

**THE LONDON BOROUGH OF EALING**  
**(ACTON GARDENS, BROUNCKER ROAD, BARWICK HOUSE AND CARISBROOKE COURT)**  
**COMPULSORY PURCHASE ORDER 2020**

# **STATEMENT OF REASONS**

London Borough of Ealing, Perceval House, 14-16 Uxbridge Road, Ealing, London W5

# THE LONDON BOROUGH OF EALING

(ACTON GARDENS, BROUNCKER ROAD, BARWICK HOUSE AND CARISBROOKE COURT)

## COMPULSORY PURCHASE ORDER 2020

### STATEMENT OF REASONS FOR MAKING THE ORDER

#### 1. INTRODUCTION

##### 1.1 Summary

- 1.1.1 This document is the Statement of Reasons produced by London Borough of Ealing Council ("**Acquiring Authority**" or the "**Council**") explaining the reasons and justification for making the London Borough of Ealing (Acton Gardens, Brouncker Road, Barwick House and Carisbrooke Court) Compulsory Purchase Order 2020 ("**Order**").
- 1.1.2 On 16<sup>th</sup> July 2019 the Council by decision of its Cabinet resolved to delegate and granting of authority to the Council's Executive Director of Place to make a compulsory purchase order to acquire the land as necessary for the purpose of redevelopment.
- 1.1.3 By an Officer Decision dated 24 December 2020 the Order was made by the Acquiring Authority on [input date] under the provisions of section 226(1)(a) of the Town and Country Planning Act 1990 and the Acquisition of Land Act 1981. The Order will be submitted to the Secretary of State for Housing, Communities and Local Government to request its confirmation. The Order is required to support the regeneration of Acton Gardens. The proposed scheme ("**Scheme**") is described in more detail in section 3 and the Order Land is required to deliver Phase 8.2 of the Scheme. Some of the land required for the development has already been secured by the Acquiring Authority, but it is seeking to acquire the land and any existing rights over land required for the Scheme which it has not been able to secure by way of private treaty. The area over which land is required to be acquired compulsorily for the Scheme is referred to in this Statement as the Order Land.
- 1.1.4 The Acquiring Authority has the power to acquire land compulsorily in its area under section 226(1)(a) of the Town and Country Planning Act 1990 ("**1990 Act**").
- 1.1.5 This Statement of Reasons has been produced in accordance with the advice in Section 12 of the guidance issued in October 2015 (and last updated in July 2019) by the Department for Communities and Local Government (as was) entitled "Guidance on Compulsory Purchase process and The Crichel Down Rules" ("**CPO Guidance**"). It sets out the reasons why the powers of compulsory purchase contained in the Order are necessary and why there is a compelling case in the public interest for the Order to be confirmed by the Secretary of State. This Statement of Reasons is a non-statutory document.
- 1.1.6 This Statement is not intended to constitute the Acquiring Authority's Statement of Case for the purposes of the Compulsory Purchase (Inquiries Procedure) Rules 2007 in the event of a public local inquiry being held into the Order.

#### 2. STRUCTURE OF THIS STATEMENT

- 2.1 Section 12 of the CPO Guidance provides advice on what the contents of a Statement of Reasons should address. The following sections of this Statement reflect the CPO Guidance and include:
  - 2.1.1 A description of the Order Land and its location, topographical features and present use (**section 4**);
  - 2.1.2 An explanation of the enabling power under the 1990 Act (**section 3**);
  - 2.1.3 An outline of the Acquiring Authority's purpose in seeking to acquire the land (**section 6, 7 and 8**);

- 2.1.4 A statement of the Acquiring Authority's justification for compulsory purchase with regard to Article 1 of the First Protocol to the European Convention on Human Rights and Article 8 if appropriate (**section 15**);
- 2.1.5 A statement justifying the extent of the scheme to be disregarded for the purposes of assessing compensation in the "no-scheme" world (**section 8**).
- 2.1.6 A description of the proposals for the use or development of the land (**section 9**)
- 2.1.7 A statement about the planning position of the Order Land (**section 12**);
- 2.1.8 Any special considerations affecting the Order Land (**section 15**);
- 2.1.9 A statement on the absence of impediments to the implementation of the Order and delivery of the Scheme (**section 11.5**);
- 2.1.10 Details of any views which may have been expressed by a Government department about the proposed development of the Order Land (**section 19**);
- 2.1.11 What steps the Acquiring Authority has taken to negotiate the acquisition of the land by agreement. (**section 4.3**);
- 2.1.12 Details of related orders, applications etc (**section 11.5**); and
- 2.1.13 Details of documents which the Acquiring Authority would intend to refer to or put in evidence in the event of an inquiry (**Appendix 1**).

### **3. BACKGROUND TO THE SCHEME AND THE NEED FOR REDEVELOPMENT**

#### **3.1 Description of the Estate and Commencement of Redevelopment**

- 3.1.1 Subject to the land transfer arrangements arising from the redevelopment proposals for the Estate outlined below the Council is the freehold owner of the Estate which is situated in Acton, W3 in the London Borough of Ealing. Until February 2015, the Estate was entirely run and managed by the Council in its capacity as local housing authority for the area. Since this date, a limited range of management functions in respect of part of the Estate have transferred to a Tenant Management Organisation (the "**TMO**") known as South Acton Community Builders Co-operative under a Right to Manage Agreement with the Council, although this does not include the Order Land.
- 3.1.2 The Estate was built from the early 1950s to the 1970s and consisted initially of 2,100 homes, a community centre and a number of commercial units spread across three parades.
- 3.1.3 There are many differing property construction types on the existing Estate and these include: A small number of traditionally-built houses, walk-up flats and maisonettes; concrete slab high-rise tower blocks (both pre-cast and in-situ poured); deck access blocks with external walkways at each level; and a concrete-framed brick-skinned development with high-level walkways and undercroft garaging. Three of the blocks on the wider Estate are sheltered housing for those aged over 55.
- 3.1.4 The Council, in consultation with key stakeholders, examined options for the regeneration of the Estate from the late 1990s onwards. This gained added momentum following the decanting and demolition of a very large 21 storey tower block in 2000 in the centre of the estate known as Barrie House, owing to a structural fault. Recognising the very large scale of the project and the importance of urban design issues the Council commissioned work on an Urban Design Framework ("**UDF**") for the Estate as a whole in 2001, led by architects John Thompson Partners. Extensive consultation with residents identified a range of issues that required addressing. These included:
  - (a) Lack of permeability throughout the site, partially caused by rail infrastructure to the East and the South and exacerbated by the scale and layout of subsequent building post-1950.

