



The Planning Inspectorate

CPO Report to the Secretary of State for Communities and Local Government

by Mrs Zoë Hill BA(Hons) DipBldgCons(RICS) MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 6 August 2015

TOWN AND COUNTRY PLANNING ACT 1990 SECTION 226(1)(a)

AQUISITION OF LAND ACT 1981

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

APPLICATION FOR CONFIRMATION OF

THE LONDON BOROUGH OF BARNET

(WEST HENDON REGENERATION AREA)

COMPULSORY PURCHASE ORDER No1 2014

AND

ASSOCIATED S.19 CERTIFICATE

Inquiry opened on 20 January 2015
Inspections were carried out on 29 January 2015
West Hendon Estate, London, NW9

File Ref(s): APP/NPCU/CPO/N5090/74016

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List of Abbreviations

| | |
|----------------------|---|
| AL Act | The Acquisition of Land Act 1981 |
| BHAG | Barnet Housing Action Group |
| CEMP | Construction Environmental Management Plan |
| CMS | Construction Method Statement |
| CPO | Compulsory Purchase Order |
| CRT | Canal & River Trust |
| CS | Core Strategy |
| DAS | Design and Access Statement |
| ECHR | European Convention on Human Rights |
| ES | Environmental Statement |
| FALP | Further Alterations to the London Plan |
| GLA | Greater London Assembly |
| MHT | Metropolitan Housing Tenant |
| PIM | Pre Inquiry Meeting |
| RA SPG | Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework Supplementary Planning Guidance |
| RPB | The West Hendon Regeneration Partnership Board |
| RRG | Residents' Regeneration Group |
| SCI | Statement of Community Involvement |
| SSSI | Site of Special Scientific Interest |
| The Circular | ODPM Compulsory Purchase and the Criche Down Rules: Circular 06/2004 |
| The Framework | The National Planning Policy Framework |
| The 1990 Act | The Town and Country Planning Act 1990 |
| UDP | Barnet Unitary Development Plan 2006 |

File Ref: APP/NPCU/CPO/N5090/74016
The London Borough of Barnet (West Hendon Regeneration Area)
Compulsory Purchase Order No 1 2014

- The Compulsory Purchase Order was made under section 226(1)(a) of the Town and Country Planning Act 1990 and the Acquisition of Land Act 1981 by London Borough of Barnet on 3 June 2014.
- The purposes of the Order are to facilitate the delivery of the comprehensive regeneration of the West Hendon Estate and its immediate environs, through provision of: up to 2000 residential dwellings; a new two form entry primary school; community facility; commercial uses and associated open space provision and improved infrastructure.
- The main grounds of objection are that well-being benefits in terms of economic, social and environmental matters would not be achieved. Particular concerns are raised about loss of community, loss of public open space, including memorial space and harm to the Welsh Harp Site of Special Scientific Interest and inadequate health and education facilities. Objections are raised on grounds of lack of: proper consultation, meaningful negotiation and funding. Individual concerns are raised about personal circumstances relating to homes and businesses.
- When the Inquiry opened there were 78 remaining objections and 29 non-qualifying objections. Two objections were withdrawn and seven late qualifying objections¹ were lodged in respect of land to be purchased and 10 additional objections were made by non-qualifying additional objectors.

Summary of Recommendation: The Order be Confirmed subject to Modifications.

Preliminary Matters

1. During the Inquiry I was assisted by Miss India Norton the Programme Officer, who dealt with administrative matters and for whose assistance I wish to record my appreciation. For the avoidance of doubt, as the appointed Inspector, the recommendation and contents of this report are mine alone.

Procedural Matters and Statutory Formalities

2. The convening notice was read at the opening of the Inquiry. The promoters confirmed that circumstances had not changed since the dates of the Protected Assets Certificate or General Certificate and confirmed compliance with the statutory formalities².
3. There were no submissions on legal or procedural matters concerning the validity of the Compulsory Purchase Order (CPO).
4. A Pre-Inquiry Meeting (PIM) was held on 29 October 2014. Notes of that meeting form core document CDF.04. The Inquiry sat on 20-23 and 27, 28, 30 January 2015 with site inspections on 29 January 2015.

¹ In that they are people cited in the CPO schedule as owners/occupiers/lessees/tenants although in one case the person has moved out – these late objections are at paragraph 369 onwards

² These documents can be found on the NPCU file

Administrative Matters – Modification and Certification under s.19 of the Acquisition of Land Act

5. Modifications to the Order were sought at the PIM in respect of plots 14 and 41A and 41B were identified at the PIM. In respect of Plot 14 the changes relate to the name and address of the lessee and the name of the occupier. Matters have moved on regarding plots 41A and 41B and further modifications were sought at the Inquiry in relation to land owned by the Canal & River Trust ("CRT") which is affected by the proposed new Cool Oak Lane pedestrian and cycle bridge, namely plots 38-44 inclusive in Table 1³. As plots 41A, 41B, 42, 43 and 43A are considered to be public open space, the Council sought certification under The Acquisition of Land Act 1981 (AL Act) section 19. However, agreement has been reached between the Developer and the CRT, and its objections to the Order and to the s.19 certificate application have been withdrawn⁴. In consequence, the Council now invites the Secretary of State to modify the Order by removing plots 38, 38A, 39, 40, 40A, 41, 41A, 41B, 42, 43, 43A and 44 from it and, on the basis that this modification is made, to take no action in relation to the Council's application for certification under s.19.
6. An amended Order and Map were submitted at the Inquiry (INQ2 and INQ40).

The Order Lands and Surroundings

7. The Order Lands are particularised in the CPO Schedule⁵ and shown edged red and coloured pink on the sealed map accompanying the CPO⁶. The land over which new rights are to be acquired is coloured blue on the same map. Revisions to these documents are set out above. A description of the land is provided in Section 3 of the London Borough of Barnet's Statement of Reasons for making the CPO⁷.
8. The Order Lands comprise 22,825 square metres of land to the south west of the Borough including part of the Estate, and part of the Broadway. The modification slightly reduces this area and omits the plots of land which had formed a separate parcel of land around the Cool Oak Bridge area. The Land forms part of the West Hendon Regeneration Area. It is bounded by Marriotts Close to the north and West Hendon Broadway which is part of the Edgware Road A5 to the east. To the west lies the Welsh Harp Reservoir which is a Site of Special Scientific Interest (SSSI) and Warner Close, with Cool Oak Lane to the south. Beyond this there is a large area of open space including playing fields.
9. The Estate properties were constructed in the 1960s using large panel pre-cast concrete exterior cladding. In the 1980s horizontal weatherboarding was added along with pitched roofs. The Estate originally comprised 680 dwellings in 6 blocks ranging from 6-14 storeys.
10. West Hendon Broadway contains a number of smaller shops and services fronting a wide and heavily trafficked section of road.

