

**THE LONDON BOROUGH OF ENFIELD
(ALMA ESTATE REGENERATION)
COMPULSORY PURCHASE ORDER 2014**

STATEMENT OF REASONS

DRAFT

**London Borough of Enfield
Development & Estate Renewal
Civic Centre
Silver Street
London
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1. Introduction

- 1.1 The London Borough of Enfield (“The Council”) intends to make the London Borough of Enfield (Alma Estate Regeneration) Compulsory Purchase Order 2014 (“the Order”). The Order will be prepared following the decision of the Council’s Cabinet on 10th December 2014.
- 1.2 The Council intends to make the Order under section 226 (1)(a) of the Town & Country Planning Act 1990 (“the 1990 Act”) as amended, the Council being satisfied that that the proposed acquisition will facilitate carrying out the development, redevelopment or improvement on or in relation to the Order Land. The Council is satisfied that the Order will satisfy the test in section 226 (1A) by contributing to the objectives of promotion and improvement of economic, social and environmental well-being of the area.
- 1.3 The Council intends to make the Order with the intention of acquiring the outstanding interests required to enable implementation of the proposed scheme, thereby to achieve the Council's adopted policy objectives and also to acquire a ‘clean’ title to the land of which the Council is already the freehold owner.
- 1.4 The parcels of land to be acquired compulsorily will be identified in the Schedule to the Order, which will list the owners, lessees, occupiers and tenants of the Order Properties. In addition it will also list other parties with a qualifying interest in the Order Properties where known. Where beneficiaries of these interests are identified they will be served with notice of the making the Proposed Order. It is intended that, unless properties and/or land can be acquired by private negotiations, the Council shall acquire them under the Order if confirmed. Discussions will however continue with the owners of relevant interests who are willing to sell by agreement, with a view to limiting the number of interests which need to be acquired compulsorily. The approach adopted by the Council accords with the advice contained in paragraphs 24 and 25 of part 1 of the memorandum to Circular 06/04.
- 1.5 The Statement of Reasons is a non-statutory document and it is provided in line with the advice in Appendix R to Circular 06/04. It sets out the reasons why the powers of compulsory purchase contained in the Order are necessary and sets out why there is a compelling case in the public interest for making the Order (in line with paragraph 17 of Circular 06/04) which justifies the overriding of private rights in the land sought to be acquired. It is considered that the tests in Circular 06/04 are met and there is a clear and compelling case for confirmation of the Order as set out in section 8 and generally in the Statement of Reasons.

- 1.6 The Order will be submitted to the Secretary of State for Communities and Local Government (the “Secretary of State”) for confirmation pursuant to the Acquisition of Land Act 1981. Objections can be made to the Secretary of State in accordance with the details set out in the Notice of Making the Order. Provided that the Order is confirmed by the Secretary of State, the Council will execute General Vesting Declarations, the result will be to vest the Order Land in the Council.
- 1.7 This Statement is not intended to constitute the Council’s Statement of Case for the purposes of the Compulsory Purchase (Inquiries Procedure) Rules 2007.

2. Background

- 2.1 The land proposed to be compulsorily acquired and used under the Order (“the Order Land”) covers an area of land located in the ward of Ponders End, in the north east of the borough. The Order Land, described in more detail in Section 3, is shown within the extent of the land to be acquired, edged red on the Order Map at Appendix 1.
- 2.2 The proposals for the Alma Estate Regeneration, authorised by the Council’s Cabinet in July 2012 (Key Decision reference: 3510) initially included the demolition of 717 existing residential dwellings comprising of tenanted and leasehold units, and 12 commercial units, on land held within the Council’s Housing Revenue Account. Following more detailed design proposals for the comprehensive redevelopment of the site the proposed Order Land now includes [] existing residential units and 12 commercial units that the Council’s Cabinet authorised in December 2014 to be included as part of the Alma Regeneration Programme.
- 2.3 The Council’s purpose on acquiring the Order Land is to facilitate the comprehensive redevelopment to achieve the delivery of a new mixed tenure neighbourhood (“**the Scheme**”). The Council is of the view that the comprehensive physical regeneration of the Order Land is the most sustainable long term solution for the area in economic, social and environmental terms.
- 2.4 The Council thinks that the acquisition of the Order Land will facilitate the Scheme as well as bringing significant improvement and community benefit on the Order Land. Furthermore, the Council believes that the proposed redevelopment is likely to contribute to achieving the improvement of the

economic, social and environmental well-being of the area for which it has administrative responsibility.