- (b) Poor layout and orientation of post-1950 development, especially with respect to relationship to tertiary streets, and a seemingly “ad-hoc” approach.
  - (c) Poor quality public realm and open spaces.
  - (d) Archetype-specific issues related to the intrinsic design and construction of blocks. These include poor thermal and acoustic performance, lack of defensible and private amenity space, dark and hidden areas that encourage antisocial behaviour, insecure undercroft garaging and poor-quality communal areas.
- 3.1.5 The resultant UDF (approved by the Council’s Cabinet in 2003) envisaged demolition of approximately 60% of existing stock and the retention and refurbishment of the remainder. It was envisaged that social housing grant would fund new homes, with receipts from the sale of land from demolished blocks funding land assembly costs and the refurbishment of retained homes. The former Barrie House site and an associated garage block were subsequently redeveloped with housing association partner Ealing Family Housing Association (now Catalyst Communities Housing Association “CCHA”) to provide 79 new houses and flats for shared ownership and social rent. Work on this phase was completed in 2006.
- 3.1.6 In order to further the implementation of the regeneration of the Estate the Council then commenced the development of an area of the Estate then known as Phase 2 following completion of a development agreement in March 2006 with CCHA. The Phase 2 development was sub-divided into sub-phases 2.1, 2.2, 2.3 and 2.4. Outline planning permission for the redevelopment of Phase 2 was granted in March 2006.
- 3.1.7 Sub-Phase 2.1: This was the first sub-phase to be implemented and the approximate sub-phase 2.1 development area is shown shaded yellow on the Appendix 2 Plan. Lawrence Court, Maugham Court and Reade Court were demolished in order to carry out this development sub-phase. The leasehold interests in these blocks plus those in Bollo Court (which occupied the northern part of the of the Sub-phase 2.3 land) were the subject of the London Borough of Ealing (South Acton Estate Acton W3) Compulsory Purchase Order 2004 (“**2004 CPO**”). The First Secretary of State confirmed the 2004 Order in September 2005 and the Council acquired all leaseholders’ legal interests in those blocks.
- 3.1.8 The Council subsequently promoted the London Borough of Ealing (South Acton Estate Acton W3) Compulsory Purchase Order No.1 2006 (the “**2006 CPO**”) in respect of four pram sheds on the Sub-phase 2.1 land. The Secretary of State under section 14A of the Acquisition of Land Act 1981 gave notice to the Council that power to confirm the 2006 CPO may be exercised by the Council. The Council on 8th June 2006 duly confirmed the 2006 CPO. All interests in the sheds were acquired by the Council and the sheds demolished.
- 3.1.9 A reserved matter planning application pursuant to the Outline Permission for 129 homes for affordable rent and shared ownership was submitted, and subsequently approved during May 2007. Construction of the new homes on the sub-phase 2.1 land was completed at the end of March 2010.
- 3.1.10 Sub-phase 2.2 required the acquisition of all interests in Shaw Court and Verne Court other than those already owned by the Council and all interests in Kipling Tower car park other than those already owned by the Council. These interests were the subject of the London Borough of Ealing (South Acton Estate) Compulsory Purchase Order 2007 (“**2007 CPO**”). The Secretary of State under section 14A of the Acquisition of Land Act 1981 gave notice to the Council that power to confirm the 2007 CPO may be exercised by the Council. The Council in September 2007 duly confirmed the 2007 CPO.
- 3.1.11 A reserved matter planning application submitted by CCHA was subsequently approved by the Council’s Planning Committee in April 2009 and proposed 125 homes for affordable rent and shared ownership. This included the development of new homes adjacent to the site of Kipling Tower. In order to allow occupation of the new homes, the demolition of Kipling Tower was required, and this was the subject of the London Borough of Ealing (South Acton Estate) Compulsory Purchase Order 2009

(2009 CPO). The Secretary of State confirmed this order with modifications in November 2009 and the Council subsequently acquired the legal interests of all the leaseholders in the block. The demolition of Kipling Tower was completed in July 2010. The development of Phase 2.2 was completed in late 2012 and is shown shaded blue on the Appendix 2 Plan.

- 3.1.12 Phase 9.4 required the acquisition of all interests in Bollo Lane and Osborne Road other than those already owned by the Council. These interests were the subject of the London Borough of Ealing (Acton Gardens, Bollo Lane and Osborne Road) Compulsory Purchase Order 2020. The Secretary of State confirmed the Order with modification on 26 October 2020.

### **3.2 Estates Review**

- 3.2.1 The Council's Cabinet approved the recommendations of an Estates Review in February 2008. This reported the findings of a comprehensive review of all major estates in the borough and, in relation to the South Acton Estate, recommended that all future phases of the regeneration programme become the subject of a comprehensive and inclusive developer selection process. The primary reasons for selecting a development partner for all future phases included:

- (a) A desire to quicken the pace of redevelopment.
- (b) In order to ensure a coherent and holistic approach towards regeneration of South Acton.
- (c) The ability to cross-fund loss-making phases of development through overage from phases showing a surplus, thus reducing reliance on availability of Council capital funding.

- 3.2.2 The Council had, by this stage, concluded that the UDF as initially envisaged was almost certainly unviable without substantial central Government grant.

### **3.3 Developer Selection**

- 3.3.1 A series of block meetings were held following the conclusions of the Estates Review to advise residents of the Council's decision and to invite people to join a Developer Selection Group ("DSG"). A personal letter to every household also requested volunteers.
- 3.3.2 The DSG comprised up to 14 individuals (with both tenants and leaseholders represented) and assisted the Council to develop bidding documentation setting out resident requirements, assessed bids at the various stages of the "OJEU" selection process, visited completed schemes constructed by the various bidding consortia and made a final recommendation to the Council's Cabinet. Resident requirements for bidding documentation draw heavily on the previous, widely-consulted, UDF.
- 3.3.3 The Council's Cabinet confirmed the selection of London & Quadrant Housing Trust (L&Q) and Countryside Properties (UK) Limited, who have subsequently formed a Limited Liability Partnership known as Acton Gardens LLP, as preferred partner on 26th January 2010. A Principal Development Agreement was signed on 25th March 2011.

### **3.4 South Acton Masterplan**

- 3.4.1 Building on the bid submission, Acton Gardens commenced an extensive 10-month consultation programme agreed with the Council and South Acton Community Board from March 2011. This included a variety of consultation methods designed to capture as broad a range of resident and stakeholder opinion as possible, and included:
- Questionnaires (one to one interviews)
  - Exhibitions and events

- Newsletters
- Website
- Local office and staff presence
- Walkabouts
- Establishment of an elected residents' Community Board, design & management sub-group
- Small focus group meetings

3.4.2 Drawing upon the feedback from residents' substantive amendments were made to the proposals. The masterplan proposals envisage the redevelopment of all the original 1,860 homes at South Acton and their replacement with approximately 2,350 high quality homes constructed in four neighbourhoods. Each neighbourhood has as its centrepiece a new or substantially improved park or open space.

