

London
Borough of
Barnet

**The London Borough of Barnet (West Hendon Regeneration Area) Compulsory Purchase Order
(No. 3) 2018**

STATEMENT OF EVIDENCE OF **SIMON BAILEY**

5 July 2019

PLANNING INSPECTORATE REF: APP/PCU/CPOH/N5090/3218378

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1. Introduction

- 1.1 My name is Simon Bailey and I am Interim Regeneration Manager for the West Hendon Regeneration Project. I am a contractor to Re: - a provider of regeneration services to Barnet Council. I have provided assistance to Barnet Council since August 2013. As Interim Regeneration Manager I have been lead officer for the West Hendon Regeneration Project since June 2015.
- 1.2 I hold a BA (Hons) Geography, postgraduate Diploma in Town and Regional Planning and an MCD in Environmental Planning and Management. I have over 20 years' experience of devising and delivering regeneration schemes across London. Previous work has included area-based regeneration initiatives in King's Cross, Deptford and North Fulham, strategy and project development for Thames Gateway Development Corporation, Haringey Council and North London Strategic Alliance, advising Newham Council on issues around the London 2012 Olympics and overseeing estate development schemes for Barnet Council.
- 1.3 My current role involves ensuring that the Council's regeneration objectives for the estate are met & that our development partners meet or go beyond the obligations set out in the development agreement. I also represent the authority on the West Hendon Partnership Board.

2. The need for the Regeneration Project

- 2.1 The regeneration of the West Hendon Estate has been a key component of the Council's Housing Strategy since 2000. The Regeneration Project emerged as a result of a number of key factors including the Council's corporate priorities, the Decent Homes programme and environmental considerations as well as the need to secure longer term, viable and sustainable change in the locality. Details about the Council's Housing Strategy are given in the evidence of Mr Shipway.
- 2.2 The Council also identified a number of failings within local infrastructure and opportunities to provide enhancements. These improvements allow the Estate to better integrate into the wider area and also provide an impetus to facilitate the regeneration of the wider area. In particular, CPO3 ("the Order") will facilitate the completion of the Regeneration Project.
- 2.3 The Council recognised that comprehensive redevelopment represents the only feasible solution to resolve the Estates inherent failings, provide local infrastructure and meet the Council's wider objectives. This principle was accepted by the Inspector for CPO1 (Inspector's report, paragraph 614, page 103 **(CDA.19)** and the Inspector in CPO2 and CPO2a saw no reason to deviate from this position in the absence of substantially unchanged circumstances [Inspector's report para 382 **(CDA.12)**].

3. Why the Regeneration Project is so important to the Council:

- 3.1 The Regeneration Project has remained a key priority for the Council since first highlighted in the Council's 2000 Housing Strategy (**Appendix 1**). As one of the Council's identified Priority Estates its regeneration is critical to delivering not only new and affordable homes but a new, attractive and sustainable neighbourhood with supporting infrastructure and facilities serving existing and new communities.
- 3.2 The Project is bringing and will continue to bring forward the much needed transformation of the area and the redevelopment of the remaining sections of a severely outdated housing estate currently in very poor condition. It will create a balanced, mixed, inclusive community and will significantly enhance the physical environment of the Estate. This will bring about improvements to the quality of life for existing residents and the wider community through the provision of enhanced social and environmental infrastructure.

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- 3.3 The Regeneration Project will provide approximately 2,000 residential units in a re-configured layout formed of courtyard blocks and four tall buildings along a realigned York Park delivered across a hierarchy of streets. This will benefit existing residents and also bring new residents into the area. The Scheme responds to recognised housing need within Barnet and greater London. It is providing the impetus for the regeneration of the wider West Hendon area, transforming it from a run-down, isolated area into an integrated urban environment benefiting from a high quality landscape and linkages to the Welsh Harp open space.
- 3.4 The Regeneration Project will provide land for a new 2-form entry primary school, nursery and associated community centre. Additional community and commercial facilities will be provided on the Broadway together with enhanced public realm, improved highways layout, and improved connectivity for sustainable transport.
- 3.5 A new strategic network of open green spaces will be provided within the area, strengthening links to the Welsh Harp open space and West Hendon recreation ground. These will be accessed via two new pedestrian bridges across the Welsh Harp Reservoir. The area will benefit from extensive investment in public realm and open space including a re-provided York Park with two equipped play areas and a civic space connecting the Broadway to the Welsh Harp.
- 3.6 Overall the Regeneration Project accords with the Council's corporate objectives and adopted policy. Phases 5 and 6 of the Scheme, for the development of which the Order is sought, will enable the delivery of a significant proportion of the Regeneration Project, including a bridge across the Silk Stream to connect the Estate to the playing fields and open space on the West Side of the Welsh Harp and the land for a new two-entry school. It represents the continuing delivery of the Council's objectives including:

Barnet's Sustainable Community Strategy - 2010 – 2020

- 3.7 The Sustainable Community Strategy for Barnet 2010-20 (**Appendix 2**) is the 'umbrella strategy' for all the plans and strategies of our key partners. It sets out a strategic vision for Barnet as a place and provides vehicle for addressing difficult cross-cutting issues.
- 3.8 The vision for Barnet states:

"It is 2020. Barnet is known as a successful London suburb. It has successfully ridden difficult times to emerge as resilient as ever. The public service is smaller than before but the organizations within it, through effective partnerships, work together to deliver good

services and there is a healthy relationship between them and residents who do things for themselves and their families.

