rd</sup> June 2014.

Objector Number	Plot	Objector	Remaining/Non-Remaining
2	20	Mr & Mrs Coleman	Remaining

8.66 Response – The Order was correctly made and served on 17<sup>th</sup> June 2014.

**8.67 Objection Theme 49 - Requests to receive a copy of the PDA have been refused**

A number of similar objections refer to requests to receive a copy of the PDA that have been refused.

Objector Number	Plot	Objector	Remaining/Non-Remaining
8.01 - 8.42	Various	Various	13 Non - Remaining & 29 Remaining

8.68 Response – The PDA is a commercially confidential document, but the main terms have been made available in a number of Council reports, as it has been varied several times. My

evidence has addressed at paras 2.37 to 2.47 the key terms of the PDA for the purposes of the Inspector's and Secretary of State's consideration of the Order.

**8.69 Objection Theme 51 - Queries raised as to the Developer's ability to fund the acquisition of the land and interests**

The following objections query the ability of the Developer to fund the acquisition of land and interests.

Objector Number	Plot	Objector	Remaining/Non-Remaining
17	14	Adekunbi Adubifa	Remaining
18	14	Afsanah Monafred	Remaining
31	4 & 5	Ronald Greeen & Luke Sabarta	Remaining
32	5	L De Montfort	Remaining
34	6 & 7	Edward & Juliet Kent	Remaining
35	8 & 9	Debbie Dean	Remaining
36	10 & 11	Diane Steel	Remaining
38	10 & 11	James Rock	Remaining
42	T2-20	Ali Rahimian	Remaining
43	T2-20	Kate Merrell & Branko Pajevic	Remaining
44	N/a	11 Warner Close	Non-Remaining
		12 Warner Close	
		14 Warner Close	
		25 Warner Close	
		46 Warner Close	
		59 Warner Close	
		2 Marsh Close	
		4 Marsh Close	
		11 Marsh Close	
		36 Marsh Close	
48	18 & 19	124 Marsh Close	Remaining
		161 Marsh Close	
		164 Marsh Close	
		229 Marsh Close	

53	20	Joseph Killeen	Remaining
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- 8.70 Response – BMLLP is a joint venture formed between one of the largest Housing Associations in London, Metropolitan Housing Trust, and Barratt Homes Ltd, one of the UK's largest residential developers. The evidence of Mr Calladine demonstrates the Developer's ability to fund the necessary land acquisitions at paras 7.13 to 7.21. Both development partners have a strong track record in delivering regeneration schemes and the Council is very confident that, if the Order is confirmed, the Scheme will be delivered.
- 8.71 **Objection Theme 50 - Inability to understand / inaccuracies within the Council's Statement of Reasons**

Objector Number	Plot	Objector	Remaining/Non-Remaining
8.01 - 8.42	Various	Various	13 Non - Remaining & 29 Remaining

- 8.72 I do not accept that the Council's Statement of Reasons is misleading or is hard to understand. For good reason, it has to be a formal document. I believe it clearly sets out the reasons why a CPO is needed. My evidence reinforces the reasons why the Council wishes to proceed with the Scheme in Sections 2 and 7. As far as I am aware, we have not received any requests to explain or clarify the Statement of Reasons. Some brief comments were made at the West Hendon RPB about the readability of the Statement of Reasons but no request was made for assistance.

## 9 Conclusion

- 9.1 The regeneration of the Barnet's largest council housing estates, including West Hendon, Grahame Park, Stonegrove/Spur Road and Dollis Valley, has been a key component of the Council's Housing Strategy since 2000, when it was identified that a key challenge was creating holistic solutions to deal with "the close association between the highest deprivation levels in Barnet and our largest social housing estates".
- 9.2 In July 2001, the Department for Communities and Local Government (DCLG) launched the Decent Homes Programme, requiring local authorities to ensure that their housing stock offer residents the opportunity of a decent home and promote social cohesion, well-being and self-dependence.
- 9.3 Estimates undertaken by the Council suggest that upgrading the existing housing to Decent Homes standards would require considerable investment and in any event, would still fail to address some of the inherent problems arising from the nature of the Estate and its accommodation.
- 9.4 West Hendon is identified as one of the Council's four Priority Housing Estates for regeneration as set out in Barnet's Local Plan Core Strategy Development Plan Document and other corporate policy documents. The proposed redevelopment is consistent with the principles of sustainable development advocated by national and regional planning policy in the National Planning Policy Framework and London Plan Policy.
- 9.5 The regeneration Scheme proposes the construction of high quality sustainable homes built to Code for Sustainable Homes Level 4, Lifetime Homes Standards and Secure by Design

Principles. This will represent a significant improvement in the overall quality of housing accommodation in the area and the condition of the local environment. The development will also create a more attractive, vibrant and sustainable neighbourhood and a more balanced and inclusive community.

- 9.6 The implementation of sub-phases 3b and 3c of the proposals will enable the next stage of redevelopment to take place and facilitate the longer term transformation of the estate within reasonable timescales. Without these phases coming forward the design, viability and timely delivery of the Scheme is severely compromised,
- 9.6 The Council is clear on the need for the comprehensive redevelopment of the estate and with its development partners remain absolutely committed to securing the delivery of the Scheme. Having followed a transparent and objective decision making process leading up to this point, it considers therefore that there is a compelling case, in the public interest to exercise its compulsory purchase powers to acquire the land subject to the Order.

### **Declaration**

I believe that the facts stated in this proof of evidence are true.



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Martin Cowie

Dated 19 December 2014