3.4.3 Principal benefits of the development outlined in the subsequent Masterplan approved in August 2013 included:

- (a) Redevelopment of all remaining 1960s and 1970s blocks resulting in the transformation of the Estate by providing high quality affordable and private homes on a tenure blind basis in five distinct, sustainable and vibrant neighbourhoods, each with access to new or upgraded parks, with an overall 20% increase in open space across the development;
- (b) The provision of appropriate infrastructure and social amenities including new roads, pedestrian and cycle paths, utility connections, car parking, refuse storage, recycling collection facilities, commercial and community facilities;
- (c) The replacement of any demolished tenanted homes with homes containing an equivalent number of habitable rooms, with approximately 50% of homes across the scheme being defined as "affordable";
- (d) All new homes, whether for resident leaseholders, existing transferring tenants or intermediate housing will be provided in accordance with the Mayor of London's Housing Design Guide;
- (e) An "Equity Share" offer by the developer to enable resident leaseholders to move to one of the new homes being constructed and remain in the area should they wish;
- (f) The agreed mixture of residential homes in terms of size and type is set out in the Agreed Tenure Mix, with an emphasis on increasing the number of family homes;
- (g) Code for Sustainable Homes Level 4 will be achieved across all tenures, including extensive use of renewable resources and development of energy strategy proposals;
- (h) All homes will meet the Lifetime Homes Standard and 10% will be in accordance with wheelchair accessibility standard as set out in the Council's planning policy;
- (i) The integrated management of the Estate as part of an overall Estate Management Strategy which supports community regeneration focussing on creating employment and training opportunities and resident involvement in the community; and
- (j) A phased approach to the development that allows the community to remain intact through "pairing" new build phases with demolitions.

- 3.4.4 The Masterplan was endorsed by the Community Board before being submitted to the Council's Planning Committee in February 2012 (P/2012/0708) and was granted final consent in August 2013.

### **3.5 Delivery of the Acton Gardens Masterplan**

- 3.5.1 The original Phasing Plan for the Masterplan envisaged eleven phases of redevelopment over a 15-year period. A key element of the Phasing Plan was the "pairing" of decanting phases with phases of newly built properties thus allowing as many current residents as possible to simply move straight into new homes within the Scheme should they choose to stay living at South Acton.
- 3.5.2 In total, 1,758 new homes have either been delivered, are on-site or have received detailed planning permission, with approximately half of these affordable – either social rent, shared equity for transferring leaseholders, or shared ownership.
- 3.5.3 Since 2012 planning policy in relation to building density in particular has moved on considerably, and each of the more recent phases have been amended to deliver a higher number of homes than anticipated. Rather than continue to deviate from the 2013 Masterplan it was felt, after discussion with Planning Officers, that a re-worked masterplan for remaining phases was required
- 3.5.4 Extensive consultation with residents and other stakeholders undertaken between 13 February 2019 to 24<sup>th</sup> April 2019 set the parameters for the new Masterplan. This is outlined in Section 15.
- 3.5.5 Not wishing to deviate extensively from the original Masterplan (which stakeholders indicated has been successful) the new Masterplan carefully uses the topography of the site to increase density and storey heights in key areas whilst marginally increasing and better defining the amount of open space.
- 3.5.6 Key features of the new Masterplan issued on 24 December 2018 (ref:182579OUT) include:
- An uplift of over 856 new homes within the masterplan area.
  - The whole masterplan will provide a 31 percent increase in the number of affordable homes that existed before the generation.
  - Forty-nine percent of all new homes will be 'affordable' – 40 percent at social rent levels; nine percent shared equity for transferring leaseholders, or shared ownership.
  - Significantly increased community contributions via s106 planning gain.
  - Overall, Acton Gardens will be providing one in every four new homes in the borough of Ealing until 2022.

## **4. THE ORDER LAND**

### **4.1 Location**

- 4.1.1 The Order Land forms Phase 8.2 of the Acton Gardens Masterplan heard at Planning Committee on 17<sup>th</sup> June 2020, where unanimous planning consent was granted (situated in the London Borough of Ealing). Ealing is located in West London and borders the boroughs of Hillingdon to the west, Harrow and Brent to the north, Hammersmith and Fulham to the east and Hounslow to the south.
- 4.1.2 The Order Land comprises number 5 Barwick House, numbers 38, 44, 48 Carisbrooke Court and 93 Brouncker Road as more delineated and outlined in red on the Order Map and forms part of Phase 8.2 of the redevelopment of the South Acton Estate as described above. The Order seeks to acquire all estates and interests in the Order Land, other than those already owned by the Council.

- 4.1.3 The Remaining Masterplan Area is shown outlined with a red dashed line on the plan at Appendix 2. The Order Land is located to the eastern edge of the Remaining Masterplan Area to be delivered and is bounded to the west by the Central Plaza open space and Appleby Court development to the north by Avenue Park; and to the south by the Sunninghill Court development

## **4.2 Description of interests in the Order Land**

- 4.2.1 The Order Land is represented on the compulsory purchase order map as follows:
- 4.2.2 All interests, other than those of the Acquiring Authority, in 176 square metres, or thereabouts of gated access known as 6.1 Gate 3, north east of site formerly known as Charles Hocking House, Bollo Bridge Road, London, South West of residential premises known as 1 to 99 (inclusive) Barwick House, Stafford Road, London, W3 8TH.
- 4.2.3 All interests in 855 square metres of residential premises known as 5 Barwick House, Stafford Road, London, W3 8TQ.
- 4.2.4 All interests in 744 square metres of residential premises known as 38 Carisbrooke Court, Brouncker Road, London, W3 8BA
- 4.2.5 All interests in 744 square metres of residential premises known as 44 Carisbrooke Court, Brouncker Road, London, W3 8BA
- 4.2.6 All interests in 744 square metres of residential premises known as 48 Carisbrooke Court, Brouncker Road, London, W3 8BA
- 4.2.7 All interests in 603 square metres of residential premises known as 93 Brouncker Road, London, W3 8AF

## **5. DETAILS OF ATTEMPTS TO ACQUIRE INTERESTS BY AGREEMENT**

### **5.1 Acquisition of land and rights**

- 5.1.1 All but 6 registered leasehold interests have now been acquired by the Council.
- 5.1.2 All but 9 Council tenanted properties have now been acquired by the Council.

### **5.2 Update on negotiations**

- 5.2.1 The Council has been seeking to acquire interests by agreement for this element of the Scheme – along with all other phases. In relation to this phase, the first contact was made with all leaseholders on February 2017. Since making first contact the Council has communicated and negotiated by way of contacting owners and occupiers by email, telephone, letter and door knocking.
- 5.2.2 As a result of the pandemic the Council has taken into consideration Coronavirus (COVID 19): Compulsory Purchase Guidance published on 13 May 2020 and last updated as at 27 May 2020 (COVID Guidance) and has adapted its negotiation strategy. Council has given due consideration to communication and responses during lockdown period, isolation period and shielding criteria.
- 5.2.3 Following all government advice the Council has maintained social distancing and has continued to negotiate during the pandemic by way of contacting owners and occupiers by email, telephone and by letter.
- 5.2.4 None of the owner or occupier of the Order Land have indicated or expressed concerns of self-isolation or hospitalisation as a result of Covid-19.
- 5.2.5 Efforts are continuing to acquire the properties voluntarily.