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

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

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

- 3.9 The Regeneration Project is key to delivering this vision for the Borough by enabling the much needed transformation of the West Hendon area. It will create a balanced, mixed and inclusive community with the provision of new local community facilities, public realm, open space and infrastructure. This will significantly enhance the physical environment and prosperity of the area bringing about improvements to the quality of life for existing residents and the wider neighbourhood.

The Council's Corporate Plan 2015 – 2020

- 3.10 The priorities within the Corporate Plan (**Appendix 3**) are embedded within this Scheme. The plan expresses the principles of fairness, responsibility and opportunity in the following manner;

The Council, working with local, regional and national partners will strive to ensure that Barnet is the place;

- of opportunity, where people can further their quality of life*
- where people are helped to help themselves*
- where responsibility is shared, fairly*
- where services are delivered efficiently to get value for money for the taxpayer*

- 3.11 By enhancing employment opportunities, building local community capacity and by involving people in shaping the development of the new neighbourhood the Regeneration Project is

already contributing, and will continue to contribute, very significantly towards meeting these priorities.

The Council's Housing Strategy

- 3.12 The Council's regeneration plans continue to be a key element of the current Housing Strategy, (**CDA.28**) agreed in 2019. In particular, the Housing Strategy restates the opportunities for significant transformation and regeneration in some areas of the Borough, including West Hendon and other regeneration estates as indicated in the Housing Strategy 2000, (**Appendix 1, page 7**).
- 3.13 The overarching objective of the Council's Housing Strategy is the provision of housing choices that meet the needs and aspirations of Barnet residents. The policy also sets out how the Council will deal with a number of challenges including high prices, a shortage of affordable housing and potential threats to the qualities that make the Borough attractive.
- 3.14 The Council's Housing Strategy 2015-2025 (**CDG.01**) includes the following core objectives:
- *Increasing Housing Supply (Page 11);*
 - *Delivery of Homes that people can afford (Page 19);*
 - *Sustaining quality in the Private Rented Sector (Page 23);*
 - *Tackling Homelessness (Page 26);*
 - *Providing suitable housing to support vulnerable people (Page 32);*
 - *Deliver efficient and effective services to residents (Page 41).*
- 3.15 Housing is a key driver for growth in the Borough. The Regeneration Project makes a significant contribution towards the delivery of the Council's Housing Strategy.

The Council's Draft Growth Strategy (2019-2030)

- 3.16 The Council is currently preparing a new regeneration strategy for the borough. The draft strategy was approved by the Council's Assets, Regeneration & Growth Committee on 13th June 2019. Consultation on the strategy will be carried out over the summer, concluding in September 2019. It is anticipated that approval of the final version of the Strategy and an associated Delivery Plan will take place in November 2019.
- 3.17 The new strategy emphasizes the importance of housing regeneration projects in supporting the Council's ambition to become London's most family friendly borough and to improve health & life expectancy through the creation of healthier and more resilient neighbourhoods

Local Planning Policy

- 3.18 In recommending confirmation of CPO1 the First Inspector agreed that the principle of Major Regeneration in this location has been a key objective of the Council's planning policies for a significant period. (Paragraph 575 P.96 **(CDA.19)**). In confirming CPO1 the Secretary of State in his decision letter agreed that the Scheme substantially accorded with the adopted planning framework (Paragraph 9,10,11,12 **(CDA.20)**). The Second Inspector concluded that the purpose for which the land is being acquired fits in with the adopted Local Plan for the area (IR:387) **(CDA.12)** and the Secretary of State agreed with the Second Inspector's findings (DL:7) **(CDA.13)**.
- 3.19 The Regeneration Project remains a key planning policy objective of the Council and the purpose for which the land is required fits with the adopted planning framework. The Project Synopsis and evidence of Andrew Dillon explains the relevant local, regional and national planning policy considerations underlying the Regeneration Project and the 2013 Planning Permission.

4. The Masterplan

- 4.1 Section 3 of the Project Synopsis and Section 4 of Heyndrick Heyn's evidence explain how the implementation of Phases 5 & 6 will complete the masterplan, thereby meeting the Council's objectives for the Regeneration Project.

5. The Council's arrangements with the Developer

Selection and Appointment of the Developer

- 5.1 Consultation on proposals for the regeneration of the Estate has been an on-going process of engagement with residents and local stakeholders since 2000, this included identification of the need to bring in a partner to achieve the regeneration. The Council initially sought feedback from local residents on proposals submitted by three potential development partners before selecting a preferred partner.
- 5.2 In June 2002 the Council selected the West Hendon Consortium as its development partner to undertake regeneration proposals for West Hendon.
- 5.3 In May 2003 it was reported to the Council's Cabinet that Lovell was to withdraw from the partnership. On 31 May 2005, the Council approved a decision authorising Barratt Homes Limited to replace Lovell Partnerships and Bellhouse Joseph in a joint venture with the Developer. Commercial terms were agreed between the Council and the Developer in 2006.