- 2.5 In order to secure the implementation of the Scheme, the Council has agreed to work in partnership with Countryside Properties, with whom the Council has entered into a development agreement. In summary, the scheme will provide for the redevelopment of the area and deliver in excess of 900 new homes, new replacement retail space, a new GP centre, a community centre, an affordable gym and significantly improved open space, public realm and new streets that better integrate the new development into the surrounding area. Further detail about the scheme is included under Section 4.
- 2.6 Ponders End is the third most deprived ward in the borough and continues to be one of the Council's priority areas for regeneration. The Lower Super Output Area (Enfield 014D) in which much of the Alma Estate lies, including all of the high rise towers, is ranked 2,326 out of 34,753, under the Indices of Multiple Deprivation from the ONS Census 2011, making it amongst the most deprived 6.7% of LSOAs in England and Wales.
- 2.7 The Alma Regeneration programme is one of Enfield Council's flagship physical interventions that can act as a catalyst for further regeneration and inward investment in the area. Furthermore, the new development will see the replacement of an existing housing estate which suffers from structural problems, is costly to maintain and would be expensive to bring back to a good standard.
- 2.8 Further commentary on the enabling power is set out in Section 7 of this Statement of Reasons.

3. Description of the Order Land

- 3.1 The Order Land lies within the ward of Ponders End in the north east of the London Borough of Enfield, and totals 7.76 hectares. It is bound by South Street/Woodall Road to the south, Scotland Green Road to the west, Scotland Green Road North to the north, and the West Anglia Main Line railway to the east. Ponders End Railway Station lies immediately adjacent to the south-eastern corner of the Order Land.
- 3.2 The Order Land comprises predominantly residential land use with some leisure and commercial uses, as well as public open space. Although the London Borough of Enfield owns a majority of the site, there are a number of long leasehold and freehold interests which need to be acquired to enable realisation of the Scheme (as described in Section 4).

3.3 Interests within the Order Land are listed below:

Residential Interests

3.4 The residential interests within the Order Land (and known as “The Alma Estate”) include 717 properties in total which are either Council owned or leasehold, having been sold under the Right to Buy. There are a number of issues which impact significantly on the quality of life for the residents of the Alma Estate. Properties in the high rise blocks suffer from leaks from numerous sources as well as inadequate heating while the low rise blocks included within the Order Land are in a poor state of repair.

3.5 The Alma Estate consists of four high rise tower blocks, and a number of low rise maisonette and flatted blocks. The four high rise tower blocks, which are located off Napier Road and running east to west are; Kestrel House, Cormorant House, Merlin House and Curlew House, and each of these are twenty three storeys and are all constructed of precast reinforced concrete (RC) large panel system (LPS). The low rise maisonette and flatted blocks are located to the east of Alma Road, above commercial premises on South Street, on Fairfield Close and to the south-east of Scotland Green Road and are all traditional masonry and brick built structures.

3.6 In more detail, the interests are:

- 15-107a Alma Road (odds)
- 63 Alma Road (n.o. 1 to 9)
- 11 to 226 Kestrel House
- 11 to 226 Cormorant House
- 11 to 226 Merlin House
- 11 to 226 Curlew House
- 118 to 142 South Street
- Land at 129-141 South Street
- 171a South Street (including 1-16 Silver Birch Court)
- 173 South Street
- 11 to 89 Napier Road (odds)
- 1 to 34 Fairfield Close
- 5 to 9 Scotland Green Road (odds)
- 21 to 43 Scotland Green Road (odds)
- 45 Scotland Green Road

3.7 The land at 171a South Street, includes Silver Birch Court, which is a 1990s built flatted residential block comprising of 16 dwellings, and accessed from Woodall Road. The land at 173 South Street, which was formerly the site of the Railway Hotel, has been unused since 2007. The site has a prominent location next to Ponders End station and sits opposite Kestrel House. The site

has been hoarded since being demolished but remains an eyesore for the local community.

Commercial and Non-Residential Interests

- 3.8 The Order Land includes a row of twelve commercial premises along South Street.
- 98a South Street; currently occupied by Lloyds Pharmacy on a secure lease.
 - 98 South Street; currently occupied by the Valley Wash Tub and on a lease now expired.
 - 100 South Street; currently occupied by the Alma Residents Association on a licence.
 - 102 South Street; currently occupied by the Oasis Academy on a contracted out lease.
 - 104 South Street; currently occupied by Bengal Stores on a secure lease.
 - 106 South Street; currently occupied by Bangladeshi Welfare Association on a licence.
 - 108a South Street; currently occupied by Premier Café on a secure lease.
 - 108 South Street; currently occupied by Enfield Jobs.net on a licence.
 - 110 South Street; currently occupied by Greggs on a secure lease.
 - 112 South Street; currently occupied by Gingers News on a secure lease, and includes 126 South Street which is a flat above 112 South Street.
 - 114 South Street; currently occupied by Britannia Fish Bar which is on a secure lease.
 - 116 South Street; currently occupied by Enfield Mini Market which is on a secure lease.
- 3.9 The land at 129-141 South Street “Community Facility Land”, inclusive of the Welcome Point Centre, Ponders End Youth Centre and MUGA is owned by the Council but is included within the Compulsory Purchase Order to ensure that any unknown interests are acquired.
- 3.10 Collectively, the privately owned land at 171a and 173 South Street has been subject to a planning application (P12-02112PLA) dated 3rd August 2012 from the landowner, Longwood Properties London Limited, which at the time of writing has yet to be determined. The planning application proposes the external refurbishment of Silver Birch Court and redevelopment of the remainder of the site to provide;
- a total of 50 self-contained residential units
 - 2 retail units with basement car parking (56 spaces)
 - erection of a part 6, part 7-storey block (Block A) of 20 flats (5 x 1-bed, 12 x 2-bed, 3 x 3-bed) and 5 x 3-bed maisonettes fronting South Street with 2 retail units to ground floor level