### **5.3 Compensation and rehousing**

- 5.3.1 The Council will pay to the parties affected by this compulsory purchase order the full open market value for their property and, where so entitled, home loss payments, basic loss payments and occupiers loss payments, disturbance compensation, (such as valuation and surveyor's fees, legal costs, removal expenses, reconnection costs) and other costs arising in connection with relocation, (such as the cost of refitting domestic appliances).
- 5.3.2 The Council would expect and anticipate that all leaseholders will find for themselves new properties on the open market but is also aware of its residual liability under section 39 of the Land Compensation Act 1973 to provide accommodation for a person where suitable alternative residential accommodation on reasonable terms is not otherwise available to them.
- 5.3.3 The Principal Development Agreement between the Council and Acton Gardens LLP commits the developer to offering resident leaseholders in South Acton the opportunity to take up equity share arrangements in one of the new properties being built on the Estate should they so choose. This option does not require the payment of any rent or interest on the non-owned capital element.
- 5.3.4 Leaseholders are expected to transfer the full value of their current home (less compensatory payments) into the new property, with any 'value gap' being met by the housing association.
- 5.3.5 The housing association would then have a 'charge' on the property equivalent to the value gap, but the leaseholder would not be required to make any rent or interest payments on this. The leaseholder will be able to pay the 'value gap' sum back to Acton Gardens gradually or as a whole, but there is no requirement to do so while the property remains in their ownership. In total, eight resident leaseholders from the Phase 5 blocks took up this option across both equity share offers.

### **5.4 Proposed Redevelopment**

The Council proposes to purchase all estates and interests in the Order Land (except those already owned by the Council) preferably by agreement, but if necessary compulsorily under this Order. Once purchased the buildings will be demolished to allow the site to be cleared and redeveloped with newly built housing for social and affordable rent, shared ownership and private sale. Properties sold will help cross-subsidise the building of affordable homes. A total of 334 new homes will be built, subject to planning resolution, as illustrated in paragraph 9 below. In order to ensure that the regeneration of the area and development can take place it is necessary for the Acquiring Authority to compulsorily acquire the interests in the land needed.

## **6. ENABLING POWER UNDER THE TOWN AND COUNTRY PLANNING ACT 1990**

- 6.1 The Order has been made pursuant to the provisions of Section 226(1)(a) of the Town and Country Planning Act 1990 to facilitate the implementation of the redevelopment of the Estate upon the Order Land. Use of this power was approved by the Acquiring Authority's Cabinet on 16 July 2019 to deliver the remaining phases of the South Acton Regeneration Programme.
- 6.2 Section 226(1)(a) empowers an acquiring authority, on being authorised by the Secretary of State, to acquire compulsorily any land in their area:
  - 6.2.1 If the acquiring authority thinks that the acquisition will facilitate the carrying out of development, redevelopment or improvement on or in relation to that land; and
  - 6.2.2 The development, redevelopment or improvement is likely to contribute to the promotion or improvement of the social, economic or environmental well-being of their area.
- 6.3 The regeneration of the Estate is one of the most important of the Council's current community strategies. It will deliver the following:

- 6.3.1 **Good, genuinely affordable homes:** – The genuinely affordable homes provided at Acton Gardens will be offered at London Living Rent with priority for existing Secure Tenants being displaced by the redevelopment. There will also be a mixture of private sale and shared equity homes for existing resident leaseholders to enable them to stay on the estate.
- 6.3.2 **Opportunities and living incomes:** – A comprehensive jobs and skills training programme for local residents is included with each regeneration project to ensure local people have an opportunity to gain from the development through work opportunities.
- 6.3.3 **A healthy and great place:** – The comprehensive regeneration of former South Acton Estate will improve public health through better design of housing and the alleviation of overcrowding. Provision is made for residents with disabilities and the provision of wheelchair accessible housing. The newly designed estate will consist of high-quality homes designed to improve safety and the Council is committed to working with the Police to ensure developments are "secure by design".
- 6.4 The development will assist in tackling social exclusion, promote regeneration initiatives, improve local environmental quality and create sustainable communities through a better balance of available housing, thereby contributing to the promotion of the social, economic and environmental well-being of the Acquiring Authority's area.
- 6.5 The Council therefore considers that Section 226(1)(a) of the Town and Country Planning Act 1990 is the correct and proper enabling power in the promotion of this Order.

## 7. REGENERATION AIMS AND OBJECTIVES

- 7.1 The purpose of the regeneration initiative is to secure the comprehensive and fundamental redevelopment and regeneration of the Estate.
- 7.2 The remaining parts of the Estate which have yet to be redeveloped consist of Council owned and managed blocks of flats (aside from those where the TMO provide a limited range of services) occupied by Council tenants and to a much smaller degree by leaseholders and freeholders. The Estate has some strengths, not least its community spirit and access to good public transport links and proximity to Acton Town Centre, but has suffered from underinvestment in the past and the parts of the Estate that have not been redeveloped are in essence socially excluded areas with poor quality housing juxtaposed against adjoining higher quality housing.
- 7.3 The Estate regeneration project responds to the significant opportunities provided by the Estate's location near to Acton Town Centre, and its access to nearby transport links. Embracing the strong sense of community, the project seeks to transform the area both physically and economically into a vibrant, sustainable mixed tenure neighbourhood.
- 7.4 The objective is a high-quality urban environment with residential neighbourhoods that mix housing types, tenures and different income groups. This has been achieved on other elements of the Scheme delivered by Acton Gardens LLP. The new development will provide a higher density of housing accommodation than currently prevails and in this context will achieve:
  - 7.4.1 no loss of affordable rented housing in relation to habitable rooms when the project is complete, and a better mix of unit sizes;
  - 7.4.2 the provision of intermediate market affordable housing for rent and for shared ownership sale;
  - 7.4.3 replacement housing for current resident leaseholders and freeholders who cannot afford to buy new homes outright; and
  - 7.4.4 a balance of housing for outright sale.
- 7.5 In addition to the above qualitative and quantitative housing gain the redevelopment scheme will integrate and/or provide and/or enhance:
  - 7.5.1 community facilities;

- 7.5.2 employment opportunities;
  - 7.5.3 education and youth facilities;
  - 7.5.4 commercial premises for the locality;
  - 7.5.5 housing provision for older people;
  - 7.5.6 the transport infrastructure;
  - 7.5.7 significantly improved landscaping and public areas including additional public open space and allotments;
  - 7.5.8 integration with the surrounding area; and
  - 7.5.9 affordable and green energy supplies for residents in the new homes.
- 7.6 The benefits set out in paragraphs 6.4 and 6.5 above taken together, will greatly add to the economic, social and environmental well-being of the whole Estate.
- 7.7 The Council is working in partnership with Acton Gardens LLP to ensure that a comprehensive approach to regeneration activities on the Estate is undertaken. These centre on investment in training and employment opportunities for local people and ensuring that construction activities provide longer-term jobs and skills for those currently excluded from the labour market.
- 7.8 Tenants who want to move into new homes on the Estate will be offered homes that are appropriate for their household needs and this will assist to ease the significant overcrowding issues on the Estate.
- 7.9 The regeneration scheme will continue to build on the many positive aspects on the Estate, will improve access to transport and green spaces and will support the arrangements for community involvement which have been developed to help address problems such as social exclusion.
- 7.10 The Order Land forms part of the wider Estate and as such its redevelopment will provide contributions to other facilities through planning obligations including improvements for education, open space, and jobs and training. This will help create a better community. Financial contributions from each phase of the regeneration scheme will be allocated to community initiatives to support the physical regeneration activities.
- 7.11 The Council and Acton Gardens LLP are pursuing a Green Energy policy that will include building to the Code for Sustainable Homes Level Four and a commitment to least a 34% reduction in carbon emissions from the new development.
- 7.12 The fabric of the Estate's environment will also be improved through the creation or enhancement of five large new public open spaces, door-step play locations and clear and safe parking areas. The effective street lighting and good quality street furniture that will be installed will also contribute to the environmental improvements.

