

PROOF OF EVIDENCE  
OF  
MARY HANNINGTON  
DATED: 14<sup>TH</sup> JUNE 2021

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Pursuant to Rule 15  
of the Compulsory Purchase (Inquiries Procedure) Rules 2007  
(modified by the Compulsory Purchase (Inquiries Procedure)  
(Miscellaneous Amendments and Electronic Communications) Rules 2018)

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**THE LONDON BOROUGH OF HARROW  
(GRANGE FARM ESTATE REGENERATION PHASES 2 AND 3)  
COMPULSORY PURCHASE ORDER 2020**

Section 226(1)(a) of the Town and Country Planning Act 1990  
The Acquisition of Land Act 1981

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## 1. INTRODUCTION

- 1.1 I, Mary Hannington, graduated from the University of London BA (Hons) in English in 1986 and commenced working in housing in 1987. I have worked across the field within small, local and specialist providers through to large national organisations, eventually managing regional teams of between 15-20 staff and reporting to Director and Group Director.
- 1.2 Immediately prior to working at the London Borough Harrow (“the Council”), I worked for 3 years on a major regeneration scheme for a large registered provider on a 1600-home project, one of the first Housing Zone sites in London from planning approval to commencement of works on phase 1.
- 1.3 In July 2018 I started working as a Regeneration Manager on the Grange Farm project, reporting to the Head of Regeneration. My role has so far involved planning (specifically agreeing and obtaining the “shadow” Section 106 agreement); tendering the works contract for Phase 1; securing vacant possession of the Phase 1 land; project management; and delivering (including procurement matters) for Phases 2 and 3.
- 1.4 My evidence is given on behalf of the London Borough of Harrow (“the Council”), being the acquiring authority, in respect of the request by the Council that the Secretary of State for Secretary for Housing, Communities and Local Government (“the Secretary of State”) confirm the London Borough of Harrow (Grange Farm Estate Regeneration Phases 2 and 3) Compulsory Purchase Order 2020 (“the Order”).
- 1.5 This evidence consists of two separate parts, namely:
  - 1.5.1 Part A - The purpose of this evidence is to explain the support being given to existing residents who will be affected by the proposed acquisition.
  - 1.5.2 Part B - The purpose of this evidence is to:
    - 1.5.3 give an overview of the Council’s case;
    - 1.5.4 set out the process for the making of the Order;
    - 1.5.5 explain the relationship with the development partner; and
    - 1.5.6 address any objections to the Order to the extent that these have not been addressed in the evidence of the Council’s other witnesses.

- 1.6 This evidence is submitted pursuant to Rule 15 of the Compulsory Purchase (Inquiries Procedure) Rules 2007 (modified by the Compulsory Purchase (Inquiries Procedure) (Miscellaneous Amendments and Electronic Communications) Rules 2018).
- 1.7 References to the prefix **[CD]** followed by a capital letter and a number (by way of example **[CDX.01]**) in this evidence represents a document's reference in the Core Documents prepared by the Council. A list of the Core Documents is provided with this evidence. For ease of reference and unless specified otherwise in this evidence, the definitions (being capitalised words) used in this evidence will be the same as they appear in the Council's Statement of Case **[CDC4]** and the written evidence of the Council's other witnesses.
- 1.8 This evidence builds on the matters contained within the Council's non-statutory Statement of Reasons **[CDC.3]** and its Statement of Case **[CDC4]**.
- 1.9 To avoid repetition, this evidence may at times refer to sections of the Council's Statement of Case **[CDC.4]**.
- 1.10 A description of the site, its location within the surrounding area, details of the making of the Order, the planning issues, benefits of the scheme, and other matters are addressed in the evidence of the Council's other witnesses.