- erection of a part 3, part 5-storey block (Block B) of 20 flats (6 x 1-bed, 10 x 2-bed, 4 x 3-bed) and 5 x 3-bed maisonettes with amenity space at roof level fronting Woodall Road

Public Open Space

- 3.11 The Order land contains pockets of amenity space. There are two dedicated children's play spaces located between Curlew House, South Street and Merlin House, and also immediately north of Kestrel House.

Road Network and Transport Infrastructure

- 3.12 There are a number of district roads that serve the existing properties within the Order Land. All of these roads are part of Enfield Council's adopted highway.
- 3.13 Public Right of Way Route 318 runs north-south from Napier Road to South Street.
- 3.14 Roads and footpaths will need to be stopped up as part of the construction.

Statutory Undertakers / Utility Service Providers

- 3.15 There are a number of utilities running through the site, including water, telecommunications and electricity. There are also a number of telecommunications installations on some of the tower blocks within the Order Land.
- 3.16 The Order Land includes a total of four electricity sub-stations. Full details of the Order Land appears in the Schedule to the Order (and is summarised in Appendix xx and the Order Maps Appendix xx). All utility operators with known equipment in the Order Land will be given notice of the making of the Order.
- 3.17 The Order Scheme takes account of the apparatus of Statutory Undertakers and where affected by the Order Scheme, discussions will be held with the relevant Statutory Undertakers and alternative arrangements will be made.

4. The Scheme

- 4.1 The Scheme to which the Order relates is being promoted by the Council, which selected Countryside Properties as its developer partner in September 2013 after carrying out an OJEU compliant competitive dialogue procurement process. The intensive competitive dialogue process helped the Council to negotiate the most competitive proposal and Countryside Properties are best able to satisfy the Council's requirements across a number of areas; financial, qualitative and legal. The qualitative evaluation tested the design quality, and compliance with policy.
- 4.2 Countryside Properties and the Council have since signed the development agreement and have been working in partnership to progress the design proposals for the scheme. The Scheme involves the demolition and redevelopment of the Order Land to facilitate the comprehensive regeneration of this part of Ponders End. The Council considers that all of the Order Land is required to deliver the Scheme and that the Scheme is not capable of being brought forward otherwise. This Order is necessary because there is no certainty that all interests can be acquired by negotiation.
- 4.3 Countryside Properties have proposed a scheme as part of their outline planning application for the redevelopment of the Alma Estate which will include in excess of 1000 new residential units. Complete phased redevelopment will provide a new mixed tenure, residential led scheme, with new community facilities including a GP centre, affordable Gym, and replacement retail floor space.
- 4.4 The Scheme will include:
- The demolition of all 717 residential properties within the Order Land
 - The construction of over 900 new homes, for private sale, shared ownership and council social rent.
 - The demolition of existing retail space and creation of new replacement retail space.
 - The creation of new uses for leisure, and healthcare provision.
- 4.5 In more detail the entirety of the development will comprise:

Use	Maximum Floorspace (GIA)
Residential (Use Class C3)	In excess of 15,000 m ² or circa 900 units
Retail (Use Class A1-A5)	Up to 866 m ²
Non-residential institution (Use Class D1)	Up to 532 m ²

Non-residential (Use Class D2)	Up to 376 m2
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- 4.6 The Development Agreement requires 41% of the new homes on the new Alma Development to be affordable homes, and for a minimum of 200 Enfield Council owned social rented homes with secure tenancies. A further 126 homes for shared ownership will be provided. Further affordable homes will be provided to ensure the minimum of 41% of homes are affordable.

Retail Uses

- 4.7 The new retail units will have frontages on South Street and a new square as part of significant public realm improvements that will link Ponders End Station to South Street and the new development.

Non-residential Uses

- 4.8 It is intended that part of the non-residential space will be used as a GP Surgery to serve the Ponders End community. This will be located on the corner of Scotland Green Road and South Street on the ground floor.
- 4.9 It is intended that part of the non-residential space will be used for an affordable gym, provided on the first floor with an entrance and reception on the ground floor thus creating a frontage on the newly designed Station Square.