## **8. JUSTIFICATION FOR COMPULSORY PURCHASE**

- 8.1 The envisaged regeneration, and the long-term physical economic social and environmental benefits that flow from it, are reliant upon the timely provision of vacant possession of existing blocks, and the Order Land delivers a sub-phase of this major programme with the demolition and rebuilding of the Acton Gardens Phase 8.2 area. If terms for the purchase of the remaining land interests cannot be reached by agreement, the Council may, as a matter of last resort, have recourse to compulsory purchase authorised by the Order.
- 8.2 Without ensuring that the buildings identified for demolition and the land required for replacement housing are completely vacant when needed, the rolling development programme will stall, and the regeneration of the Estate will fail. Whilst it is hoped all acquisitions can be by agreement, reserve compulsory purchase powers are therefore essential to ensure the regeneration process is sustained.

- 8.3 The Ministry for Housing, Communities and Local Government recognises in the Guidance that there are situations where it is appropriate to make a compulsory purchase order at the same time as seeking to purchase land by agreement. The Council is satisfied that it has made reasonable attempts to acquire outstanding interests by private treaty however the Council requires the Order to be made and confirmed in order to ensure that the acquisition of the outstanding interests required to enable the implementation of the regeneration scheme will be possible. Discussion will, however, continue with the owners of the relevant interests to seek to acquire the land by agreement with a view to limiting the number of interests which need to be compulsorily acquired. The Council recognises that a compulsory purchase order can only be made if there is a compelling case in the public interest which justifies the overriding of private rights in the land sought to be acquired. It is considered that the benefits of the proposed scheme as explained in this Statement are compelling and overwhelmingly in the public interest.

## 9. HOUSING NEEDS

- 9.1 The Council faces extensive demands on its affordable housing provision. There are currently 9,500 households on the Council's Housing Register, of which 6,576 households require family-sized accommodation of 2 bedroom or larger. Only 571 social housing lettings were recorded in year 2018/19 from housing association and the Council's own stock of accommodation'
- 9.2 As part of its aims for the regeneration of the Estate, the Council is seeking to ensure that there is no net loss in the supply of affordable rented housing, together with a reprofiling of the unit size mix to ensure more family-sized homes, a shortage of which has been identified across all tenure types in the borough of Ealing.
- 9.3 The regeneration programme effectively enables households to be moved to homes more suitable for their needs through new provision, whilst conserving the very limited number of homes available elsewhere in the borough.
- 9.4 The Council will ensure that such affordable housing aims are achieved, using its powers as planning authority, as vendor of the land and through its role as one of the strategic partners in the regeneration.

## 10. PROPOSED DEVELOPMENT

- 10.1 It is intended that once demolished by the Council, the site will be cleared and will be utilised to build homes for affordable renting, for shared ownership and for sale by a private developer, as envisaged in the reserved matters application for Phase 8.1 and 8.2 which was submitted in December 2019 and was heard by the Council's Planning Committee on 17<sup>th</sup> June 2020.
- 10.2 Phase 8.2 will comprise a residential-led mixed use set of blocks, totalling 175 new homes, The proposed 175 new homes are intended to be provided across 6 blocks comprising a mix of styles, and 6 individual houses.
- 10.3 The buildings will deliver 154 new apartments, 15 maisonettes and 6 houses, combined with new residential amenity space and with associated landscaping, refuse and recycling facilities and car and cycle parking. The phase will range between 2-10 storeys.
- 10.4 A mix of 1, 2, 3 and 4-bedroom apartments and maisonettes are proposed across a mix of tenures. The table below illustrates this mix as homes (u) and habitable rooms (hr).

Unit	Total	TENURE		
		Private	Shared Ownership	Affordable Rent
1 bed/ 1 person	1u	1u	0	0
	1hb	1hr		
1 bed / 2 person	44u	32u	5u	7u

	88hr	64hr	10hr	14hr
<b>2 bed / 3 person</b>	16u 48hr	8u 24hr	2u 6hr	6u 18hr
<b>2 bed / 4 person</b>	82u 248hr	50u 152hr	13u 39hr	19u 57hr
<b>3 bed / 5 person</b>	27u 135hr	6u 30hr	1u 5hr	20u 100hr
<b>3 bed / 6 person</b>	3u 15hr	1u 5hr	0	2u 10hr
<b>4 bed / 6 person</b>	0u 0hr	0	0	0u 0hr
<b>4 bed / 7 person</b>	2u 12hr	0	0	2u 12hr
<b>4 bed / 8 person</b>	0u 0hr	0	0	0u 0hr
<b>TOTAL</b>	175u 547hr	98u 276hr	21u 60 hr	56u 211hr

#### *Proposed Dwelling Mix and Tenure*

All homes have been designed to comply with the Mayor's Housing SPG 2016 and Building Regulations Part M. Of the 175 homes being provided, 11.43% (20 homes) will be provided as wheelchair adaptable in accordance with Part M 4(3).

### **10.5 Affordable Housing**

10.5.1 A total of 545 habitable rooms are proposed as part of the application for Phase 8.2

10.5.2 A total of 271 habitable rooms are proposed to be provided as affordable housing (211 hr as Affordable Rent and 60 hr as Shared Ownership).

10.5.3 This equates to a total 50% provision, which itself is split, as follows:-

- (a) 78% Affordable Rent; and
- (b) 22% shared ownership.

10.5.4 The development will be tenure blind with no distinguishable difference between the appearances of the various tenures of accommodation.

10.6 This is the extent of the scheme to be disregarded for the purposes of assessment of compensation in the "no-scheme" world. The relevant policies which support the scheme are set out in paragraph 12 below.

### **11. TIMESCALE FOR DELIVERY**

11.1 The detailed planning application (Reserved Matters) for Phases 8.2 and 8.1 was submitted in December 2019. Reserved matters approval was granted at the 17<sup>th</sup> June 2020 Planning

Committee (REF: 195428REM). This was pursuant to an outline planning permission granted on December 2018 (ref: 182579OUT)

- 11.2 It is intended that as soon as vacant possession is secured the buildings will be demolished to enable new homes to be constructed on the Phase 8.2 site.
- 11.3 The construction period will run for approximately 32 months, including the demolition of the existing blocks, and it is envisaged that the first of the new properties will become available from December 2022.
- 11.4 As properties become available for sale (private sale and shared ownership/equity share) and for letting, residents from blocks intended for subsequent demolition in future phases will be re-housed, and so the redevelopment programme will continue.