## **PART A**

### **2. PROCESS**

- 2.1 The Council's aim is to purchase all interests in the Order Land by private treaty. To this end, the Council is in negotiations with the owners of the interests in the Order Land, with a view to purchasing their interests by private treaty.
- 2.2 To date, the Council has been unable to acquire all of the interests in the Order Land by private treaty but continues to try to do so.
- 2.3 The Council has also sought to secure the interests of the properties on the estate which are currently owned by Notting Hill Genesis ("NHG"). These comprise 20 no. dwellings 66, 67, 74, 75 and Flats 68-73 Osmond Close, Harrow, Middlesex, HA2 0DD and 109, 110, 117, 118 and Flats 111-116 Wesley Close, Harrow, Middlesex, HA2 0SD but at this time has not succeeded in agreeing terms.

- 2.4 The Order is being sought in respect of the Order Land as a contingency measure to ensure the timely delivery of Phases 2 and 3 of the Regeneration Scheme if attempts to acquire all the necessary interests and rights by negotiation prove unsuccessful. The promotion of compulsory purchase orders whilst continuing to negotiate with those whose interests may be acquired is entirely consistent with the CPO Guidance **[CDA.3]**.
- 2.5 Delivery of Phases 2 and 3 of the Regeneration Scheme will be through a phased programme of demolition and redevelopment.
- 2.6 The Council expects to begin the tendering process for a development partner in September 2021 and this process, i.e. up to appointment of a development partner may take 12 months. In order to meet the current GLA programme timetable, the Council needs to be in contract with its development partner by March 2023. Vacant possession of the dwellings will be required, therefore, by March 2023.
- 2.7 The anticipated programme for demolition works is as follows:

<b>Phase No.</b>	<b>Properties to be demolished</b>	<b>Indicative Phase demolitions</b>
Phase 2	<ul style="list-style-type: none"> <li>• 46-90 Grange Farm Close (Blocks I, J, K, L and M)</li> <li>• 19-27 Osmond Close (Block D)</li> <li>• 1-63 Wesley Close (Blocks N, O, P, Q, R, S and T)</li> <li>• 28-39 Osmond Close (Blocks 1 – 2)</li> </ul>	November 2023
Phase 3	<ul style="list-style-type: none"> <li>• 40-51 Osmond Close (Blocks 3-4)</li> <li>• Bungalows (Osmond Close)</li> <li>• 66-75 Osmond Close</li> <li>• 64-108 Wesley Close (Blocks U, V, W, X and Y)</li> <li>• 109-118 Wesley Close</li> <li>• Community Centre</li> </ul>	September 2024

- 2.8 Following appointment of the development partner the reserved planning matters will be addressed.
- 2.9 Vacant possession of dwellings in the Phase 2 land will commence late 2021 and will need to be complete prior to entering into legal agreement or contract for the delivery of Phase 2.
- 2.10 Decanting of dwellings in the Phase 3 land will commence in late 2021.
- 2.11 Secure tenants in the Phase 2 land will be offered dwellings in Phase 1 when complete. This is anticipated to be in September 2022. Temporary Accommodation residents will be supported by the Council in line with its statutory duties.
- 2.12 Secure tenants in the Phase 3 land will be offered dwellings in Phase 2 when complete or off-site with a right to return, if the Phase 2 dwellings are not available prior to the Phase 3 works commencing.
- 2.13 Resident leaseholders have been offered one of the new dwellings when complete on a shared equity basis as an alternative to selling back to the Council and moving permanently off site. As they are not eligible for the shared equity offer, non-resident leaseholders have been offered a consideration to secure the leasehold interest of their property.

### **3 SUPPORT GIVEN TO RESIDENTS**

- 3.1 The Council and its consultants undertook extensive consultation with residents on the Estate to agree a decanting and acquisition strategy for the Regeneration Scheme. In addition, a detailed Affordable Housing Assessment **[CDD.6]** has been undertaken with all residents to determine their current household requirements. The Council is committed to ensuring the process of rehousing tenants is effected with minimal disruption
- 3.2 The Council has also put in a place the Grange Farm Residents Charter **[CDD.5]** which clearly sets out the process for decanting and the rights and options available to secure tenants and the leaseholders/freeholders including the support available.