Phasing Plan (New Build)

- 4.10 The Phasing Plan for the new development groups the parcels of land and blocks into the following phases:
- Phase 1a: Kestrel House, and Alma Road (15-45a odds)
 - Phase 1b: South Street (171a-173), including 1-16 Silver Birch Court, and South Street (129-141)
 - Phase 2a: Cormorant House, and Merlin House
 - Phase 2b: Curlew House, South Street (98-140, including maisonettes and shops), Scotland Green Road (5-9 and 45)
 - Phase 3a: Napier Road (7-89)
 - Phase 3b: Alma Road (47-107 odds) Alma Road (63, numbers 1-9)
 - Fairfield Close (1-34)

Timescales for delivery of the scheme:

- 4.11 The projected timescales for delivery of the scheme are broken down by each phase as follows, assuming that the Council is able to make the CPO:

Milestone	Date
Submission of outline planning application for the development of all phases, and submission of a detailed planning application for Phase 1	Spring 2015
Approval of the outline planning application and Phase 1 detailed planning application (including GLA approval)	Autumn 2015
Commence construction of Phase 1a and 1b	Early 2016
Completion of Phase 1 homes	Late 2017
Entire scheme completed	2023

5. Planning Considerations

- 5.1 Relevant national planning policy, Development Plan policies and other policy documents which are material considerations are set out below.

National Planning Policy Framework

- 5.2 The overarching planning principle set out in the NPPF is "a presumption in favour of sustainable development" and reflects the provisions in the London Plan. The Council believes that the proposed Alma Regeneration scheme fulfils the requirements of the NPPF and in particular, its core planning principles, by, inter alia, promoting mixed use developments; proactively driving and supporting sustainable economic development to deliver the homes, business, infrastructure and thriving local places. The Council is seeking "to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings".

The Statutory Development Plan, and related policy and guidance documents

- 5.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.4 The development plan for this area comprises the London Plan (2010) and formal alterations (2013), and the adopted Core Strategy (2010).

- 5.5 Other material considerations of a policy nature include relevant SPDs adopted by the local planning authority, the London Plan Supplementary Planning Guidance (SPGs), the National Planning Policy Framework (NPPF) 2012, The National Planning Policy Guidance, emerging Local Plan documents such as the Development Management Document (2014), and other evidence base documents as relevant.

The London Plan

- 5.6 The following policies have relevance to the development for which this CPO is necessary:-

Policy 2.6 - Outer London: vision and strategy
Policy 2.7 - Outer London: economy
Policy 2.8 - Outer London: transport
Policy 2.14 - Areas for regeneration
Policy 3.1 - Ensuring equal life chances for all
Policy 3.2 - Improving health and addressing health inequalities
Policy 3.3 - Increasing housing supply
Policy 3.4 - Optimising housing potential
Policy 3.5 - Quality and design of housing developments
Policy 3.6 - Children and young people's play and informal recreation facilities
Policy 3.7 - Large residential developments
Policy 3.8 - Housing choice
Policy 3.9 - Mixed and balanced communities
Policy 3.11 - Affordable housing targets
Policy 3.14 - Existing housing
Policy 3.16 - Protection and enhancement of social infrastructure
Policy 4.1 - Developing London's economy
Policy 4.12 - Improving opportunities for all
Policy 5.1 - Climate change mitigation
Policy 5.2 - Minimising carbon dioxide emissions
Policy 5.3 - Sustainable design and construction
Policy 5.5 - Decentralised energy networks
Policy 5.6 - Decentralised energy in development proposals
Policy 5.7 - Renewable energy
Policy 5.9 - Overheating and cooling
Policy 5.10 - Urban greening
Policy 5.11 - Green roofs and development site environs
Policy 5.12 - Flood risk management
Policy 5.13 - Sustainable drainage
Policy 5.15 - Water use and supplies
Policy 5.18 - Construction, excavation and demolition waste
Policy 5.21 - Contaminated land
Policy 6.9 - Cycling
Policy 6.10 - Walking
Policy 6.12 - Road network capacity
Policy 6.13 - Parking
Policy 7.1 - Building London's neighbourhoods and communities

Policy 7.2 - An inclusive environment
Policy 7.3 - Designing out crime
Policy 7.4 - Local character
Policy 7.5 - Public realm
Policy 7.6 - Architecture
Policy 7.7 - Location and design of tall and large buildings
Policy 7.14 - Improving air quality
Policy 7.15 - Reducing noise and enhancing soundscapes
Policy 7.18 - Protecting local open space and addressing local deficiency
Policy 7.19 - Biodiversity and access to nature
Policy 7.21 - Trees and woodlands