#### **11.5 Special Considerations and Special Category Land**

- 11.6 Where a highway stopping up and/or diversion orders are needed, applications for these orders will be made at the appropriate time. Any apparatus of statutory undertakers or utilities will be protected, diverted or replaced as necessary.
- 11.7 There are considered to be no special considerations affecting the Order Land. There are no listed buildings or consecrated land within the Order Land, and nor is there any common land, open space land, or fuel and/or field garden allotments.
- 11.8 There are no planning, financial or other impediments to the delivery of this Scheme other than securing ownership of the interests in the Order Land either by agreement or compulsorily.

### **12. IMPLEMENTATION**

#### **12.1 Development Team**

- 12.1.1 The Council has decided to affect the implementation of regeneration of the Estate through a partnership arrangement with Acton Gardens LLP. This reflects the strategy recommended by the 2008 Estates Review and enables the Council to retain the strategic direction and outputs of the regeneration programme. Formal documentation in respect of the partnering arrangements and consequent development (known as the Principal Development Agreement) was completed, following lengthy discussions between the parties, on 25th March 2011.
- 12.1.2 Ealing Council worked with its partners, Acton Gardens LLP, along with residents on the Estate via a series of residents' working groups, workshops and public events, and an elected Community Board, and with input from local stakeholders and neighbouring residents to produce a scheme design that has taken into account (as far as possible) the interests of all parties. This is reflected in the masterplan for South Acton that sets the principal parameters for redevelopment of the estate.
- 12.1.3 As each phase reaches development stage, further resident consultation is conducted to inform reserved matters/detailed planning applications. This includes: design sub-group meetings and workshops; public exhibitions, estate-wide newsletters and presentations to the community board. Residents in blocks earmarked for rehousing into the new phase are specifically targeted as part of these consultations. This is in addition to the usual mandatory consultation conducted as part of the planning application process.

### **13. PLANNING PERMISSION AND POLICY**

#### **13.1 Planning Permission**

- 13.1.1 Following extensive stakeholder consultation, an outline hybrid planning application for the remaining area of Acton Gardens Master Plan was submitted for consideration by Ealing's Planning Service. Outline permission was subsequently granted in December 2018 following the receipt of a positive Stage II response to the application from the Mayor of London and a resolution to grant by Ealing's Planning Committee.

- 13.1.2 A reserved matters application for Phase 8.2 and 8.1 was submitted to Ealing's Planning Service in December 2019 (195428REM) in relation to the construction of one apartment building varying in height from 2 – 10 storeys, comprising 334 new residential homes.
- 13.1.3 Planning consent was granted at the 17<sup>th</sup> June Planning Committee for Phase 8.1 and 8.2.
- 13.2 Planning Policy
- 13.2.1 The scheme is considered to be in compliance with the following national and local policies:
- (a) National Planning Policy Framework (**NPPF**)
    - (i) Paragraph 7 and 8: The NPPF seeks to encourage “sustainable development” and defines this as having 3 dimensions;
      - (A) economic – development in the right place,
      - (B) social – supporting strong, vibrant and healthy communities and
      - (C) environmental: minimising waste and pollutions.
    - (b) The development proposed by this Order complies with all three of these elements. It is housing development on an existing housing estate, its objective is to create strong communities, and it will be built to comply with the latest environmentally sustainable standards.
- 13.2.2 Paragraph 118, the NPPF encourages high quality, well designed homes in sustainable, inclusive and mixed communities with a good mix of housing. Further, it encourages the use of compulsory purchase to bring properties back into residential use.
- (a) The development proposed by this order will create a sustainable community of well-designed homes with an appropriate size and tenure mix and is therefore in accordance with these policies.
- 13.2.3 Paragraph 91, the NPPF promotes mixed-use developments, strong neighbourhood centres and active street frontages; safe and accessible environment where crime and disorder do not undermine quality of life or community cohesion; and safe and accessible developments that contain clear and legible pedestrian routes and high-quality public space.
- (a) The development proposed by this order achieves the above objectives by providing a mixed-tenure scheme with a combination of family and non-family housing that would be accommodated in a perimeter block. The block would provide a legible street arrangement that would create a safe and well-overlooked public route for direct cars and pedestrians along the public footpaths around the building.
- 13.2.4 Ealing's adopted Development Strategy 2026, (also known as the Core Strategy DPD) (**DS2026**) sets out a vision for the future development of the borough and covers a 15-year period up to 2026.
- 13.2.5 The Council adopted DS2026 on 03 April 2012 and the development complies with its policy.
- 13.2.6 DS2026, Policy 1.1;
- (a) by 2026, we aim to provide 14,000 additional homes; and
  - (b) Development of these new homes will be primarily concentrated in, Uxbridge/Crossrail Corridor – particular focus in Acton, Ealing, Southall Town

Centres, around key stations at Acton Main Line, Ealing Broadway and Southall; and municipal housing estates including, Copley Close, Green Man Lane, Havelock and South Acton.

- 13.2.7 The development proposed by this Order will help the Council meet this vision by creating (in conjunction with phase 8.1) an uplift of additional homes above the existing housing on the site, thereby complying with this policy. Phase 8.1 and 8.2 combined will provide uplift of 120 additional homes. The development proposed by this Order is taking place in the South Acton Estate, which is directly identified by the DS2026, Policy 1.1(b). All interest within Phase 8.1 has now been acquired by way private treaty negotiations.
- 13.2.8 DS2026, Policy 2.3
- (a) To regenerate South Acton to achieve an attractive and popular residential locality, integrating the municipal and owner-occupied residential areas and creating easy pedestrian access to Acton Town centre. This will lead to the provision of 862 additional mixed tenure homes.
- (b) To further explore opportunities for creating a district energy network.
- 13.2.9 The development proposed by this Order involves the redevelopment of South Acton Estate, creating new and altered streets, open space for use by the residents of the proposed development, and mixed tenure housing. The development would be future-proofed for connection the district heating energy network to be constructed as part of the phase 7.2 of the South Acton Estate regeneration masterplan.
- 13.3 The Scheme complies with the principles of both the MHCLG Estate Regeneration National Strategy (8 December 2016) as well as the Mayor of London's Good Practice Guide to Estate Regeneration – Better Homes for Local People (February 2018)

## **14. FUNDING**

- 14.1 The regeneration process is being supported by the capital funding detailed below:

### **14.2 Repurchase of leasehold interests**

- 14.2.1 These are being forward-funded by the Council's Capital Programme, with land assembly costs being reimbursed to the Council when the developer takes ownership of the land for the phase.
- 14.2.2 On 22nd March 2011 the Council's Cabinet resolved to commit funding to acquire the leasehold interests the Council does not already own on the scheme.
- 14.2.3 That funding remains committed.

