

STATEMENT OF CASE OF THE LONDON BOROUGH OF BARNET

Under Rule 7 of
the Compulsory Purchase (Inquiries Procedure) Rules 2007

THE LONDON BOROUGH OF BARNET (WEST HENDON REGENERATION AREA)

COMPULSORY PURCHASE ORDER (No) 2018

Section 226(1) (a) of the Town and Country Planning Act
1990 The Acquisition of Land Act 1981 and
Section 13 of the Local Government (Miscellaneous Provisions) Act 1976

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**THE LONDON BOROUGH OF BARNET (WEST HENDON REGENERATION AREA)
COMPULSORY PURCHASE ORDER (No. 3) 2018**

STATEMENT OF CASE FOR THE MAKING OF THE ORDER

1 INTRODUCTION

1.1 This Statement of Case is submitted by the London Borough of Barnet (“the Council”) in its capacity as acquiring authority under Rule 7 of the Compulsory Purchase (Inquiry Procedure) Rules 2007.

1.2 On 15 November 2018 the Council made the London Borough of Barnet (West Hendon Regeneration Area) Compulsory Purchase Order (No.3) 2018 (“the Order”) pursuant to section 226(1)(a) of the Town and Country Planning Act 1990 (“the 1990 Act”), the Acquisition of Land Act 1981 (“the 1981 Act”) and section 13 of the Local Government (Miscellaneous Provisions) Act 1976 (“the 1976 Act”).

1.3 The Council’s purpose in making the Order, and seeking its confirmation by the Secretary of State for Housing, Communities and Local Government, is to enable the Council to acquire compulsorily the land and the new rights over land included in the Order (“the Order Land”) in order to facilitate the delivery of the comprehensive regeneration of the West Hendon Estate and its immediate environs, through the provision of: up to 2000 residential dwellings; a new two-form entry primary school; community facility; commercial uses and associated open space provision and improved infrastructure (“the Scheme”), as more fully described in Section 4 of this Statement. The Scheme forms part of the wider Cricklewood, Brent Cross and West Hendon regeneration area but is being progressed independently. The regeneration proposals will provide significant social, economic and environmental improvements for existing residents.

1.4 The Interests subject to the Order are set out in the Order Schedule and are also shown on the Order Map (which identifies the interests to be acquired by plot numbers). A copy of the Order and Order Schedule are reproduced as CDA.03. A copy of the Order Map is reproduced as CDA.04.

- 1.5 The Order was submitted to the Secretary of State for Communities and Local Government on 4th December 2018 but objections have been made to the Order and a public local inquiry is to be held to hear the objections and the Council's case for the making of the Order.
- 1.6 This Statement of Case builds on the matters contained within the Council's non-statutory Statement of Reasons (CDA.05) which accompanied the making of the Order and also sets out the Council's responses to the objections raised to confirmation of the Order. The references to documents carrying a "CD" prefix relate to Core Documents to be presented at the inquiry. A list of the Core Documents is set out at Appendix 1 of this Statement of Case.
- 1.7 The Council granted planning permission for the Scheme on 20 November 2013. The planning permission is part detailed (in respect of Phase 3a) and part outline (Phases 3b, 3c, 4, 5 & 6).
- 1.8 The Scheme will be delivered by the Council's development partner, Barratt Metropolitan LLP ("the Developer"), a consortium of Metropolitan Thames Valley and Barratt London.
- 1.9 In order to secure the delivery of the Scheme the Council resolved to make up to four Compulsory Purchase Orders (CPOs) for the acquisition of third party property and rights. The CPOs have been phased to reflect the proposed construction programme 2014 – 2027. By a letter dated 12 November 2015, the Secretary of State for Communities and Local Government confirmed the first CPO for the Scheme (CPO1), thereby enabling the development of Phases 3b & 3c of the Scheme to proceed. By a letter dated 20 October 2017, the Secretary of State for Communities and Local Government confirmed the second CPO (CPO2) and the highway CPO (CPO2A); thereby enabling the development of Phase 4 and the required highways works for the Scheme.
- 1.10 This Statement is submitted to the Secretary of State in respect of the fourth CPO for the Scheme (CPO3).
- 1.11 Land Referencers were commissioned to carry out a referencing exercise in relation to the Order Land to ensure that all relevant interests are incorporated within the

Order Schedule and the Council has used all reasonable endeavours to notify those individuals with interests being acquired of the making of the Order.

- 1.12 The majority of the Order Land forms part of the West Hendon Estate (“the Estate”) and comprises the land requirement for the delivery of Phase 5 & 6 of the Scheme.
- 1.13 The Council’s Core Strategy designates the Estate as one of the Priority Housing Estates requiring regeneration to meet Decent Homes Standards.
- 1.14 The Scheme reflects a revised Masterplan for the regeneration proposals and will result in the complete demolition of existing buildings within the Estate and redevelopment to provide new housing, a primary school and a community centre.
- 1.15 The Scheme is being delivered by a phased programme of demolition and redevelopment and is divided into phases 3, 4, 5 and 6 (numbering takes account of development phases already undertaken). The land for phase 4 was vested in November and December 2018. Construction is due to commence in May 2019.

Phase	Indicative Commencement Dates
3a	Construction commenced January 2014 and was completed in June 2016
3b	Construction commenced in June 2016 with completion in April 2019
3c	Construction commenced in November 2016 with completion in June 2018.
4	Construction will commence in May 2019 with completion expected in December 2022
5 & 6	Construction will commence in Sept 2022 with completion expected in August 2027

1.16 Avison Young (formerly GVA until a merger of companies in February 2019) are the appointed property surveyors and has commenced negotiations for the acquisition of third party freehold and leasehold interests in the Order Land, with a view to purchasing their interests by private treaty.

1.17 Compulsory purchase powers are being sought in respect of the Order Land in order to ensure the timely delivery of Phases 5 & 6 of the Scheme, in the event that attempts to acquire all the necessary interests and rights by agreement are not successful.

2 BACKGROUND

- 2.1 The West Hendon Estate is located in the southern part of the London Borough of Barnet and to the north west of the M1 motorway. It is part of the West Hendon ward, which sits between a section of the A5 Edgware Road known as The Broadway (comprising a number of small retail & service units on ground floor with offices and residential uses within the upper parts) and the Welsh Harp Reservoir, a site of Special Scientific Interest (SSSI).
- 2.2 In July 2001, the Department for Communities and Local Government (DCLG) (now MCHLG) 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.
- 2.3 The Council identified the homes within the Estate as failing to meet those requirements, and after consideration of various options decided that proposals to regenerate the Estate (with a proposed new local town square, improved transport links and improvements to the area surrounding the Welsh Harp Reservoir SSSI) would best achieve the delivery of those requirements.
- 2.4 In 2002 (following a competitive tendering exercise advertised in the Official Journal of the European Community in November 2001) the Council selected the West Hendon Consortium (Metropolitan Housing Trust (now Metropolitan Thames Valley), Lovell Partnerships and Bellhouse Joseph) as its development partner to undertake regeneration proposals for West Hendon.
- 2.5 On 31 May 2005, the Council approved a decision authorising Barratt Homes Limited as a development partner (replacing Lovell Partnerships and Bellhouse Joseph) alongside Metropolitan Housing Trust to form Barratt Metropolitan LLP.
- 2.6 The Council and its development partners entered into a Principal Development Agreement dated 11 August 2006 (“the PDA”) securing a commitment to invest approximately £450 million over a 10 year period.
- 2.7 On 20 March 2008, the Council granted planning permission (ref: W13230A/07) for

a standalone 'Pilot Phase 1a' as part of the regeneration proposals. Outline planning permission (ref: W13987/04) for the comprehensive regeneration of the Estate was granted on 1 July 2008 ("the 2008 Scheme"), with reserved matters approval (ref: H/04103/08) for Phase 2a Lakeside granted on 22 December 2008. 194 residential units have been constructed pursuant to those permissions.

- 2.8 Whilst both the Council and the Developer remained committed to delivering the aims of the West Hendon 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 Scheme was not possible taking into account the emerging viability and deliverability issues in the period from 2009 onwards.
- 2.9 With input from the Council, 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. The Developer subsequently submitted the part-detailed part-outline planning application (ref: H/01054/13) for the Scheme in March 2013.
- 2.10 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 "s106 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.

Consultation Undertaken between 2002 – 2010

- 2.11 Consultation on the regeneration proposals for the Estate has been on-going with residents and local stakeholders since 2002. The Council selected its preferred development partner in June 2002 following an assessment procedure involving residents and local stakeholders. In November and December of that year Electoral Reform Services administered a non-statutory Test of Opinion to determine the level of support amongst residents towards the principle of

regenerating the Estate. Of those eligible, 63% voted with 75% in favour (2002 Ballot).

2.12 A Resident Regeneration Group ("RRG") was established to enable detailed discussions regarding the regeneration plans to take place. It was facilitated by a Resident Independent Adviser and was open to all residents of the Estate. The RRG was the body through which the Council consulted residents on the Estate about the Regeneration Project.

2.13 Between 2003 and 2008 large scale consultation on the design process relating to the 2008 planning application was undertaken. The consultation process included: the circulation of leaflets to residents on the Estate, 5,000 neighbouring residents and the wider local community; an exhibition and community development events; the launch of a website providing information about the regeneration proposals; and drop in sessions for local stakeholders. The RRG and community groups were kept appraised throughout this period.

2.14 A financial review of the development proposals took place during 2008 – 2010. The RRG received regular updates in order to keep residents of the Estate informed of any changes to, and progress with, the development of the 'Pilot & Lakeside' phases.

Consultation Relating to the Scheme

2.15 A full review of the regeneration Masterplan commenced in 2010, regular updates were provided to the RRG and public meetings and exhibitions were held to inform the wider community on the changing approach to the regeneration proposals. Engagement on the revised Masterplan was carried out in two stages.

2.16 Stage One was carried out at an early stage of the design process in February / March 2012 and included:

- Dialogue with the RRG and ward councillors;
- Distribution of a newsletter to 680 households on the Estate and businesses along the Broadway; and

- A public exhibition and consultation event held on 27 March 2012, attended by 70 local residents, business owners and community group members.

2.17 Feedback from the exhibition and consultation event identified that of those attending, the majority were positive about the proposals and the vast majority considered the regeneration of the Estate to be an urgent priority. All of the responses were reported to the RRG in May 2012.

2.18 Stage Two 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 Barnet Labour Group and the RRG);
- The distribution of a letter to 5,500 Barnet residents informing them of the status of the regeneration project;
- An advert in the West Hendon Times on 29 November 2012, inviting the public to an exhibition on the regeneration proposals
- A public exhibition held on 5 and 8 December 2012, setting out full details of the proposals within the planning application for the Scheme; and
- A dedicated helpline and contact email address for all residents (operational during the determination period relating to the planning application for the Scheme).

2.19 Following the submission of the planning application to the local planning authority in March 2013, the Developer undertook the following community engagement:

- Attendance at and participation in regular RRG meetings;
- A presentation of the planning application to the Welsh Harp Joint Consultative Committee;
- Distribution of a newsletter and survey to leaseholders and freeholders within the Estate;
- Attendance at a residents open meeting;
- Site visit and presentation for the Welsh Harp Conservation Group; and

- Site visit and presentation for GLA by Member for Barnet – Andrew Dismore and the Leader of the Labour Group – Alison Moore.

2.20 Although some residents have expressed the view that the 2002 Ballot on the regeneration proposals should have been repeated following the revision to the Masterplan, the Council is of the view that there was no need, nor any legal obligation, to do so. That was accepted by the First Inspector at IR:615 (CDA. 19), and agreed by the Secretary of State at DL:23 (CDA.20) ; and re-confirmed by the Second Inspector at IR:110 (CDA.12) and the Secretary of State at DL:8 (CDA.13) .

West Hendon Regeneration Partnership Board

2.21 The West Hendon Regeneration Partnership Board (the Partnership Board) was formally constituted on 17 June 2014 and replaced the RRG. The Partnership Board acts as a consultative body comprising representatives from residents on the Estate, the Council, the Developer and stakeholders for the purposes of providing feedback on issues related to the redevelopment, regeneration proposals and future management of the Scheme.

2.22 The Partnership Board open meetings are open to all Estate residents and are held quarterly. The closed meetings are attended by the elected representatives from the Estate, the Council, the Developer and stakeholders and held monthly.

2.23 In recent years, guidance has been issued by DCLG and the Mayor of London on good practice to be adopted when undertaking estate regeneration. The Scheme commenced prior to these publications but the developer and the Council has adopted the recommendations as good practice.

2.24 In December 2016, DCLG prepared a paper, “Estate Regeneration - National Strategy Resident Engagement and Protection” (CDC.04) (“DCLG Estate Regeneration Guidance”), which set out the government’s expectations for how

landlord, developers and local authorities should engage with residents throughout an estate regeneration scheme and how residents should be protected. The paper advises that residents are key partners in any regeneration scheme, particularly where they are personally affected and they should be given the opportunity to be involved throughout the process. Residents are provided with this opportunity through the Partnership Board. The Secretary of State in the decision for CPO2 noted at DL:8 (CDA.13) that the Inspector did not make any reference to the DCLG Estate Regeneration Guidance but concluded that the Scheme adheres to the principles of the guidance.

2.25 In February 2018, the Mayor of London produced a good practice guide to estate regeneration, (CDC. “Better Homes for Local People” (“Mayor’s Estate Regeneration Guidance) (CDC.08). This guide was published after the commencement of the Regeneration Project and advises that for estate regeneration to be a success there should be resident support for proposals, based on full and transparent consultation from the very start of the process, and meaningful on-going involvement of those affected. In developing its proposals for the regeneration of the Estate and surrounding area, the Developer has, together with the Council, undertaken extensive consultation with the residents of the Estate and the surrounding local community, as outlined below.

2.26 The Council and the Developer have continued to engage with residents of the Estate through:

- The distribution of newsletters and flyers providing updates on the regeneration proposals;
- A Partnership Board open meeting (11 January 2016) to notify residents about the process and key dates for the implementation of CPO1, indicative dates relating to phasing and planning consultations for the Scheme and an outline of the process for CPO2;
- Regeneration newsletter (February 2016) included information regarding re-housing plans for Phase 4 and preparations for CPO2;
- Targeted leaflets (March 2016) to residents likely to be affected by CPO2 inviting them to a workshop held on 18 April 2016;
- A Partnership Board closed meeting (6 April 2016) for a briefing regarding

CPO2;

- Partnership Board open meeting held on 11 April 2016, providing a high level presentation on CPO2;
- Two workshop sessions for residents regarding CPO2 in the week commencing the 18 April 2016 regeneration newsletter (June 2017) included information regarding the new community space and an update on the planning reserved matters for Phase 4;
- Regeneration newsletter (November 2017) included information regarding phases 5 & 6 and details of the proposed Public Exhibition dates;
- A Public Exhibition in November 2017 on Phases 5 & 6;
- A regeneration newsletter (March 2018) included information on how residents could be involved in naming the estate roads and buildings and provided an update on the planning application, regarding the new community space, and provided an update on the planning reserved matters for Phases 5 & 6;
- Updates at the monthly (closed) and the Quarterly (open) Partnership Board Meetings on the progress of CPO3 throughout 2018.

2.27 There has been significant and extensive consultation and engagement with residents, the wider community and relevant stakeholders on the regeneration proposals for the Estate. Residents were consulted on the revised Masterplan and, as part of the planning process relating to the 2013 Permission, were able to make their views known. The Secretary of State accepted that the consultation had been adequate: see DL:23 CDA20 in relation to CPO1 and for CPO2 see DL: 8 (CDA.13).

2.28 Prior to the submission of the reserved matters planning application for Phase 5 & 6, the Developer undertook pre-application consultation to seek the views of community stakeholders. This involved a public consultation event culminating in a public exhibition on 22 November 2017. This was widely advertised in the local area. Regular meetings with residents groups were also held, and a community hotline and email address for resident enquiries was set up.

2.29 The Council and BMLLP also host a website with information on the Scheme.

2.30 The DCLG Estate Regeneration Guidance on Resident Engagement and Protection (CDC.04) in Part 5 recommends that residents should have the opportunity to participate in the on-going management of the estate. The structure for the management of the estate during the development and post-completion was developed before the publication of this guidance. It is intended that on completion of the development, the existing Partnership Board, (the stakeholder and resident steering group), will be reconstituted to act as a Residents Group to work with the management company on the future management of the estate.

2.31 It also advises that there should be a residents' charter which sets out the commitments to residents on re-housing options. The Regeneration Project commenced before this Guidance and a specific residents' charter was not prepared. However, the Council prepared information booklets for residents which set out the rehousing offer. The West Hendon website confirms this resident offer and advises that the intention is to acquire all leasehold and freehold properties by private treaty and that eligible freeholders and leaseholders will have the opportunity to buy a new property through the shared equity scheme. All secure tenants will be offered a new home on the estate.

