

THE LONDON BOROUGH OF ENFIELD

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COMPULSORY PURCHASE ORDER 2015

STATEMENT OF REASONS

DRAFT

**London Borough of Enfield
Housing Development & Renewal
Regeneration & Environment
Civic Centre
Silver Street
London
EN1 3XA**

1. Introduction

- 1.1 The London Borough of Enfield (“The Council”) intends to acquire by compulsory purchase the land and property at [*description of site*] (“the Order Land”) as shown on the map attached to the draft Order. The Order shall be known as the London Borough of Enfield ([]) Compulsory Purchase Order 2015 (“the Order”).
- 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 (1) (A) 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. The parcels of land to be acquired compulsorily are identified in the Order. 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.
- 1.4 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 9 and generally in the Statement of Reasons.
- 1.5 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 either serve Notices to Treat followed by notices of Entry or execute General Vesting Declarations, the result will be to vest the Order Land in the Council.

- 1.6 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 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 Maps at Appendix [].
- 2.2 In September 2014, the Council's Cabinet authorised budget to progress design feasibility for a large number of sites in the borough to identify a viable package of 'small housing sites' that could be delivered in the future.
- 2.3 The Council's purpose on seeking to acquire the Order Land is to facilitate its redevelopment to achieve the delivery of a new residential dwellings and landscaping improvements ("**the Scheme**"). The Council is of the view that the comprehensive redevelopment of the Order Land is the most sustainable long term solution for the area in economic, social and environmental terms.
- 2.4 Enfield is faced with a significant housing challenge, related to a buoyant housing market in London. The problems of decreasing affordability are increasing, and alongside this are the growing problems presented by the rapid rise in market renting and increasing exclusion of the younger generation from owner occupation.
- 2.5 The authority is taking a proactive approach to better utilise its land assets and contribute to the wider objective of increasing housing supply for different tenure.
- 2.6 Further commentary on the enabling power is set out in Section 7 of this Statement of Reasons and the well-being test is addressed in **section xx**.

3. Description of the Order Land

- 3.1 The Order Land lies within the ward of [] in the [] of the London Borough of Enfield, and totals approximately [] hectares.
- 3.2 The Order Land comprises predominantly [] land use. Although the London Borough of Enfield owns a majority of the site, there are a number of leasehold

interests which are required to enable realization of the Scheme (as described in Section 3).

3.3 Interests within the Order Land are listed below:

Residential Interests

3.4 The residential interests within the Order Land include [] leases, in respect of property having been sold under the Right to Buy scheme (Housing Act 1985)..

Commercial and Non-Residential Interests

3.5 The Order Land includes [].

Public Open Space

3.6 The Order land contains [].

Road Network and Transport Infrastructure

3.7 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.

3.8 .

Utilities

3.9 []

4. The Scheme

4.1 The Scheme to which the Order relates is being promoted by the Council, as part of its 'Small Housing Sites Rolling Programme'.

4.2 Subject to planning consent, it is anticipated that the Scheme will include [] homes in total.

4.3 The accommodation schedule below sets out the type and tenure of the new dwellings that are proposed:

	Private Sale	Private Rent	Shared Ownership	Social Rent
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1 bed apartment				
2 bed apartment				
3 bed apartment				
4 bed apartment				
1 bed house				
2 bed house				
3 bed house				
4 bed house				

- 4.4 The Scheme includes a number of proposed landscaping and public realm improvements.

Timescales for delivery of the scheme:

- 4.5 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 full planning application for the development	[]
Approval of the full planning application and signed Section 106 Agreement	[]
Possible making of Compulsory Purchase Order	[]
Possible Public Inquiry	[]
Completion of acquisition	[]
Commencement of construction on site	[]
Completion of new dwellings and public realm/landscaping improvements	[]

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

Other London Borough of Enfield Policies

- Community Strategy

- 5.9 The Council's purpose in making the Order is to achieve the key community priorities as set out in the Council's Community Strategy:
- 5.9.1 The Council's vision for the borough is for a healthy, prosperous and cohesive society that is safe, clean and green.

5.9.2 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

Negotiations for the Acquisition of Necessary Interests

6.1 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 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

- 6.2 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 redevelopment 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.
- 6.3 Both resident leaseholders and absentee/investor (non-resident) leaseholders have been contacted individually to initiate negotiations. The Council has sought to offer each leaseholder []. The Council advises every leaseholder that it will cover all reasonable disbursements associated with disposal of their interest, such as legal fees.

Negotiations with Non-Residential/Commercial Interests

To follow

Negotiations with Statutory and Non-statutory Utilities

To follow

7. The Enabling Power

- 7.1 The Order is made under Section 226(1)(a) of the Town and Country Planning Act 1990 (as amended) (“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 development of the [] site for much needed new housing which can bring significant improvement to the Order land as well as the adjoining and neighbouring land (which the Council already owns) forming part of the redevelopment site..

7.3 The Council is of the view that the proposed development 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 ([]) Compulsory Purchase Order 2015 is being made so that the Council has a contingency in place to use its powers to implement the 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 redevelopment of this area and the making of the Compulsory Purchase Order.

8.3 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.

Statutory Tests

To follow

Policy Guidance

To follow

Compelling Case in Public Interest and Human Rights

8.4 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.

8.5 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.

- 8.6 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.
- 8.7 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.
- 8.8 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.
- 8.9 The opportunity will be 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.

10. Other relevant considerations affecting the Order Land

To follow*

11. Conclusion

To follow*

12. 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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