³ CDA.03

⁴ INQ21

⁵ CDA.03

⁶ CDA.04

⁷ CDA.11

Planning Policy

11. The key planning policy documents are as follows:

RA SPG

12. Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework Supplementary Planning Guidance (RA SPG), published in December 2005 jointly by the Council and the Mayor of London⁸.

UDP

13. The saved policies of the Barnet Unitary Development Plan 2006 (UDP)⁹. In particular Policy GCrick – Cricklewood, Brent Cross and West Hendon Regeneration Area is relevant stating:-

The Cricklewood, Brent Cross and West Hendon Regeneration Area, as defined on the Proposals Map, will be a major focus for the creation of new jobs and homes, building upon the area's strategic location and its key rail facilities. All new development will be built to the highest standards of design as well as to the highest environmental standards. A new town centre, developed over the Plan period, will be fully integrated into the regeneration scheme¹⁰.

14. UDP Policy C1 – Comprehensive Development sets out:-

The Council will seek the comprehensive development of the Cricklewood, Brent Cross and West Hendon Regeneration Area in accordance with the adopted *Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework* and delivery strategy. Development proposals will be supported if they are consistent with policies of the UDP and their more detailed elaboration in the development framework¹¹.

15. UDP Policy C1(A) – West Hendon sets out:-

Within the Cricklewood, Brent Cross and West Hendon Regeneration Area, as defined on the Proposals Map, the Council may consider planning proposals for the West Hendon area in advance of the remainder of the Regeneration Area. The mixed use regeneration of the area should comprise the following:

High density housing, built to the highest design qualities, to replace existing stock and create a mix of housing in terms of size, affordability, those qualifying as Lifetime Homes and wheelchair accessibility;

A new local town centre to include a mix of retail, commercial, community and civic uses;

Measures to protect and enhance the special interest of the Welsh Harp SSSI and integrate it with the development and associated open spaces;

⁸ AA5 Set out in Appendix 1

⁹ CDC.06

¹⁰ CDC.06 12.2.3

¹¹ CDC.06 12.3.3

Increased movement capacity on the A5 locally to assist the movement of buses through the area; and

Measures to improve transport links to, and facilities at, Hendon Railway Station.

Local Plan Core Strategy

16. Barnet's Local Plan Core Strategy (CS) was adopted in September 2012¹².
17. CS Policy CS1 sets out Barnet's place shaping strategy – protection, enhancement and consolidated growth – The Three Stands Approach.
18. CS Policy CS3 sets out the distribution of growth in meeting housing aspirations. It goes on to set out that in order to meet Decent Homes standard, and deliver a greater range and variety of accommodation, the regeneration of priority housing estates will be promoted including at West Hendon.
19. CS Policy CS4 and DM10, taken together, seek a target of 40% affordable housing subject to viability.

The London Plan

20. Further Alterations to the London Plan (FALP) were published on 10 March 2015. As this post-dates the Inquiry the parties have not had opportunity to comment upon those changes.
21. In terms of policy at the time of the Inquiry The London Plan identifies areas for regeneration. In terms of housing Policy 3.9 seeks mixed and balanced communities. Affordable housing is defined at Policy 3.10 and includes both social rented and intermediate housing. Policy 3.11 seeks that of affordable housing provided 60% should be for social rent and 40% for intermediate housing with a priority for family housing. Policy 3.14¹³ seeks the support, maintenance and enhancement of the condition of London's homes and seeks, amongst other things, to resist the loss of housing, including affordable housing, unless the housing is replaced at existing or higher densities with at least equivalent floorspace.

The Framework

22. The National Planning Policy Framework (the Framework) sets out the presumption in favour of sustainable development, which has three dimensions, economic, social and environmental. The Framework is also clear that development proposals that accord with the policies of the development plan should proceed without delay¹⁴.

The Proposed Development

23. The Scheme forms part of the comprehensive redevelopment of the West Hendon Estate and wider area to provide housing, infrastructure and community facilities. The Council granted planning permission for the Scheme in its current form on 20 November 2013¹⁵.

¹² CDC.03

¹³ CDC.02

¹⁴ CDC.01

¹⁵ CDB.37

24. The description of development set out in the approved application is:

"the demolition and redevelopment of the West Hendon Estate to accommodate up to 2,000 residential units, a new 2 form entry primary school, community building and commercial uses and associated open space and infrastructure comprising:

Outline permission for the development of existing buildings and the construction of up to 1,642 new residential units (Class C3); up to 3,870m² (GEA) of D1 Class floorspace comprising nursery and primary school and community centre uses and up to 1,635 m² (GEA) Class A1/A2/A3/A4/A5/B1 floorspace, within buildings ranging from 2 to 29 storeys, associated cycle and car parking provision including basement level parking, landscaping and public realm works, interim works, associated highway works, and two pedestrian bridges across the Welsh Harp.

Full planning permission (Phase 3 Blocks G1, G2, E1, E2, E3, E4) for the demolition of existing buildings and construction of 358 new residential units (Class C3), and 131m² (GEA) Class A1/A2/A3/A4/A5/B1 floorspace, within buildings ranging from 5 to 26 storeys, cycle and car parking provision including basement level parking, associated landscaping and public realm works, associated highway works, energy centre and interim works."

25. The planning permission is therefore a hybrid; part is detailed (in respect of Phase 3a) and part is outline (Phases 3b, 3c, 4, 5 and 6). The planning application was accompanied by an Environmental Statement (ES)¹⁶.
26. Vacant possession has been achieved for Phase 3a which commenced on 14 January 2014.
27. The CPO currently under consideration is required to deliver sub phases 3b and 3c. The Council anticipates three additional separate CPOs for the later phases.
28. Phase 3a is expected to provide 74 social rented dwellings and 142 private (market) dwellings. CPO phases 3b and 3c are expected to provide 41 social rent and 46 private (market) homes and, 58 social rent, 18 intermediate and 280 private (market) homes respectively.
29. The Council records that all new housing will comply with Lifetime Homes Standards and meet the Code for Sustainable Homes Level 4 energy and sustainability standards including use of communal heating and cooling via a combined heat and power plant.
30. Across the scheme it is intended that 25% of dwellings will be affordable units with 43% of those being social rented housing, the rest being intermediate (shared equity) housing.
31. As part of the wider scheme, in Phase 4, the Perryfield gyratory will be removed with the intention of improving traffic flows and removing traffic from the Estate area.
32. Selective demolition will take place on West Hendon Broadway to make a more defined highway arrangement. There will be new commercial floorspace.