- 3.3 In addition, the Council has appointed a full time Decant and Rehousing Officer to support tenants through the relocation process. Until the Covid 19 pandemic restrictions came into force, this officer was on site one full day per week at the Drop-In session referred to at para 3.10 below, to give face-to-face support to secure tenants affected by the regeneration and to offer guidance and advice on the process and options relating to their rehousing needs.
- 3.4 All secure tenants have the option to move into a new home on the Estate once the redevelopment is completed or to move permanently away from the Estate to another rented property elsewhere. Tenants will be offered accommodation that as a minimum meets the size of their current households and in line with the Council's Housing Allocation Policy. All secure tenants will be given up to 3 offers of a new home on the estate, when completed, and wherever possible, the Council will endeavour to accommodate tenants' wishes to live close to existing neighbours.
- 3.5 As the Regeneration Scheme is to be carried out in three phases, a number of secure tenants in Phase 1 have been temporarily rehoused to allow construction of Phase 1 of the scheme. The affected tenants have been rehoused temporarily either in void properties within the areas falling within Phases 2 and 3 or offsite if their housing needs cannot be met on the Estate and it is their preference. Tenants re-housed offsite have the option to either remain as secure tenants in their offsite home or the right to return to a new home on Grange Farm. Where tenants have moved offsite they have been given a property to meet their current housing needs which may have been larger than the home they occupied on the Grange Farm estate.
- 3.6 The proposed phasing and decant strategy will result in the majority of secure tenants in Phases 2 and 3 only having to move once
- 3.7 The intention of the Council is that on completion of Phase 1, the secure tenants in the Phase 2 area who wish to take up a new home on the Estate will be moved directly from their current dwellings into a new home within the completed Phase 1. This will provide vacant possession of the Phase 2 area allowing for it to be redeveloped.
- 3.8 Similarly, the secure tenants whose dwellings are currently within the Phase 3 area will be rehoused directly into completed units within Phase 2 to allow for the final phase of construction and the re-housing of those tenants who have been temporarily rehoused offsite and who wish to return.

- 3.9 All secure tenants will be entitled to receive statutory Home Loss and Disturbance payments for the disruption caused by the regeneration. The level of compensation being offered to leaseholders is above that which is required under the Land Compensation Act 1961.
- 3.10 By way of compensation, the Council will pay for the reasonable costs of moving, furniture removal and the disconnection and reconnection of electrical appliances. Moreover, tenants who have lived on the estate for 12 months will receive a home loss payment.
- 3.11 For temporary accommodation (“TA”) residents, the Council continues to keep them informed of their housing options by regular newsletters and has a designated contact telephone number for their housing officer. Drop-in sessions have been held on the estate exclusively for TA tenants to discuss housing options and advice has also been made available at weekly surgeries (attended by Council officers) on the estate although both the drop-in sessions and the weekly surgeries have been suspended in response to the social distancing requirement arising from the Covid-19 crisis. In response to these suspensions, the Council has continued communicating with residents through newsletters and telephone/electronic/written communiqués. The monthly meetings with the Grange Farm Resident Steering Group (“RSG”) have continued by virtual means. Additionally, and where required, video call meetings have been held with individual residents.
- 3.12 Every TA tenant will be offered a rent deposit and/or insurance and rent in advance if they secure their own private rented accommodation.
- 3.13 The Council will also offer advice on options around social housing via newsletters/in person/ via telephone should more information be required.
- 3.14 If TA tenants are unable to secure their own accommodation and need to be moved, the Council will offer them suitable accommodation under its existing homelessness duty to the household. The location and nature of that accommodation will be determined on a case-by-case basis and will depend on resources available at that time.
- 3.15 New dwellings on the estate that are not required for existing residents will be let to households in the highest priority need on the Council’s Housing Register which may include temporary residents already housed on the Grange Farm estate.