### **14.3 New Affordable Housing**

- 14.3.1 Acton Gardens LLP is a Joint Venture between Countryside Properties Ltd and London & Quadrant Housing Trust. It was set up specifically to develop the South Acton Council Estate. One thousand and thirty-nine homes have completed to date with a further 677 homes currently under construction. Acton Gardens has planning consent for 209 homes on Phase 9.4 and has recently been awarded planning consent for Phase 8.1 and 8.2 at the 17<sup>th</sup> June Planning Committee. This is all fully funded by Acton Gardens LLP.
- 14.3.2 London & Quadrant Housing Trust (L&Q) is a not for profit Registered Society under the Cooperative and Community Benefit Societies Act 2014 and is committed to providing high-quality homes with a variety of tenures.
- 14.3.3 L&Q holds a net book value of assets of £12.2bn financed by £4.8bn of retained reserves, £2.0bn of Social Housing Grant and £5.4bn of long-term liabilities. The market value of the 95,665 properties that L&Q's owns and manages is estimated at £12.7bn. As a leading entity within the social housing sector which has the strongest



financial and operating results, a geographical focus in London and the South East and an experienced and well-regarded management team who have a track record of delivering, their funding is primarily restricted to their ability to generate cash flow and capacity to borrow.

- 14.3.4 Countryside Properties (UK) Ltd (CPUK Ltd) is a member of the Countryside Properties PLC group of companies who are ultimately owned by Countryside Properties PLC. Countryside Properties PLC is funded by a combination of shareholder funds and bank debt comprising a revolving credit facility amounting to £300m, expiring in May 2023. CPUK Ltd has met the terms of its banking facilities and loan arrangements and has met all obligations to pay its creditors and employees during the past five years. Funding is allocated to individual projects as required with future funding obligations accurately forecast through internal capital allocation measures.
- 14.3.5 The Council and Acton Gardens LLP have entered into a Principal Development Agreement (“**PDA**”) with obligations on both parties. The PDA provides for financial viability testing for each planning phase. A viability test will be completed following grant of the Phase 8.1 and 8.2 planning application and ahead of a lease being granted by Ealing to Acton Gardens LLP. Once vacant possession has been provided the PDA obliges Acton Gardens to begin development.
- 14.3.6 Delivery of Phase 8.1 and 8.2 , as in the previous phases on South Acton, is being fully funded by Acton Gardens.

## 15. HUMAN RIGHTS CONSIDERATIONS

- 15.1 The Human Rights Act 1998 requires (amongst other things) that every public authority must act in a manner which is compatible with the European Convention for the Protection of Human Rights and Fundamental Freedoms (“**Convention**”). The parts of the Convention rights which should be considered in the course of the making of the Order and leading up to the confirmation of the Order are set out below: Article 1 of the First Protocol and Articles 6 and 8 of the Convention are of particular relevance.
- 15.2 Relevant parts of Article 1 of First Protocol of the Convention provide:
  - 15.2.1 "Every natural or legal person is entitled to peaceful enjoyment of his possessions" and "no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law".
- 15.3 Relevant parts of Article 8 of the Convention provide:
  - 15.3.1 "(1) Everyone has the right to respect for his private and family life, his home and his correspondence. (2) There shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interest of ... the economic well-being of the country..."
- 15.4 The Council is permitted to control the use of property in accordance with the general interest and considers the exercise of powers of compulsory purchase in accordance with statute is a proportionate and justified course of action to secure in the public interest the economic, social and environmental well-being which will follow the implementation of this major redevelopment scheme.
- 15.5 The Council considers that there is a compelling case in the public interest that the Order Land can be acquired in order to achieve the purposes described in this Statement. If the Secretary of State agrees with the Council that there is a compelling case in the public interest, he may confirm the Order. If the Order is confirmed, compensation may be claimed by persons whose interests in land have been acquired or whose possession of land has been disturbed. In the circumstances, if the Order is confirmed, the compulsory acquisition of the Order Land will not conflict with Article 1 of the First Protocol or Article 8 of the Convention.
- 15.6 Relevant parts of Article 6 provide that:

- 15.6.1 *"In determining his civil rights and obligations ... everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law".*
- 15.7 So far as this Order is concerned, any owner, lessee, tenant or occupier of land included in the Order has had the opportunity to make an objection (the development proposals having been extensively publicised and consultation taken place). Any objectors will also have the opportunity to appear before a person appointed by the Secretary of State before a decision is made as to whether or not the Order should be confirmed.
- 15.8 Those persons directly affected by the Order will also be entitled to compensation proportionate to any losses that they may incur as a result of any compulsory acquisition made pursuant to the Order.
- 15.9 Application of the principle that interference with Convention rights must be proportionate and justified in the public interest**
- 15.9.1 In promoting this Order, the Council has carefully considered the balance to be struck between individual rights and the wider public interest.
- 15.9.2 To the extent that the Order would affect those individual rights, the Council considers that proposed interference with them would be in accordance with the law, necessary in the public interest and proportionate.
- 15.9.3 All of those persons whose rights under Article 8 of the Convention and under Article 1 of the First Protocol of the Convention would be affected by the Order will have an opportunity to object to the Order and to have their objection considered at a fair and public hearing, in accordance with their rights under Article 6 of the Convention.
- 15.9.4 Appropriate compensation will be made available to those entitled to claim it under the relevant provisions of the statutory Compensation Code.
- 15.9.5 In addition, having regard to the provisions of the Town and Country Planning Act 1990 and the Guidance, the Council considers that the Order Land is both suitable for and will facilitate the carrying out of development, redevelopment and improvement and will, for the reasons explained in this Statement, make a positive contribution to the promotion or achievement of the economic, social and environmental wellbeing of its area.
- 15.9.6 It is therefore considered that the Scheme and the Order will not unduly infringe the rights of individuals which are provided by the European Convention on Human Rights.

## **16. EQUALITIES ACT 2010**

- 16.1 In addition to the Human Rights Act the Acquiring Authority is required to comply with the Equality Act 2010.
- 16.2 The Council has undertaken an equality impact assessment to assess the impact on groups with protected characteristics arising from the Order and has taken those matters into account when dealing with the parties affected by the Order. No adverse effects on those with protected characteristics were found at that time.
- 16.3 The Council has engaged and consulted with all whom have interest. There are five remaining interests and the Council will continue to engage and consult with anyone who has an interest and affected by the Order.
- 16.4 To the best of the Council's knowledge no owner and/or occupier has a protected characteristic or is otherwise vulnerable. However, if and when Council becomes aware of any such owners and/or occupiers, further regard will be had to the Council's equality duty at that point and the equalities impact assessment will be reviewed and any appropriate action will be taken and support provided.

## **17. PUBLIC CONSULTATION**

- 17.1 Extensive consultations on the proposals for the regeneration of the Estate took place as part of the development of the revised Masterplan over a 5-month period between November 2017 and March 2018. Consultation included meetings with local Ward Councillors, Community Board meetings, design sub-group meetings, public exhibition events and specific group consultations, including with allotment holders and the Mill Hill Conservation Area.
- 17.2 Consultation for Phase 8.2 specifically took place via a public exhibition event with all information publicly accessible online also, and via Community Board consultation meetings. These took place in the latter part of 2019.