2.32 The Scheme is a phased development to enable all secure tenants and eligible leaseholders and freeholders who wish to remain on the estate to be able to and to only have to undertake one move which is in accordance with the recommendations in the DCLG Estate Regeneration Guidance (CDC.05).

2.33 The Mayor's Estate Regeneration Guidance (CDC.08) advises that the Government guidance on consultation set out in the DCLG Estate Regeneration Guidance should be followed. It advises there should be;

- Direct proactive engagement of a wide group of residents through for example surveys and door knocking exercises.
- Engagement with residents through formal committees such as the Partnership Board.

- Opportunities to update and engage residents through for example the public exhibitions and the website.

2.34 Resident consultation has contributed positively to decision making, including:

- The decision to exclude Ramsey Close from the Scheme;
- Agreement that the moving costs incurred by non-secure tenants would be reimbursed;
- The setting up of a Homeowners Support Group.

2.35 The Council and the Developer are committed to continued public engagement activities.

Update following Secretary of State confirmation of CPO1

2.36 The Council has obtained vacant possession of all land interests required for Phase 3b of the Scheme. Of the 34 leasehold interests held within that Phase, the Council was able to acquire 33 leasehold interests through private treaty negotiations, only vesting the interests in one Estate property through the exercise of compulsory powers.

2.37 The Council has also obtained vacant possession of all land interests required for Phase 3c. Statutory notices were served on the third party interests to be acquired, of which compensation was agreed on 9 interests prior to taking possession. On the remaining 6 interests, compensation was agreed within 3 months, apart from 1 reversionary freehold interest which was agreed 15 months after possession was taken.

Update following Secretary of State confirmation of CPO2

2.38 The Council has obtained vacant possession of the land in Phase 4. Of the 48 third party interests within the phase, 14 were acquired a number of years ago, 12 were acquired prior to the confirmation date of October 2017 with a further 17 acquired

post-confirmation by private treaty. Of the remaining 5, all had signed heads of terms setting out the compensation agreed. Statutory notices were served with possession taken in November 2018 where the conveyancing process could not be completed before the Vesting Date.

Update following Secretary of State confirmation of CPO2A

- 2.39 The Council is currently in the process of obtaining vacant possession of the land required for the highways works. Of the 7 interests to be acquired, acquisition of 1 interest has been agreed with a further 3 close to agreement. Powers are being exercised as and when interests are required. To date 3 interests have been acquired by exercising compulsory purchase powers with a further 3 interests having statutory notices served in April. The remaining interest will be vested in the near future when it is required.

3 DESCRIPTION OF THE ORDER LAND AND SURROUNDINGS

- 3.1 The Order Land comprises approximately 25,300 square metres of land to be acquired and the majority of the Order Land forms part of the Estate. In addition, rights will be acquired over 8,400 square metres of land. To the north of the Estate is Ramsey Close, a London Borough of Barnet owned housing estate, to the east properties adjoining Edgware Road (A5) from Perryfield Way to Borthwick Road and to the west and south is York Park.
- 3.2 The Order Land falls within the wider Cricklewood, Brent Cross and West Hendon Regeneration Area. In order to address issues of poor quality housing and social isolation which pervade the Estate, the proposals to regenerate the Estate will be advanced in parallel with, but independently of, the wider Brent Cross-Cricklewood regeneration which is currently progressing its land assembly through the promotion of three separate compulsory purchase orders. The Secretary of State decided to hold a public inquiry in respect of the Brent Cross Cricklewood compulsory purchase orders which was held between 17 May and 6 July 2016. Both CPOs were confirmed on 8 December 2017. A public inquiry was held in September 2017 in respect of the third Brent Cross Cricklewood compulsory purchase order and this was confirmed by the Secretary of State on 15 May 2018.
- 3.3 The Estate properties were constructed in the 1960s using large panel pre-cast concrete with exterior cladding. In the 1980s, horizontal weatherboarding was used to clad over the buildings and pitched roofs were added. The Estate originally comprised 680 residential dwellings in 6 separate blocks of flats ranging from 6 to 14 storeys.
- 3.4 The nature of the West Hendon Broadway and its associated gyratory system has contributed to the creation of an uncomfortable environment for pedestrians and cyclists to navigate due to the heavy traffic flows. This adds to the neglected appearance of the area.

Housing Stock Condition

- 3.5 The buildings on the Order Land include 3, 4 and 6 storey residential blocks and 2

terraces of 2 storey houses comprising housing stock which is time-expired, in poor condition and in terminal decline. The Estate properties are in a poor state of repair and provide sub-standard accommodation for residents. Estimates undertaken by the Council (and provided at the time of the CPO1 Inquiry) suggest that upgrading the existing estate housing within the Order Land to Decent Homes Plus standards would require an estimated investment of £4,815,000. A further £6,613,500 (including leaseholder contributions totalling £1.6m) would still need to be spent on external areas of the Estate.

3.6 The Inspector who held the inquiry into CPO1 accepted at IR583 (CDA.19) that there was no evidence to dispute those figures. The Inspector who held the Inquiry into CPO2 and CPO2A, accepted at IR389 (CDA.12) that the existing buildings had a number of issues connected to their construction and at IR391 (CDA.12) that the new dwellings offered a number of benefits due to the type of construction. In any event, a 'repairs only' approach would still fail to address some of the inherent problems arising from the Estate, in particular:

- poorly defined public and private space;
- no clear hierarchy of streets and desirable through routes;
- poor sense of orientation within the Estate;
- lack of natural surveillance on public routes;
- no clear relationship between the streets, buildings, open space and the Welsh Harp;
- lack of clear connection between the Estate, the Broadway and other surrounding streets;
- the dominant feature of the Perryfield Way gyratory; and
- poorly managed boundary with the SSSI.

3.7 It was therefore decided that refurbishment would not achieve the regeneration objectives of the Scheme and that redevelopment of the Estate was required.

3.8 Following the decision to regenerate the Estate in 2002, no capital works were progressed and any work that was carried out on the Estate was undertaken on an ad-hoc responsive basis.

3.9 By 2007 it was apparent that this approach was no longer feasible (due to the delays encountered to the Regeneration Project) and that it would be necessary to carry out some capital works on the Estate. The following works were therefore carried out:

- 2008/2009 – windows to selected elevations (i.e. those suffering the greatest level of failure) were replaced. These works would have contributed to the Decent Homes Standard;
- 2008/2009 – replacement of communal TV system, these works had no impact on the Decent Homes Standard;
- 2012/2013 – partial refurbishment of a lift to extend life expectancy in accordance with regeneration phasing timescales and to ensure on-going insurance cover, these works had no impact on the Decent Homes Standard;
- 2013 – roof access works, these works had no direct impact on the Decent Homes Standard;
- electrical upgrades within flats (the majority have not required a full rewire) undertaken to extend the current life span. In the event that the Scheme does not proceed a full rewire would need to be carried out to meet Decent Homes Standards; and
- 2014/2015 - following initial inspections, survey reports, an increasing number of power outages and a fire in a similar residential block in London, the Council accelerated a Borough-wide programme to replace electrical rising mains. Those works were undertaken to selected blocks and were essential to meet the requirements of Health and Safety legislation and did contribute to meeting the Decent Homes Standard.

3.10 The 10 houses that are situated on Marsh Drive are an integral part of the estate. It is considered their inclusion will enable a superior scheme in terms of the planning of the estate, improving access to York Park and the Brent Reservoir, and enable a greater housing density to be achieved.

3.11 Regeneration is therefore seen as the most appropriate solution to meeting the housing needs of the current and future residents of the Estate. The

comprehensive regeneration of the Estate and surrounding area provides an ideal opportunity to build high quality sustainable homes through private sector investment, thereby creating a vibrant place where residents would want to live, with an associated enhanced retail and commercial offering on the Broadway. In line with the Mayor’s Estate Regeneration Guidance, the new homes will provide the West Hendon residents with safer and better quality homes.

Order Land in the Context of the wider Regeneration Project

3.12 The Order Land is bordered on one side by earlier phases of the Regeneration Project and the delivery of Phases 5 & 6 is integral to delivering the Scheme. Bullfinch and Gadwall House (constructed as part of Phase 3a of the Scheme) and the Eider, Hawthorn and Peregrine Apartments building (constructed as part of Phase 3b and Phase 3c) lie to the south-east of the Order Land.

3.13 The Order Land comprises the following as set out in the schedule to the Order (“the Order Schedule”):

Property	Description
Hendon Playing Field Car Park and Land	Car park and land
Land to the southwest of Silkbridge Retail Park	Land, marsh and wooded area
Land forming part of the Brent Reservoir (Welsh Harp) waterway	Creation of new rights over the land
Land adjacent to the West Hendon Community Centre and west of Marsh Drive	Land and marsh
Land situated between blocks 209-232 and 193-208 Marsh Drive, and north and west of Marriotts Close,	Land, highway, canopy, footpath and grass verge
209 – 232 Marsh Drive	23 residential units and associated walkways, common areas, storerooms and refuse disposal chutes

193-208 Marsh Drive	15 residential units and associated walkways, common areas, storerooms and refuse disposal chutes
169-192 Marsh Drive	23 residential units and associated walkways, common areas, storerooms and refuse disposal chutes
145-168 Marsh Drive	23 residential units and associated walkways, common areas, storerooms and refuse disposal chutes
97-144 Marsh Drive	47 residential units and associated walkways, common areas, storerooms and refuse disposal chutes
73-96 Marsh Drive	23 residential units and associated walkways, common areas, storerooms, refuse disposal chutes and electricity sub-station
49-72 Marsh Drive	23 residential units and associated walkways, common areas, storerooms and refuse disposal chutes
25-48 Marsh Drive	23 residential units and associated walkways, common areas, storerooms and refuse disposal chutes
1-24 Marsh Drive	23 residential units and associated walkways, common areas, storerooms and refuse disposal chutes
1-10 Marriotts Close	10 residential units
Land adjacent to 6-10 Marrriotts Close	Land, highway, footpath and car park
Land known as Moorhen Drive	Highway and construction site
Land adjacent to Marsh Drive and Perryfield Way	Land and car park

Land known as Marsh Drive	Footpath and highway
Land and advertising hoarding between 215 & 229 West Hendon Broadway	Land and advertising hoarding
Land and advertising hoarding situated south-east of 229-231 West Hendon Broadway	Land and advertising hoarding
Land to the rear of 213 and 215 West Hendon	Land
Land and footpath adjacent to the north west side of 215 West Hendon Broadway	Land and footpath
Footpath, adopted highway and car park at Marsh Drive, Marriotts Close and Perryfield Way	Footpath, adopted highway and car park
Land, adopted highway and footpath known as Borthwick Road	Land, adopted highway and footpath
Adopted highway and footpath known as West Hendon Broadway	Adopted highway and footpath
Land between Borthwick Road and Marsh Drive	Land
Perryfield Way and West Hendon Broadway fronting 213 and 215 West Hendon Broadway	Rights over the highway and footpath
213/215 West Hendon Broadway	Rights over the land and buildings
233-241 West Hendon Broadway	Rights over the land and buildings
Land adjacent to Borthwick Road	Rights over land

West Hendon Broadway	Rights over highway and footpath
Footpath to the rear of 6-8 Ramsey Close	Footpath
6 -19 Ramsey Close	Rights over 12 residential units
6-19 Ramsey Close	Right over highway and footpath
Land and premises, West Hendon Community Centre	Land and buildings
Land to the rear of West Hendon Community Centre	Land
Adopted highway known as Marsh Drive and land adjacent to blocks 145-169 and block 73-96 Marsh Drive	Highway, car park, verges and bin storage area
Former Sales centre and construction office	Land

3.14 The detailed boundary of the Order Land is shown on the Order Map appended to this Statement. The land coloured pink identifies the land over which the Council seeks to compulsorily acquire third party proprietary interests and rights. The land coloured blue identifies the land over which new rights over land are to be acquired compulsorily.

3.15 The Council is the freehold proprietor of the majority of the Order Land. Details of all parties with an interest in the Order Land are set out in the Order Schedule.

3.16 Vehicular access to the Order Land is primarily from the Perryfield Way one-way gyratory system. The Perryfield Way gyratory is the dominant feature on arrival to the Estate, isolating the existing buildings on the Estate from their surroundings

and resulting in constant traffic movements that build up through the Estate. Phase 4 of the Scheme includes highway improvements along The Broadway and Station Road in addition to the removal of the Perryfield Way gyratory system, thereby resulting in reduced traffic flows through the Estate creating a better environment for pedestrians and vehicular movements.

- 3.17 To the west of the Order land is the Welsh Harp and the West Hendon Playing Fields. Within the s.106 agreement is a requirement to provide a pedestrian bridge across the Silk Stream within part of the area designated as the Welsh Harp Reservoir SSSI in order to connect the Estate to the playing fields and open space on the west side of the Welsh Harp. The bridge has been designed to minimise any adverse impacts on the SSSI and to also provide a viewing platform from which pedestrians can view the wildlife in an area of otherwise restricted access.
- 3.18 Overall, the current layout of the Estate contributes to the problems experienced by residents such as anti-social behaviour. As evidenced by the findings of the 2015 Index of Multiple Deprivation (IMD), West Hendon is one of the two most deprived neighbourhoods in the Borough that have experienced the highest increases in comparative deprivation in Barnet since 2010. The 2015 IMD indicates that the West Hendon estate forms a Lower Level Super Output Area (geography for the collection and publication of small area statistics) that is amongst the 10 per cent most deprived in England and the top 5 per cent most deprived in London.
- 3.19 The existing Estate does not offer a mixed and balanced community (approximately 73% affordable housing units); has poorly designed public and private space; has no clear hierarchy of streets or desirable through routes; offers no sense of orientation within the Estate; lacks natural surveillance on public routes; has no clear relationship between streets, buildings, open space and the Welsh Harp; and has no clear connection with the Broadway and surrounding streets.

4 DESCRIPTION OF THE SCHEME

4.1 The Scheme is part of the comprehensive redevelopment of the Estate and wider West Hendon area to provide a high quality residential regeneration scheme with associated infrastructure and community facility improvements. It is the culmination of a Regeneration Project that has been an aim of the Council for over a decade.

4.2 The primary aims of the Council in promoting the Scheme can be summarised as follows:

- Demolition of existing estate and part of West Hendon Broadway;
- Creation of approximately 2,000 new homes of a variety of types and tenures;
- Improvements to the entrance to the Estate and linkages from West Hendon Broadway through to the Welsh Harp reservoir;
- Connecting the new estate to the open space on the west side of the Welsh Harp
- New education & community facilities as well as retail and commercial space;
- Appropriate landscaping, open space and parking provision; and
- Appropriate phasing of the development to allow for the re-housing of the Estate's secure tenants and home owners within the new development.

4.3 Details of relevant planning policies are given in Section 5 of this Statement.

4.4 Following the change in the economic climate and the recognition of the need to reconsider the Masterplan to deliver the regeneration of the area, the Developer worked with its professional team and the Council to design a scheme which would achieve these aims.

4.5 Following comprehensive consultation and engagement, on 15 March 2013 the Developer submitted a revised application for:

“the demolition and redevelopment of the West Hendon Estate to accommodate up to 2,000 residential units, a new 2 form entry primary school, community

building and commercial uses and associated open space and infrastructure comprising:

- Outline permission for the demolition of existing buildings and the construction of up to 1,642 new residential units (Class C3); up to 3,870m² (GEA) of D1 Class floorspace comprising nursery and primary school and community centre uses and up to 1,635m² (GEA) Class A1/A2/A3/A4/A5/B1 floorspace, within buildings ranging from 2 to 29 storeys, associated cycle and car parking provision including basement level parking, landscaping and public realm works, interim works, associated highway works, and two pedestrian bridges across the Welsh Harp.*
- Full planning permission (Phase 3 Blocks G1, G2, E1, E2, E3, E4) for the demolition of existing buildings and construction of 358 new residential units (Class C3), and 131m² (GEA) Class A1/A2/A3/A4/A5/B1 floorspace, within buildings ranging from 5 to 26 storeys, cycle and car parking provision including basement level parking, associated landscaping and public realm works, associated highway works, energy centre and interim works”.*

4.6 On 20 November 2013 the Council granted planning permission for this development. Phase 3a of the Scheme is complete. Construction of Phases 3b & 3c of the Scheme with completion due by January 2019.

4.7 The Council approved the Reserved Matters application for Phase 4 on 18 July 2017. Demolition works associated with Phase 4 are due to commence in May 2019 with construction starting also in May and completion due in December 2022

4.8 As stated above, the Order is required to deliver Phase 5 & 6 of the Scheme. Reserved Matters applications in respect of Phase 5 & 6 were validated on 22 December 2017 and reserved matters approval was granted on 25 June 2018. Reserved Matters applications in respect of the Silk Stream Bridge were validated on 21 February 2018 and reserved matters approvals were granted on 3 July and 26 October 2018.