- 3.16 Upon taking ownership of the Notting Hill Genesis dwellings, the tenants of the occupied dwellings will become secure tenants of the Council and they will have the same rights as other secure tenants on the estate.
- 3.17 The Council is committed to acquiring the leasehold and freehold interests in the Order Land by voluntary agreement without recourse to use of CPO powers if possible. To this end, the Council has offered the leaseholders/freeholders the option to buy-back their properties and is currently in negotiations with NHG for the acquisition of their 20 dwellings on the Estate.
- 3.18 The buy-back scheme is a voluntary re-purchase option which guarantees that all leaseholders and freeholders will receive full market value for their dwellings together with a disturbance payment and a home loss payment of either 7.5% (for non-resident leaseholders/freeholders) or 10% (for resident leaseholders/freeholders) of the sale value of their property. This is the same compensation that would be awarded under a compulsory purchase order.
- 3.19 Other options that are available to resident and non-resident leaseholders and freeholders are as follows:
- (i) resident leaseholders/freeholders only - a shared equity option for those who meet the qualification criteria to purchase a new property similar to the one they currently occupy either elsewhere or on the redeveloped estate with the assistance of a loan from the Council. The leaseholder/freeholder would pay no rent or interest on the Council's share of the equity
  - (ii) resident leaseholders/freeholders only - the option to purchase a shared equity unit on the new Estate
  - (iii) all resident and non-resident leaseholders and freeholders - eligible to have an independent surveyor carry out a valuation of their property to be paid for by the Council
  - (iv) private tenants of non-resident landlords - supported by the Council in finding alternative accommodation according to their needs, the Council's Allocation Policy **[CDD.1]** and its statutory duties, provided an application is made to the Council

3.20 Further details of the Council's decant and acquisition strategy are set out in the Grange Farm Residents' Charter. The support given to residents will ensure that the impacts of the CPO on the residents and community are suitably mitigated.

#### **4 OBJECTIONS**

4.1 The Planning Casework Unit confirmed receipt of four (4) "qualifying objections" and one (1) "non-qualifying" objection.

4.2 Mr Manoj Rajah, 109 Wesley Close set out his objection to the Order in his letter dated 30 October 2020 [**CDC.5.1**] which can be summarised as follows:

- (i) his property complies with Building Regulations and is in good condition having been built only 25 years ago and, therefore, the proposed demolition of his property would be disproportionate and is not justified.
- (ii) the Council's stated intention to create a "lifetime neighbourhood" is contradictory given that he and his neighbours will be displaced and requiring almost 20 social housing household to lose their properties so that the Council can provide 185 new units of affordable housing is senseless.
- (iii) his mother is in a fragile condition because of her ailing health and personal reasons and the uncertainty disruption caused by the planned regeneration is having a detrimental effect on her health and well-being. The relocation would detrimentally impact his mother's quality of life, independence and general well-being. The Council should be able to carry out the regeneration of the Estate without acquiring his property and infringing his and his mother's human rights to a private and family life.
- (iv) the Council cites anti-social behaviour as a reason for regenerating the Estate but this issue only became prevalent after the Council began relocating longstanding households only to replace them with temporary tenants. the Inspector is asked to refuse confirmation of the CPO or, as an alternative, vary the CPO to remove his property.

