Dear Sir,

**Town and Country Planning Act 1990: Section 226(1)(a)**

**Acquisition of Land Act 1981**

**The London Borough of Haringey (Northumberland Development Project)**

**(No 1) Compulsory Purchase Order 2012**

1. The report of the Inspector, David Nicholson RIBA IHBC, who held a public local inquiry into The London Borough of Haringey (Northumberland Development Project) (No 1) Compulsory Purchase Order 2012 (the Order) on 12-15 March and 4, 16 and 18 April 2013 has been considered. A copy of the Inspector’s Report is enclosed. References in this letter to paragraphs in the Inspector’s Report are indicated by the abbreviation IR, followed by the relevant paragraph number.

2. The Order, if confirmed, would authorise the compulsory purchase of lands at Paxton Road, High Road and Bill Nicholson Way, Tottenham, London N17 for the purpose of facilitating the carrying out of development, redevelopment or improvement of the land comprising the demolition of existing buildings and comprehensive redevelopment to provide a new stadium and ancillary uses such as Club museum; shop and offices for the Tottenham Hotspur Foundation; residential; college and/or health centre and/or health club uses; and public realm improvements which will contribute to the achievement of the promotion or improvement of the economic, social or environmental well-being of the North Tottenham Area.
Representations were received from Paul Winter & Co, on behalf of the objectors, Richard Max & Co Solicitors, on behalf of the Club and Haringey Council. Richard Max & Co Solicitors' letter of 31 January 2014 confirmed that a Unilateral Undertaking ("UU of January 2014") had been made pursuant to s106 of the Town and Country Planning Act 1990 to deliver 100 affordable dwellings. Haringey Council in a letter dated 31 January reaffirmed their view that there is a compelling case in the public interest for the confirmation of the CPO. The Council welcomed the UU of January 2014 to provide 100 units of affordable housing. Paul Winter & Co's letter of 10 February 2014 sets out the following: i) it is clear by implication that the club are unwilling to re-instate the original s106 agreement ii) the UU of January 2014 is somewhat vague and inadequate (iii) concern at the procedure being undertaken by the Secretary of State iv) their clients will be prejudiced by the Inspector's Report not being made available v) it is not possible to revert to the package of measures in the original s106 agreement as it relates to a different scheme of development vi) the terms of the UU of January 2014 are non-compliant with relevant planning policies, not providing 50% affordable housing on-site vii) it is incorrect that there has been no change in the financial position of the club and; viii) a re-opening of the Inquiry would be regarded as unlawful and an inappropriate course of action.

11 The UU of January 2014 does not offer the package of measures contained in the original s106 agreement. In any event, the Secretary of State considers that the UU of January 2014 is unacceptably vague, key terms are not adequately defined and it is likely to be unenforceable. It is regrettable that having explored the possibility of getting the original s106 package reinstated, which would have delivered significant benefits and put the balance beyond doubt in favour of confirmation, no such package has been received. In the absence of such a package the Secretary of State has very carefully considered the fine balance as to whether or not there is a compelling case in the public interest to confirm the Order. Paragraph IR 5.14 sets out the relevant compulsory purchase legislation and policy in consideration of which this decision is made.

Planning Framework

12 The Inspector's conclusions on the planning framework are set out at IR 8.1 to 8.13. The Secretary of State agrees that the relevant planning policies are those set out at IR8.4. The Secretary of State notes (IR8.13, IR8.48 and IR8.58) that with the possible exception of affordable housing, the Inspector considers the Order scheme is supported by the development plan as a whole and would therefore accord with the planning framework for the area. The Secretary of State agrees with this overall conclusion.

13 Local Plan: Strategic Policies (LPSP) Policy SP2 sets out a housing target for the Borough and a requirement that developments for more than 10 units, subject to viability, will be required to meet a borough-wide target of 50% affordable housing. It is noted from IR8.7 that viability of the stadium redevelopment scheme as a whole was a factor taken into account by the Greater London Authority and the Council in granting planning permission for Phase 3 of the development without the need for any affordable housing. The Inspector found at IR8.31 that the Council was entitled to omit the affordable
17 The Secretary of State notes the Inspector’s view and reasoning on the well-being test. He agrees with the Inspector’s conclusion that there is a compelling case with regard to the well-being of the area (IR8.5), but disagrees with the Inspector in his views on the use of public funding. For the reasons set out at paragraph 16 above he does not agree that the compelling case fails to be met on account of the need for public funds.

Human Rights

18 The Secretary of State therefore does consider that the benefits of the Scheme notably improvements to the social, environmental and economic well-being of the area outweigh the interference with the specific human rights of qualifying persons under section 12(2A) of the Acquisition of Land Act 1981 and he is satisfied that such interference is justified. In particular he has considered the provisions of Article 1 of the First Protocol to the European Convention on Human Rights. In this respect the Secretary of State is satisfied that in confirming the CPO a fair balance would be struck between the wider public interests and interests of the qualifying persons. The Secretary of State disagrees with IR8.49 that the shift in funding considerably reduces the extent the Scheme would be in the public interest as explained at paragraph 16 above.

Other matters

(i) Alleged legal defects

19 Four alleged legal defects were raised by the objectors. These were that i) the residential tenants of Plot 1 were not served notice ii) those with rights of light were not served notice iii) the Council failed to consider the tenants’ human rights and iv) the Council’s cabinet did not have the authority to make the CPO. All the allegations were rejected by the Council.

20 The Secretary of State does not consider that any substantial prejudice was caused to the tenants of Plot 1 who were served notice on 5 March 2013 once the Council had been advised of the tenancy. A Notice of the Order was also affixed on or near the land on 1 August 2012.

21 With regard Rights of Light the Council did not serve Notice as they did not consider owners of the land which lies outside of the area within the CPO were entitled to notification under section 12 of the Acquisition of Land Act 1981. If, contrary to the Council’s view, an owner’s Right to Light has been interfered with, compensation may be payable under Section 10 of the Compulsory Purchase Act 1965. Given the circumstances the Secretary of State does not consider that any issue of substantial prejudice arises.

22 The allegation that the Council failed to consider the tenants’ human rights was rejected by the Council. In any event, this did not prevent both the Inspector and the Secretary of State from considering such matters, which both have done.
I enclose the confirmed Order as modified and the map to which it refers. Your attention is drawn to section 15 of the Acquisition of Land Act 1981 about publication and service of notices now that the Order has been confirmed. Please inform us of the date on which notice of confirmation of the Order is first published in the press.

Copies of this letter and the Inspector's report are being sent to remaining objectors who appeared or were represented at the local inquiry. Copies of the letter are also being sent to other persons who made submissions at the local inquiry.

This letter does not convey any other consent or approval in respect of the land to which the Order relates.

Yours sincerely,

Signed by authority of the Secretary of State for Communities and Local Government

Rebecca Pointon
Team Leader