4.9 This Order will enable all the remaining land required for the Scheme to be assembled to deliver a new generation of high quality homes. All new housing will comply with Lifetime Homes Standards; include wheelchair provision; meet the minimum requirements of Part L of the Building Regulations 2010; include communal heating and cooling via a combined Heat & Power Plant; incorporate a tenure blind design; comply with the Mayor’s Housing SPG (2012) (CDC.07), which was the relevant SPG when the outline permission was granted and incorporate Secure by Design principles.

4.10 The original scheme proposed that 25% of the residential units to be constructed across the Scheme would be provided as affordable units. Amendments to the Scheme have increased the number of affordable units to 28.6%. Of those affordable housing units, 38.3% will be social rented units (enabling all existing secure tenants to be re- housed within the new development), with the remainder to be provided on an intermediate /shared equity basis. The table at paragraph 4.9 below demonstrates that up to 23.5% of the total of 732 residential units to be constructed within Phases 5 & 6 will be provided as affordable housing.

	Private units	Affordable units	Total Units	Affordable Housing percentage
Phase 5	118	98	216	45.37%
Phase 6	442	74	516	14.34 %
Overall for Phase 5 & 6	560	172	732	23.50%

4.11 In accordance with the Section 106 Agreement requirement for an affordable housing review mechanism, the Developer submitted updated financial appraisals for Phases 5 & 6 (as part of the submission of the reserved matters application in respect of Phase 5 & Phase 6 of the Scheme). Following this process the Council determined that phases 5 & 6 could not support the provision of any further affordable housing.

4.12 The Scheme will re-integrate the estate with the surrounding residential streets

and facilitate improved pedestrian and cycle connections throughout the local area. In particular, Phase 4 of the Scheme will ensure improvements to traffic movement along West Hendon Broadway by the removal of the Perryfield Way gyratory. The removal of the gyratory system will also reduce traffic flows within the Order Land and the Estate itself. Phase 4 of the Scheme will deliver improvements to the junction of The Broadway and Station Road. Phases 5 & 6 will provide new housing including affordable and will provide enhanced public space.

- 4.13 Construction of Phase 4 will commence in May 2019 and will provide visual and qualitative improvements to retail and commercial floorspace within the West Hendon local centre and as an indirect consequence of these wider improvements will support returning vacant elements of The Broadway into active use.
- 4.14 The development of Phase 5 & 6 will replace the existing poor quality buildings with new high quality residential buildings and public space and will complete the regeneration of the area.
- 4.15 The existing open spaces within the Estate are poorly laid out with little used communal amenity space and play space. Whilst there is a reasonable quantum of space, it is largely undefined, lacks ownership and its structure fails to meet the inclusive needs of a modern community. The Scheme will provide an increase in the quantity of useable on-site amenity space and will significantly improve the quality of open space in comparison to the existing provision. Phases 5 & 6 will complete the reconfiguration of the existing York Park through improved landscaping and boundary treatment to the Welsh Harp reservoir. In addition all new blocks within the Order Land will be provided with semi-private communal courtyards and/or terraces, and private amenity space in the form of a balcony or terrace.
- 4.16 At present there is a poor linkage between the Estate and the West Hendon Recreation Ground. A new pedestrian and cycle bridge is being constructed alongside the existing road bridge at Cool Oak Lane, enabling pedestrian/cycle connections between the Estate and the West Hendon Recreation Ground.
- 4.17 In addition, the Order will enable a second new bridge, known as Silk Stream Bridge, to be constructed as part of phases 5 & 6. The s106 Agreement also

secures contributions for significant improvements/enhancements to off-site leisure and recreation provision within the local area.

- 4.18 New community space has been provided on the ground and first floor of the new residential block known as Gadwall House.
- 4.19 Phases 5 & 6 of the Scheme will provide land for the construction of a new two-form entry primary school and nursery. Additional community floorspace of 500 sq m will be provided as part of Phase 5.
- 4.20 The existing built environment is unattractive and run-down in appearance. The proposed townscape will provide long-term beneficial enhancements characterised by clearly defined public realm and high quality landscaped areas. Every effort will be made to retain existing high quality trees within the Scheme, with only one of the 21 'A' grade Trees to be removed.
- 4.21 The Welsh Harp Reservoir SSSI lies to the west of the Order Land. It is a semi-natural habitat and includes amenity grassland, mature trees and ornamental shrubberies noted primarily for their breeding and wintering bird interest. The proposals seek to facilitate and manage increased community interaction with the natural habitat through a range of proposed measures such as an ecological management framework and the appointment of an on-site warden. Ecological enhancements designed to promote biodiversity will also be made to the SSSI. The introduction of green corridors between The Broadway, the SSSI and York Park will re-engage the local community with this natural environment and permit views of the SSSI from The Broadway and ensure that it remains a valued community asset.
- 4.22 The Scheme has been designed to minimise its impact on the environment, with an emphasis on reducing energy use. All of the residential units will be built in compliance with Part L of the Building Regulations 2010 and the development will deliver a carbon saving of 36% through efficient building design, the installation of a CHP District Heating Network and the installation of solar photovoltaic panels at the most efficient locations.

4.23 The delivery of the Scheme will result in a better mix of tenure thereby ensuring a more balanced community, offering a choice of high quality homes, wider opportunities for home ownership and resulting in a sustainable, inclusive and mixed neighbourhood. That was accepted by the Secretary of State in relation to CPO1 at DL:14 (CDA.20) and in relation to CPO2 at DL:11 (CDA.13).

5 PLANNING POLICY CONSIDERATIONS

5.1 A comprehensive appraisal of the Scheme and all relevant planning policy at the time is set out in the Officer's report to the Council's Planning and Environment Committee on 23 July 2013. The Secretary of State found in relation to CPO1 and CPO2 that the Scheme substantially accords with the adopted planning framework (CPO1 DL:12 (CDA.20) and CPO2 DL:7 (CDA.13). The Council's view is that the Scheme and the planning permission for the Scheme substantially accord with the current adopted planning framework as well as the adopted planning framework at the time outline planning permission was granted.

5.2 The following paragraphs summarise how the Scheme meets key planning policy objectives of the strategic planning framework and how the purpose for which the land is being acquired fits in with the adopted Local Plan (CDC.09) and the revised National Planning Policy Framework (CDC.01), as required by Tier 2 paragraph 106 bullet point 2 of the 2018 Guidance.(CDC.03)

Strategic Planning Framework

5.3 The strategic planning framework at the time of the preparation of the planning application and the Council's decision in granting planning permission consisted of the following key documents;

- The Development Plan, which included;
 - London Plan 2011
 - London Borough of Barnet Local Plan – Core Strategy 2012
 - London Borough of Barnet Local Plan Development Management Policies 2012
- The National Planning Policy Framework 2012

5.4 As set out above, the Officer's report to the Council's Planning and Environment Committee, July 2013 provides a comprehensive appraisal of the Scheme against all relevant planning policy at that time.

5.5 Since the granting of planning permission, a number of documents within the strategic planning framework have been updated. These include:

- Updated London Plan – the London Plan consolidated with alterations since 2011 (2016). The 2016 London Plan CDC.06) (takes into account some minor and further alterations to the 2011 London Plan.
- Revised National Planning Policy Framework February 2019 (“the NPPF”) (CDC.01).

5.6 In addition there are also updated and new Mayoral Supplementary Planning Guidance notes on Housing (2016) (CDC.07) and Affordable Housing & Viability (2017) which provide further guidance on the implementation of the London Plan.

5.7 The Mayor of London is also now seeking to update the London Plan. The Mayor published a draft new London Plan for consultation in December 2017 and the consultation period ended on 2 March 2018. The Examination in Public into the draft new London Plan opened on 15 January 2019. At the time of this Statement, the Examination in Public remains underway.

5.8 The strategic planning framework, both that in place at the time of planning consent, and the current planning framework, has all been founded on appropriate evidence base and has been subjected to consultation.

5.9 The following section summarises how the Scheme meets the key planning policy objectives of the current adopted strategic planning framework, setting out how it fits in with the adopted Local Plan, London Plan and the NPPF in accordance with the 2018 Guidance.

Principle of the approved development

5.10 The NPPF (CDC.01) seeks to ensure that in the pursuit of sustainable development, the three overarching economic, social and environmental objectives are delivered through the implementation of plans and the application of policies (paragraphs 8 and 9). Section 5 of the NPPF seeks to deliver a sufficient supply of homes, significantly boosting the supply of homes and ensuring that land with permission is developed without unnecessary delay. Section 11 of the NPPF seeks to ensure effective use of land including making as much use as possible of previously-developed or ‘brownfield’ land (paragraph 117).

5.11 London Plan policy 2.14 *Areas for Regeneration* (London Plan 2016) encourages London Boroughs to identify areas for regeneration and sets out integrated spatial policies that bring together regeneration, development and transport proposals:

- The West Hendon Estate and wider area has been identified as a long term regeneration commitment through the Cricklewood, Brent Cross West Hendon SPG (CDC.12) and associated saved UDP policies (CDC.11) as set out in Appendix A of the Local Plan Core Strategy.
- Further, it is identified as one of the Borough's major priority estates for regeneration in the Local Plan Core Strategy (Policies CS1 and CS3) (CDC.09).
- It is identified as a failed housing estate that will be subject to long-term regeneration in order to tackle the problems of poor quality housing, physical isolation, social exclusion and to create revived, mixed tenure neighbourhood providing access to affordable and decent new homes.

5.12 The Local Plan Core Strategy Development Plan Document (CDC.09) sets out the core objectives of the Local Plan vision developed in accordance with the Council's Sustainable Community Strategy. These core objectives can be summarised as follows:

- The management of housing growth and the provision of a range of accommodation and tenures;
- Meeting social infrastructure needs and ensuring inclusive and accessible provision to community facilities arising from housing growth, including new and improved primary and secondary schools;
- The promotion of Barnet as a place of economic growth and prosperity;
- The provision of safe, effective and efficient travel;
- The promotion of strong and cohesive communities including designing out crime and reducing anti-social behaviour;
- The promotion of healthy living and well-being;
- Protect and enhance the suburbs;
- Ensure efficient use of land and natural resources by promoting mixed use development of previously developed land and promoting sustainable design and construction;

- The enhancement and protection of our green and natural open spaces improving access and enhancing the quality.

5.13 The following are the key ways in which the Scheme will meet those core objectives:

- The replacement of existing sub-standard residential accommodation with new sustainable energy efficient homes. All residential units will be built in compliance with Part L of the Building Regulations 2010;
- Provision of land for a new two-form entry primary school, replacement community centre and nursery with improved facilities and access to the wider community to meet the infrastructure needs arising from the housing growth;
- The provision and enhancement of public open space and improved access to existing areas of open space and recreational facilities including the Welsh Harp and surrounding Metropolitan Open Land;
- Improvements to commercial floorspace as part of an enhanced local centre along West Hendon Broadway;
- Improvements to the local highway network including the removal of the Perryfield Way one-way system;
- Promoting efficient use of land through increasing housing density on the site, benefiting from improved urban design principles;
- Improved connections through the Scheme to the wider West Hendon area, transport links and the surrounding open space; and
- The protection and Enhancement of the Welsh Harp Reservoir SSSI.

5.14 The development therefore accords with the Council's corporate objectives. It has the potential to deliver substantial benefits in terms of housing, social, community and physical improvements.

5.15 Further specific policy issues relevant to the Scheme are identified below.

Housing

5.16 Section 5 of the NPPF places significant emphasis on boosting the supply of sufficient homes. It focuses on providing a range of housing types to meet different needs and a requirement for councils to identify a sufficient supply and mix of

suitable sites for new homes.

- 5.17 London Plan Policy 3.3 *Increasing Housing Supply* seeks to ensure the identified housing needs are met to improve housing choice and affordability and provide better quality accommodation. It also identifies the contribution that sensitive renewal of existing residential areas can make to realising brownfield housing capacity. London Plan Policy 3.7, *Large residential developments*, promotes large residential development including complementary non-residential uses.
- 5.18 In terms of housing provision, London Plan Policy 3.3 sets a strategic target to provide 23,489 additional homes in the London Borough of Barnet between 2015 and 2025, 10,000 of which are proposed within the Cricklewood, Brent Cross & West Hendon Opportunity Area. The Local Plan Core Strategy Development Plan Document envisages the delivery of 450 new homes at West Hendon between 2011/12 and 2015/16, a further 450 between 2016/17 to 2020/21 with the remainder to be delivered post 2021.
- 5.19 The provision of housing at West Hendon is therefore a very important contributor for the Council to meet this housing target and to address housing need. The Scheme will introduce a greater choice of housing tenure and will ensure a better design and quality of housing stock for residents.

Density

- 5.20 Section 11 of the NPPF (CDC.01) provides guidance on making efficient use of land, requiring strategic policies to set out a clear strategy for accommodating objectively assessed need. Paragraphs 122 and 123 require planning policies and decisions to make efficient use of land, making optimal use of each site where there is a shortage of land for meeting housing needs. This includes use of minimum density standards.
- 5.21 London Plan (CDC.06) policy 3.4 *Optimising housing potential* seeks to optimise the housing potential of sites and references the density matrix which provides a guide to appropriate density ranges for particular locations, depending on Public Transport Accessibility Level (PTAL) and setting.

5.22 Saved UDP Policy (CDC.11) C1(a) as part of the Local Plan Core Strategy (CDC.09) allocates the West Hendon Estate as a site for “high density housing”. The Local Plan Core Strategy (CDC.09) also identifies the delivery of “2,200 new homes” at West Hendon, identified as a priority housing estate within Policy CS3. Policy CS5 notes that West Hendon is a location where tall buildings may be appropriate.

5.23 The following matters are relevant to the density of the permitted Scheme:

- The proposed block structure, with four landmark towers is supported in urban design terms, providing a more integrated and legible environment compared to the existing, and the resultant density is considered to be an important component within this. This is supported by Core Strategy policy CS5 (CDC.09) and saved UDP policy (CDC.11) C1a;
- Daylight/sunlight assessment (see below) undertaken as part of the ES demonstrates that all units will have sufficient levels of light with limited over shadowing;
- The Scheme includes a significant proportion of private, semi-private and public amenity space, together with improved linkages to surrounding parks and recreation areas which is considered to be sufficient provision to support the proposed population;
- The Scheme is located close to West Hendon station which will benefit from the current upgrade to Thameslink services and its integration into the Crossrail Farringdon interchange;
- The level of development (2,000 units) complies with that proposed within the Core Strategy housing trajectory and has been demonstrated to be a requirement in viability terms through the independent viability assessment;
- The First Inspector found that the Scheme’s density was acceptable at IR:592 (CDA.19) The Second Inspector noted that the density of the regeneration project was substantially greater than that of the existing estate mainly due to the increased height of the buildings. She concluded that the increase in density made the best use of the land by providing homes in a sustainable location close to good public transport and providing a labour force and market for local businesses. The density was also required to generate the necessary funds for the developer and its partners (IR.420) CDA.12).

Affordable Housing

- 5.24 Section 5 of the NPPF requires strategic policies to be informed by a local housing need assessment and to consider the needs of those who require affordable housing. Paragraph 64 of the NPPF requires that planning policies and decisions should expect at least 10% of the homes to be affordable.
- 5.25 London Plan Policy (CDC.06) 3.9 *Mixed and Balanced Communities* promotes a balanced mix of tenures and requires new development to foster social diversity, redress social exclusion and strengthen neighbourhood identity. It emphasises the need to create a more balanced mix in all parts of London particularly in some neighbourhoods where social renting predominates and there are concentrations of deprivation. The supporting text at paragraph 3.59 cross refers to the London Housing Strategy (CDC.07) and the need to create more mixed and balanced communities to address the key concern of concentrations of deprivation and mono-tenure estates.
- 5.26 London Plan Policy 3.11 *Affordable Housing Targets* requires all boroughs to maximise affordable housing provision in order to contribute towards an average annual London-wide target of delivering 17,000 affordable homes, with a priority for family housing. The policy requires boroughs to set an overall target for the amount of affordable housing needed in the plan period. The target should take account of a number of factors including current and future housing requirements, the strategic targets and the need to promote mixed and balanced communities.
- 5.27 London Plan Policy 3.12 *Negotiating affordable housing on individual private residential and mixed use schemes* requires LPAs to seek the maximum reasonable amount of affordable housing in residential and mixed-use schemes.
- 5.28 London Plan policy 3.14 *Existing housing* aims to resist the loss of housing, including affordable housing, unless it is replaced at existing or higher densities with at least equivalent floorspace. Supporting paragraph 3.82 states that estate renewal should take into account the regeneration benefits to the local community, the proportion of affordable housing in the surrounding area and the amount of affordable housing to be provided elsewhere in the Borough.