4.3 The Council's response to Mr Rajah's objection is as follows:

- (i) While the Council appreciates that the property is not in the same poor condition (both structurally and state of disrepair) as the Resiform properties on the Estate, the new property which will be offered to Mr Rajah's mother will be a considerable improvement on the current property in all aspects.
- (ii) The Council is committed to maintaining the strong sense of community which exists on the Estate and has engaged with residents throughout the process. This is why the Council has promised that all secure tenants who wish to stay on the Estate, following its regeneration, will be able to do so.
- (iii) The Council fully understands and acknowledges that Mr Rajah and his mother would like to stay in their home and community. The properties on offer to Mr Rajah's mother will be no smaller than her current home. Upon transfer of the NHG (Mr Rajah's mother's current landlord) properties to the Council, Mr Rajah's mother will become a secure tenant of the Council (as local housing authority) which is an important benefit. Where possible, the Council will accommodate the wishes of those who want to be near their friends and family on the Estate. The Council will be able to offer Mr Rajah's mother a package of support measures to facilitate his mother's move safely and conveniently. Moreover, the Council will also take into account any specific needs (eg: mobility) and provide at their cost such adaptations as are necessary.
- (iv) The causes of anti-social behaviour are wide and the Council does not accept that the anti-social behaviour on the Estate is wholly due to the relocation of temporary tenants to the Estate.
- (v) At the forefront of the Council's intentions for the improvement of the Estate is to create not only modern, sustainable and fit-for-purpose housing stock for the residents but also an enhanced and safe public realm and improved community facilities. To do so on the Estate requires a comprehensive whole-site approach and would not be possible by omitting certain properties. The Council considers that the benefits, taken as a whole, to the residents from the Estate's regeneration justifies the whole-site approach taken.
- (vi) There is an ongoing dialogue between the Council and Mr Rajah which is proving constructive and the Council hopes to be able to address, as best it can, the concerns raised by Mr Rajah by agreement. The Council also believes

that its approach is reasonable, fair and accountable given the need to meet its obligations in meeting housing need according to demonstrable priority.

4.4 The remaining objections are considered in Part 2 of this evidence.

## **5 SUMMARY AND CONCLUSIONS**

5.1 The regeneration of Grange Farm will deliver genuine quantitative and qualitative benefits to the residents of the estate and enhance the housing stock within the Borough.

5.2 Residents will benefit from housing that better meets their needs and is easily adaptable to meet future needs.

5.3 Secure tenants have been actively involved throughout the planning process and continue to be engaged in appropriate design decisions on new homes. They remain supportive of the Council's stated commitment to regenerate the estate.

5.4 Financial resources are in place to support the delivery of the scheme.

5.5 Phase 1 of the regeneration is already underway and there is a commitment to being in contract for Phases 2 and 3 by March 2023. Vacant possession must be secured in order to achieve this.

5.6 The objections raised are matters which in general terms do not challenge the justification for the CPO but relate to other matters and in any event are not proportionate relative to the wider benefits of the regeneration.

5.7 The Council has actively engaged with residents throughout the CPO process. In addition, the Council is offering a range of options and support to residents tailored to their need.

5.8 In these circumstances, there is a clear and compelling case in the public interest for the scheme to proceed and for the CPO sought

## **PART B**

### **6. THE EXISTING ESTATE**

- 6.1 The Estate, of which the Order Land forms a part, was used as farmland with associated buildings until the mid-20<sup>th</sup> Century at which point it was surrounded by expanding suburban London.
- 6.2 The present Estate consists mainly of a series of buildings constructed in the 1960s **[CDB.5]** to address the lack of suitable housing in the area, with the simple landscaping seemingly left as an afterthought without proper attention or design as a setting to the development but not laid out in a manner to provide a useable amenity/recreation area for residents.
- 6.3 The majority of the existing buildings on the Estate were constructed using the Resiform method of construction **[CDB.5, p20-21]** which is a non-traditional form of construction comprising a timber frame system with an outer skin of plastic panels constructed of polyester resin reinforced with glass fibre, backed with fibrous asbestos and lined with thermal quilting.
- 6.4 In structural terms, the existing buildings have passed their ideal useful life and are therefore proving difficult and expensive for the Council to maintain. The fibreglass cladding on the external walls combined with the limited insulation make the buildings difficult to keep warm and for residents to heat.
- 6.5 The vast majority of existing buildings on the Estate no longer conform to Building Regulations. They provide sub-standard living accommodation for residents and the initial estimate to retrofit measures to bring the buildings up to modern standards is £11m. This is not considered to be good value for money in the long term as the basic building fabric will not be renewed. In addition, the Council has limited resources to refurbish the buildings to the required standard. Other estates of similar construction both in Harrow and elsewhere, have already been demolished and rebuilt.
- 6.6 The evolution of the surrounding area has further left the Estate relatively secluded and segregated from the wider area, leading to problems of isolation, antisocial behaviour and crime. The redevelopment of the Estate has therefore long been an ambition of the Council.