¹⁶ CDB.24

33. Communal open space and play space will be reconfigured and landscaped. Two new equipped play areas will be provided and a connecting space will be created between West Hendon Broadway and York Park.
34. Later phases of development could provide for a new two form entry primary school but the agreement made under section 106 of the Town and Country Planning Act 1990 (the s.106 Agreement) makes it clear that this is subject to need.
35. It is intended to retain all but two of the 21 'A' grade trees on site.
36. The Welsh Harp SSSI lies to the west of the Order Lands. It is a semi-natural habitat and includes a variety of natural habitats and is noted for its breeding and wintering birds.

The Case for the Acquiring Authority

Introduction

37. The reasons for making the Order are set out in the Statement of Reasons¹⁷. In short, the Order is required to facilitate a part of the comprehensive, and on-going, regeneration of the West Hendon Estate.
38. The Regeneration Project is made up of six phases¹⁸. Phases 1 and 2 have already been completed, and construction has commenced on Phase 3a, all without the need for the exercise of compulsory purchase powers. The Council granted outline planning permission for Phases 3b, 3c, 4, 5 and 6 on 20 November 2013¹⁹ (the 2013 Permission). The Order is required to ensure that the land interests can be assembled in order to deliver Phases 3b and 3c. Associated with the 2013 Permission is a s.106 Agreement²⁰ entered into on 19 November 2013.
39. The Scheme benefits from having had planning permission already granted. The funding required is available. Although some matters remain to be addressed, including reserved matters approvals and some further highways orders, there are no substantial impediments to the implementation of the Scheme should the Secretary of State confirm the Order. The only outstanding impediment therefore is the completion of land assembly.

General Approach

40. It is necessary first to say something about the nature of the objections that have been made to the Order, and how these fit in with the approach that the Inspector and the Secretary of State should take to their (respective) recommendation and decision as to whether the Order should be confirmed.
41. The basis of the power to make a planning CPO under the first limb of s.226(1) of the Town and Country Planning Act 1990 (the 1990 Act) is entirely clear: it is to facilitate development, redevelopment or improvement (see further below under "Legal Framework"), provided that the authority thinks that there will be well-being benefits (s.226(1A)). Similarly, the policy basis is clear from the ODPM Circular 06/2004 (the Circular), and is long-established. This includes

¹⁷ CDA 05

¹⁸ AA2 Statement 6.2

¹⁹ CDB 37

²⁰ CDB 36

consideration of the planning framework for the scheme in question, and the need to show a compelling case in the public interest.

42. The case for a CPO must be judged by reference to current policy and legislation. This includes not just planning but also housing policy, such as the Council's Housing Strategy, and statute.
43. The Acquiring Authority makes this point because much of the substance of the objections – in particular, but by no means exclusively, from politicians such as Mr Dismore AM and Councillors Langleben and Kay – are political in nature: that is, they stem from a disagreement with current policies, and indeed legislation, relating to how housing provision, including affordable housing provision, is to be made, what regeneration should mean and, at a more detailed level, how occupiers of Council and other 'affordable' housing accommodation should be treated in cases where a regeneration project requires them to move from their existing accommodation.
44. It is possible that, under a different political regime, a different type of regeneration scheme would have emerged as compared with that which has the benefit of the 2013 Permission. But such speculation is pointless, indeed wrong. The Council decided, when it granted the 2013 Permission, that the balance of public interest lay in favour of the grant of planning permission. That does not mean that there is necessarily a compelling case in the public interest to make and confirm the Order. But unless it can be shown that the Circular tests (or, more accurately, factors) are not met, the Order should be confirmed.
45. Many of the objections, such as those of Mr Dismore and Cllr Mashari from Brent, repeat objections made to the planning application. These objections were all comprehensively and fairly considered not only by Barnet Council but also by the Greater London Assembly (GLA) as part of their respective assessments of the application. Complaints are made about the procedures adopted and the inadequacy of officers' assessment of the issues raised, but the fact is that no legal challenge was made to the grant of the 2013 Permission and neither the Mayor of London, who declined to exercise his call-in power, nor the elected members of Barnet Council, agreed that the officers' analysis was flawed.
46. It is also relevant to bear in mind that many existing West Hendon tenants have already moved to units in the Pilot and Lakeside phases, and more are to move to phase 3a, the delivery of which is not dependent on the outcome of this Inquiry. There is no evidence that any of the residents who have already moved are dissatisfied with their new circumstances.
47. A consistent theme of a number of the objections has been that residents' views have been ignored. This is not true. The 2002 ballot was not repeated because there was no need, nor any legal obligation, to do so; but residents have been given every opportunity to make their views known during the planning process relating to the 2013 Permission, and by way of objection to the Order. The facts are set out in the Acquiring Authority's evidence²¹ of Martin Cowie, in the Statement of Community Involvement (SCI) that was submitted with the planning application²², and in the officer's report on the application²³.

²¹ AA1 Statement 5.4-5.18

²² CDB 16

²³ CDB 34 pp.14-15, 26-42 and Appendix 3 as stated at para 4.2 the issues raised were also covered in the Planning Appraisal section of the Report

48. It is clear from the evidence that the pre-application consultation was extensive and afforded every opportunity for residents to see what was proposed and to comment on this²⁴. The comments were set out in the SCI and were taken into account in finalising the master plan²⁵. The interested parties would have known about the application²⁶. The interested parties had every opportunity to comment on the application, and many did so with 341 letters of representation²⁷. The issues raised were comprehensively addressed in the officer's report.
49. Mr Knowles, for the objectors, has said that "only a very small number of residents appear to have actively taken part in consultation events over the last few years"²⁸. In fact, 70 people (of whom 50 were Estate residents) attended the March 2012 consultation event, and around 180 attended the December 2012 public exhibition. That may or may not be a small number, in the context of the Estate as a whole; but there can be no doubt that residents had the opportunity to inform themselves about what was proposed, and make their views known.
50. Much of the residents' evidence has comprised complaints about the way in which they have been treated by Barnet Homes in terms of information provided, failure to recognise their particular needs, and even bullying and harassment. These allegations are not accepted and a response has been given in the evidence of Paul Shipway and in the schedule of responses to issues arising during the Inquiry, including an ombudsman letter²⁹. Clearly these are not matters that can, or need to, be resolved by this Inquiry since there are procedures in place to do that: pursuing complaints through review and appeal, defending court proceedings, and taking the matter to the Local Government Ombudsman (as has been done in one case)³⁰.
51. More broadly it is important to appreciate that the actions taken by the Council in relation to both secure and non-secure tenants have been done in accordance with the law and with the Council's West Hendon Residential Decant Strategy, the West Hendon Regeneration Secure Tenants' Moving Pack and the Housing Allocations Scheme³¹. These documents themselves set out protocols and other information which are entirely consistent with the Council's legal obligations. Indeed it has not been suggested otherwise.
52. The Council understands that it is very difficult not to sympathise with the circumstances in which some of the residents, particularly those with debilitating and sometimes serious medical conditions, find themselves. Most people, whether or not they are unwell, will not want to be forced to move homes, whether because of compulsory acquisition or because it is forced on them by some other change in their personal circumstances; but, even so, it must be noted that many of the existing residents have not objected to the Order. The question is whether forced acquisition in this case is justified in the public interest.