- 5.29 There is no net-loss of affordable housing floorspace arising from the Scheme. Although it does not meet the target set by Local Plan Policies CS4 and DM10 which set a borough-wide target of 40% housing provision to be affordable, or the mix of affordable housing as 60:40 (social/affordable rent: intermediate), this policy is subject to viability considerations and, as set out in supporting paragraph 3.82 of the London Plan, the wider regeneration benefits of estate renewal have been taken into account.
- 5.30 The original Scheme proposed that 25% of the residential units would be provided as affordable units. Amendments to the Scheme have increased the number of affordable units to 28.6%. Part 2 to Schedule B of the Section 106 Agreement requires the Developer to submit updated financial appraisals to the Council prior to the submission of each reserved matters application for each of Phase 4, Phase 5 and Phase 6. Financial appraisals have been undertaken for phases 5 & 6 and the Council has determined that it would not be financially viable for the Developer to provide additional affordable housing units in the Scheme above 28.6%.
- 5.31 The provision of 75% private housing, in addition to the intermediate housing units which are to be constructed as part of the Scheme, will assist in the rebalancing of the area in accordance with the aims of creating balanced and mixed communities in neighbourhoods where social renting predominates and there are concentrations of deprivation (London Plan Policy 3.9).
- 5.32 The section in the Mayor's Housing Supplementary Planning Guidance 2016 (CDC.07) on estate renewal states in paragraph 5.1.13 that as a general guide, where redevelopment of affordable housing is proposed, it should only be permitted where it is replaced by better quality accommodation. It also refers to flexibility to take into account local circumstances including the regeneration benefits to the local community and the need to provide mixed and balanced communities. The Scheme pre-dates this Guidance but will provide better quality accommodation and will address an imbalance in the tenure of the existing estate. In excess of 70% of the residential units on the Estate are social rent affordable housing units. The Scheme will redress this imbalance by providing an improved housing mix of 28.6 % affordable housing units (minimum 38% social rented and

remainder intermediate housing). The remaining 71.4% of the residential units will comprise open market housing.

Standard of accommodation

- 5.33 Inclusive design principles and practices have been incorporated into the Scheme in accordance with Policy 3.5 of the London Plan (CDC.06) *Quality and Design of Housing Developments* and Policy DM02 of Local Plan Development Management Policies (CDC.10) *Development Standards*.
- All residential units have been designed in accordance with the London Housing Design Guide (LHDG) standards which outline minimum space standards for individual units, room sizes and amenity space provision.
 - 10% of the overall residential unit provision has been designed to be wheelchair accessible or easily adaptable for wheelchair users.
 - All dwellings will comply with 'Lifetime Homes' standards.

Design

- 5.34 Section 12 of the NPPF (CDC.01) refers to the creation of high quality buildings and places being fundamental to what the planning and development process should achieve, with an emphasis on well-designed places. Planning permission should be refused for development of poor design.
- 5.35 Chapter 7 of the London Plan (CDC.06) sets out a number of policies to promote high quality and well-designed places and spaces. This includes London Plan Policy 7.4 *Local Character* which requires development to provide a high quality design response and to have regard to the surrounding buildings, and Policy 7.6 *Architecture* which requires that buildings be of the highest architectural quality.
- 5.36 Policy 7.7 *Location and design of tall and large buildings* of the London Plan sets out criteria for the location and design of tall and large buildings. It states that tall buildings should not affect their surroundings adversely in terms of microclimate, wind turbulence, overshadowing, noise reflective glare, aviation, navigation and telecommunication interference and should not impact on strategic views.

- 5.37 Local Plan CDC.09) policy DM01 highlights that all development should represent high quality design that is based on an understanding of local characteristics, preserves or enhances local character, provides attractive streets and respects the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. Policy DM15 states that development adjacent the green belt should not have a detrimental impact on visual amenity and respect the character of its surroundings.
- 5.38 The Scheme incorporates high quality design which is substantially improving, and will continue to improve, the local character of the West Hendon Estate and wider area through the creation of a defined street scene, improvements to the appearance of buildings and the provision of quality amenity and open spaces.

Tall Buildings

- 5.39 The approach to tall buildings in this location is consistent with that of the Local Plan and London Plan policies.
- 5.40 Local Plan Core Strategy (CDC.09) Policy CS5 states that West Hendon is a strategic location where “Tall buildings (8 Storeys or 26 metres or more)” may be considered in accordance with Local Plan Policy DM05 and London Plan Policy (CDC.06) 7.7 and Advice Note 4 on Tall Buildings (2015) by English Heritage.
- 5.41 Paragraph 10.6.6 of the Core Strategy refers specifically to West Hendon noting that the Scheme will create a focal point for the area around the local centre square which will be linked to the Welsh Harp and surrounding green spaces by landscaped green corridors. Tall buildings ranging from 8 to 20 storeys will mark out these green corridors.

Education and Community Facilities

- 5.42 London Plan policy (CDC.06) 3.18 *Educational Facilities* supports development proposals that enhance education and skills provision including new build, the expansion of existing facilities or changes of use to educational purposes. The policy states that proposals which address the current projected shortage of primary school places will be particularly encouraged. The Policy also encourages

extended or multiple use of educational facilities for community or recreation use. Paragraph 94 of the NPPF (CDC.01) sets out the importance of sufficient choice of school places and that local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.

5.43 Local Plan Policy (CDC.09) CS10 seeks to ensure that community facilities and education uses are provided for Barnet's communities. It seeks to promote the role of schools as community hubs and seeks to promote the inclusive design of community facilities at a single accessible location. It identifies that development that increases the demand for community facilities will make appropriate contributions towards new and accessible facilities.

5.44 Local Plan Policy (CDC.09) DM13 considers that new community or educational uses should be located where they are accessible by public transport, walking and cycling, preferably in town centres or local centres.

- The Scheme will provide land for the provision of a new two-form entry primary school to meet the needs of the new community.
- A community centre will also be provided within the new development.

Amenity Space and Open Space Provision

5.45 The NPPF (CDC.01) promotes healthy communities. Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities (paragraph 96).

5.46 London Plan policy (CDC.06) 2.18 *Green infrastructure: the multi-functional network of green and open spaces* sets out strategic applications and planning decisions and LDF guidance supporting the protection, promotion and management of London's green infrastructure.

5.47 London Plan policy (CDC.06) 7.18 *Protecting local open space and addressing deficiency* sets out guidance for assessing local open space needs, and promoting the protection, management, creation and enhancement of open space within strategic applications, planning decisions and LDF policies. It sets out that the

Mayor supports the creation of new open space in London to ensure satisfactory levels of local provision to address areas of deficiency.

5.48 Local Plan policies CS5 and DM01 seek to ensure that development respects local context and distinctive local character and includes the requirement for development to provide hard and soft landscaping. It advises that proposals should achieve an appropriate level of new habitat including tree and shrub planting, and a suitable visual setting for buildings, in order to positively contribute to the surrounding area.

5.49 Local Plan policy DM15 relating to green belt and open spaces is also relevant given the proximity of the site to the West Hendon Recreation Ground to the north-west which is designated Metropolitan Green Belt.

5.50 The Barnet Open Space and Recreational Facilities Assessment (2009) examined the existing availability of public open space in Barnet against relevant standards. This open space assessment identifies that the Estate is not within an area of recognised open space deficiency. The majority of open spaces within proximity of the site are classified overall as good or fair.

- The public realm is an integral part of the Scheme and the improvement of York Park, together with additional areas of open space and private amenity space, are important components of the Scheme.
- Two pedestrian bridges will facilitate a circular walking route connecting the Scheme, York Park to the Welsh Harp Reservoir and recreation ground, significantly improving access to open space and the strategic Capital Ring long distance walking route, in accordance with London Plan (CDC.06) Policies 2.18, 3.2 and 7.18, Barnet Local Plan (CDC.09) Policies CS7, CS11, and DM15.
- Because of the overall increase in the quantity of usable open space, the provision of new high quality and flexible public open spaces, the increase in private and semi-private amenity spaces, and the enhancements secured towards the extensive recreational resources available in the immediate surrounding area, the Scheme is considered to accord with London Plan and local development plan policies.
- The Secretary of State accepted in relation to CPO1 that the redesign of open space has potential to improve social interaction, physical activity and health, as

well as enhancing the environment and making better use of environmental resources (DL:16). CDA.20)

Trees

- 5.51 Section 15 of the NPPF (CDC.01) sets out policy on the conservation and enhancement of the natural and local environment, including recognising the importance of trees and woodlands.
- 5.52 London Plan (CDC.06) Policy 7.21 Trees and woodlands seeks to ensure protection, maintenance and enhancement of trees and woodlands. The policy states that existing trees of value should be retained and any loss should be replaced. Where appropriate, planting of additional trees should be secured.
- 5.53 Local Plan (CDC.09) policy DM01 seeks to ensure trees are safeguarded, and when protected trees are to be felled, replanting with a suitable size and species will be required. The developer has submitted details relating to landscaping to the Council for its approval in relation to Conditions 21, 22 and 43 including a Landscape Management Scheme (CDB.29), reference H/05566/14 which was approved on 31st March 2015 which is in accordance with the planning permission. The landscaping details identify the locations of new trees and other planting across the Scheme.

Environmental Impact Assessment (EIA)

- 5.54 The Scheme proposals are an urban development project within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment - England and Wales) Regulations 2011. The Developer therefore submitted an Environmental Statement (CDB.24) (ES) with the planning application describing the significant environmental effects of the Scheme.
- 5.55 In granting planning permission, the Local Planning Authority undertook an EIA in which the environmental effects of the Scheme were comprehensively addressed and found to be acceptable.
- 5.56 The Council acting in its capacity as Local Planning Authority determined that the

Scheme is acceptable in planning policy terms. On 23 July 2013, the Planning & Environment Committee resolved in principle to grant planning permission (part detailed part outline) for the Scheme subject to the completion of the s106 Agreement.

- 5.57 Planning permission was granted for the Scheme on 20 November 2013 and details relating to the various phases of the Scheme requiring reserved matters approval are being addressed satisfactorily. The Council is satisfied that obligations required as conditions of the planning permission are being met and that obligations required at a later date arising from conditions of the planning permission will be fulfilled as the development proposals are progressed.
- 5.58 In accordance with the s106 Agreement the planning obligations relevant to the Scheme will be discharged on a phased basis. To date, the Council has received £2,408,119 in accordance with the s106 Agreement. A total of £1,539,784 has been received for Mayoral CIL in respect of Phases 3a, 3b and 3c. With regard to Barnet CIL, exceptional circumstances relief has been granted in respect of Phases 3a, 3b and 3c and as such no funds have been received by the Council under this obligation. The Council is satisfied that those obligations required at a later date will be fulfilled as the development proposals are progressed. This means there are no planning impediments to the delivery of the Scheme.
- 5.59 The First Inspector found that there is strong planning policy support for the CPO to be confirmed, and that the Scheme represents adherence to the main planning objectives for the area: IR:581-582 (CDA.19). The Secretary of State accepted those findings at DL:12 (CDA.20). The Second Inspector similarly concluded that the purpose for which the land was being acquired fitted in with the adopted Local Plan (IR:387) (CDA.12) and the Secretary of State accepted this (DL:7) (CD.13)

6. DELIVERY STRUCTURE AND FUNDING

6.1 The proposed regeneration at West Hendon is an important policy priority for the Council, and it has worked with the Developer to ensure that the necessary funding, approvals and consents and all other matters required for delivery of the regeneration proposals are in place. Further information is given at section 10.

6.2 As set out in paragraph 5.58 of this Statement, planning permission (part detailed and part outline) has been granted for the entire Scheme, and this is currently being implemented by the Developer.

The Developer

6.3 BDW Trading Ltd (formerly known as Barratt Homes Ltd until 30 November 2007) trading as Barratt Homes (“Barratt”) is one of the UK’s leading house builders, building homes and new communities across the UK. It was established in 1958 and listed on the London Stock Exchange in 1968 and is a constituent of the FTSE 100 Index.

6.4 Barratt has a broad range of regeneration experience and is used to working collaboratively with partners from both the public and private sectors. It has worked with successive government agencies and councils across London to transform derelict sites into quality homes and associated community facilities.

6.5 Metropolitan Thames Valley is the brand name for Thames Valley Housing (MVHT) which includes the subsidiary Metropolitan Housing Trust Ltd Metropolitan Thames Valley is a leading registered provider of integrated housing services, care & support and community regeneration. It manages over 57,000 affordable homes for rent and sale to those with greatest housing need, along with a range of care and support services.

6.6 Metropolitan Thames Valley is investing in the West Hendon Regeneration Project via its wholly owned subsidiary Metropolitan Living Limited. It has a development pipeline due to deliver 1,000 new homes a year from 2019.

- 6.7 Metropolitan Thames Valley provides a diverse range of service to over 71,000 customers across London, the western home counties, the East of England and the East Midlands. It is a member of the g15, which represents London's 15 largest housing associations. The g15 houses one in ten Londoners and builds a quarter of London's new homes.
- 6.8 Metropolitan Housing Trust continues investing in the West Hendon project via its wholly owned subsidiary Metropolitan Living Limited (MLL), the parent company investing in the joint venture with Barratt. MLL is funded by MHT using a formalised on-lend facility whereby the parent company secures finance against its social housing portfolio and on-lends a regulated amount to its subsidiary. Metropolitan has access to a variety of other sources of funding (including the GLA, Homes England, bank loans and the bond and capital markets), and its funding requirements are reviewed by the Board on a regular basis (based on the group business plan) to ensure that sufficient secured facilities are in place to meet all known and projected funding requirements.
- 6.9 The Developer has a significant track record of delivering similar large scale residential projects, and has a team of in house experts covering development, finance, project management and construction working on this project, as well as external consultants covering design, planning, community engagement and site assembly.
- 6.10 In relation to CPO1, the Secretary of State accepted at DL:21 (CDA.20) the Inspector's finding at IR:611 (CDA.19) that "there is a developer in place with an experienced background in this form of development". This was re-confirmed by the Inspector for CPO2 at IR:435 (CDA.12). The Secretary of State at DL:18 (CDA13) agreed with her conclusions.
- 6.11 Accordingly, the Developer is well placed to undertake and deliver a scheme of this nature and scale, and is already doing so in this case.

Delivery and Funding

- 6.12 The Council and the Developer entered into a Principal Development Agreement

("PDA") on 11 August 2006 to secure the delivery of the regeneration of the Estate. The PDA was varied on 5 February 2014 to reflect the Scheme further to the 2013 Planning Permission, and changes commercial updates.

- 6.13 The Scheme will be predominantly financed by the Developer who will achieve a commercial return from the sale of the private and affordable residential units, as well as some commercial units. Therefore, Barratt Metropolitan LLP has considered and approved all elements of the Scheme falling under this CPO. It is believed to be viable and deliverable and the LLP remains committed to delivering the West Hendon regeneration as a whole.
- 6.14 The developer is currently completing the construction of Phase 3 and has assembled the land for Phase 4. They will commence the construction of this starting in May 2019 along with the accompanying Major Highways Works. The developer is currently working with Transport for London on the timetable to implement the highways works to ensure they are co-ordinated with the transport and highways works to be undertaken at Brent Cross Cricklewood.
- 6.15 The works are proposed to commence in Q3 2019 with an anticipated construction programme of twelve to eighteen months. The Council has advised owners whose properties are required to implement the highway works, that it will acquire their properties in advance of them being required. Agreement has been reached on one of the affected properties with the business relocating to a commercial unit in the Scheme.
- 6.16 In relation to CPO1, the Secretary of State found at DL:21 (CDA.20) that "there is a reasonable prospect the overall scheme for the regeneration of the West Hendon Estate will proceed". In respect of CPO2, at DL:18 (CDA.12) (CDA.13, the Secretary of State states that he accepts the Second Inspector's findings at IR:434 (CDA.12) where she states that the land for Phases 1,2 and 3 have been assembled, the sales of the units in the first two phases are going strong and construction of Phase 3 is being undertaken, He agrees with her conclusions that the whole regeneration Scheme will be delivered subject to the completion of the land assembly process.
- 6.17 The Council and Developer also entered into a CPO Indemnity Agreement

("CPOIA") on 5 February 2014, under which the Developer undertook to indemnify the Council in respect of costs incurred in promoting, making and securing the compulsory acquisition of the Order Land and the compensation payments arising from those acquisitions. The CPOIA will also indemnify the Council in respect of costs related to the making and promotion of up to two subsequent CPOs, again including land acquisition costs.

- 6.18 The Developer has taken possession of the land required for phase 4 and is due to commence construction of Phase 4 in May this year. The Council and the Developer are satisfied that the remaining Phases of the Scheme are deliverable.
- 6.19 The strategic phasing of the Scheme has been developed according to the number of units required to support Scheme viability, number of units required for decant, number of parking spaces required per phase, and the number of units triggering associated infrastructure provision (e.g. improvements to the highway network, footbridges, two-form entry primary school and community centre).
- 6.20 A total of 358 new homes were delivered in Phase 3a by June 2016. The Scheme delivered a further 207 units in Phase 3b, with staggered completion dates from November 2018 to April 2019 and Phase 3c of the Scheme delivered a further 92 units by June 2018.
- 6.21 Subject to the acquisition of all third party proprietary interests within the Order Land, construction of Phases 5 & 6 is expected to commence in 2022 following site clearance and preparatory works. At this time the land will also be available for the development of the school.
- 6.22 The Scheme is proposed to be completed by 2027.