6.7 Paragraphs 2.7 to 2.24 of section 2 (Background) of the Council's Statement of Case give details of the feasibility studies carried on behalf of the Council, outcomes from these, and community engagement to support the decision to regenerate the estate.

## **7 THE SCHEME**

7.1 If confirmed, the Order will enable the Council to acquire compulsorily the properties and interests listed in the Schedule to the Order ("the Order Land") and shown coloured pink on the map submitted with the Order ("the Order Map") **[CDC.2]** in order to facilitate the carrying out of development, redevelopment or improvement of Grange Farm Estate. The scheme underlying the acquisition – part of which has already commenced on land that is not subject to the CPO – will provide 574 dwellings, a new community centre, new public open spaces and an on-site energy centre ("the Regeneration Scheme"). The Regeneration Scheme will lead to the improvement of the economic, social and environmental well-being of the Grange Farm Estate and the Council's wider area. The scheme is described in more detail in the written evidence of Mr Callum Sayers and in section 4 (The Planning Position and Development Proposals) of the Council's Statement of Case **[CDC.4]**.

## **8 THE MAKING OF THE CPO**

8.1 At a meeting on 24 May 2016 the Council's Cabinet authorised the making of the Order **[CDD.7.1-2]**. On 17 September 2020 the Council made the London Borough of Harrow (Grange Farm Estate Regeneration Phases 2 and 3) Compulsory Purchase Order 2020 ("the Order") **[CDC.1]** pursuant to section 226(1)(a) of the Town and Country Planning Act 1990 ("the 1990 Act") **[CDA.1]** and the Acquisition of Land Act 1981.

## **9 DELIVERY AND FUNDING**

9.1 Details of the intended delivery timeframe for the Scheme and the process to appoint the Council's development partner is set at section 2 (Process) in Part A of this evidence.

9.2 The redevelopment is to be funded through a combination of public subsidy and private funding to be realised through the sale of private housing.

9.3 The Council has been successfully awarded £10 million direct Housing Infrastructure Funding (HIF) by way of a HIF funding agreement between the GLA and London

Borough of Harrow dated 30<sup>th</sup> August 2019. This is to support the infrastructure costs within the overall scheme cost of delivering 574 homes across all phases. The funding agreement includes key outputs including those relating to Phases 2 and 3

9.4 Other public subsidy totalling £25.18 million is to be applied sourced via Council Housing Revenue Account resources. This funding is to support the delivery of the entire scheme. This summarised below:

	Units	Recycled "one-for-one" RTB receipts and other RTB receipts	Other HRA resources	Receipts or other HRA resources – if not GLA grant	Total subsidy
Phase 1	68 Rented	£4,335,219	£2,464,781		£6,800,000
Phase 1	21 SO		£798,000		£798,000
Phase 2	102 Rented		£10,200,000		£10,200,000
Phase 3	79 Rented			7,900,000	£7,900,000
Phase 3	4 SO			112,000	£112,000
<b>Totals</b>	<b>249 Rented</b> <b>25 SO</b>	<b>£4,335,219</b>	<b>£13,462,781</b>	<b>8,012,000</b>	<b>£25,810,000</b>

9.5 In discussion with the GLA to finalise the planning application, it was agreed to increase the level of affordable housing provision on the scheme. This resulted in 33 of the dwellings originally intended for market sale being switched to affordable rent.

9.6 Phase 1 comprises 89 affordable dwellings. The Council is in contract with Higgins (a construction company which highly experienced in the delivery of regeneration projects) under a JCT D&B. Phases 2 and 3 will be delivered by the Council working with a development partner and it is envisaged that both phases will be delivered under

one contract the form and structure of which is not yet agreed. The procurement process to select the partner will commence in 2021 and will take at least 12 months to conclude.