Enfield Core Strategy

- 5.7 The London Borough of Enfield's Core Strategy was adopted at Cabinet in November 2010. The Core Strategy sets out the spatial planning framework for the long term development of the borough for the next 15-20 years. Paragraph 9.35 states that Ponders End is seen as an area with considerable potential, "...given its location so close to the Lea Valley Regional Park, strong transport routes including Southbury and Ponders End railway stations and Picket Lock to the south". The Core Strategy explains that the development of the key opportunity sites in Ponders End and particularly the former gasholder site within the South Street area is a Council priority.
- 5.8 **Core Policy 4** sets out the policy for New Housing and Housing Renewal in Enfield and refers to the Estates Investment Management Strategy which was undertaken to inform the future management and priorities for investment across the Council's own housing stock. As part of this strategy, the Alma Estate scored highest in an objective exercise to identify the Council's next housing estate renewal scheme.
- 5.9 **Core Policy 5** sets out the policy for Housing Types. The housing mix for the scheme is not compliant with the Council's Core Strategy however there is justification for deviating from this as set out below.
- 5.10 The bedroom mix for Enfield Council's homes for the Alma development scheme has been based on the housing need of the existing secure council tenants that remain on the estate, and in addition, the mix has been fine tuned to achieve a Council objective of the scheme which was to maintain the same number of 56 family sized homes (three and four bedroom dwellings). In addition, the Council has ensured that the Dujardin Mews Development provides a high proportion of family housing of larger 3-bed plus units, as the Alma scheme is more suited to higher density flatted accommodation. The mix has also been informed by the needs of the Alma Estate decant needs. The estate currently accommodates a significant number of 3-bed leasehold properties (113 in total) and many of the existing tenanted 1 and 2 bedroom properties within the estate are overcrowded, and therefore the provision of a significant number of 3 and 4-bed units within the Dujardin Mews Development will offer these families the opportunity to move into

accommodation which better meets their needs. Housing need has been redefined by the new Local Lettings Plan and it will;

- make adult children from the age of eighteen in households, eligible for their own bedroom
- reduce the eligible age for different gender children to have separate bedrooms, from the age of ten as per the current Enfield Council Allocations Scheme, to the age of seven
- allow children of the same gender, under the age of eighteen but with a seven year age gap, to have an extra bedroom.

5.11 The housing need for the estate without consideration of the new Local Lettings Plan was for just 11% three and four bedroom units. With the Local Lettings Plan creating additional demand for family sized units, and the adjustment to ensure no loss of the 56 family units, the housing need for three and four beds has been revised upwards to 28%, which is still significantly below the Core Strategy policy target of 60% family sized units. The most recent Strategic Housing Market Assessment from 2008 identified that for social housing, the shortfall is greatest for two-bedroom dwellings in the borough. The proposed mix for the council homes on the Alma development has a higher proportion of two bedroom dwellings than other bedroom sizes.

5.12 **Core Policy 9** supports area based policy interventions relating to the place shaping agenda which seek to tackle social disadvantage;

5.13 **Core Policy 40** outlines that in the North East Enfield Area, there is scope to develop 1000 new homes (net). The focus for change and development, and hence the majority of these new homes, will be in Ponders End. In the middle (of Ponders End), along South Street, there are opportunities at the gasholder site on South Street, around Ponders End railway station, and at Alma Estate. This collection of sites is referred to as "Ponders End South Street Campus".

5.14 **Core Policy 41** explains that the objectives of new development in Ponders End will be to create up to 1,000 net new homes up to 2026, with a range of sizes and tenures, including affordable homes. The Alma Regeneration scheme is fundamental in contributing to a net increase in the number of homes in the area.

North East Enfield Area Action Plan

5.15 The North East Enfield Area Action Plan (NEEAAP) is currently being drafted and the Alma Estate regeneration is a key site identified within the document. Policy 11.1 of the draft NEEAAP sets out that the Alma Estate regeneration should;

- provide a minimum of 717 new homes, of which a minimum of 40% are affordable;
- provide a mix of dwelling types, including homes for families;

- provide a new health centre on the South Street frontage;
- locate any commercial mixed-uses (which may be retail (A1, A3) and leisure (D2) on the South Street frontage close to the station; and
- achieve Building for Life 'Gold' standard;

Saved Policies of the Enfield UDP 1994

5.16 The following policies have relevance to the development for which this CPO is necessary:-

- (II)CS1 - To facilitate the work of community services.
- (II)CS2 - To ensure that community service developments comply with environmental policy.
- (II)GD3 - Character and design
- (II)GD6 - Traffic generation
- (II)GD8 - Site access and servicing
- (II)E4 - Special needs of small firms
- (II)E9 - Non-commercial and industrial uses
- (II)H8 - Privacy and overlooking
- (II)H9 - Amenity space
- (II)H12 - Residential amenity
- (II)T13 - Creation or improvement of accesses

Other London Borough of Enfield Policies

- Community Strategy

5.17 The Council's purpose in making the Order is to achieve the key community priorities as set out in the Council's Community Strategy:

5.17.1 The Council's vision for the borough is for a healthy, prosperous and cohesive society that is safe, clean and green.

5.17.2 The Council is committed to improving the quality of life through:
Employment and Enterprise; Environment; Housing; Leisure and Culture:

(a) The development will be promoted to produce the highest quality architectural and urban environment.

(b) Improving health, housing and social care - This will be achieved by the new development supplying higher quality social housing stock in line with the Decent Homes Standard, as defined by the Department for Communities and Local Government. The redevelopment will also produce a diversity of tenure which will improve the type and choice of housing in New Southgate.