7. EXPLANATION OF THE USE OF THE ENABLING POWERS

Section 226(1)(a) of the Town and Country Planning Act 1990

7.1 Section 226 of the Town and Country Planning Act 1990 (“the 1990 Act”) confers power on a local authority to acquire land compulsorily for development and other planning purposes.

7.2 Section 226(1)(a) of the 1990 Act gives a local authority power to acquire compulsorily any land within its area if it thinks that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to that land.

7.3 The power to acquire land compulsorily conferred by Section 226(1)(a) of the 1990 Act is subject to subsection (1A), which provides that the acquiring authority must not exercise the power unless it thinks that the proposed development, redevelopment or improvement is likely to contribute to the achievement of any one or more of the following objectives:

- the promotion or improvement of the economic well-being of its area;
- the promotion or improvement of the social well-being of its area;
- the promotion or improvement of the environmental well-being of its area.

Section 13 Local Government (Miscellaneous Provisions) Act 1976

7.4 Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 (“the 1976 Act”), enables local authorities to purchase compulsorily new rights over land, where the acquisition of the land itself is not required and where such rights are not in existence when the compulsory purchase order is made. In the Order, new rights are sought for: (i) crane oversailing and rights of access for the purpose of erecting scaffolding during the construction period; and ii) permanent rights of access for the construction, maintenance and public use of a pedestrian bridge between the western end of Marsh Drive and the West Hendon Playing Field over the Silk Stream, the reservoir and its banks.

7.5 Section 8 below explains why the exercise of these powers is appropriate in order to facilitate the delivery of the Scheme.

2018 Guidance (February 2018) – Compulsory Purchase and the Crichef Down Rules (CDC.03)

7.6 Government guidance on the use of compulsory purchase powers is provided in 2018 Guidance, replacing the previous 2015 Guidance, which states that a compulsory purchase order should only be made where there is a compelling case in the public interest.

7.7 The 2018 Guidance (CDC.03) at Tier 1, paragraph 2 sets out that acquiring authorities should be sure that the purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected. It requires that the officers' report seeking authorisation for the compulsory purchase order should address human rights issues. Section 9 of this Statement sets out further consideration of human rights.

7.8 Tier 1, paragraph 2 also sets out that acquiring authorities are required to demonstrate they have taken reasonable steps to acquire all the land and rights included in the Order by agreement. The Council has sought to acquire the interests by agreement and continues to do so alongside the making of the Order. Further information is set out in section 10 of this Statement.

7.9 Tier 1, paragraph 6 provides guidance on how due regard should be given to the Public Sector Equality Duty. This should be taken into account when making a compulsory purchase order in accordance with the Equality Act 2010. Section 9 of this Statement provides further information on how the Council has considered this throughout the process.

7.10 Tier 2, section 1 provides specific advice on the making of orders under section 226 of the 1990 Act. Paragraph 95 of section 1 states that the powers under section 226 are intended to provide a positive tool to help acquiring authorities with planning powers to assemble land where this is necessary to implement proposals in their Local Plan or where strong planning justifications for the use of the power exist.

- 7.11 Paragraph 97 refers to section 226(1)(a) of the 1990 Act enabling acquiring authorities with planning powers to acquire land if they think that it will facilitate the carrying out of development, redevelopment or improvement on, or in relation to, the land being acquired and it is not certain that they will be able to acquire it by agreement.
- 7.12 Paragraph 103 of the same section refers to section 226(1) (a) being restricted under section 226(1A), providing that the acquiring authority must not exercise the power unless they think that the proposed development, redevelopment or improvement is likely to contribute to achieving the promotion or improvement of the economic, social or environmental well-being of the area for which the acquiring authority has administrative responsibility. It makes clear that the benefit to be derived from exercising the power is not restricted to the area subject to the compulsory purchase power as the concept of the wellbeing is applied to the whole (or any part) of the acquiring authority's area.
- 7.13 Paragraph 104 sets out further information on the justification required to support an order to acquire land compulsorily under section 226(1) (a) of the 1990 Act. This includes;
- Programme of land assembly to be set within a clear strategic framework.
 - Such a framework needs to be founded on an appropriate evidence base and to have been subjected to consultation processes.
 - The planning framework should be as detailed as possible in order to demonstrate that there are no planning or other impediments to the implementation of the scheme.
 - Consideration of the National Planning Policy Framework as this is a material consideration in all planning decisions.
- 7.14 Paragraph 106 further provides that in making a decision whether to confirm an order made under section 226(1)(a), the Secretary of State will take the following factors into account:
- Whether the purpose for which the land is being acquired fits in with the adopted Local Plan for the area or, where no such up to date Local Plan exists, with the draft Local Plan and the NPPF

- The extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area
- Whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means. This may include considering the appropriateness of any alternative proposals put forward by the owners of the land, or any other persons, for its reuse. It may also involve examining the suitability of any alternative locations for the purpose for which the land is being acquired
- The potential financial viability of the scheme for which the land is being acquired. A general indication of funding intentions, and of any commitment from third parties, will usually suffice to reassure the Secretary of State that there is a reasonable prospect that the scheme will proceed. The greater the uncertainty about the financial viability of the scheme, however, the more compelling the other grounds for undertaking the compulsory purchase will need to be. The timing of any available funding may also be important. For example, a strict time limit on the availability of the necessary funding may be an argument put forward by the acquiring authority to justify proceeding with the order before finalising the details of the replacement scheme and/or the statutory planning position Section 18 of the 2018 Guidance is also relevant as it sets out guidance in relation to the compulsory acquisition of new rights.

7.15 Section 18 of the 2018 Guidance provides guidance on the compulsory purchase of new rights including under the 1976 Act (paragraphs 235-248).

7.16 The Council has followed the 2018 Guidance in making the Order. The Council is utilising the powers under section 226(1)(a) of the 1990 Act because the Scheme will facilitate the redevelopment of this dilapidated post war council estate and will significantly contribute to the improvement of the economic, social and environmental well-being of the Council's area. The use of section 13 of the 1976 Act is also required in order to facilitate development of Phases 5 & 6 of the Scheme (as set out in section 8 below).

8. JUSTIFICATION FOR THE USE OF COMPULSORY PURCHASE POWERS

8.1 The Council is committed to securing the regeneration of the Estate and the wider West Hendon area. The need for its comprehensive redevelopment 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 purchase powers to ensure delivery of the regeneration Scheme.

8.2 The need to regenerate the Council's housing estates (including West Hendon) has been consistently recognised since at least 2000 in the Council's Housing Strategies, as follows:

- The Council's 2000-2003 Housing Strategy noted "unequivocal evidence of the close association between the highest deprivation levels in Barnet and our largest social housing estates". The strategy noted proposals to regenerate the West Hendon estate, and particularly to "develop balanced communities by diversifying tenure mix" and to "break down the barriers that currently exist between these large estates and surrounding communities".
- The 2001 Housing Strategy noted that the "key strategic housing challenge for the next five years is the regeneration of the Borough's most deprived neighbourhoods – particularly our priority estates", of which the West Hendon estate is one.
- The 2002-2005 Housing Strategy maintained that the regeneration programme is the Council's "first priority" and noted that "West Hendon is a unique area with rich potential for comprehensive regeneration" and that "this remains the most exciting of the four priority estates".
- The 2003-2010 Housing Strategy updated the position at West Hendon, stating that a "major consultation with residents completed" and "successful resident test of opinion on the proposals".
- The Council's 2010-2025 Housing Strategy (CDA.31) stated, "Our estate regeneration schemes will see the dismantling of our largest mono tenure council estates which have proved to be unpopular and limiting in terms of opportunities for residents living on them. These failing post war estates, Grahame Park, West Hendon, Stonegrove/Spur Road and Dollis Valley will be

replaced by mixed tenure estates with new social housing, but also opportunities for entry level and market home ownership”.

- The Council’s 2015 – 2025 Housing Strategy states, “The council’s largest estates in Grahame Park, West Hendon, Stonegrove/Spur Road and Dollis Valley are being regenerated. Dilapidated, poor quality housing is being replaced with modern, high-quality mixed-tenure accommodation. The regeneration of Barnet’s biggest estates will see 3,000 existing council dwellings replaced with 7,000 mixed tenure homes.

8.3 The Council’s 2019-2024 Housing Strategy (CDA.28) was agreed by the Council’s Housing Committee on 1 April 2019. The strategy recognises the continuing shortfall in housing supply in the Borough and the need for more housing to meet this. It recognises that 851 new homes have been built to date in West Hendon and that the West Hendon Regeneration Project is fundamental to delivery of this Housing Strategy.

8.4 In relation to CPO1 (CD.20), at DL:14 the Secretary of State found that the existing residential accommodation of the estate is dated, and significant financial resources would be required to bring the properties up to Decent Homes Standard. The Second Inspector considered the existing residents would in time find the new dwellings more comfortable, more convenient and more efficient to run and maintain CDA.12 (IR:391) than the existing dwellings, and the Secretary of State for CPO2 agreed at DL:9 (CDA.13)

8.5 In deciding to exercise its powers under section 226(1)(a), the Council believes that the compulsory acquisition of the Order Land will facilitate its redevelopment and will result in an improvement to the economic, social and environmental wellbeing of the West Hendon area.

Social wellbeing

8.6 The Section 106 Agreement requires a minimum of 25% of the total number of housing units to be constructed under the Scheme to be provided as Affordable Housing Units. The Developer was also obliged to submit an updated appraisal in advance of any reserved matters applications for Phases 5 & 6 to determine whether it would be financially viable for the Developer to provide additional affordable housing units in the Scheme or make an additional financial contribution

towards the provision of affordable housing elsewhere in the Borough. The First Inspector accepted that position at IR:578 (CDA.19). The Second Inspector confirmed that position at IR:399 (CDA.12).

- 8.7 The Scheme provides a net increase of 53 affordable housing units from the previous existing provision of 453 to 506 units. It also introduces intermediate housing units previously not provided for within the estate. The Scheme will therefore deliver a significantly enhanced quality of housing stock whilst also providing for a more balanced dwelling tenure mix.
- 8.8 Eligible long leaseholders are also able to take up the offer of a new Shared Equity housing unit provided that they meet the eligibility criteria, including the ability to acquire a minimum 50% equity stake in the unit.
- 8.9 Overall, the Scheme provides an improved tenure mix compared with that which currently exists on the Estate: see IR:585 (CDA.19) and DL:14 (CDA.20) in relation to CPO1 and IR400 (CDA.12) and DL:11 (CDA.12) in relation to CPO2.
- 8.10 As part of the Scheme phasing, secure tenants have been and will be rehoused within the Scheme and in most cases in a single move (where secure tenants indicate a preference for a particular property in a later phase it may be necessary to temporarily rehouse the tenants before moving to a permanent home). The phasing also allows for the maintenance and improvements to infrastructure (e.g. interim community space and Major Highway Works).
- 8.11 The Land will be provided by BMLLP for a 2-form entry primary school and nursery. The Section 106 Agreement also provides for the payment of an education contribution amounting to £5,286,073 to be paid in instalments. To date £1,596,309 has been paid.
- 8.12 A new community hub has been provided in Gadwall House which is now used as the main community space for the estate.

Environmental wellbeing

- 8.13 The issues affecting the existing Estate are set out above at Paragraphs 3.3 to 3.7. The Scheme has been designed to address the already poor and deteriorating condition of the housing stock within the Estate and to provide a sustainable

solution. Any attempt to retain the housing stock and bring it up to Decent Homes Standards would be very costly and would not in any event address the inherent problems already identified concerning the estates urban structure.

- 8.14 The completion of the Scheme will deliver a network of public open spaces including a reconfigured York Park, a green link corridor from The Broadway to the Welsh Harp SSSI, and will contribute to the provision or enhancement of facilities for sport, recreation and open space.

Economic Wellbeing

- 8.15 Dating back to 2000 the Council's Housing Strategy has identified a correlation between Barnet's largest social-housing estates and high levels of socio-economic deprivation.
- 8.16 One of the Scheme's central objectives is to redress that level of deprivation through the promotion of economic benefits in and around West Hendon. New retail provision, greater spending power and higher quality retail outlets are some of the means through which this objective will be met.
- 8.17 The wider Cricklewood, Brent Cross and West Hendon Regeneration Area have a major focus on the creation of new jobs. The Scheme will assist in meeting that policy objective through an increase in local spending power, the creation of retail units, and the provision of community infrastructure (new school and community centre).
- 8.18 In relation to CPO1, at DL:14 (CDA.20) the Secretary of State found that the Scheme will bring benefits in terms of income within the area likely to result in increased demand for local retail and service facilities boosting the local economy and improving economic wellbeing. The Second Inspector agreed with this conclusion IR:429 (CDA.12) and the Secretary of State at DL:18 (CDA.13).
- 8.19 In accordance with the Section 106 Agreement the Developer is obliged to contribute £519,000 towards recruitment, employment and training initiatives in the borough, and has paid £311,164 of this to date. In addition, the Developer is obliged to provide information and liaise with the Council on the following;

- Forecast of skills and jobs requirements for each Phase

- Details of sub-contractors providing goods and services for each Phase
- Monthly reports detailing job vacancies in advance of these being advertised outside the Borough

8.20 MHT also run a variety of employment and training initiatives from the Community Hub in Gadwall House which are in addition to those required by the S.106 agreement. These include

- The employment of an Employment Skills and Outreach officer in March 2017;
- A number of employment and training programmes have been held along with health and well-being programmes and Community events; and
- 458 local residents have actively engaged through training, skills development and wellbeing activities at the hub.

8.21 Economic benefits to West Hendon and the wider area are already being achieved and will continue to be achieved as a result of the Scheme's implementation.

8.22 The wellbeing improvements which will be achieved by the Regeneration Project as a whole can be summarised as follows:

- The provision of high quality sustainable homes with an improved tenure mix of private and affordable housing units;
- An increase in the overall quantum of housing to meet housing need;
- Improvements to pedestrian and cycle connections throughout the local area particularly with regard to accessing off-site leisure and recreation facilities;
- The construction of a new two-form entry primary school and nursery and the provision 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;
- 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; and
- All residential units built to comply with Part L of the Building Regulations all of which will result in a significant improvement to the economic, social and

environmental wellbeing of the area.

- 8.23 In relation to CPO1 and CPO2, the Secretary of State accepted at DL:20 (CPO1) (CD20)]and DL:18 (CPO2) (CDA.13) that the requirements of section 226(1)(A) of the Town and Country Planning Act 1990 are satisfied because the Order will contribute significantly to the economic, social and environmental wellbeing of the area.
- 8.24 In order to ensure delivery of Phases 5 & 6 the Council is seeking to exercise powers under section 13 of the 1976 Act for the compulsory purchase of new rights over parts of the Order Land. Crane oversailing 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 bridge over the Silk Stream, the reservoir and its banks are required to implement and complete the Regeneration Project. At the time of making the Order no such rights were in existence over the relevant parts of the Order Land.
- 8.25 As set out in Section 10 of this Statement, the Council has contacted all freeholders and long leaseholders within the Order Land inviting them to enter into negotiations with a view to securing acquisition of their interests by agreement. These negotiations will continue in parallel with the compulsory purchase process. However, 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. Compulsory powers are being sought so that, in the event that the Council is unable to acquire all the necessary interests by private agreement within a reasonable timescale, Phases 5 & 6 of the Scheme can still proceed.
- 8.26 Rights for access to undertake utility diversion works, crane oversailing and rights of access for the erection of scaffolding are only required for a finite period during the construction phase. As well as acquiring land, permanent rights of access are also proposed to be acquired for the construction, maintenance and public use of the new pedestrian bridge (including the placing of bridge supports) between the western end of Marsh Drive and the West Hendon Playing Fields over the Silk Stream, the reservoir and its banks. It is unlikely that the Council will be able to

negotiate the acquisition of these rights with relevant third parties within the required timescale. Without these rights, it will not be possible to deliver the regeneration proposals.

- 8.27 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 Phases 5 & 6 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.
- 8.28 The Council is satisfied that there are no planning or other impediments to the implementation of the redevelopment of the Order Land.
- 8.29 Having regard in particular to the benefits to be achieved from the regeneration proposals, the low density 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 Phases 5 & 6 of the Scheme. The Council does not consider that there is a reasonable alternative to delivering Phases 5 & 6 since it forms part of a comprehensive regeneration project for which planning permission has already been granted, and which is already well underway.
- 8.30 Failure to confirm the Order would have the following serious adverse consequences:
- The loss of an opportunity to continue to regenerate the Estate in accordance with planning policy and long standing Council housing policy.
 - A regeneration project that would only be partially complete.
- 8.31 In relation to both CPO1 and CPO2, the Secretary of State found at DL:27,(CPO1) (CD.20) DL:18 (CPO2) (CDA.12) and DL:7 (CPO2A) (CD.13) respectively, that the public benefits of the Scheme outweighed the private loss and consequently there was a compelling case in the public interest sufficient to justify CPO1, CPO2 and CPO2A. Taking account of the considerations above, the Council considers there is an equally compelling case to justify this Order.