## **10. PLANNING AND BENEFITS**

- 10.1 The planning benefits are addressed in section 5 (Benefits) of the written evidence of Mr Callum Sayers. The Council has considered the CPO in the context of section 226(1)(a) of the 1990 Act (including its achievement of the “well-being objectives”), the CPO Guidance and section 17 of the Housing Act 1985 in section 8; justification for use of the CPO powers in section 9; and the Human Rights Act 1998 and its public sector equalities duty in section 10 of its Statement of Case **[CDC.4]**.
- 10.2 None of the Estate land within the CPO is public open space within section 19 of the Acquisition of Land Act 1981 and section 336 of the 1990 Act.
- 10.3 It will be necessary to stop up the highways within the Estate, namely Grange Farm Close, Wesley Close and Osmond Close in order to enable the Regeneration Scheme to be carried out. A stopping up order will be sought in due course and there are no impediments to securing it.

## **11 OBJECTIONS**

- 11.1 As mentioned in Part A of this evidence, the Planning Casework Unit confirmed receipt of four (4) “qualifying objections”.
- 11.2 Mr Manoj Rajah, 109 Wesley Close set out his objection to the Order in his letter dated 30 October 2020 **[CDC.5.1]**. A summary of this objection and the Council’s response are addressed in Part A of this evidence.
- 11.3 Reserve Forces’ Cadets’ Association for Greater London (“RFCA”) submitted a notice of objection dated 19 November 2020 **[CDC.5.2]**. The objection stated that the RFCA has Crown status and, therefore, the Order should not be confirmed because it does not exclude the interests held by the RFCA in the parcels of land numbered 75, 76 and 96 (Table 1) as well as the rights for the benefit of parcels 69 and 96 and all rights for the benefit of parcels 75 and 76 (Table 2). The objection also pointed out that the interest held by the Secretary of State for Defence (having Crown status) in the parcel of land numbered 96 was, in contrast to parcels 75 and 76) not expressly excluded.



### The Council's response to the objection by RFCA

- 11.4 There has been an ongoing exchange of correspondence between the RFCA and the Council since the Order was made. The Council confirmed to the RFCA that it accepts that the RFCA has Crown status and, as such, has agreed to amend the Order to exclude all rights held for the benefit of the RFCA. In addition, the Council agreed to expressly exclude the interest held by the Secretary of State for Defence in the parcel of land numbered 96.
- 11.5 Furthermore, the Council has agreed to remove the parcels numbered 75 and 76 in their entirety from the Order. The Council has provided the RFCA with an amended Order schedule and map to this effect and expects this objection to be formally withdrawn shortly.
- 11.6 The scheme was designed on the basis that the Council could (potentially) come into ownership of the land in parcels 75 and 76 by agreement although the Council was fully aware that this was by no means certain. The designed scheme, therefore, included parcels 75 and 76 while providing that no buildings were to be erected on this area of the site; the intention was that the existing pedestrian walkway combined with these parcels of land would provide the opportunity to create an enhanced pedestrian entrance to the regenerated site from Northolt Road (in the south east). By way of example, this is shown on page 98 of the Design and Access Statement (DAS) **[CDB.5]** submitted with the planning application. In light of the Council's decision to remove parcels 75 and 76 from the Order means that access (by pedestrians) from Northolt Road will be (as it currently is) via the existing walkway, as shown on page 19 of the DAS (see the image in the top left). Importantly, the fact that the land in parcels 75 and 76 will not be available to the scheme will have no substantial impact on the deliverability or the quality of the scheme..
- 11.7 Eastern Power Networks plc submitted their objection by a notice dated 19 October 2020 **[CDC.5.3]**. This objection was withdrawn by notice on 9 June 2021.
- 11.8 Cadent Gas Limited submitted their holding objection by a notice dated 2 November 2020 **[CDC.5.4]**. The company objects to the relocation/extinguishment of their rights and apparatus within the Order Land because such relocation would be detrimental to the carrying on of its undertaking and no alternative land, rights and apparatus have been provided by the Council. The company has confirmed to the Council that its holding objection will be withdrawn upon the Council and the company entering into an

asset protection agreement securing protections for the company's rights and apparatus.