(c) Safer and stronger Communities:

(i) To implement a place-shaping approach to underpin the creation of a more prosperous borough

- (ii) To enhance the health and vitality of town centres to meet the needs of the communities they serve
- (iii) To increase the number of new businesses setting up and coming to the area and sustaining their development
- (iv) To deliver the housing element of place shaping and achieve sustainable housing growth
- (v) To improve housing conditions and prevent homelessness
- (vi) To ensure that residents have the opportunity to live in a decent home they can afford
- (vii) To protect and improve the quality of built and open environment
- (viii) To promote sustainable development and support residents and businesses to preserve natural resources, become energy efficient, conserve water, reduce pollution and address the causes of global warming
- (ix) To increase biodiversity in order to provide a local distinctive natural identity
- (x) To make Enfield a place which residents can identify with and feel proud of, and where people from different backgrounds feel valued and can develop positive relationships with their local community
- (xi) To promote social inclusion so that all sections of the community are able to access opportunities, services and improve their quality of life overview

6. Consultation and Negotiations

Consultation on the Scheme

- 6.1 Enfield Council has, and continues to positively engage residents on the Alma Estate in relation to the regeneration scheme. Since the preparation of the Framework for Change the Council was approached by residents expressing a desire to see more comprehensive improvements to their quality of life.
- 6.2 Formal consultation with Alma residents began in September 2011. An initial Test of Opinion was held to gauge to what extent residents of the Alma estate supported demolishing and rebuilding the estate. Of the 717 households, 64% of households responded and 84% of respondents expressed a preference for demolition. Door knocking, in partnership with Enfield Homes and the Alma Resident Association (“ARA”), was carried out to increase the participation rates.
- 6.3 The Test of Opinion established that there was support across the estate for a comprehensive regeneration scheme. Following this feedback the Council organised more consultation sessions to further explore estate regeneration proposals with residents. The initial Test of Opinion was never proposed as offering residents a final say on the future of the estate the purpose was more to test to what extent support for a more radical intervention existed.

- 6.4 Workshops were held during October 2011 to discuss with residents in particular the existing problems on the estate and how improvements can be made. During November architect firm PRP were jointly selected by the Council and the ARA. PRP prepared a number of design options for the estate and these options were consulted upon during workshops held in December 2011.
- 6.5 A final Test of Opinion was held in May 2012 to determine whether residents' preference was for a refurbishment or redevelopment scheme. A secondary question sought to determine, if a redevelopment scheme were to proceed, where residents would prefer to be rehoused. The second and final Test of Opinion was held once an information booklet was prepared for both tenants and leaseholders and included information on rehousing options, compensation and project timescales. Holding a second Test of Opinion once residents were informed of their choices accords with consultation best practice.
- 6.6 The final result is comparable to the initial Test of Opinion. The overall response rate achieved was 67% of households and of those that responded 78% expressed a preference for redevelopment, 20% for refurbishment, and 2% did not express a preference. All areas of the estate voted in favour of redevelopment, and there was strong support among both Council tenants and leaseholders.
- 6.7 Council tenants were also asked where they would like to be rehoused; of those that responded 38% wanted to be rehoused elsewhere in the Borough, 37% on the new estate, 13% elsewhere in Ponders End, and 12% did not express a preference. Extrapolation of this data indicates that approximately 220 council tenanted households are likely to want to be rehoused on the new development. This data assists the Council to plan the future provision of council housing but tenants' preferences will inevitably change during the duration of the programme so the Council will adopt an adaptable approach.
- 6.8 The Independent Tenant and Leaseholder Advisor firm, Strategic Urban Futures (StUF) has confirmed that the Test of Opinion process was carried out in accordance with good practice and they have endorsed the final result.
- 6.9 Since Countryside Properties were selected as the developer partner for the scheme, they had been working at risk until the Development Agreement was signed, to prepare the outline planning application (masterplan) and detailed Phase 1 planning application. Countryside Properties instructed Pollard Thomas Edwards Architects, and frequent Design Team Meetings have been held between the Council, Countryside Properties, Pollard Thomas Edwards and other consultants as and when required to progress design proposals.

6.10 Resident consultation has been fundamental to the progression of the design proposals for the outline planning application and in particular the detailed application for Phase 1. Design Panel Workshops, which have focused around particular themes such as 'your new homes', 'landscape, streets, security & parking' and 'how it might look', have been well attended by residents from across the estate and they have had a genuine and positive impact on the detailed design of homes. The internal layouts of individual unit types have been revised directly as a result of resident concerns, including distribution of space, options for open plan or separate kitchens, windows being provided in kitchens/bathrooms in particular unit types, and the gross internal areas. The Council, the developer and the architects have worked collaboratively to find solutions to satisfy residents' concerns and secure their support for the detailed design of new homes.

Negotiations for the Acquisition of Necessary Interests

6.11 The Council recognises the Circular 06/04 advice that acquiring authorities should seek to acquire land by negotiation wherever possible. The efforts which the Council has made to acquire the relevant interests on the Alma Estate by negotiation are described below. Given the timescales involved in obtaining a CPO, Circular 06/04 recommends that acquiring authorities seek to run a CPO in parallel with negotiations. The Council will continue to negotiate with leaseholders for the purchase of the Order Land, alongside and throughout the CPO process, up to the possession should the Order be confirmed.