## **18. THE VIEWS OF GOVERNMENT DEPARTMENTS**

There have been no views expressed by Government departments about this proposed development of the Order Land.

## **19. CONCLUSION**

- 19.1 The regeneration of the South Acton Estate is among the most significant regeneration initiatives currently being progressed in West London. Phase 8.2 will involve the demolition of the buildings to be followed by new build to achieve a higher density mixed tenure environment expected to demonstrate a very high standard of design and sustainability.
- 19.2 Once demolition has taken place the site will be redeveloped by Acton Gardens LLP, who have already completed Phases 1 – 6 of the schemes and are currently constructing Phases 6.2, 7.1, 9.1 and 9.2. They will also carry out all remaining phases of the regeneration programme through to completion.
- 19.3 The Council considers the use of the compulsory purchase powers and its confirmation would meet the tests in the Guidance, for the reasons which have been set out throughout this statement and which are highlighted below
- 19.4 The proposed development will contribute towards the promotion and improvement of the economic, social and environmental well-being of the area. This will be accomplished through:
- 19.4.1 Introducing a mix of tenure types into an area of current mono-tenure, so increasing the local housing offer;
  - 19.4.2 Replacing the current bed size mix with one tailored to suit the needs of residents who are to reside there, and for the wider population when re-let;
  - 19.4.3 Replacing poorly-designed and laid-out blocks with new homes that will offer much improved amenity, and will have extremely low cost-in-use;
  - 19.4.4 Increasing the quality and delineation of public and private spaces, and providing good safety and security; and
  - 19.4.5 Incorporating the latest features for environmental sustainability.
- 19.5 The financial viability of the scheme is assured through the selection of a developer partner for the scheme with a binding Principal Development Agreement incorporating an unconditional undertaking to carry out the phase of the scheme relating to the Order Land.
- 19.6 The Council is satisfied that the purpose for which the land is being acquired cannot be achieved by other means.
- 19.7 The Regeneration Scheme as a whole and Phase 8.2 itself, will not only produce a very substantial qualitative and quantitative housing gain but with the benefit to the Estate of the many other improvements referred to above will greatly contribute to the economic, social and environmental well-being of the area. For Phase 8.2 to be implemented, vacant possession of all buildings will be required for demolition prior to construction of the proposed new homes.
- 19.8 It is envisaged that the first of the new properties would become available from December 2022.

- 19.9 Notwithstanding the continuing negotiations that are taking place to purchase outstanding interests by agreement, the use of compulsory purchase powers may also be necessary to ensure that such vacant possession is secured and that the Scheme, which will be for the benefit of all Estate residents, can be fully implemented.

## **20. INQUIRIES PROCEDURE RULES**

- 20.1 This Statement of Reasons for making the Order is not intended to discharge the Council's obligations under the Compulsory Purchase (Inquiries Procedure) Rules 2007 (SI 2007 No. 3617), should a public inquiry be held.
- 20.2 In the event of a public inquiry, a Statement of Case, further supporting material, plans and documents will be put in evidence by the Council. A list of these, together with the addresses at which they can be inspected, will be notified to the public in accordance with the relevant Rules.

## **21. INFORMATION OF INTEREST TO PERSONS AFFECTED BY THE ORDER**

- 21.1 A copy of the Order, Order Map and Schedule and this Statement of Reasons and the documents referred to in the attached list can be inspected during normal office hours at Director of Legal and Democratic Services, Perceval House, 14-16 Uxbridge Road, Ealing, London W5.
- 21.2 Individuals seeking advice regarding the Order should in the first instance contact one or other of the persons listed below, depending on the nature of the query:
- 21.2.1 For general queries about re-housing contact Leon Joseph - Regeneration Officer  
josephle@ealing.gov.uk or Tel: 020 8896 9372
- 21.2.2 For queries about legal issues contact Twahid Islam – Senior Lawyer  
islamt@ealing.gov.uk or Tel: 020 8825 7316.

## **22. COMPENSATION**

- 22.1 Provision is made by statute with regard to compensation for the compulsory acquisition of land and the depreciation in value of properties. More information is given in the series of booklets published by the Department for Communities and Local Government entitled "Compulsory Purchase and Compensation" listed below:
- 22.1.1 Booklet No. 1 – Compulsory Purchase Procedure.
- 22.1.2 Booklet No. 2 – Compensation to Business Owners and Occupiers.
- 22.1.3 Booklet No. 3 – Compensation to Agricultural Owners and Occupiers.
- 22.1.4 Booklet No. 4 – Compensation for Residential Owners and Occupiers.
- 22.1.5 Booklet No. 5 – Reducing the Adverse Effects of Public Development: Mitigation Works.
- 22.2 Copies of these booklet are obtainable, free of charge, from:
- Communities and Local Government Publications, Cambertown House, Goldthorpe Industrial Estate, Rotherham, S63 9BL, Tel: 0300 123 1124
- 22.3 In addition, the booklets are available to download for free online at:
- <https://www.gov.uk/government/organisations/department-for-communities-and-local-government/series/compulsory-purchase-system-guidance>

## **23. RELEVANT DOCUMENTS FOR INQUIRY**

- 23.1 The Council intends to refer to, or to put in evidence, the documents (or relevant extracts from those documents) which are listed in Appendix 1 and which are referred to in this Statement of Reasons. It should however be noted that the Acquiring Authority reserves the right to add to the list as necessary.

## APPENDIX 1

### Core Document List

Doc No.	Document
	<b>Compulsory Purchase Order and Supporting Documents</b>
	Order
	Order Map
	Statement of Reasons
	Statement of Involvement
	Press Notices
	Specimen Notice of Making of the Order served on Owners
	Specimen Site Notice Advertising Making of the Order
	<b>National and Local Planning Policy Documents</b>
	National Planning Policy Framework
	Adopted Development (or Core) Strategy 2026 (03 April 2012)
	Policies 1, 1.2 and 2.9 of the Adopted Development (or Core) Strategy 2026
	Adopted Development Management Development Plan Document (December 2013)
	Adopted Development Sites Development Plan Document (December 2013)
	Other Relevant Documents
	Cabinet Report and minutes dated 16 July 2019
	Estates Review; and Code for Sustainable Homes
	The Mayor of London's Good Practice Guide to Estate Regeneration
	Estate Regeneration National Strategy
	<b>Legislation</b>
	Town and Country Planning Act 1990 (as amended) together with subordinate legislation
	The Acquisition of Land Act 1981
	Compulsory Purchase (Inquiries Procedure) Rules 2007
	CLG Circular 01/08 "The Compulsory Purchase (Inquiries Procedure) Rules 2007"
	Guidance on Compulsory Purchase process and The Crichel Down Rules ( <b>CPO Guidance</b> )

## **APPENDIX 2**

### **Masterplan Phasing Overview**