5.4 The Council entered into a PDA with the Developer which has been varied on a number of occasions as the Scheme has evolved. The current iteration of the PDA was completed on 5th February 2014. The detailed commercial terms of the PDA are commercially confidential, but in summary the overarching principles of the PDA are that:

- *The Council provides the land for the development in return for a deferred consideration;*
- *The Developer funds and undertakes the Regeneration Project, including funding of Council costs and holding of project risk.*
- *The Developer designs and delivers a Regeneration Project which accords with the adopted planning framework and releases land value through sale of private dwellings and creation of regenerative uplift;*
- *The released land value funds the deferred consideration payable to the Council which includes re-provision of the social housing, new local infrastructure and any CIL or overage payment;*
- *Although the Council does not guarantee that the Developer will receive a return on its investment, it is expected that the Developer will make a commercial return. The opportunity provided for the Developer to make a commercial return provides a significant incentive for the Developer to deliver a successful project.*

Conditions Precedent for Each Development Phase

5.5 The PDA is subject to certain conditions precedent being satisfied or waived, including the grant of planning permission. In order for the Regeneration Project to proceed it is necessary for the Developer to meet these conditions or for the Council and Developer to agree to proceed. These are considered further in Mr Smith's evidence.

5.6 The Council remains satisfied that the Developer has the necessary skills and resources to discharge the conditions precedents and continue delivering the Scheme, having successfully delivered phases 1, 2, and 3a to C. At page 103 paragraph 611 of his report (**CDA.19**) the Inspector in CPO1 agreed that the Developer has an experienced background in this form of development.

5.7 The PDA also includes provision for the agreement to be terminated in the event of insolvency, failure to implement any recovery plan by the Developer, or the failure of the Developer to complete a particular phase. The purpose of these provisions is to ensure that, should one of

these events occur, the Council still has the ability to secure the delivery of the Regeneration Project.

6. Regeneration Project progress update

- 6.1 The Developer has delivered the Pilot and Lakeside phases of the Regeneration Project (Phase 1 and Phase 2). The Developer has also completed Phase 3a, 3b, 3c and is currently delivering phase 4.
- 6.2 The Council and Developer achieved vacant possession of the land required to enable the completion of phases 1, 2, 3a without the need for compulsory purchase powers. To secure vacant possession of phase 3b it was necessary to secure a Compulsory Purchase Order, however 33 of 34 remaining long leasehold interests in phase 3b were ultimately acquired by agreement. A GVD was exercised to secure vacant possession of 1 estate property in phase 3c, with the majority of compensation claims agreed before possession was taken. All claims within CPO1 have now been settled by agreement.
- 6.3 For CPO2, 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.
- 6.4 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, where notices will be served shortly. Compensation has been agreed on two interests, one of which is relocating to a new retail unit in the Scheme. Negotiations will continue with the remaining interests with a view to agreeing their compensation entitlement.
- 6.5 Of the 48 estate properties within the Order Land, 10 have been acquired, and heads of terms have been agreed with a further 11.
- 6.6 Since the early 2000s the Council and Developer have undertaken extensive consultation on the Regeneration Project. In recommending confirmation of CPO1, the First Inspector (IR:617 **CDA:19**) raised some historic concerns regarding consultation but overall concluded that

"Whilst objectors may not be happy with the outcome of consultation, there is no doubt that there has been extensive consultation, some of which has led to change,"

and that "from the material available there is no doubt that consultation has been adequate."

6.7 Since the inquiries into CPO1, CPO2 and CPO2a, further consultation has been undertaken as outlined at paragraph 2.26 and 2.28 of the Statement of Case for CPO3 [CDA.09] Since the close of the 2014 CPO 1 inquiry relations with affected residents have significantly improved. The Developer and Council have implemented a number of changes in the project team and policies which have been favourably received by affected residents. I outline below some of the key changes and examples of improved relations:

- *A number of personnel in the Developer's and Council's team have changed. The new team has sought to build new relationships with affected parties through public meetings, drop in sessions and one to one meetings.*
- *An independent valuation exercise was undertaken in cooperation with leaseholders to assist in reaching agreement as to the quantum of compensation.*
- *Following the independent valuer exercise, the majority of properties have been acquired by agreement. The Council and Developer worked cooperatively with leaseholders to ensure housing solutions were available. This included supporting leaseholders and private tenants find alternative housing or using other Council powers to provide assistance such as mortgage lending powers.*
- *Working with the Council and the combined professional team, the Developer has managed to resolve a number of areas of concern raised by residents. After reaching agreement as to the quantum of compensation and resolving other concerns a number of affected parties choose to take up the offer of shared equity homes whereas others have chosen to move away from the estate.*
- *Following the move of secure tenants within phase 3b to new homes residents have gained an appreciation of the benefits provided by the Regeneration Project. This has been demonstrated by the overwhelmingly positive response to a satisfaction survey undertaken by decanted residents in 2015 (See Paul Shipways Appendix 6).*
- *Lessons Learned' sessions have been held with the Partnership Board and the professional team. This has helped identify areas where refinements to the management and delivery of the scheme have been made. For example, an additional step has been added to the assessment process for secure tenants as an additional check that all necessary adaptations have been made to the tenants' new property.*