²⁴ CDB 16

²⁵ CDB 16 section 3

²⁶ Notification letter at INQ45 and CDB.34 para 4.1

²⁷ CDB.34 para 4.3

²⁸ SF1 Statement Section 9

²⁹ INQ44

³⁰ INQ44

³¹ respectively CDB.12 and AA4 Appendices 5 and 6/INQ36

53. In that respect, setting aside for the moment the wider regeneration benefits of the Scheme, in the particular cases of those who have spoken at the Inquiry the Council firmly believes that it is meeting, and that it will continue to meet, its obligations. Those who are owner/occupiers and secure tenants will have the opportunity of moving into what the Council considers to be very attractive new homes on the Estate; non-secure tenants will be rehoused, in the light of housing need assessments, in all likelihood elsewhere in the Borough and otherwise close to the Borough.
54. In the case of the non-secure tenants, it has been the Council's practice, over the last 10-12 years, to move those in housing need to the West Hendon Estate temporarily when properties have become vacant. This practice has not itself been the subject of criticism, and has constituted an appropriate and sensible use of resources. The regeneration project has however encountered significant delays, for reasons which have been explained in the evidence (in short, physical and financial deliverability), which has meant that those who were moved to the Estate on a temporary basis are being moved out of their accommodation considerably later than had originally been anticipated. But these circumstances provide no basis whatever for finding that the non-secure tenants should now be allowed to stay where they are for the foreseeable future. The position of tenants on the Estate is covered in more detail below.

The Scheme

The Developer

55. The Developer is a consortium of Metropolitan and Barratt. BDW Trading Ltd & Barratt Developments PLC, trading as Barratt London, is one of the UK's leading housebuilders with extensive and relevant regeneration experience.³² Metropolitan is the brand name for Metropolitan Housing Trust Limited and Metropolitan Support Trust, a leading registered provider of integrated housing services, care and support and community regeneration³³. The expertise and experience of the Developer are not in question, nor is its commitment to delivery³⁴.
56. The Developer has already delivered the Pilot and Lakeside phases of the Regeneration Project and is in the process of constructing phase 3a of the Scheme which will deliver 216 units. Accordingly, the Developer is well placed to continue and is committed to deliver and complete the whole of the West Hendon Regeneration Project.

The Order Lands

57. The Council and the Developer own approximately 85% of the Order Lands³⁵. However, there remain over 100 third parties who own a leasehold or freehold interest, as well as tenants, occupiers, and interests in respect of which new rights are required. In consequence, it is unlikely that the Developer or the Council would be able to acquire all necessary interests by agreement within a reasonable timescale without the exercise of compulsory purchase powers.

³² AA2 Statement 3.4

³³ AA2 Statement 3.7

³⁴ AA2 Statement 3.10

³⁵ AA7 Statement 5.3 and plan at her Appendix 1

58. Only land and rights as are necessary for the delivery of the Scheme have been included in the Order³⁶. For example, although Ramsey Close was originally included in the earlier 2008 Permission, it has now been excluded from the Scheme³⁷.

Features of the Scheme

59. The Order will facilitate the completion of Phase 3 of the Scheme, which is intended to catalyse the regeneration of the West Hendon area as part of the wider Regeneration Project. Its components are detailed in the Design and Access Statement³⁸ (DAS) and in the Council's evidence³⁹.
60. The key aspects of the development include the creation of 2,000 new homes of a variety of types and tenures. The scheme would provide for the creation of linkages through from the Estate to the West Hendon Broadway and Welsh Harp reservoir. The scheme would also provide new education and community facilities as well as retail and commercial space. Allied to the new uses there would be new landscaping, open space and parking provision and highways improvements. The scheme has been developed with a phased approach in mind to allow for the decant and rehousing of the Estate's secure tenants and home owners within the new development.
61. There has been careful consideration of phasing to avoid any of the secure tenants being required to move from the site⁴⁰. There has also been particular care at the entrance to the Estate, providing a visual link from the station to the site through the Broadway down to the Welsh Harp along with the improved legibility of the streets with a clear hierarchy, and the arrangement of residential accommodation as urban blocks around shared courtyards will improve the public realm and private spaces. Associated with this is the arrangement of a coherent framework of public open spaces and the development of a visually robust design for phases 3b and 3c that relates confidently to its context and respects its ecological setting adjacent to the Welsh Harp will also be realised⁴¹.

Legislative and Policy Background

Section 226 of the Town and Country Planning Act 1990

62. The Order was made pursuant to the Council's powers under section 226 of the 1990 Act. This provides as follows:

"(1) A local authority to whom this section applies shall, on being authorised to do by the Secretary of State, have power to acquire compulsorily any land in their area –

(a) if the authority think that the acquisition will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land or

(b) which is required for a purpose which it is necessary to achieve in the interests of the proper planning of an area in which the land is situated.

³⁶ AA7 Statement 5.5

³⁷ AA2 Statement 5.8

³⁸ CDB.05

³⁹ AA3 Statement 4 and 5

⁴⁰ AA3 Statement 4.1.2

⁴¹ AA3 Statement 4.1.12, 4.8.1, 5.2.20

(1A) But a local planning authority must not exercise the power under paragraph (a) of subsection (1) unless they think that the development, redevelopment or improvement is likely to contribute to the achievement of any one or more of the following objects –

(a) the promotion or improvement of the economic well-being of its area;

(b) The promotion or improvement of the social well-being of their area;

(c) The promotion or improvement of the environmental well-being of their area.”

63. The Council confirmed that it made the Order because the compulsory acquisition will facilitate the redevelopment of the Order Land (meeting s226(1)(a)); and, redevelopment is likely to contribute to the improvement of the economic, social and environmental well-being of the area (meeting s226(1A)). The Council seeks to have the Order confirmed on that basis.

Acquisition of Land Act 1981 (AL Act)

64. The Council has complied with the relevant statutory publicity and notice requirements as set out in the AL Act. The Order falls to be confirmed by the Secretary of State under section 13A of the AL Act and may be confirmed with or without modifications (section 13A(5)).

65. Modifications to the Order have been sought which, amongst other things, remove the need for the s.19 certificate. (The modification details are set out above).