Negotiations with Residential Interests

6.12 The approach to leaseholders is governed by the corporate objective of "Fairness for all". Ensuring resident leaseholders are not financially disadvantaged as a consequence of the regeneration will ensure fairness for all leaseholders. Ensuring that the deals offered to leaseholders are proportionate will ensure fairness to all who finance the Housing Revenue Account.

6.13 Both resident leaseholders and absentee/investor (non-resident) leaseholders have been contacted individually to initiate negotiations. The Council has sought to offer each residential leaseholder, resident and investor, the full market value of their property, plus either a 10% 'Basic Loss' payment for resident leaseholders and 7.5% 'Basic Loss' payment for investor leaseholders. The Council advises every leaseholder that it will cover all reasonable disbursements associated with moving and this includes associated legal fees, a valuation survey from an independent RICS

Registered Valuer, a homebuyers report/survey for a new property if necessary, as well any re-mortgaging fee and all removal costs.

- 6.14 Cabinet approved the 'Estate Renewal Leaseholder Framework' in January 2014 (Key Decision No. 3773) which outlines four principles:
- a) When purchasing a property that is comparable, leaseholders should not be financially disadvantaged.
 - b) Resident leaseholders should be provided with an opportunity to remain living in the regeneration area.
 - c) Resident leaseholders should be provided with a fair choice.
 - d) Resident leaseholders should be encouraged to exercise financial responsibility and have access to independent financial advice.
- 6.15 The Council has promised all secure Council tenants living on the Alma Estate, a new Council home with a secure tenancy on the new Alma development. Based on the test of opinion, and projections from the decant of Phase 1, the Council has assumed that the minimum 200 Council homes secured within the Development Agreement with Countryside Properties will be enough to meet the demand of secure council tenants that wish to stay on the new Alma development. The Council has an ability to acquire a greater number of properties from Countryside Properties should a greater number of secure tenants wish to stay on the new Alma development.
- 6.16 Secure Council tenants living on the Alma Estate have six re-housing options which are as follows;
- I. Option 1 - Move to a brand new council home (secure tenancy) on the Alma Estate.
 - II. Option 2 – A permanent move to a Council or housing association home off the Alma Estate, but still within the London Borough of Enfield;
 - III. Option 3 – A permanent move to sheltered housing within the London Borough of Enfield, if eligible.
 - IV. Option 4 – A permanent move to a private rented home in the location of your choice
 - V. Option 5 – Buy a new property on the redeveloped Alma estate, elsewhere within the borough, or outside Enfield through low cost home ownership schemes e.g. Shared Ownership, Shared Equity.
 - VI. Option 6 - Buy a home with the help of funding through the Grant to Vacate scheme. The new home can be outside the London Borough of Enfield.

7. The Enabling Power

- 7.1 The Order is made under Section 226(1)(a) of the Act, which confers power on the local authority to acquire land for planning purposes.
- 7.2 The Council believes that the acquisition of the Order Land is necessary to facilitate the regeneration of the Alma Estate and bring significant community benefit and improvement. Furthermore, the Council considers it necessary to utilise the powers under s226(1) (a) of the Act as set out in the Statement of Reasons.
- 7.3 The Council is of the view that the proposed regeneration of the Alma Estate is likely to contribute to achieving the improvement of the economic, social and environmental well-being of the area for which it has administrative responsibility.

8. The Justification for Compulsory Purchase

- 8.1 The London Borough of Enfield (Alma Estate Regeneration) Compulsory Purchase Order 2014 is being made so that the Council has a contingency in place to use its powers to implement the Alma Estate Regeneration scheme should its efforts to negotiate with leaseholders fail.
- 8.2 In this document, the Council has set out all of the information relevant to the Order Land, the Scheme and why there is a compelling case in the public interest for the comprehensive regeneration of this area and the making of the Compulsory Purchase Order.
- 8.3 The Council considers that the land and interests owned, occupied or otherwise utilised is vital to achieving the Proposed Scheme in achieving a critical mass for new mixed tenure homes. Moreover the land is needed to remove adverse effects from the area which suffers from a stigma associated with poor appearance, poor urban design and poor highway planning. The construction of the estate in the 1960s broke up the original traditional street pattern and urban grain, and as a result there is a significant amount of ill defined, loose urban space within the Order land which is misused, often for anti-social activities.
- 8.4 The existing Alma Estate suffers from a sense of being 'cut-off' from its surroundings, with a lack of permeability and passive surveillance which

creates a hostile environment, discouraging street activity and pedestrian journeys during certain hours. During consultation with residents, issues around security were identified in particular areas, with anecdotal accounts of anti-social behaviour and perceptions of crime and anti-social behaviour. Some of this feedback on security issues with the existing estate has been collated and summarised below.