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- Over 18 months in advance of the requirement in the PDA, the Developer provided a new Interim Community Centre. At additional cost, the Developer has included a mezzanine floor to provide a 'regeneration hub' from which development partners can work. This improves the accessibility of partners to residents on the estate & provides local people with a place to go to ask questions or raise issues about the Scheme.
 - The Interim Community Centre is the base for wide range of new environmental, employment, training, neighbourhood management & community development initiatives. This is led by staff from the RSL partner. The centre is the base for full and part-time staff including a 0.5FTE Employment Officer, a 0.5FTE Neighbourhood Investment Officer, a 0.5FTE Outreach Officer and a part-time RLO Project Officer. A Wildlife Officer is paid for by the S106 to provide services to the community.
 - The Community Trust Fund is supporting a number of community initiatives including training of mental health champions, affordable mother and baby classes, a health & wellbeing project, the West Hendon Estate Youth Project and new IT facilities for West Hendon residents.
 - The Developer provided funding for a memorial event commemorating 75 years since the bombing of the area.
 - Building on established links with between the developer and the Phoenix Canoe Club, the Developer has supported development of proposals for a new, 'landmark' facility including a café and community space.
 - Residents can benefit from support from the independent residents adviser (ITA) (Rob Webb). This Role is funded by the Developer. The ITA however remains independent of the regeneration partners. The ITA publishes a regular resident newsletter.
 - The project Partnership Board has members from the Developer, Council and local residents. Regular meetings of the Partnership Board are held on a monthly basis with Open Meetings for all members of the community held on a quarterly basis in the Community Centre.
 - The development partners publish a quarterly Regeneration Newsletter in addition to a monthly Construction Newsletter. The Construction Newsletter supports the work of the

'Construction Working Group' which provides a monthly forum for all residents to discuss construction related issues.

- A number of CPO meetings or drop-in sessions have been held on the Estate and West Hendon Broadway to afford residents the opportunity to learn about the process, ask questions and raise issues.*
- Barratt has provided funds to support the consultation for the West Hendon regeneration strategy*
- The preparation of a Neighbourhood Investment Strategy was funded by BMLLP*
- The Council has provided seed funding for a number of small initiatives in support of The West Hendon Broadway Regeneration strategy. Development of the strategy was funded by BMLLP.*

6.8 The Council remains committed to delivering the project as well as maintaining and improving good relations with affected parties and ensuring wherever reasonably possible that the impact of the Scheme on those affected is mitigated.

6.9 In December 2017 the Secretary of State confirmed CPO2 and CPO2a and found that there was a compelling case in the public interest for those Orders to be made and thus the scheme delivered.

6.10 Although significant progress has been made in securing property interests by private treaty (See Sections 6 and 7 of Ms Blackman's evidence) there remains no certainty that all interests can be assembled by agreement within a reasonable timeframe or at all. To provide certainty that the site can be assembled and the project delivered within a reasonable timeframe the Order remains necessary to enable the compulsory acquisition of land or rights if agreement cannot reasonably be reached.

7. Other matters

- 7.1 The Order includes provision for the compulsory acquisition of rights over land under the powers contained in section 13 of the Local Government (Miscellaneous Provisions) Act 1976.
- 7.2 In CPO3 these new rights comprise crane over-sailing and sewer diversion works to enable construction of the regeneration project.
- 7.3 These rights are necessary to enable the implementation and completion of the Scheme.

Highway Orders

- 7.4 It is necessary to stop up a number of highways within the Regeneration Project. A phased programme of highway orders has been agreed between the Council and the Developer. This programme ensures that rights will only be stopped up when they are no longer required or an alternative access has been provided.
- 7.5 The implementation of the highways works will enable the redevelopment of the order land in and surrounding CPO3 and delivery of a new pattern of buildings and streets identified in the evidence of Andrew Dillon and necessary to deliver the masterplan as outlined in the Project Synopsis.
- 7.6 Further highways orders will be required as the project progresses to enable later phases of the Regeneration Project to be delivered. As rights will only be removed when no longer required or alternative rights are provided I do not consider the need for such orders to represent an impediment to delivery of the Regeneration Project. Indeed to date the Developer has successfully secured six highway orders in accordance with the project programme.

Negotiations

- 7.7 The Council has agreed with the Developer for the Developer's surveyor to undertake negotiations with landowners. In undertaking this responsibility the Developer's surveyor owes a duty of care to the Council. This represents a change of approach initiated after the CPO1 inquiry. This represents one of the team changes outlined at paragraph 6.7 above and has simplified the negotiation process resulting in significantly improved relations with landowners and affected parties as has been demonstrated with CPO2 and CPO2a and the progress in settling claims by agreement.
- 7.8 The development partners have contacted all parties referenced within the Order Land inviting them to commence negotiations. These negotiations will continue in parallel with the compulsory purchase process. However, on account of 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 or at a reasonable cost.

- 7.9 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 completion of the project. Such certainty will contribute towards the achievement of the Council's regeneration objectives for the Order Land, the wider Estate and West Hendon area.
- 7.10 Further details regarding negotiations to acquire interests are contained in sections 6 and 7 of the evidence of Ms Blackman.

The Pledge

- 7.11 The Pledge (**Appendix 4**) was a document prepared in 2002 which outlined the development partners approach to the project. This document was considered in detail during the previous CPO inquiry. Since the document was prepared both the project and the underlying market conditions have changed significantly. It remains not possible to deliver some aspects of the pledge, for instance Ramsey Close no longer forms part of the Scheme. In considering this matter at CPO1 the First Inspector concluded that many of the Pledge contents are still being met (**see IR:597 CDA.19**). The Second Inspector in (IR:88 **CDA.12**) said there was no reason for her to take a different view. Overall the majority of the matters outlined in the Pledge will be met and the offer made to resident leaseholders continues to go beyond the Council's statutory obligations.