66. It was alleged by the professional witness⁴² appearing for some of the objectors that the interests in Table 2 of the Order have not been identified with sufficient specificity. That objection, in the Council's view, is groundless. The proper form of compulsory purchase orders is prescribed in Schedule 1 to the Compulsory Purchase of Land (Prescribed Forms) (Ministers) Regulations 2004. All that the Schedule requires to be included is "a description of the interest" which may give rise to a claim for injurious affection under section 10 of the Compulsory Purchase Act 1965 (see note (m) to Schedule 1, and consistently with the statutory language in AL Act section 12(2A)). The level of detail in the Order plainly meets that requirement, i.e. "rights of access/light for the benefit of" the relevant property. That approach is generally accepted practice, and is all the more appropriate here given that alternative access will be maintained to all remaining properties throughout the construction works and thereafter⁴³ and, as is commonly the case, details relevant to if and how Table 2 rights will be engaged remain to be confirmed through the reserved matters stages.

67. To require the nature of the right that may be affected, and the exact extent of the land to which it relates, to be specified in more detail, is therefore both unnecessary and impracticable.

Local Government (Miscellaneous Provisions) Act 1976

68. Section 13(1) of the 1976 Act provides that a local authority which may be authorised by a Minister to acquire land compulsorily for any purpose may also

⁴² Mr Knowles

⁴³ As Mr Watling confirmed in cross examination

be authorised by the Minister "to purchase compulsorily for that purpose such new rights over the land as are specified in the order". The Order includes rights (such as crane oversailing rights) that are required in order to construct and maintain Phases 3b and 3c of the Scheme.

Circular 06/2004

69. The statutory requirements are applied in conjunction with the policy guidance in the Circular⁴⁴ which sets out the approach to be taken in deciding whether to make, or confirm, any CPO. The central requirement is at sections 17-19:

"17. A compulsory purchase order should only be made where there is a compelling case in the public interest. An acquiring authority should be sure that the purposes for which it is making a compulsory purchase order sufficiently justify interfering with the human rights of those with an interest in the land affected. Regard should be had, in particular, to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention.

Parliament has always taken the view that land should only be taken compulsorily where there is clear evidence that the public benefit will outweigh the private loss. The Human Rights Act reinforces that basic requirement."

70. These requirements mirror the requirements of the European Convention on Human Rights (ECHR).

71. Further guidance is given on the use of the planning CPO powers in Appendix A to the Circular. In particular, the Circular advises that the Secretary of State, in confirming any CPO made under s.226(1)(a), expects to consider the factors set out at section 16 of Appendix A:

"(i) whether the purpose for which the land is being acquired fits in with the adopted planning framework for the area or, where no such up-to-date framework exists, with the core strategy and any relevant Area Action Plans in the process of preparation in full consultation with the community;

(ii) the extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area;

(iii) the potential financial viability of the scheme for which the land is being acquired. A general indication of funding intentions, and of any commitments from third parties, will usually suffice to reassure the Secretary of State that there is a reasonable prospect that the scheme will proceed. The greater the uncertainty about the financial viability of the scheme, however, the more compelling the other grounds for undertaking the compulsory purchase will need to be. The timing of any available funding may also be important. For example, a strict time-limit on the availability of the necessary funding may be an argument put forward by the acquiring authority to justify proceeding with the order before finalising the details of the replacement scheme and/or the statutory planning position;

(iv) whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means. This may include

⁴⁴ CDA.10

considering the appropriateness of any alternative proposals put forward by the owners of the land, or any other persons, for its re-use. It may also involve examining the suitability of any alternative locations for the purpose for which the land is being acquired."

72. In relation to the section 16 factors, the promoters submit that: the Scheme is compliant with the current planning framework⁴⁵; the Scheme will contribute to the promotion and improvement of the economic, social and environmental well-being of the area⁴⁶; there can be no doubt that the Developer has the resources, experience and incentives to implement the Scheme⁴⁷; the need to regenerate its ageing housing estates (including West Hendon) has for many years been, and remains, a key component of the Council's Housing Strategy⁴⁸. There are no reasonable alternatives to the Scheme which would achieve the requisite planning and regeneration objectives, and none is seriously suggested by any of the objectors.

Planning Framework

73. The promoters' submission, in terms of the planning framework is simple: not only does the purpose of the CPO fit with the framework, it is central to the framework's delivery.

Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework Supplementary Planning Guidance

74. The RA SPG was published jointly by the Council and the Mayor of London, and was adopted by the Mayor as an Opportunity Area Planning Framework to the 2004 London Plan. Its first paragraph begins: *"The London Borough of Barnet (the Council) and the Greater London Authority (the GLA) have identified the Cricklewood, Brent Cross and West Hendon area as a major opportunity for regeneration in the borough over the next twenty years."*
75. The Strategic Principles include: in the region of 10,000 new homes; a commitment to the provision of affordable housing and places of local employment for the existing and new communities; improvements or additions to existing community facilities as part of the creation of a sustainable community (including health and education); improvements to the River Brent and links to the Welsh Harp Reservoir; the provision of new public open space, enhancement of the existing green spaces and links to established neighbourhoods; a fully accessible street network that positively encourages the use of public transport, walking and cycling over the car; and a comprehensive approach to regeneration that embraces implementation on both sides of the A406 North Circular Road concurrently.
76. The vision for West Hendon is set out in the following terms: *"At West Hendon it is proposed that approximately 2,200 units will be provided. The guidelines relating to affordable housing above do not apply to West Hendon. In this case, the existing affordable housing must be replaced by an equivalent amount, type and mix of new affordable housing funded by private sector investment to meet the Decent Homes Standard and therefore requires a site specific solution. It is*

⁴⁵ AA5 Statement section 4

⁴⁶ AA1 Statement section 7

⁴⁷ AA2 Statement section 7

⁴⁸ AA1 Statement section 2; AA4 Statement section 3

recognised that in order to fund the re-provision, the density of development at West Hendon will be increased. The precise quantum will be subject to detailed design given the sensitive location adjacent to the Welsh Harp Reservoir."