9 HUMAN RIGHTS AND PUBLIC SECTOR EQUALITY DUTY

9.1 The Human Rights Act 1998 (“the Act”) incorporated into the UK domestic law the European Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”). Section 6 of the Act makes it unlawful for a public authority to act in a manner which is incompatible with a Convention right.

9.2 The Convention rights engaged in the context of a compulsory purchase order are Article 1 of the First Protocol of the Convention and Article 8 of the Convention.

9.3 Article 1 of the First Protocol of the Convention states:

“Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interests and subject to the conditions provided for by law and by the general principles of international law...”

9.4 Article 8 of the Convention provides:

“(1) Everyone has the right to respect for his private and family life, his home and his correspondence.

(2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interest ofthe economic well-being of the country...”

9.5 The Courts have recognised, in the context of Article 1 of the First Protocol of the Convention, that regard must be had to the fair balance which has to be struck between the competing interests of those whose rights are affected and the community as a whole.

9.6 Similarly, any interference with the Article 8 Convention rights must be in accordance with the law and must be necessary and proportionate.

9.7 The Council has taken into account the impact of the Order on the Convention rights of those whose interests will be affected by the Order. In view of the factual background to the Order as set out in this Statement, and the compelling justification for making the Order, the Council considers that the exercise of

compulsory purchase powers in this case is justified because it is in the public interest, authorised by law and necessary and proportionate in order to achieve the Council's objectives of securing the wider benefits to be achieved from the regeneration of West Hendon.

- 9.8 The Council and its development partner have carried out extensive publication and consultation exercises with residents on the Estate and the wider community on the regeneration proposals. Through the various consultation exercises residents of the Estate and the wider West Hendon community have had the opportunity to make representations to the Council on the regeneration proposals.
- 9.9 If the Secretary of State confirms the Order, the compulsory acquisition of the interests in the Order Schedule will be necessary only if these have not already been acquired by agreement within the timescales required to deliver the next phase of the Scheme. As explained in Section 10 below, efforts to acquire the relevant interests are on-going. Further, all those whose interests are compulsorily acquired will be entitled to fair compensation, such compensation to be determined independently by the Upper Tribunal (Lands Chamber) if it cannot be agreed.
- 9.10 The Council is therefore 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 is to be served by the development and the wider social, environmental and economic benefits to be realised as a result of the regeneration proposals outweigh the necessary interference with the private rights and interests that exist in the Order Land. The Council therefore, believes that in making the Order it has struck a fair and proportionate balance between the interests of those whose Convention rights will be affected and the wider public interest. The First Inspector accepted that this was the case at IR:637,(CDA.19) and the Secretary of State agreed at DL:24 (CDA.20). The Second Inspector also accepted this was the case at IR:467 (CDA.12) and the Secretary of State agreed at DL:18 (CDA.13).

Equality Act 2010

9.11 All public authorities are bound by the Public Sector Equality Duty as set out in section 149 of the Equality Act 2010. In exercising their compulsory purchase and related powers the Council as acquiring authority must have regard to the effect of any differential impacts on groups with protected characteristics, namely:

- Marital or Civil Partnership Status
- Pregnancy / Maternity
- Sexual Orientation
- Sex
- Gender Reassignment
- Religion or Belief
- Race
- Age
- Disability

9.12 The Council has had regard to and complied with advice in paragraph 2 of the guidance issued by the Equality and Human Rights Commission to promote equality of opportunity.

9.13 As is set out in section 5 above, the Scheme is supported by a range of planning policies both within the Core Strategy and the saved policies from within the UDP. As part of the preparation of the Core Strategy, equalities impact was considered and policies were designed to encourage and promote equality.

9.14 In promoting the West Hendon Regeneration, the Council is committed to improving the quality of life for all and to encouraging wider participation in the economic, educational, cultural, social and community life in the Borough. The Council has considered the likely impacts of the orders by reference to the requirements of Section 149. The Council considers the Regeneration Project will deliver an attractive neighbourhood in this part of West Hendon and will be fully integrated with the wider community. It 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.

- 9.15 Physical accessibility and legibility of the area will be improved for pedestrians and vehicle users in a location that is currently very poor. Proposed alterations to the road network will also improve access to public transport and sustainable transport facilities in the local area.
- 9.16 All new dwellings will be built to 'Lifetime Homes' standards. 10% of new housing stock will be wheelchair accessible or adaptable units. Designated disabled car parking spaces will be provided. Those non-secure tenants not accommodated within the new development will be re-housed by the Council in alternative accommodation based on an assessment of their needs or offered alternative assistance in finding housing.
- 9.17 The Regeneration Project will deliver an inclusive place for people of all ages, with a housing mix that reflects different life stages, a range of housing tenures, community and recreational facilities as well as public spaces which are accessible to all. The promotion of social cohesion, health and well-being along with the reduction of dependency are fundamental principles guiding the Regeneration Project.
- 9.18 In confirming CPO1, the Secretary of State at DL:26, concluded that "*the Order may have a detrimental effect or disproportionate impact on persons who share a relevant protected characteristic in terms of families with young children, individuals with disabilities/medical conditions, and the elderly*". However the Secretary of State then went on to balance these potential equality impacts against the benefits of the scheme and concluded "*Overall, and having regard to the PSED, the Secretary of State considers that his decision to confirm the CPO is proportionate and justified in the circumstances*". The Council took into account the Secretary of State's finding that the previous Order may have negatively impacted on some persons with protected characteristics and sought in CPO2 to ensure any disproportionate impact was understood and mitigated. CPO2 and the Order has been mitigated in a number of ways:
- Provision of a shared equity scheme for qualifying residents which is in excess of the statutory compensation entitlement.
 - The use of the Council's mortgage lending powers to assist those who cannot

readily access the mortgage market.

- Assistance in locating and securing alternative suitable accommodation where parties wish to relocate away from the estate.
- Provision of compensation for special adaptations required for elderly or disabled leaseholders.
- When undertaking negotiations to acquire leasehold interests, an early part of the process involves identifying any protected characteristics. The appointed surveyor then ensures that negotiations are undertaken with regard to the Council's PSED obligations.
- The rehousing policy for affected residents has been prepared having regard to the Council's PSED obligations.
- Secure tenants' housing assessment is in accordance with this PSED and they are offered a new home suitable for their needs on the estate. This includes taking account of any protected characteristics, for example elderly or disabled secure tenants requiring special adaptations will be eligible to claim for these costs or the adaptations will be made to the new dwelling.
- All non-secure tenants are assessed in accordance with the Council's Housing allocation policy which applies not only to the Regeneration Project but also across the Council's wider housing obligations. Those identified as eligible for assistance will be rehoused in suitable alternative accommodation.
- Private tenants requiring and requesting assistance will be assessed in accordance with the Council's Housing policy. Housing assistance has been offered to some private tenants with particular difficulties relocating who are not technically eligible for assistance as defined by the Compensation Code or Housing Allocations Policy.

9.19 The Inspector for CPO2 and CPO2A concluded that confirming CPO2 and CPO2A would not contravene the PSED: IR113 (CDA.12). In respect of CPO2, the Secretary of State agreed with this at DL16 and DL17 (CDA.12).

9.20 The Council recognise that the same considerations apply to CPO3 and have adopted the same approach.

- 9.21 When granting planning permission for Phases 5 & 6, the Council, in its role as statutory planning authority, complied with the PSED (Section 8 of the Committee Reports) and concluded “*that a decision to grant planning permission for the proposed development will comply with the Council’s statutory duty under the above legislation*” (Section 149 of the Equality Act 2010).
- 9.22 The Council considered Equalities and Diversity issues when preparing the Cabinet Report (CDA.02) seeking authority to make CPO3. The Report concluded at paragraph 5.6 that the Scheme would provide new mixed tenure housing that would improve the community cohesion in an area with a highly diverse population, will increase choice and opportunity for Barnet residents and support the overall aim of the Council’s Equalities Policy and duties under the Equality Act 2010.

10 EFFORTS TO ACQUIRE AND RELOCATION STRATEGY

Acquisition

- 10.1 The Council holds a freehold proprietary interest over the majority of the Phase 5 & 6 land. Of that part of the Estate falling within the Order Land, there are 242 residential properties within the Council's registered freehold title, of which 75 are occupied by secure council tenants. 51 long leasehold interests are held by third parties, there are 9 freeholders and the remainder are occupied under other arrangements.
- 10.2 The Council intends to obtain vacant possession of units within its ownership and occupied by secure tenants through possession proceedings under section 83 of the Housing Act 1985 and Ground 10A of Part II to Schedule 2 of that Act. Vacant possession of units occupied by non-secure tenants will be obtained through the service of notices to quit.
- 10.3 Properties on the Estate where a leasehold or freehold interest has been acquired by a third party are included within the Order. The appointed surveyor has contacted all of these freeholders and leaseholders with a view to acquiring their interests by private treaty. Where appropriate, offers to assist resident leaseholders to purchase units within the new development have been and will continue to be made.
- 10.4 Eligible resident leaseholders and freeholders who cannot afford to purchase a new property in the Scheme outright have been offered shared equity options in the Scheme provided they purchased their home on or before 30 September 2003 (being the date on which the Council and Developer confirmed the regeneration proposal), and the property is their principal home at the time an offer is made, and has been their principal home for at least 36 months of the previous 5 years.
- 10.5 As part of the CPO1 process, 33 out of 34 long leasehold interests within the Estate Properties (Phase 3) were acquired through private treaty negotiations with the Council only needing to exercise its CPO powers in respect of 1 Estate property.
- 10.6 As part of the CPO2 process, an agreement to acquire by private treaty negotiations was reached on all 34 long leasehold interests. Conveyancing by private treaty was not completed prior to the date when possession was required for

5 of the properties and so acquisition was completed via the vesting of the properties.

- 10.7 For CPO2A, statutory powers are currently being exercised. Three interests have vested with compensation likely to be agreed shortly. Notices have been served on the remaining freehold and long leasehold interests, apart from one freehold interest, which will be vested when required. Compensation has been agreed on one interest that is relocating to a new retail unit in the Scheme. Negotiations will continue with the remaining interests to agree their compensation entitlement.
- 10.8 Of the 48 estate properties within the Order Land, 8 have been acquired, and heads of terms have been agreed with a further 12.
- 10.9 GVA (now known as Avison Young), the appointed surveyors, wrote to all leaseholders in CPO3 in March 2017, offering them the opportunity to sell their property early. Twenty leaseholders advised they were interested, including 5 resident leaseholders who wanted shared equity properties within the new Scheme.
- 10.10 Negotiations have been undertaken with the initial 15 property owners who were moving of the estate, and of these 5 acquisitions have completed with a further 3 having agreed a sale, with signed heads of terms being sent to solicitors. The residents who wanted shared equity have all entered into signed heads of terms which are in solicitors' hands and will be moving to available shared equity properties in Phase 3. Avison Young continue negotiations with the remaining 7 of the initial 20.
- 10.11 In July 2018, GVA wrote to all leaseholders who did not respond to the initial letter regarding early acquisition or at the time advised they were not interested, inviting them to enter into discussions on the sale of their property. Following this, GVA progressed negotiations with a further 8 property owners. Of these 8, 3 properties have been acquired and head of terms have been signed on a further 4 properties. Negotiations continue with the remaining 1 owner of the 16.
- 10.12 No reply was received from 20 property owners. Avison Young visited the estate in February 2019, knocked on the doors of the properties from which no reply had been received, and spoke to occupiers to attempt to progress negotiations where possible. There remain 20 properties where no substantive response has been

provided, therefore it has not been possible to undertake negotiations with these parties.

10.13 The Council and Developer have been in discussion with Canals & River Trust (CRT) on various land acquisition and practical matters in relation to the Scheme, and the Cool Oak Lane Bridge in particular, since 2014, and commenced negotiations to acquire the necessary land and rights for the Order in April 2019.

10.14 CRT has confirmed it is content to work with the Council and Developer to deliver the Scheme, but the commercial terms and various practical matters protecting CRT's retained land remain under discussion.

10.15 The Council and the Developer remain committed to negotiating the acquisition of all third party interests by agreement where possible.

Relocation of secure tenants

10.16 Although required to notify all Council tenants of the making of the Order and list such interests in the Schedule, the Council does not intend to compulsorily acquire the interests of the secure and non-secure tenants unless possession proceedings fail to achieve vacant possession and relocation of tenants within a reasonable timeframe.

10.17 As set out in paragraph 10.2 above, it will seek to achieve vacant possession of units occupied by Council tenants through possession proceedings. The relocation strategy for the redevelopment is set out below. The secure tenants in Phase 3 have now been re-housed and this part of the estate has now been redeveloped. All the secure tenants from Phase 4 (CPO 2) have been re-housed apart from 1 who due to their specific circumstances does not want a new home on the estate. They have been sent a formal offer of accommodation for an off-estate property which meets their specific requirements. .

10.18 There are 75 secure tenants within the Order land. All existing secure tenants within the Order Land will be eligible for re-housing and a new home will be offered in one of the new units in the Scheme in accordance with the resident offer and the Mayor's Estate Regeneration Guidance. If a secure tenant opts to move away from the Estate the Council will facilitate and organise moves through other programmes accessible to the Council to other locations in London and the UK.

- 10.19 Provided that they meet the criteria in the Council's Housing Allocations Scheme, non-secure tenants displaced from the properties they occupy as a result of the Order will be provided with suitable alternative accommodation.
- 10.20 Relocations in respect of secure and non-secure tenants will be managed and carried out in accordance with the Council's West Hendon Residential Decant Strategy, the West Hendon Regeneration Secure Tenants' Moving Pack and the Housing Allocations Scheme. These documents set out protocols which are compliant with the Council's legal obligations. The Secretary of State concluded at DL:8 (cda.13) the Council's Pledge (CDA.27) to residents prepared at the commencement of the Scheme was in accordance with the principles of the Estates Regeneration National Strategy – Resident Engagement and Protection published in December 2016.
- 10.21 Of the non-secure tenants displaced as a result of CPO1, 84% were re-housed by the Council; the remaining 16% were not re-housed for various reasons including non-occupation, tenancy breaches, tenancy fraud and refusals to accept reasonable offers of alternative accommodation. Of the 84%, over half of the tenants were rehoused on a form of secure tenancy and around 95% remained in the Borough.
- 10.22 Of the 81 non-secure tenants displaced as a result of CPO2, 84% have been rehoused to date. The remaining 16% who were not assisted was due to a variety of reasons including refusal of offers made of alternative accommodation. Of those 84% of rehoused tenants, 63% have been rehoused on a Council secure tenancy.) 95% of the non-secure tenants have been rehoused within Barnet.

11. SPECIAL CONSIDERATIONS

- 11.1 The Scheme proposes a new pedestrian bridge (secured through a planning obligation in the s.106 agreement), the design of which was approved on 26 October 2018 as part of the reserved matters application for phases 5 and 6.
- 11.2 Including land and new rights within the Order Land is necessary in order to ensure the delivery of the pedestrian bridge within Phase 5 & 6. The Order Land includes land to be acquired for the construction of landing strips for the new bridge as well as the creation of new rights over land required to facilitate the construction, maintenance and public use of the new bridge.
- 11.3 A new bridge at this location will assist in the wider connectivity of the new development and its locality. It will provide greater access to the West Hendon Playing Fields, Silver Jubilee Park, Woodfield Sports Ground and their associated facilities, ensuring that the whole regeneration area is with a target 800m walking distance of youth provision, thereby mitigating the existing shortfall of playspace provision for older children aged 12+.

Public Open Space – schedule 3 paragraph 6 of the Acquisition of Land Act 1981

- 11.4 Order Lands between the western end of Marsh Drive and the West Hendon Playing Fields car park (plots 1, 2, 4 and 5) do not constitute public open space within the meaning of section 19 ALA1981 as the land is inaccessible to the public at large. It is also within the area designated as the SSSI with restricted access
- 11.5 Part of the land required for the construction and maintenance of the new bridge is within the area designated as the Silk Stream, a part of the Welsh Harp Reservoir, and the public may have access over the area of the water. Plot 3 may therefore be considered as public open space, although any public access may be constrained by the existing Cool Oak Lane Bridge, lack of access via Silk Stream Bridge at the northern end of the reservoir, and the management of the SSSI. Rights only are required over this plot of land coloured blue on the Order Plan and Schedule 3 paragraph 6 ALA 1981 applies. Therefore the Secretary of State will be asked to certify, in accordance with paragraph 6(1) (a), that the land, when

burdened with the proposed rights, will be no less advantageous to the landowner and the public.