Impediments

- 7.12 The Council is satisfied that there are no planning or other impediments to the completion of the scheme.
- 7.13 As outlined above at paragraph 7.6 some further road closure orders will be required in future once residents are rehoused and the highways in the Order land are no longer required. These are not likely to delay or otherwise impede the completion of the project. A programme for the diversion of highways has been agreed between the Developer and the Highway Authority as outlined Mr Smith's evidence. To date six highways orders have been secured in accordance with the project programme.

8. Justification for the Order

- 8.1 The Council is committed to securing the regeneration of the Estate and the wider West Hendon area. The need for comprehensive re-development is supported in key planning policy documents including the NPPF, the London Plan and the Barnet 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 secure delivery of the Regeneration Project.
- 8.2 The Regeneration Project has been split into 6 delivery phases to ensure that the regeneration is sustainable and deliverable. Completion of all 6 phases is necessary to meet the Council's objectives and comprehensively to regenerate the wider area. This Order will enable the completion of the Regeneration Project. The Council remains committed to assembling the land interests for the remainder of the scheme by agreement. However the Order remains necessary to ensure all the land interests are delivered within a reasonable timeframe and at a reasonable cost.
- 8.3 Careful consideration has been given to the need for the inclusion of each parcel of land within the Order. The Council is satisfied that all of the Order Land is required to enable the completion of the Regeneration Project. Confirmation of the Order will enable completion of the final stage of the masterplan vision for the estate.
- 8.4 Without the completion of all of the phases of the Regeneration Project the wider benefits will not be realised, and instead isolated pockets of out of place and time expired buildings would remain within a fundamentally flawed urban structure. The market alone cannot complete the Regeneration Project and consequently compulsory purchase is the only means to ensure delivery of the whole.
- 8.5 In deciding to exercise its powers under section 226(1)(a) of the Town and Country Planning Act 1990, the Council believes that the compulsory acquisition of the Order Land will facilitate its redevelopment, and (in relation to the requirements of section 226(1A)) will result in very significant improvements to the economic, social and environmental well-being of its area. The Council considers that the redevelopment of the Order Land will significantly improve the overall quality of the housing accommodation available locally, as well as the overall appearance of the area, with current and future residents enjoying a greatly improved quality of life from living in the proposed new homes.

8.6 In confirming CPO1 the Secretary of State agreed with the Inspector that

“there is no feasible alternative to the provision of comprehensive development, with the benefits of improved shopping and housing provision, improved access to green space and improved highway provision.” (Paragraph 22, CDA.20).

8.7 The Inspector’s recommendation on CPO2 and CPO2a concluded that:

“In many respects the circumstances surrounding this Inquiry, especially the basis on which the regeneration scheme was planned and the compulsory acquisition justified, are unchanged from those at the time of the first CPO Inquiry. In the absence of substantially changed circumstances or compelling new evidence it would be inconsistent, unreasonable and incorrect of me to reach alternative conclusions from the first inspector on matters already addressed by her and agreed by the Secretary of State in his acceptance of her recommendation.” (IR:382 CDA.12)

8.8 Completion of the Regeneration Project is of crucial importance for the Council. The regeneration of the Council’s largest housing estates (including West Hendon) has remained a key aspect of the Council’s Housing Strategy since 2000. Delivery of phase 4 represents a key step in delivering the Council’s Housing Strategy (**CDA.24**).

Wellbeing

8.9 The Regeneration Project will create a more attractive, vibrant and sustainable neighbourhood. The key social, economic and environmental well-being benefits which will be achieved by the Regeneration Project are summarised below:

- *The provision of high quality sustainable homes with an improved tenure mix of private and affordable housing units, including the re-provision of social housing exceeding the Decent Homes standard;*
- *All residential units built to Code for Sustainable Homes Level 4 and Lifetime Homes standards;*
- *Improvements to pedestrian and cycle connections throughout the local area particularly with regard to accessing Hendon rail Station and off-site leisure and recreation facilities on the other side of the Welsh Harp;*
- *Establishing 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;*
- *New and improved retail and commercial uses;*
- *Improvements to the overall townscape to provide clearly defined public realm and landscaped areas;*

- *Management of, and improved community interaction with the natural habitat at the Welsh Harp Reservoir, ensuring it remains a valued community asset;*
- *The Scheme will be designed to Secure by Design standards, to help design out anti-social and criminal activities, which are a major problem on the Estate at present, due to the out-dated nature of the common areas, external areas and general layout.*
- *Delivery of the Regeneration Project will deliver significant economic wellbeing benefits in the area. Construction will create a significant number of new jobs and bring economic activity to the area. Improvements to the Broadway, the new public realm and new spending power of new residents will be key drivers in the wider regeneration of the Broadway shopping environment*
- *Completion of the Regeneration project represents the final phase in implementing the urban structure and hierarchy of streets envisioned in the masterplan. Completing this structure is vital to ensuring that the structural failings of the 1960's estate are resolved. Having a connected hierarchy of streets with which buildings appropriately interface is key to achieving successful people focused places.*
- *Since the Regeneration Project has commenced substantive delivery there has been a marked increase in new developments and refurbishments across the wider area, predominantly focused on the delivery of new flats through new developments and conversion of existing housing stock. In my opinion the Regeneration project formed the key impetus for this change in the wider area. Completion of the Regeneration Project is vital for the continuation of this regeneration and wider wellbeing benefits experienced by the wider area.*
- *A number of new developments are being constructed in West Hendon and the surrounding area such as the Harp Point development at the junction of West Hendon Broadway and Cool Oak Lane which includes 43 flats and 437sqm of retail space. A number of planning applications have been submitted for new residential developments along the A5. A new nursery operator has taken over the hall adjacent to St Patricks's Church and refurbished it to a high standard. The Co-op has recently opened on the Broadway in one of the new retail units in the Scheme. At 1-3 Station Road, there is a new development comprising 2 office units with 18 residential units. At 266-268 West Hendon Broadway, a planning application has been submitted to extend an existing retail unit with residential above to provide an additional 7 self-contained flats.*