The UDP

77. The Cricklewood, Brent Cross and West Hendon Regeneration Area is dealt with at chapter 12 of the UDP. UDP Policy GCrick (set out in the planning policy section above) establishes the strategic approach to regeneration.
78. The introductory text to UDP Policy C1(A) deals particularly with West Hendon: *"12.3.4 West Hendon is an integral part of the regeneration area. Its boundaries are broadly defined by the Welsh Harp arm of the Brent Reservoir in the west, and the Midland Mainline railway in the east. The northern and southern boundaries approximate to the extent of the existing residential area either side of the A5 Edgware Road"*.
79. The text of UDP Policy C1 says: *"The present West Hendon Housing Estate consists of a variety of dwelling types, where the majority are in poor condition. The Broadway shopping area is also of poor quality and the prevailing atmosphere is one of neglect. The proximity of heavy traffic on the A5, and the local road gyratory system, greatly contribute to the creation of an unattractive and uncomfortable environment for pedestrians and cyclists. Public access to Hendon Railway Station requires improvement and greater legibility. It is anticipated that a new residential quarter will be created around the Welsh Harp, the existing housing will be demolished, and in addition to new and replacement housing, there will be a new local centre and civic area with new shopping, commercial and community uses. In accordance with PPG3 and the London Plan, the opportunity will be taken to achieve a higher density of development throughout the regeneration scheme, in a sustainable manner that will incorporate the highest standards of design". (12.3.5)*
80. The text of UDP Policy C1 continues with: *"The adopted Cricklewood, Brent Cross and West Hendon Regeneration Area Development Framework sets out detailed guidelines for the redevelopment of the West Hendon Housing Estate and the local town centre, and the enhancement of the waterside environment of the adjoining Welsh Harp Site of Special Scientific Interest. The development framework will therefore inform the preparation and submission of an outline planning application for the regeneration of West Hendon that will encompass both the housing estate, the local town centre, the Welsh Harp and access to the mainline Hendon Station. It is anticipated that such a planning application will set out the basis and programme for a comprehensive, mixed use redevelopment, with future, detailed submissions being brought forward for individual zones of development and open space within the site. In order to provide new and improved accommodation for the existing estate residents as soon as possible, proposals for the regeneration of West Hendon can come forward and be considered in advance of those for the rest of the regeneration area. In the order of 2,200 new homes (including affordable housing) will be developed at West Hendon, in addition to the minimum of 5,000 homes provided for in Policy C9 in the rest of the regeneration area." (12.3.6)*
81. UDP Policy C1(A) is set out in the Planning Policy section above.

The Core Strategy

82. The regeneration of the West Hendon Estate is referred to in the CS as "a central part of Barnet's future", a "major priority" and a "core objective"⁴⁹.
83. The CS summarises the proposals for West Hendon explaining that:

"In addition to the delivery from major growth areas of over 16,000 new homes it is a major priority to regenerate failed housing estates in Barnet. Major estates at Dollis Valley, Grahame Park, Granville Road, Spur Road - Stonegrove and West Hendon are identified on Map 2 – the Key Diagram. These estates will be subject to long term programmes of regeneration in order to tackle poor quality housing, social isolation and transform these areas into successful mixed tenure places. These estates (excluding Grahame Park which is counted as part of the Colindale regeneration area) will provide nearly 2,200 new homes by 2026. Further details on the regeneration of the priority estates is set out below...."

West Hendon

Located between the A5 and the Welsh Harp Reservoir the West Hendon Estate is another product of the 1960s. The existing 680 homes will be replaced by a new mixed tenure neighbourhood of up to 2,200 new homes, a net increase of 1,500 homes. In addition approximately 10,000m² of non- residential floorspace will be built to help create a focal point around a new town square. This programme is under way. It is estimated that the scheme will be completed before 2026. The redevelopment of West Hendon is being taken forward in parallel, but independently of the regeneration of Brent Cross – Cricklewood.⁵⁰

84. Policy CS1⁵¹ sets out the Council's Borough-wide regeneration strategy, which includes the provision of 5,510 new homes in the Brent Cross – Cricklewood Regeneration Area by 2026.
85. Policy CS3⁵² deals in more detail with the distribution of housing growth, stating that: "We will, in order to meet the Decent Homes standard, and deliver a greater range and variety of accommodation, also promote the regeneration of priority housing estates at:...West Hendon...These areas are expected to provide in the range of 2,200 new homes between 2011/12 to 2025/26."
86. Policy CS3 projects the following figures for the delivery of new homes on the West Hendon Estate: 2011/12 to 2015/16 - 450 new homes; 2016/17 to 2020/21- 450 new homes; and, 2021/22 to 2025/26- 640 new homes.

Acquiring Authority Conclusions on Planning Framework

87. It was confirmed through the consideration of the 2013 Planning Application that the Scheme substantially accords with national, regional and local planning policies. Planning permission was granted on 20 November 2013 and was not the subject of any legal challenge. There is therefore no planning impediment to its delivery.

⁴⁹ CDC.03 4.7.7, CDC.03 7.2.12 and CDC.03 6.2.1 respectively

⁵⁰ CDC.03 7.2.12

⁵¹ CDC.03 page 47

⁵² CDC.03 page 51

88. The Scheme complies with the CS's identification of the West Hendon Estate as a priority estate where regeneration involving housing will be expected and with the UDP's allocation of the Order Lands for regeneration development.
89. The Scheme's affordable housing provision complies with the London Plan and the CS.
90. The Scheme's design meets the CS's requirements to create high quality places, and a series of CS policies in relation to open space, biodiversity, climate change, retail, transport and social infrastructure⁵³.
91. Therefore, the purpose of the Order, being to deliver the Scheme and the Regeneration Project, not only fits with the adopted planning framework but is a key strategic element of it.

Contribution to Well-Being

92. The Scheme will, in the Acquiring Authority's view, contribute very significantly to the social, economic and environmental well-being of the area. Its contributions will be many and various.
93. The starting point is the current condition of the Order Lands. The Estate comprises 1960s residential blocks built using the discredited Large Panel System of concrete construction. The Estate suffers from a series of problems including poor insulation, poor access, poor thermal performance, inadequate lighting, poor security measures and management problems. In sum, the existing buildings provide poor quality living accommodation for residents, and the layout of the Estate as a whole is unsatisfactory⁵⁴.
94. The position has been consistently recognised since at least 2000 in the Council's Housing Strategies. In particular the Council's 2000-2003 Housing Strategy noted "*unequivocal evidence of the close association between the highest deprivation levels in Barnet and our largest social housing estates*". The strategy noted proposals to regenerate the West Hendon estate, and particularly to "*develop balanced communities by diversifying tenure mix*" and to "*break down the barriers that currently exist between these large estates and surrounding communities*".⁵⁵
95. The 2001 Housing Strategy noted that the "*key strategic housing challenge for the next five years is the regeneration of the Borough's most deprived neighbourhoods – particularly our priority estates*" of which the West Hendon Estate is one. Major regeneration is said to be the Council's "*first, most challenging priority*"⁵⁶.
96. The 2002-2005 Housing Strategy maintained that position, noting that the regeneration programme is the Council's "*first priority*". As to West Hendon, the strategy noted that "*West Hendon is a unique area with rich potential for comprehensive regeneration*", and that "*this remains the most exciting of the four priority estates*"⁵⁷.