- The shops are popular with residents, however lighting is poor and parking unrestricted so used by commuters and parents dropping off their children. There is also a problem with alcoholics and drug addicts. The overhang encourages people to loiter.
- The playground is popular with younger children although in a poor state of repair. There are problems with drug addicts and alcoholics who gather on the benches and use the playground at night.
- The junction of Alma Road and South Street is dangerous when crossing. This is an important route to the bus stop and train station. There is a blind spot and cars go too fast.
- Outside Ponders End Train Station the space is unused, it has poor lights and there is no overlooking so it feels unsafe to some residents. Commuters use the car parking spaces only and nobody uses the benches.
- Articulated lorries take a shortcut down Curzon Road/Napier Road to access the industrial estates around the Lea Valley. Lorries swing over the pavement at the junction, which is especially dangerous.
- Lighting is poor in the courtyards on the maisonette blocks on Alma Road and bags of rubbish are left in communal areas
- There are many problems with the existing car parks including crime, spaces being used by delivery vans and fly tipping (as bins outdoor). New car park areas should be overlooked.

8.5 One of the key objectives of the new Scheme is to create new homes that benefit from the safety and security of traditional street planning, connecting positively to their surroundings and the local community. The new Scheme will adopt Secured By Design Principles to eliminate the above issues, amongst a number of other problems, as far as possible. The new Alma Development will significantly enhance the public realm, integrating with the surrounding urban grain. The new public realm will significantly improve permeability, overlooking,

visibility, view channels and exit strategies with the aim of reducing perceived and actual anti-social behaviour and crime.

8.6 The Council considers that it is necessary to utilise its powers under s226(1)(a) of the Act and make the Order for the following reasons:

- a proportion of the Order Land is in third party ownership and/or control and compulsory acquisition is needed to achieve vacant possession of the Order Land as a fall-back position where agreement cannot be reached;
- to acquire a 'clean' title to the land of which the Council is already the freehold owner;
- to enable the Order Land to be redeveloped in a comprehensive manner,
- to give certainty to timescales for redevelopment of the Order Land, and
- to deliver the wider public benefits that the redevelopment of the Order Land will secure.

Policy Guidance

Compelling Case in Public Interest and Human Rights

8.7 The Council, as a public body, is under a duty to consider whether the exercise of its powers interacts with rights protected by the European Convention on Human Rights (the Convention). Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way, which is incompatible with those rights. Various Convention rights may be engaged in the process of making and considering the CPO, in particular those under Article 8 of the Convention and Article 1 of the First Protocol to the Convention. It is considered that there are compelling reasons for overriding these provisions.

8.8 Article 8(1) protects an individual's right to private and family life, home and correspondence. Interference with these interests can only be justified if it is done in accordance with the law and if it is necessary in the interests of national security, public safety or the economic well-being of the country. It is considered that any interference caused by the Order will be proportionate and is justified when having regard to the public benefit from the CPO.

8.9 Article 1 of the First Protocol provides that every natural or legal person is entitled to the peaceful enjoyment of his possessions, and that no one shall be deprived of those possessions except in the public interest and subject to the conditions provided for by law. Those with interests in the Order Land will be deprived of their property, if the Order is confirmed but this will be done in accordance with the law and in the public interest.

8.10 The European Court of Human Rights has recognised in the context of Article 8 that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole". Any interference with Article 8 rights must be "necessary in a democratic society". In each case the interference with Convention rights must be proportionate. In pursuing a CPO, the Council has to consider carefully the balance to be struck between individual rights and the wider public interest. This has been undertaken.

8.11 The Council has been conscious of the need to strike a balance between the rights of the individual (including the owners of properties falling within the Order Land) and the interests of the public. In light of the significant public benefit that would arise from the redevelopment of the Order Land, the Council has concluded that it would be appropriate to make the Order, and that the Order will not result in any unlawful interference with Convention rights. At all times, the Council has been aware that the Order Land includes homes, balancing this with the need to secure the regeneration of this area and the provision of new houses.

8.12 The opportunity has been given to landowners to make representations regarding the Council's policies that underpin the Order. Objections can also be made to the Order, which will then have to be considered by the Secretary of State before he decides whether or not to confirm the Order. It is therefore considered that the statutory procedures which give the right to object and provide for judicial review are sufficient to satisfy. Furthermore, those directly affected by the Order will also be entitled to appropriate compensation proportionate to any losses that they may incur under relevant statutory provisions.

9. Conclusion

9.1 Having considered the relevant National Policy Guidance and Development Plan Policies the Council is satisfied that there is a compelling public interest for compulsory powers to be sought in order to secure the redevelopment of the Order Land, subject to the grant of planning permission, for the economic, social and environmental improvement of the area. The Council is therefore pursuing the compulsory purchase order and requests that the Secretary of State confirms the Order.

10. Documents, Maps or Plans

A list of documents that may be presented at any subsequent public inquiry will be provided in due course and arrangements will be made for them to be available for public inspection.

The Council reserves the right to modify, or enlarge the statement in the event of an inquiry being held and in discharge of its obligations under the Inquiry Procedure Rules.

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