8.10 The Second Inspector in her recommendation into CPO and CPO2a concluded that:

*"The public benefits of the regeneration scheme as a whole are set out elsewhere in this document. All in all it would replace an outdated estate, which is no longer compatible with current residential standards and expectations, with a well-designed, cohesively laid out and connected, attractively landscaped, and well serviced development. These are very significant public benefits which would result in considerable improvements to well-being. Phase 4, which would be developed upon the lands which are the subject of the CPOs under consideration here, is essential to the scheme and would convey similar benefits."**(IR:442 CDA.12)***

8.11 Overall the Regeneration Project will significantly contribute to the improvement of the economic, social and environmental wellbeing of the area.

Planning policy

- 8.12 The purpose for which the land is being acquired fits in with the adopted Local Plan. The Scheme has the benefit of planning permission and the Developer is well advanced in implementing the 2013 Planning Permission.

Alternatives

- 8.13 In confirming CPO1 the Secretary of State agreed with the Inspector that "there is no feasible alternative to the provision of comprehensive development, with the benefits of improved shopping and housing provision, improved access to green space and improved highway provision." (**Paragraph 22 CDA.20**). In her report on CPO2 and CPO2a the Second Inspector stated that:

"No alternative to the Orders being confirmed and the project proceeding has been offered by any of the objectors. The promoters are unaware of any realistic alternative." (**IR:19 CDA.12**).

- 8.14 The Order will facilitate the completion of the Regeneration Project. There remains no alternative to the comprehensive redevelopment of the Estate than through completion of the Regeneration Project.

Human Rights

- 8.15 Careful consideration has been given by the Council to the interference with the individual rights of those directly affected by the Order that are protected by the Human Rights Act 1998. These include in particular Article 8 (respect for private and family life and home) and Article 1 (the right to peaceful enjoyment of possessions) of the Convention. The decision to make or confirm the CPO must strike a fair balance between the public interest in delivering the regeneration project and the interference with private property rights.
- 8.16 Confirmation of the Order will further enable the Regeneration Project to proceed and allow the wider benefits identified by the Inspector and Secretary of State at CPO1, CPO2 & CPO2a to be delivered.
- 8.17 If the Secretary of State confirms the Order, the compulsory acquisition of the interests in the Order Schedules will be necessary only if the Developer has been unable to acquire those interests by agreement on reasonable terms within the timescales required to complete the scheme. As explained above, efforts to acquire the relevant interests are on-going, section 7 of

Ms Blackman's evidence outlines aspects of offers made in excess of statutory compensation entitlements. Such offers have been made to mitigate the impact of the Scheme on the affected landowners. If agreement cannot be reached and interests are acquired compulsorily, statutory compensation can be independently determined by the Upper Tribunal (Lands Chamber) to ensure fairness.

8.18 The Council is therefore firmly of the view that there is a compelling case in the public interest for the compulsory acquisition of each and every parcel of land comprised in the Order schedule. It is also satisfied that the public interest that will result from delivering the Regeneration Project outweighs the interference with existing private rights and interests in the Order Land on account of the far reaching social, environmental and economic benefits. The Council therefore believes that a fair and proportionate balance has been struck between the interests of those whose human rights will be affected and the community as a whole.

8.19 In recommending confirmation of CPO1 the Inspector concluded (paragraph 637 Page 108 **(CDA.19)**) that:

“The Scheme if allowed to proceed would result in significant benefits to the well-being of the area, particularly as part of the wider Regeneration Scheme. Those benefits are in terms of housing provision, the built and natural environment, traffic and transportation, and the local economy including retail facilities. This would be in the interests of residents currently occupying sub-standard accommodation and the wider population of the Borough and beyond. Overall, the interference with human rights would be proportionate having regard to the level of interference and the public benefits the scheme would bring.”

8.20 The Secretary of State in confirming CPO1 stated at paragraph 27 **(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.” The Order is necessary to deliver the final stage of the Regeneration Project.

8.21 The Secretary of State in confirming CPO2 stated at paragraph 15 **(CDA.13)**:

“With regard to Article 1 of the First Protocol, the Secretary of State considers that the interference with the individual's property is justified by the advantages to the wider public interests by proceeding with the development which the Order would facilitate.”