⁵³ AA5 Statement 4.31-34 and 4.37-74 respectively

⁵⁴ AA1 Statement 2.12 -2.15

⁵⁵ AA4 Statement 3.2-5 and Appendix 1

⁵⁶ AA4 Appendix 2

⁵⁷ AA4 Appendix 3

97. The 2003-2010 Housing Strategy updated the position on West Hendon noting that a *"major consultation with residents completed"* and *"successful resident test of opinion on the proposals (74% in favour on 62% turnout in 2003)"*.
98. The Council's 2010-2025 Housing Strategy⁵⁸ states that: *"Our estate regeneration schemes will see the dismantling of our largest mono tenure council estates which have proved to be unpopular and limiting in terms of opportunities for residents living on them. These failing post war estates, Grahame Park, West Hendon, Stonegrove/Spur Road and Dollis Valley will be replaced by mixed tenure estates with new social housing, but also opportunities for entry level and market home ownership."* The strategy's "targets" include the completion of the regeneration of the West Hendon Estate by 2026.
99. The Council's draft Housing Strategy 2015-2020⁵⁹ was at the time of the Inquiry out to consultation. The document notes at that: *"The council's largest estates in Grahame Park, West Hendon, Stonegrove/Spur Road and Dollis Valley are being regenerated. Dilapidated, poor quality housing is being replaced with modern, high-quality mixed-tenure accommodation. The regeneration of Barnet's biggest estates will see 3,000 existing council dwellings replaced with 7,000 mixed tenure homes."* It also states *"We recognise that regeneration can be a disruptive process for residents, particularly those that are living in non-secure accommodation, and will seek to minimise this disruption at the point that tenants are required to move by making use of flexibilities within our allocations scheme and providing advice and support."*
100. Further evidence on the poor condition of the estate came from the objector Mr Bakare, who told the inquiry that *"it's like it's falling apart"*. Andrew Dismore AM expressed concern on the poor condition the Estate has fallen into, and noted *"overwhelming support"* for its improvement.
101. Regeneration will, in the Council's view, bring about a wide variety of well-being benefits. Following the requirements of the s.226(1A) of the 1990 Act, and section 16(ii) of Appendix A to the Circular, the Council explains its evidence on those benefits under three headings: social, environmental and economic.

Social Benefits

102. Having regard to Affordable Housing, policy 3.14 of the London Plan states that: *"Loss of housing, including affordable housing, should be resisted unless the housing is replaced at existing or higher densities with at least equivalent floorspace."*

⁵⁸ CDA.26

⁵⁹ CDA.27

103. The comparison between the Estate's existing affordable housing provision and that proposed in the Scheme is summarised below:

| | Existing | | | Proposed | | |
|--------------|----------|----|------------|----------|-------|------------------|
| | No. | % | Floorspace | No. | % | Floorspace |
| Private | 144 | 24 | 12,613 sqm | 1494 | 75 | 102,316 sqm |
| Affordable | 453 | 76 | 28,446 sqm | 506 | 25 | 36,846 sqm |
| comprising: | | | | | | |
| Social rent | 453 | 76 | | 219 | 10.75 | |
| Intermediate | | | | 287 | 14.25 | |
| Total Units | 597 | | 41,059 sqm | 2000 | | 202,000 sqm(GEA) |

(GEA here—others are NIA)

104. The s.106 agreement sets a minimum proportion of social rented housing at 43% of the Scheme's overall affordable provision⁶¹. Cllr Langleben suggested that this level was insufficient, but in determining the social well-being benefits which will be delivered by the Scheme, the question of percentage is irrelevant. This Scheme would deliver more homes, and more affordable homes, than currently exist on the site. The figures set out in the table above are in addition to the 43 social rented units which have already been provided as part of Phases 1 and 2 of the Regeneration Project.

105. The Council's Officer noted at page 50 of the Committee Report⁶² that the failure to meet the general CS 40% target for affordable housing was justified taking account of the wider regeneration benefits afforded by the scheme, and in consequence: *"It is considered that the proposed mix is responsive to the needs of existing tenants that would be rehoused as part of the regeneration and will assist in making the proposed development attractive to people who wish to come and live in the area. The GLA in their Phase 1 report [sic] consider that this approach is acceptable subject to viability testing, given the characteristics of the area. The proposals are therefore considered to be compliant with this policy context."*

106. In addition, the s.106 agreement includes an affordable housing review mechanism which has to be initiated before any reserved matters application is made in respect of each of Scheme Phases 4, 5 and 6. The Developer has to submit an updated financial appraisal and to pay for an independent expert to assess this on the Council's behalf. The mechanism includes a dispute resolution procedure. If it is agreed, or determined, that it would be financially viable to do so, then the Developer must (at the Council's election) either provide additional affordable housing units in the Scheme or make an additional financial contribution towards the provision of affordable housing elsewhere in the Borough⁶³.

⁶⁰ GEA – gross external area NIA - net internal area

⁶¹ CDB.36 S.106 page 8

⁶² CDB.34

⁶³ CDB.36 S.106 Schedule B Part 2 (especially para 11)

107. In sum, the number of affordable units is proposed to increase from 453 to 506, with a corresponding increase in affordable floorspace from 28,446 sqm to 36,846 sqm. On that, the GLA's Officer said in the Stage 2 report⁶⁴ that: *"The housing offer was broadly supported at the consultation stage given there is no net loss of affordable housing as part of the estate renewal. The housing offer has also now been confirmed as valid by an independent valuer appointed by the Council. This approach is therefore consistent with London Plan policy 3.14. The housing offer ... will provide an overall uplift in affordable housing floor space and an improved mix between market, affordable rent (at target rents) and intermediate tenures. The provision of affordable rent at target rent level (i.e. social rent) in this instance is acceptable given the requirement of existing secured tenants that require re-housing within the estate."*
108. There was therefore consensus between the Council and the GLA that the Scheme's affordable housing provision is policy compliant, and it is a matter of fact that the Scheme will result in a net increase in both the number of affordable units, and affordable floorspace. As noted above, the s.106 agreement also includes an affordable housing review mechanism in relation to Phases 4, 5 and 6.
109. Finally, the proper assessment of the Scheme's affordable housing provision is not only quantitative but also qualitative. The sizes of the affordable units in the Scheme exceed general London standards; and those units would be built sustainably, in a way that is more simple to maintain, and they are, as explained by the architect *"incredibly well insulated"* and designed to *"keep future costs down"*.
110. In sum, it is the Acquiring Authority's view that, taken together with the environmental improvements detailed below, the Scheme would not only add to the quantity of affordable housing provision on the estate, it would also significantly improve the quality of that provision.

Shared Equity

111. One way the promoters are providing affordable units is through the provision of a shared equity product to eligible leaseholders. It was explained that the purpose of that offer to eligible long leaseholders has been formulated by the Council and the Developer in addition to their statutory compensation entitlement. It is an important part of the Council's re-housing strategy, and addresses concerns regarding retention of the existing community on the Estate⁶⁵.
112. To participate in the scheme, leaseholders must purchase a minimum of 50% of the new property, and must invest all of the market value and home loss elements of their compensation entitlement, even if this exceeds 50% of the value of the property. They must also have acquired their leasehold interest before 30 September 2003, by which time, principally as a result of the ballot and the material associated with it, all Estate residents would have been aware of the regeneration proposals⁶⁶.