Canal and River Trust

- 11.6 The Canal and River Trust (CRT) are the freehold proprietors of plot 3.
- 11.7 The statutory powers and duties underpinning CRT's management of waterways in England and Wales were transferred to it from the British Waterways Board on 2nd July 2012, under The British Waterway Board (Transfer of Functions) Order 2012 ("the Transfer Order").
- 11.8 The Brent Reservoir (also known as the Welsh Harp) over which the new pedestrian bridge is to be constructed, feeds the Paddington Arm of the Grand Union Canal and the management of these waters (plot 3) is likely to fall within CRT's statutory functions.
- 11.9 The Council is satisfied that the purchase of new rights over land required for the construction and maintenance of the new pedestrian bridge can be acquired (and not replaced) without serious detriment to CRTs undertaking.
- 11.10 There are no listed buildings or ancient monuments located within the Order Land; the Order Land is not located within a conservation area; and there is no consecrated land, renewal area land etc.

12 ASSOCIATED ORDERS

12.1 Compulsory purchase powers were obtained to deliver the following

- The London Borough of Barnet (West Hendon Regeneration Area) Compulsory Purchase Order (No 1) 2014 (CPO1) which was confirmed on 12th November 2015 following a local public inquiry to assemble the land required for Phases 3b and 3c pursuant.
- The London Borough of Barnet (West Hendon Regeneration Area) Compulsory Purchase Order (No 2) 2016 (CPO2) which was confirmed on 20 October 2017 following a local public inquiry to assemble the land required for Phase 4.
- The London Borough of Barnet (West Hendon Major Highways Works) Compulsory Purchase Order (No 2a) 2016 (CPO2A) which was confirmed on 20 October 2017 following a local public inquiry to assemble the land required for the highways works for the Scheme

12.2 Stopping up orders to be sought for Phase 5 & 6 are summarised as follows:

- Highways over which Stopping Up Orders are to be sought under the Highways Act 1980 – Marsh Drive, Borthwick Road, Ravenstone Road and Marriotts Close
- Private means of access to be Stopped Up under the Highways Act 1980 – include the access ways that surround flats 1 to 232 Marsh Drive and 1-10 Marriotts Close, the footpaths to the rear of 1 to 10 Marriotts Close leading to York Park and the access ways to the Community Hall.

12.3 The Stopping Up Orders will be submitted when required to deliver the Regeneration Project and when the current roads are no longer required due to the removal of the buildings they serve. Under the current programme, this will be summer 2021. The Council does not foresee any reason why they will not be confirmed.

13 COUNCIL'S RESPONSE TO OBJECTIONS

13.1 The Secretary of State has received three objections against the confirmation of the Order (**CDD.01**). A schedule of objectors is attached at (**CDD.03**) of this Statement of Case. The Developer and Council is in discussion with the objectors in an attempt to address the concerns raised (**CDD.02**).

Objection 1 - Petition Objection submitted by Jasmin Parsons (Plot 18)

13.2 An Objection dated 12 November 2018 (submitted by email on 7 January 2019) has been submitted by Jasmin Parsons. This includes a petition which has been signed by 24 residents who are included in CPO3, 8 residents still living in properties included in CPO2, 12 residents living in the new development and a further 20 people living in the surrounding area. The Council's response to the grounds raised is as follows:

Poor management of construction

13.3 The objection states that the construction of the development has been poorly managed which has had a detrimental impact on West Hendon residents and put lives at risk

13.4 This issue was also raised in objections made against CPO1 and CPO2. The development is being and will continue to be undertaken in compliance with the Construction (Design and Management) Regulations, Health and Safety at Work Act and the Control of Substances Hazardous to Health Regulations. The Scheme is also registered under the Considerate Constructors Scheme, which promotes good working practices on construction sites. Residents are informed when activities such as demolition are planned. Information is provided relating to the works programme, safety measures to be adopted and the impact the works may have on neighbouring properties.

13.5 Prior to development of a phase being commenced, a site wide framework Construction Environmental Plan (CEMP) (CDB.28) has to be submitted and approved by the Council. This covers a range of matters including restrictions on working hours. The developer is also required to provide a Construction Method Statement (CMS) for each phase which must be approved by the Council prior to

construction commencing. The CMS must include details of how the principles of the CEMP will be met during construction.

- 13.6 If residents have concerns they can contact the site manager directly, the developer's communication consultant "Hard Hat" or the Council's enforcement team.
- 13.7 A Construction Working Group has been set up to allow residents to raise any concerns and to ensure these are resolved.
- 13.8 To date 4 issues have been raised and resolved.

No compensation for Disruption

- 13.9 The objection states that no discussions have been held on the compensation that residents on and surrounding the estate should have received to compensate for the disruption and upheaval that has been caused
- 13.10 All residents affected by the Scheme are entitled to statutory compensation for acquisition of their interest, or being displaced as part of the Scheme. In addition, the Council and the Developer have implemented an enhanced resident rehousing offer, as set out in paragraph 8.8 above.
- 13.11 The Developer has agreed a Construction Management Plan with the planning authority as set out in paragraph 13.5 above, and this is the process by which impact of construction on existing residents and the surrounding area is managed.
- 13.12 Neither the Council nor the Developer consider it necessary or appropriate for further compensation to be paid to existing residents in relation to the Scheme.

Existing buildings structurally sound

- 13.13 The objection states that the existing dwellings were built to Parker Morris standard +10% and provide spacious dwellings which would continue to serve the residents if the dwellings had been properly maintained. The new homes would be built to 'Homes for Life' Standard which will reduce the actual living space.
- 13.14 The First Inspector, stated at IR:583 (CDA.19) that the existing residential accommodation of the estate was dated and that the construction form was a fundamental concern. Significant financial resources would be required to bring the properties up to Decent Homes Standards, a part of which would be borne by the leaseholders. The First Inspector concluded that the reduction in maintenance

standards was due to the intention to regenerate the site and was not the reason why the properties are in need of replacement.

13.15 The First Inspector concluded at IR:584 (CDA.19) that the relative spaciousness of the dwellings and their ramped accessibility did not compensate for the fundamental design issues which need to be addressed and the new dwellings would meet Lifetime Homes Standard. The Lifetime Homes Standard is a set of principles that that should be incorporated into housing design to maximize independence and quality of life whilst not compromising other design issues such as aesthetics or cost effectiveness.

13.16 The Secretary of State agreed with the conclusion of the Inspector (DL:14). (CDA.20)

13.17 The Second Inspector reached a similar conclusion (IR:389) and in IR:391 (CDA.12) concluded that it was likely that it time residents would consider their new homes more comfortable, more convenient and more efficient to run and maintain. Following the move of secure tenants to their new homes in phase 3b, a resident satisfaction survey was undertaken. 57 out of 69 tenants who were moved responded to the survey. 91% of those who responded said they were satisfied or very satisfied with their new homes.

Concerns on quality of new properties

13.18 The objection states that residents who were moved in the early phases reported repair issues and these same repair issues have incurred in the later phases.

13.19 As with any new development there have been some minor problems with individual properties and these have been dealt with by the Developer as and when they have arisen. There is no evidence of any long term issues with the new buildings.

13.20 The Scheme has won a number of national awards which are set out below which demonstrate the Scheme has been built to a high standard.

- NHBC safety award 2016
- NHBC Pride in the Job 2016
- NHBC seal of Excellence 2016
- Considerate constructor Beyond compliance 2016
- Considerate constructor Beyond compliance 2017
- NHBC Pride in the Job 2018
- NHBC seal of Excellence 2018
- Considerate constructor Beyond compliance 2018

Tenants forced from the Estate

- 13.21 The objection states that the Estate is in a prime location, that tenants have been forced from the estate and no new council tenancies are available.
- 13.22 All secure tenants within the Scheme are entitled to a new tenancy on the estate. This can be either a tenancy from Metropolitan Thames Valley or a tenancy from the Council. Council non-secure tenants were offered units on the Estate as temporary accommodation after the commencement of the Regeneration Project. This is why they have limited security of tenure and why they were not offered a right to remain on the Estate. The use of housing on the Estate as non-secure accommodation allowed the existing stock to perform a useful albeit temporary function.
- 13.23 It is accepted that many of these residents may now consider themselves part of the local community. Prior to terminating leases the Council will assess residents' circumstances against the Council's housing allocations policy. This is a policy applied consistently across the Borough which was prepared and is implemented in light of the Council's Housing and Equality Act obligations. Where residents are identified as eligible for housing assistance this will be provided.
- 13.24 All non-secure tenants decanted from Phase 3a,3b,3c and 4 who were eligible for housing assistance were offered this, and the majority were rehoused within the

Borough, many with greater security of tenure as set out in paragraph 10.21 above. Within Phases 5 & 6, the Council will attempt to relocate non secure tenants within the local area; however, this cannot be guaranteed because relocation will be dependent on their assessed housing need and availability of alternative accommodation and the timing of relocation.

- 13.25 At IR:596 (CDA.19) the First Inspector in considering the approach to non-secure tenants in Phase 3b identified the use of use of vacant accommodation for non-secure tenants as practical for maintaining activity/use and providing homes. At IR:597 (CDA.19) the Inspector highlighted that an alternative approach would only serve to encourage abandonment of the buildings. . The CPO2 Inspector noted this policy at IR:401 (CDA.12) and that the Council seemed to be taking its responsibility for the well-being of the non-secure tenants seriously. At paragraph IR:406 (CDA.12) the Inspector concurred with the view of the CPO1 Inspector that on the matter of the non-secure tenants, no case had been put forward that was so compelling as to indicate the CPO should not be confirmed.

The Pledge

- 13.26 The objection states that the current Scheme does not comply with the Pledge.
- 13.27 Paragraphs 11.20 – 11.22 of the report to Cabinet dated 30 August 2005 (CDA.25) and an undated newsletter to residents (CDA.30) refer to a pledge made by the Council and Metropolitan West Hendon (former name of the developer prior to the appointment of Barratt Homes) in relation to the 2008 Scheme proposals.
- 13.28 The changes in the economic climate required a revision of the 2008 redevelopment proposals to secure the regeneration of the area. However even following the changes to the Masterplan the majority of assurances provided to residents remain.
- 13.29 The Council is satisfied that the rights of residents will be protected, however it is no longer possible to fulfil all of the assurances previously made. The Council confirms that all existing secure tenants in occupation will be offered a new property within the Scheme. Shared equity options will also be available to existing resident leaseholders (subject to qualification criteria). The Council and Developer remain committed to ensuring that the decant strategy minimises the number of

moves residents will need to make.

- 13.30 The First Inspector for CPO1 set out her conclusions on this issue at IR:597 (CDA.19) and concluded that the pledge could not be met in full due to changes in the Scheme and the time which has elapsed since the pledge was made. She noted that a number of the pledge contents were being met and concluded that it should only be taken to apply to those residents who were living on the estate when it was made. The Second Inspector at IR:410 (CDA.12) advised that she agreed with the Inspector and Secretary of State for CPO1 that leaseholders were being treated fairly.

York Park

- 13.31 The objection states that the Scheme is being built on an area known as 'York Memorial Park'.
- 13.32 There is no evidence that York Park was designated as a Memorial. It appears that a memorial service was held in 1950 but there is no evidence of any such activity since then taking place in York Park or elsewhere. Since 1945 parts of the park have been built on.
- 13.33 The First Inspector at IR:623 concluded that there was nothing before her to indicate that York Park is registered as a park or garden which has a specific heritage designation.
- 13.34 Although a part of the Park will be built on, the improvements proposed as part of the Scheme will enhance it rather than detracting from its use as a park.
- 13.35 Consultation on the Scheme was undertaken as part of the planning process providing people with the opportunity to make representations against the development of York Park. No objections were received in respect of Phases 5 & 6

Compliance with government guidance

- 13.36 The objection states that the Council has not complied with various sections of the ODPM Circular 06/2004.
- 13.37 The objection states that the Statement of Reasons does not meet the requirements of Appendix R of the Circular (now Section 11 of the Guidance) and therefore the Acquiring Authority has failed to make a 'compelling case in the public interest'

- 13.38 Paragraphs 8.5 to 8.21 of this Statement of Case explain how the Scheme will deliver social, environmental and economic benefits to the area. The provision of a minimum of 28.6% of the total number of new housing units as affordable housing, a new two-form entry primary school and community centre facility will contribute to the social well-being of the area.
- 13.39 The improvements to (i) the access and management of the Welsh Harp Reservoir and open spaces; (ii) the highway network; (iii) public realm; (iv) housing provision in terms of both quantum & quality, will all contribute significantly to the environmental well-being of the area. The construction of the Cool Oak Land and Silk Stream Bridge will provide direct and safe access routes to the open space and sports facilities on the west side of the Brent Reservoir contributing to the improved social well-being of the estate. Enhancements to the retail and commercial floorspace through the provision of new shops, leisure facilities and cafes, when considered alongside the variety of job opportunities that will be available to local residents, will also make an important contribution to the achievement of well-being objectives.
- 13.40 The highway/infrastructure and public realm improvements associated with the Scheme will provide an impetus for the wider regeneration of the West Hendon area, thereby also improving social, environmental and economic wellbeing.
- 13.41 The First Inspector considered wellbeing at IR: 583-608 (CDA.19) and the Secretary of State accepted those findings at DL:13 – 20 (CDA.20). In summary, the Secretary of State concluded that CPO1 would “contribute significantly to the economic, social and environmental wellbeing of the area”, and this Order will make an equally significant contribution towards that wellbeing. The Second Inspector for considered the well-being benefits of the Scheme at IR:60-127 (CDA.12) and concluded at IR:128 (CDA.12) that “There is no reason for this Inspector to take any different view” from that of the Secretary of State on CPO1.
- 13.42 In addition, the objection states that the Statement of Reasons does not contain sufficient information on the cost of the Scheme and how it will be funded. The Council has set out at section 6 in the Statement of Reasons how the Scheme will be funded and delivered, and confirms how previous phases of the Scheme have been completed by the Developer.

Human Rights

- 13.43 The Objection states that the Acquiring Authority has failed to comply with paragraph 17 of the ODPM Circular 6.2004 Compulsory Purchase and Crichel Down Rules (the Circular). This is now set out in Stage 2 Paragraph 12 and 13 of the Government Guidance on Compulsory Purchase Process and the Crichel Down Rules February 2018 (the Guidance) (CDC.03).
- 13.44 For the reasons given in Section 9 of this Statement of Case the Council considers that in making the Orders it has struck a fair and proportionate balance between the interests of those whose Convention rights will be affected and the wider public interest.
- 13.45 Statutory Compensation will be paid to all affected parties following the acquisition of their interest(s). This will be governed by the requirements of the Compensation Code. Furthermore, the proposed shared equity scheme will offer eligible residents the opportunity to continue to live on the estate, and substantially exceeds the statutory requirements.
- 13.46 In respect of the shared equity scheme the First Inspector concluded at IR:603 that “the take-up ratefor those seeking to remain... suggests that the price rises...are not considered to be prohibitive” (CDA.19). The Council and Developer will continue to ensure the shared equity scheme remains affordable to provide resident leaseholders with the opportunity to remain within the community.
- 13.47 The First Inspector considered human rights at IR:634-637 (CDA.19) and concluded that “the interference with human rights would be proportionate”. Those conclusions were accepted by the Secretary of State at DL:24 (CDA.20). The Secretary of State in confirming CPO1 stated at DL27 (CDA.20) “that the proposed purpose of the Order (CPO1), including the redevelopment and regeneration of the area, would have a have a positive effect on the social and environmental wellbeing of the area...”, and considered “that there is a compelling case in the public interest to justify sufficiently the interference with human rights of those individuals affected by the Order.”
- 13.48 The Second Inspector at IR:406 (CDA.12) agreed with the First Inspector that no case was put forward on the matter of the non-secure tenants that was so

compelling that it indicated that the CPO should be resisted. She also agreed at IR:410 (CDA.12) with the First Inspector and the Secretary of State that existing leaseholders were satisfied that existing leaseholders were being treated fairly. The Second Inspector concluded in IR:413 (CDA.13) (that the take-up of shared equity supports the First Inspector's findings that the shared equity goes beyond statutory requirements and shows that the well-being of residents is being taken seriously. The Secretary of State for CPO2 confirmed in DL:12 and 13 (CDA.13) that he agreed with the conclusions of the Inspector.

13.49 These Orders are necessary to deliver the next stage of the redevelopment and regeneration of the areas identified by the Secretary of State at DL27 (CDA.12) in respect of CPO2.

13.50 The Council considers that the impact on the Human Rights of those affected by the Orders will be proportionate and justified.

Corruption and Bribery

13.51 The objection refers to corruption within the Council and Capita, and bribery within Barratts.

13.52 The incidents referred to are historic, have been dealt with by the criminal justice system and have absolutely no relevance to whether this Order should be confirmed.

Objection 2 – Patricia Cooke (plot 29)

13.53 Ms Cooke submitted an objection dated 18 December 2018 setting out a number of grounds as below.

Houses not required for the Scheme

13.54 Ms Cooke states that the freehold houses are in good condition, and that acquisition of the houses is not required for the delivery of the Scheme.

13.55 The Council acknowledges that the houses are of standard construction, and do not suffer from the structural issues which are a result of the non-standard construction methods used for the blocks of flats within the Estate.