8.22 The Council believes that the same conclusion should be reached in relation to CPO3.

Equality Act considerations

- 8.23 The public sector equality duty under section 149 of the Equality Act 2010 requires the Council to have due regard to: (i) the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; and (ii) the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. 'Protected characteristics' are: gender, race and disability, sexual orientation, age, religion or belief, pregnancy and maternity and gender re-assignment.
- 8.24 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 Order by reference to the requirements of this legislation. The Council considers that the Regeneration Project will deliver an attractive neighbourhood in this part of West Hendon and will be fully integrated with the wider community. The Regeneration Project 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.
- 8.25 Physical accessibility and legibility of the area would 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.
- 8.26 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.
- 8.27 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.
- 8.28 In confirming CPO1 the Secretary of State concluded in Paragraph 26 (CDA.20) 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 has gone on to balance these potential equality impacts against the benefits of the scheme which include..." "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."*

8.29 The Council has taken account of the Secretary of State's finding that the previous Order may have negatively impacted on some persons with protected characteristics. Throughout the project lifecycle the Council has had due regard to its equality duty. It has sought to ensure any disproportionate impact is understood and mitigated. In particular the impact affected parties within the CPO has been mitigated in a number of ways:

Leaseholders (also see Ms Blackman's evidence and that of Mr Smith):

- *Provision of a shared equity scheme accessible to residents which is in addition to the statutory compensation entitlement (paragraph 635, page 108 [CDA19]). (Paragraph 13, CDA.13 SoS decision to confirm CPO2)*
- *Use and/or exploration of the Council's mortgage lending powers to assist those who cannot readily access the mortgage market. In CPO1 these powers were used to allow a leaseholder and their family with protected characteristics to port a mortgage when access to the general mortgage market was not available.*
- *Assistance in locating and securing alternative suitable accommodation where parties wish to relocate away from the estate.*
- *Provision of or compensation for special adaptations required for elderly or disabled leaseholders*
- *In 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's obligations.*

Secure tenants (also see Mr Shipway's evidence paragraph 5.7 page 19):

- *All secure tenants are assessed in accordance with the Council's Housing allocation policy and offered a new home suitable for their needs on the estate.*
- *Rehousing policy was prepared having regard to the Councils PSED obligations.*
- *Rehousing 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.*

Non secure tenants (also see Mr Shipway's evidence section 5.21):

- All non-secure tenants are assessed in accordance with the Council's Housing allocation policy.
- The Housing Allocations Policy was prepared having regard to the Council's PSED obligations and is applied not only to the Regeneration Project but also across the Council's wider homelessness obligations.
- Those identified as eligible for assistance will be rehoused in suitable alternative accommodation. As highlighted in paragraph 10.21 of the Statement of Case for CPO3 (CDA.09) the majority of residents displaced as a result of phase 3c were rehoused, many in better circumstances and overall 95 % remained within the borough. Of the 81 non-secure tenants displaced as a result of CPO2, again over 95% have been rehoused within Barnet with 63% rehoused on a Council secure tenancy.

Private tenants (also see Mr Shipway's evidence section 5.32):

- Private tenants requiring and requesting assistance will be assessed in accordance with the Council's Housing policy.
- The Housing Allocations Policy was prepared having regard to the Council's PSED obligations and is applied not only to the Regeneration Project but also across the Council's wider homelessness obligations.
- 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.

8.30 I believe that confirmation of the Order would be consistent with the Secretary of State's duties under the Equality Act 2010. On account of the steps taken by the Council and Developer in delivering the Regeneration Project there will be no disproportionate impact on any protected groups.

8.31 The Estate Regeneration National Strategy Resident Engagement and Protection (DCLG (now MCHLG), December 2016 (CDC.04)) and the Mayor's Estate Regeneration Guidance "Better Homes for Local People" (February 2018) (CDC.08) were published after the commencement of the Regeneration Project. However, the developer and the Council have adopted the

recommendations in these documents as good practice as set out in Section 2 of the Statement of Case for CPO3 (**CDA.09**).

Compelling Case in the Public Interest

8.32 Overall the Council considers there is a compelling case in the public interest for the confirmation of the Order. In determining CPO1 at paragraph 27 (**CDA.20**), and CPO2 at paragraph 18 (CDA.13), the Secretaries of State concluded that that the public benefit associated with those orders significantly outweighed the private loss and that there was a compelling case in the public interest to confirm the order. At paragraph 22 of his decision to confirm CPO1 (**CDA.20**) the Secretary of State concluded that there is no alternative to the comprehensive development that would be facilitated by CPO1.

8.33 At paragraph 382, the Second Inspector in her report into CPO2 and CPO2a (**CDA.12**) stated:

“In many respects the circumstances surrounding this Inquiry, especially the basis on which the regeneration scheme was planned and the compulsory acquisition justified, are unchanged from those at the time of the first CPO Inquiry. In the absence of substantially changed circumstances or compelling new evidence it would be inconsistent, unreasonable and incorrect of me to reach alternative conclusions from the first inspector on matters already addressed by her and agreed by the Secretary of State in his acceptance of her recommendation.”

8.34 The Order will secure the completion of the comprehensive redevelopment facilitated by CPO1, CPO2 and CPO2a. There remains no alternative to, and a compelling case in the public interest for, the delivery of the comprehensive redevelopment facilitated by the Regeneration Project. This Order should therefore be confirmed.