The Council's response to the objection by Cadent Gas Limited

- 11.9 Negotiations to conclude a deed in the form of asset protection agreement between the Council and the company are at an advanced stage and it is expected that the company's objection will be withdrawn prior to the Inquiry date.
- 11.10 In addition, the Planning Casework Unit confirmed receipt of one (1) "non-qualifying objections".
- 11.11 Emmeline Gordon-Reid, 39 Shaftesbury Avenue submitted emails to the Secretary of State on 1 and 2 November 2020 [**CDC.5.5.1-CDC.5.5.2**] objecting to the Order on the basis:
- (i) that the Order, if confirmed, will remove a right of access to the rear of her property which her property has enjoyed for many years.
  - (ii) this right of access is necessary so that maintenance work, e.g. to solar panels installed on her property, can be carried out and the loss of the right of access would mean that such maintenance work could only be carried out via Shaftesbury Avenue (to the front of her property) and obstructing part of that busy highway including blocking a bus stop.
  - (iii) this would create danger and, as a result, may lead to maintenance work not being carried out.

The Council's response to the objection by Emmeline Gordon-Reid, 39 Shaftesbury Avenue

- 11.12 Ms Gordon-Reid's claimed right of access was not initially included in Table 2 of the Order Schedule because it was not apparent that any such right existed. The claimed right of access was not apparent despite an on-site investigation carried out by the Council's land referencing agents.. The Council has confirmed to Ms Gordon-Reid that it will amend the entries in respect of the parcel of land numbered 17 in Table 2 of the Order Schedule to include a reference to a right of access appurtenant to 39 Shaftesbury Avenue. This amendment is made without prejudice to the Council's request that Ms Gordon-Reid proves that the right of access is established. The Council notes that the property is set back from Shaftesbury Avenue and that there is

a hardstanding for off-street parking and, therefore, the Council does not accept that maintenance work cannot be carried out safely at the front of the property.

## **12 SUMMARY AND CONCLUSIONS**

- 12.1 The overall objective and vision for the regeneration of the Estate is to create a lifetime neighbourhood that reconnects with the wider Borough, re-orienting streets and spaces in order to restore a sense of place to the Estate. The Regeneration Scheme achieves this and more.
- 12.2 Phase 1 of the regeneration is already underway. The implementation of Phases 2 and 3 of the Regeneration Scheme will result in the continued transformation of the Estate and the wider area by the removal of poor quality, not fit for purpose Resiform flats and its replacement with high quality private and affordable dwellings which will create a balanced, mixed and inclusive community.
- 12.3 The Regeneration Scheme will deliver a comprehensive residential development with an improved mix of affordable housing including family housing. It will also bring improvements to the quality of private amenity space, open space and the public realm.
- 12.4 The compulsory acquisition of interests in the Order Land is required in order to achieve the delivery of Phases 2 and 3 of the Regeneration Scheme in the event that the Council is unable to acquire such interests by private treaty within a reasonable timescale to deliver those phases.
- 12.5 The Council is satisfied that there is a compelling case in the public interest for the Order to be confirmed so as to secure the delivery of Phases 2 and 3 of the Regeneration Scheme and that there are no overriding impediments to delivering the Regeneration Scheme.
- 12.6 The Council, therefore, respectfully requests the Inspector to confirm the Order.

## **13 STATEMENT OF TRUTH**

The evidence which I have prepared and provide for this Inquiry ref. APP/PCU/CPOP/M5450/3260423 is to the best of my knowledge true and I confirm that the opinions expressed herein are my true and professional opinions.

MS MARY HANNINGTON  
14 June 2021

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