13.56 However, as set out in paragraph 3.11 above, comprehensive redevelopment of the Estate and surrounding areas is required in order to deliver the Council's objectives for the Scheme.

13.57 The acquisition of these properties is necessary in order to construct the Scheme. If they were not acquired, Block D1, D2 and D3 of the Scheme (Book of Plans No. 7 plan] comprising of 105 units, of which 27 units are affordable, could not be built out. This would also include the loss of a children's play area and approximately 90 car spaces in the basement car park could also not be delivered. In addition, due to their close proximity to 1 to 10 Marriotts Close, it is likely that Block D4 (168 units) and D5 (129 units) would need to be reduced in height and potentially the location would need to be amended to avoid overbearing effects on the houses. The Scheme as permitted could therefore not be completed, and the omission of these properties would also have a significant adverse impact on the viability and thus the deliverability of the entire Scheme.

Freeholders do not benefit from the Shared Equity Scheme

13.58 Ms Cooke has raised concerns over the shared equity scheme, in particular that any freeholder taking up the shared equity offer would become a leaseholder rather than a freeholder.

13.59 This is correct. The Shared Equity properties currently identified within the Scheme will be flats within a block, not stand alone houses, and will be leasehold properties. However, in previous phases, the Developer has been able to agree some flexibility in changing allocations of units from private sale to shared equity in order to meet eligible residents' requirements. The Developer is prepared to consider similar flexibility in phases 5 & 6 for eligible residents and will consider making available houses as part of the shared equity scheme. In this case the property would be held freehold.

13.60 The Mayors estate renewal good practice guide (CDC.08 provides for shared equity schemes but does not require the dwellings offered to be of the same built form typology.

13.61 The shared equity offer provides an excellent option in excess of that provided for by statutory compensation, allowing the resident owner to remain in home

ownership on the estate. The alternative is to take the proceeds from the sale of the existing property and invest these in a freehold property elsewhere.

- 13.62 The Second Inspector concluded in IR:413 (CDA.12) that the take-up of shared equity supports the First Inspector's findings that the shared equity goes beyond statutory requirements and shows that the well-being of residents is being taken seriously. The Secretary of State for CPO2 confirmed in DL:12 and 13 (CDA.13) that he agreed with the conclusions of the Inspector.
- 13.63 The service charge for new properties will be higher than that for existing properties on account of the provision of significantly more services. However, the service charge will be similar to comparable developments elsewhere. To assist with affordability concerns a subsidy scheme will provide a discount on service charge for those moving to shared equity properties. This discount will be provided for a period of 10 years with the greatest discount in the first 5 years, after which the subsidy will taper. Major works charges or repairs liabilities for freeholders will likely be significantly less with the new properties than with the existing if the Scheme did not proceed.

Concerns over transport capacity

- 13.64 Ms Cooke raises concerns over capacity at Hendon Station for the new residents and the increased traffic on the A5.
- 13.65 The impacts of the Scheme on highways and public transport capacity were rigorously assessed during the planning application process. Under the S106 Agreement the Developer is required to make financial contributions towards a Travel Plan Incentives Fund, improving Bus Service Capacity, and the review of and amendments to controlled parking zones.
- 13.66 The Scheme includes new infrastructure through delivery of highway improvements to West Hendon Broadway and Station Road together with new and improved public realm and pedestrian links. These improvements will be of benefit not only to the Scheme but also to the wider area.

13.67 The Council is satisfied that the Scheme will not have a detrimental effect on the transport capacity in the area,

Human Rights

13.68 Ms Cooke raises concerns over the Human Rights of the affected freeholders and leaseholders. As set out in section 9 above, the Council has considered very carefully the impact of the Scheme on the human rights of those affected and is convinced that the public interest in completing the Scheme, and the economic, social and environmental benefits to be realised by it, clearly outweigh the necessary interference with the private rights and interests which subsist in the Order Land.

13.69 The First Inspector considered human rights at IR:634-637 (CDA.19) and concluded that “the interference with human rights would be proportionate”. Those conclusions were accepted by the Secretary of State at DL:24 (CDA.20). The Secretary of State in confirming CPO1 stated at DL27 (CDA.20) “that the proposed purpose of the Order (CPO1), including the redevelopment and regeneration of the area, would have a have a positive effect on the social and environmental wellbeing of the area...”, and considered “that there is a compelling case in the public interest to justify sufficiently the interference with human rights of those individuals affected by the Order.”

13.70 The Second Inspector concluded at IR:445 (CDA.12) that the “circumstances surrounding these CPOs ” (CPO2 and 2a) “and this Inquiry are substantially similar and there is no evidence to justify my taking a different view”.

13.71 The Secretary of State for CPO2 accepted this at DL.15 (CDA.13).

13.72 The Council considers that the impact on the Human Rights of those affected by the Orders will be proportionate and justified.

Objection 3 Canal & River Trust – Plots (2,3,4,5 and 89]

13.73 Canal & River Trust (CRT) submitted an objection to the Order dated 14 March 2019. CRT is the freeholder of plots 89 adjacent to Cool Oak Lane Bridge and plots 2, 3, 4 and 5 at the northern end of the reservoir adjacent to Silk Stream. They

identify a number of bases of objection and these are set out and responded to below, using the numbering in the objection.

13.74 In addition, in their letter dated 14 March 2019, CRT also make representations in respect of the rights to be acquired over plot 3, which they consider to be open space.

1. No certificate should be granted in respect of the open space (plot 3)

13.75 In the objection, CRT state that the land within plot 3 will become less advantageous to the public once burdened with the rights, due to the inability of CRT to oversee its development and management.

13.76 The Council does not consider this to be the case. At present the area adjacent to the Silk Stream is not open to the public with only the water considered to potentially be open space. The proposed bridge has been designed to be fully accessible and to enable the public to cross this area and to be able to view the wildlife in the SSSI in a non-intrusive way. Therefore the land will offer greater advantages and accessibility to the public than currently exists.

13.77 The Council engaged with Natural England throughout the planning application process and as a result of that dialogue the Developer is required to comply with conditions relating to the Welsh Harp Reservoir SSSI within the s.106 agreement. These include the following requirements:-

- Contribute a sum of £500,000 of which 60% is to be used by the Council towards the funding of the SSSI Warden. The SSSI Warden will be appointed by the Council in consultation with Natural England, CRT, the London Wildlife Trust, the Environment Agency and the Welsh Harp Conservation Group and will monitor the impacts of the Development on the SSSI. The balance of the money will go towards the improvements and mitigation works to the SSSI required as a consequence of the direct impact of the development.
- To submit a method statement as to how the bridge will be constructed including measures to mitigate the impact of the construction and details of the long term management and maintenance of the bridge.
- Prior to occupation of any phase, a survey is to be undertaken in consultation

with Natural England to consider appropriate avoidance/mitigation measures from any identified impacts of the increase in recreational activity with undertakings on how they will be secured in the long-term.

- To enter into a landscape strategy which will minimise vegetation clearance but require rehabilitation planting associated with the installation of the bridge. Where planting is required, this will be in keeping with the character of the SSSI.
- To enter into a number of other strategies before the commencement of any development that may impact on the SSSI such as the Ecological Management Plan (CDB.27) and the bird migration mitigation strategy.

13.78 As stated in CRT's objection letter, CRT is a statutory consultee for development management purposes. Reserved matters applications, including the details of the design of the proposed bridge, was approved on 3 July and 26 October 2018. CRT did not object to this application either as a landowner or a statutory consultee.

13.79 Taking these matters into account, the Council does not consider that Plot 3 will be less advantageous to the public once burdened with these rights, and therefore considers that the certificate should be granted.

13.80 Since (i) the Order seeks only to acquire rights over plot 3, (ii) plot 3 will be no less advantageous to the public following acquisition of the rights, and (iii) no land comprising open space will be acquired, the Council does not consider any replacement land will be required.

Ecological Statement

13.81 Within their objection, CRT raises concerns over the impact of the proposed bridge on the SSSI, and requests confirmation that the provisions of the Ecological Statement will be completed. The Council assumes this relates to the Ecological Statement included within the planning application.

13.82 All required mitigation measures identified within the planning process, including those arising from discussions with Natural England referred to in paragraph 13.76 above, will be completed.

- 13.83 The bridge design will be lit to the relevant amenity class safety standards as required by the local authority whilst at the same time meeting the ecological requirements for the SSSI by limiting light spill on the water. The lighting will only operate between dawn and dusk when there is poor light and the bridge is being crossed and will automatically adjust for the daily variation in sunset and sunrise times.
- 13.84 As set out in paragraph 13.76 above, the developer contribution will assist in paying for the SSSI warden. The Council is happy to share details of the future management plan with CRT.
- 13.85 The First Inspector set out her conclusions in respect of these issues raised at the inquiry for CPO1 at IR:625 and IR:626 (CDA.19). She found that (i) impacts on the Welsh Harp SSSI had been found acceptable through the planning application process, (ii) there was no substantiated evidence of harm to the SSSI, so no reason to conclude that CPO1 would harm the environmental well-being of the area in that regard, and (iii) avoiding harm to protected wildlife is controlled by the Wildlife and Countryside Act 1981 so was not a matter for the CPO process. The Second Inspector at IR:394 (CDA.12) agreed with the findings of the First Inspector.

2. S106 Agreement

- 13.86 The objection queries why CRT was not a signatory to the s.106 agreement related to the Scheme, as the plan attached to the s.106 includes land owned by CRT, and also asks how it can access funds identified within the s.106 agreement for SSSI mitigation.
- 13.87 CRT was not a signatory to the s.106 agreement as it was not necessary for them to be signatories as they were not responsible for any part of the development Scheme. The funds identified within the s.106 agreement for SSSI mitigation will be used by the Council for this purpose, and the works will be delivered by the Council's selected partner, London Wildlife Trust.
- 13.88 The Council does not in any case consider either of these matters relevant to the confirmation of the Order.

3. Landscape Management Plan

13.89 Within its objection letter, CRT raises concerns about the implementation and scope of the Landscape Management Plan (CDB.29). The Council assumes this is the Landscape Management Plan within the planning application (CDB.29). CRT has been made aware of the area which is covered by the Landscape Management Plan, and the Council is happy to share the details of how the plan that relates to the land owned by CRT will be implemented.

5. CRT Code of Practice

13.90 At section 5, CRT state that they have a statutory duty to make their waterways available for navigation and maintain their waterways in a condition suitable for cruising, and that the developer will therefore require CRT consent for any works which would close the waterway for cruising.

13.91 As set out in paragraph 11.5 above, the section of the reservoir between Cool Oak Bridge and Silk Stream is not available for cruising or navigation due to both the physical constraints and the management requirements of the SSSI. The reservoir was built to supply water to CRT's neighbouring canal network and thus does not constitute a navigable waterway. The Council therefore does not consider this statutory duty is relevant to the proposed works to plot 3.

6. No efforts to negotiate

13.92 The CRT objection states that no efforts have been made to negotiate the acquisition of the land and rights required by agreement, and that the Council has not provided commitments that the CRT code of practice will be followed.

13.93 As part of the Community Consultation in 2013, CRT was consulted regarding the potential impact the Scheme would have on the SSSI. Therefore they have been aware of the Scheme since at least that date.

13.94 The Council, Developer and CRT reached agreement on the acquisition of land and rights for the Cool Oak Lane Bridge (CPO1). CRT withdrew their objection on 16 January 2015 against the Order and the Section 19 Application. The option payment was paid in November 2015 and the agreement to acquire the land completed on March 2019.

- 13.95 The developer has been in discussion with CRT in respect of both practical matters relating to construction of the Cool Oak Lane Bridge over the time period since December 2014 and CRT has been consulted on reserved matters applications for the Silk Stream Bridge in March 2018.
- 13.96 The Developer and Council met CRT on 5 April 2019 to discuss commercial terms for the acquisition of the Order Land and rights. The Developer, the Council and their agent will continue to attempt to reach agreement on acquisition of the land and rights required, but, as suggested at paragraph 2 of the 2018 Guidance, is pursuing the statutory process in parallel with these negotiations.
- 13.97 As set out in the objection letter, the Council and Developer reached agreement on the land and rights required for the construction and use of Cool Oak Lane Bridge, including the implementation of the CRT code of construction practice where appropriate. The Council and the Developer have confirmed to CRT that they will abide by this code in the construction of Silk Stream Bridge.

7. Secretary of State Consent

- 13.98 The CRT objection states that the consent of the Secretary of State for Environment, Food and Rural Affairs will also be required before the Trust is able to dispose of the land.
- 13.99 CRT has not provided the detail of this requirement, but the Council will work with CRT and the Secretary of State if required to demonstrate that following disposal of land to the Council, the land will be held for the benefit of the public
- 13.100 The Council has carefully considered the objections received in relation to the Order. Having considered the objections made, the Council does not consider any of these should prevent the confirmation of the Order and granting of a certificate in respect of plot 3.

14 CONCLUSION

- 14.1 The implementation of Phases 5 & 6 of the West Hendon regeneration proposals will complete the transformation of the Estate and the wider area by the removal of a time expired post-war housing and its replacement with a high quality mixed-use development which will create balanced, mixed and inclusive communities. This will improve the quality of life of existing and future residents and the wider community. In order to achieve this, the compulsory acquisition of interests in the Order Land specified in the Schedule to the Order will be required so that if the Council and the Developer are unable to acquire such interests by private treaty it will still be able within a reasonable timescale to deliver Phases 5 & 6.
- 14.2 The Scheme will deliver a comprehensive residential led development with an increased quantum of housing and an improved mix of affordable housing including family housing. It will also bring improvements to the quality of private amenity space, open spaces and the public realm. Through the regeneration proposals the locality will benefit from more varied and higher quality commercial floorspace on The Broadway. Greater access will also be afforded to recreation and leisure facilities through the construction of 2 new pedestrian and cycle bridges. All of this will also result in significant improvements to the overall townscape, and visual appearance of the Estate and wider area.
- 14.3 The Council considers that the Scheme will bring about the transformation of an estate which it has identified as a “*priority housing estate for regeneration*,” and is satisfied that there is a compelling case in the public interest for the Order to be confirmed so as to secure the redevelopment and improvement of the Order Land through the delivery of the Scheme. This will result in significant improvement in the economic, social and environmental wellbeing of the Council’s area.
- 14.4 In confirming CPOs1 and 2, the Secretary of State (DL:27 (CDA.20) and DL:18(CDA.13) respectively), concluded that:
- (i) the purpose for which the land to be acquired is to be put substantially accords with the adopted planning policy framework for the area;
 - (ii) that purpose for that order would have positive effects on the economic, social and environmental well-being of the area;

- (iii) the potential financial viability of the wider scheme had been demonstrated and there is a reasonable prospect that the Scheme would proceed; and
- (iv) no reasonable alternatives exist in achieving the purpose of the proposal.

14.5 Overall, the Secretary of State agreed with the Inspectors for CPO1, CPO2 and CPO2a and found that the public benefits to be achieved through the Scheme significantly outweigh the private loss, and consequently "... there is a compelling case in the public interest to justify sufficiently the interference with the human rights of those individuals affected by the Order". The justification for CPO3 is substantially similar to the justification for CPOs 1 and 2.

14.6 The Council, therefore, requests the Secretary of State to confirm the Order.

- 15 **OTHER INFORMATION OF INTEREST TO PERSONS AFFECTED BY THE ORDER**
- 15.1 Parties affected by the Order who wish to discuss matters with a representative of the Council should contact:
Simon Bailey
Regeneration Manager
London Borough of Barnet
House
1255 High Road
Whetstone
N20 0EJ
simon.bailey@barnet.gov.uk
020 8359 7671
- 15.2 Parties affected by the Order who wish to discuss matters with a representative of the Council should contact:
Simon Bailey
Regeneration Manager
London Borough of Barnet
Barnet House
1255 High Road
Whetstone
N20 0EJ
simon.bailey@barnet.gov.uk
020 8359 7671
- 15.3 Those parties affected by the Order who wish to discuss the purchase of their interest by agreement should contact:
Aidan Fletcher Watts
Avison Young
65 Gresham Street London
EC2V 7NQ
afw@avisonyoung.co.uk
020 7911 2231
- 15.4 The Royal Institution of Chartered Surveyors (RICS) operates a compulsory purchase helpline which provides initial free advice. Those parties wishing to make use of that service should contact RICS on 024 7686 8555 or via its website: www.rics.org

16. **DOCUMENTS TO BE REFERRED TO IN THE EVENT OF AN INQUIRY**

16.1 At the public inquiry into the Order, the Council may refer to the documents listed in Appendix 1

16.2 Copies of the Order, Order Schedule, Order Map and this Statement can be inspected during the following times at these locations:

Location	Opening hours
Hendon Town Hall The Burroughs London NW4 4BG	9-5pm Monday to Friday
Barnet House – Planning reception 1255 High Road Whetstone N20 0EJ	9-1pm Monday, Wednesday and Friday

Documents relating to the Order can be downloaded from the Council's website via the following link:

<https://www.barnet.gov.uk/citizen-home/regeneration/west-hendon.html>