9. Response to objections

Objections to the Scheme

9.1 The Secretary of State has received three objections against the confirmation of the Order (**CD,01**).

9.2 I refer below to the grounds raised in the objections relating to my evidence.

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

9.3 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

9.4 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

9.5 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

9.6 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.

9.7 If residents have concerns they can contact the site manager directly, the developer's communication consultant "Hard Hat" or the Council's enforcement team.

9.8 A Construction Working Group has been set up to allow residents to raise any concerns and to ensure these are resolved.

9.9 The Council therefore considers that the project is in fact being well managed. Where complaints have been made, the Council is satisfied that the developer has taken them seriously and has responded appropriately.

Tenants forced from the Estate

- 9.10 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.
- 9.11 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.
- 9.12 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.
- 9.13 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 8.30 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.
- 9.14 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

- 9.15 The objection states that the current Scheme does not comply with the Pledge.
- 9.16 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.
- 9.17 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.
- 9.18 The Council is satisfied that the rights of residents will be protected; it is however no longer possible to fulfil all of the assurances previously made because of the changes in circumstances that have taken place. All existing secure tenants in occupation will be offered a new property within the Scheme, and 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.
- 9.19 The First Inspector 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 had 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.

Human Rights

- 9.20 The Objection states that the Acquiring Authority has failed to comply with paragraph 17 of the ODPM Circular 6.2004 Compulsory Purchase and Crichton 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 Crichton Down Rules February 2018 (the Guidance) (CDC.03).

- 9.21 For the reasons given in Section 9 of this Statement of Case the Council considers 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.
- 9.22 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.
- 9.23 In respect of the shared equity scheme the First Inspector concluded at IR:603 that "the take-up rate ...for 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.
- 9.24 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."
- 9.25 The Second Inspector at IR:406 (CDA.12) agreed with the First Inspector that no case had been put forward in relation to 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 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 went beyond statutory requirements and showed that the well-being of residents was 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.
- 9.26 Critically, the Order is necessary to deliver the final stage of the Regeneration Project, for which 3 previous CPOs have already been confirmed.
- 9.27 The Council considers that the impact on the Human Rights of those affected by the Order will be proportionate and justified.

Corruption and Bribery

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

- 9.29 The Council strongly refutes any systemic issues. The case referred to involved an individual who abused his position by conducting fraudulent activities for his own personal gain.
- 9.30 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)

- 9.31 Ms Cooke submitted an objection dated 18 December 2018 setting out a number of grounds.

Human Rights

- 9.32 Ms Cooke raises concerns over the Human Rights of the affected freeholders and leaseholders.
- 9.33 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.

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 First Inspector at IR:637 (**CDA.19**) concluded that the Regeneration Scheme would be in the interests of the residents and the wider population of the Borough, and the interference with human rights would be proportionate having regard to the level of public benefits the Scheme would bring. Referring to the CPO1 Inspector’s report and conclusions in respect of human rights, 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”.

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

- 9.35 The homes in the Order Land suffer from the same issues that affected the homes in CPO1 and 2 in that they comprise out-dated buildings which are no longer compatible with residential standards and expectations. Whilst the houses do not have the same structural problems as the flats, the benefits that the Scheme will deliver will be increased with the completion of the last 2 phases, which cannot be delivered as proposed without the land on which the houses sit. As in earlier phases, the secure tenants will all be rehoused in new homes on the estate with only one move. The discretionary compensation put in place by the developer to provide shared equity units for the leaseholders who wish to remain on the estate will be available for eligible leaseholders in CPO3. The Council will continue to provide assistance to non-secure tenants displaced in CPO3.
- 9.36 The Council therefore considers that the impact on the Human Rights of those affected by the Order will be proportionate and justified.

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

- 9.37 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.

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

- 9.38 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.
- 9.39 I do 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.
- 9.40 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 prepare 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 prepare 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.

9.41 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, were approved on 3 July and 26 October 2018. CRT did not object to these applications either as a landowner or a statutory consultee.

9.42 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.

9.43 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.

10. Conclusion

- 10.1 Having regard to the very significant public benefits to be achieved from the Regeneration Project, the poor quality of the existing accommodation and the built environment in which it currently exists, the Council considers the use of compulsory purchase powers to be necessary, justified and proportionate. The Council considers there to be a compelling case in the public interest for the confirmation of the Order to facilitate delivery of the Regeneration Project.
- 10.2 If the Order is not confirmed, the Regeneration Project will be delayed or even stop altogether. Attempts to assemble all of the land interests by agreement have been unsuccessful to date and without an assembled site it will not be possible to complete the Regeneration Project.
- 10.3 If the Order is not confirmed pockets of new development would remain set within a severely out-dated housing estate and severed from the local area by an unsatisfactory highway arrangement. In such a scenario the full range of the wider social, environmental and economic benefits of the Regeneration Project that the Regeneration Project will bring, and which were accepted by the Inspectors and Secretaries of State on confirmation of CPO1, CPO2 and CPO2a, would not be realised.
- 10.4 Confirmation of the Orders remains essential if not only the regeneration of the estate but also the regeneration of the wider area and delivery of a significant amount of new housing are to be achieved. The Regeneration Project has been a fundamental component of the Council's Housing Strategy since 2000 and remains a key objective in the adopted Local Plan.
- 10.5 Confirmation of the Orders is therefore necessary if the Council is to achieve its planning, housing and other policy objectives.

Declaration

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

Simon Bailey, 5 July 2019