⁶⁴ INQ12 para 7.8.13

⁶⁵ AA2 Rebuttal at 2.3

⁶⁶ AA2 Rebuttal at 2.9

113. Further details on the shared equity product were set out by GVA⁶⁷. The eligibility assessment chart shows that, for a typical unit in good condition with no outstanding charges, the sum of market value plus the home loss payment plus the goodwill payment would enable all leaseholders to achieve the requisite 50% equity share in a new unit, including for 2-bed properties and, if required, shared ownership of a car parking space. The offer also includes reimbursing the cost of the electrical riser main works⁶⁸. In addition, the offer now includes a cap on the price for the shared equity properties⁶⁹ to ensure that, on Capita's assessment of market value and with the home loss and goodwill payments, the 50% criterion can be met.

114. This 'deal' remains open for acceptance until 27 February 2015⁷⁰. Overall, the offer is, in the Council's view, an entirely reasonable one, and cannot be expected to remain open indefinitely as the market is constantly changing and the Developer has to know how many shared equity properties it needs to set aside in Phase 3a. For those who do not accept the offer, the dispute about the correct open market value of the leasehold properties on the Estate may well be resolved over the ensuing months; if it is not, there is a statutory dispute resolution procedure (namely, reference to the Upper Tribunal) which will ensure that fair compensation is awarded.

115. The suggestion by Councillor Langleben that the shared equity product does not provide truly affordable housing is entirely misconceived. Shared ownership is particularly picked out as an example of intermediate housing in the Framework⁷¹ and the CS⁷², as well as in the s.106 agreement⁷³. The London Plan strongly encourages the increase in provision of intermediate housing as part of a more balanced mix of tenures⁷⁴. The GLA Stage 2 report was right that the Scheme provides an improved mix of affordable housing, when judged against current adopted policy.

116. In short, the level and mix of affordable housing provision, including shared equity products, was considered fully by the Council and the GLA, and was found to comply with local, London-wide and national policy. In addition, the evidence demonstrates that, should the current offers be accepted, the shared equity product would be affordable for the substantial majority of eligible leaseholders.

Density

117. The Scheme's proposed net density is marginally above the upper threshold set in the London Plan. However, the proposed density is supported because of the creation of a more integrated and legible environment. Those factors include the fact that the daylight/sunlight assessment concluded that all units would have sufficient levels of light with limited over-shadowing. Additionally, the Scheme has a significant proportion of, and links to, high quality amenity

⁶⁷ INQ16

⁶⁸ INQ42

⁶⁹ INQ16

⁷⁰ INQ16

⁷¹ CDC.01 page 50

⁷² CDC.03 page 151

⁷³ CDB.36 page 17

⁷⁴ CDC.03 para 3.62

space. Moreover, there is also support for 2,000 units in the policies of the Core Strategy⁷⁵.

118. That conclusion was supported by the Officers of the GLA, who noted that the Scheme's density "remains above the guidance in the London Plan; however officers remain satisfied that the setting and design quality allow for this level of intensity of use for this site"⁷⁶.

Service Charge Subsidy

119. Whilst the exact details of how the Developer's proposed service charge subsidy for shared-equity leaseholders would operate have not yet been settled, it was explained that the subsidy is likely to reduce service charges by around 28-30% for the first 5 years of occupation. Thus the maximum service charge payable by a 1-bed property would be £1380, and the maximum for a 2-bed property would be £1780. These are in line with other comparable affordable properties in the Borough⁷⁷.

The 'Pledge'

120. Much Inquiry time has been taken up by the 2002 'Pledge' document⁷⁸. Indeed, Mr Khalick said in cross examination of Mr Cowie that "if the pledges hadn't changed, none of us [i.e. objectors to the Order] would be in this room". That position is surprising because in relation to the secure tenants, leaseholders and freeholders covered by the document, 29 commitments listed are still being met⁷⁹. Those commitments are extensive but include the important statements that:

All residents will have a new home in West Hendon;

Tenants will be provided with a home which has the same number of bedrooms or more if a household is currently overcrowded;

Long leaseholders will have the option of purchasing a shared equity property if they meet the eligibility criteria; and

Residents will be compensated for the cost of their move.

121. In contrast, there are 4 pledges which can no longer be met⁸⁰. The reasons for this are that:

Ramsey Close residents are no longer being offered units in the regenerated estate because Ramsey Close has been excluded from the Scheme, as requested by the Residents' Regeneration Group (RRG);

Residents can no longer be guaranteed either a move within 5 years of the first unit being complete, or rehousing on a floor no higher than their current home, because of changed economic circumstances and decanting issues with the approved scheme which required the scheme content and layout to be reviewed and altered in order to ensure that it was deliverable. These changes were

⁷⁵ CDB.34 page 48

⁷⁶ INQ12

⁷⁷ INQ16

⁷⁸ CDA.21

⁷⁹ AA1 Statement 2.29-39

⁸⁰ AA1 Statement 2.37

incorporated in the planning application that led to the grant of the 2013 Permission.

Although almost all eligible residents will be offered options which allow them to move only once, a number of residents have requested a double move in order to secure a particular property.

122. In fact, as the evidence at the Inquiry developed, it became apparent that the central dispute over the pledge related not to whether it was being met, but to whom it had been directed. The pledge itself⁸¹ said that "*existing resident Council tenants and owner-occupiers on the estate will be offered a home in the new West Hendon*". It is quite obvious that this was directed, as it said, at existing Council tenants and owner-occupiers who were living on the Estate at the time the pledge was made. Any other interpretation is wilfully misleading. Most commitments are still being met.
123. It is a fact that, when the pledge was published in 2002, and according to the Council's records, there were no non-secure tenants on the Estate. As such, the non-secure tenants have never had any prospect of having re-housing on the estate. That has always been made clear when tenants are placed there.
124. It is also relevant to note that the pledge, at page 11, made it clear that option 2 (to "*swap your existing home for a new home on West Hendon*") was subject to the proviso that owner-occupiers must be able to put up 50% of the equity.
125. In sum, the position remains therefore that most of the pledges are being met. It is hardly surprising that the drastic and unforeseen economic downturn of the late 2000s meant that the content of the Scheme had to be reviewed and that changes had to be made to it. The Council found that the revised Scheme was substantially policy-compliant and still brought major regeneration benefits. There is a strong public interest in enabling it, through the use of compulsory powers, to proceed to completion.

Decant Strategy

126. The Residential Decant Strategy⁸² provides that the Developer will rehouse (and is already rehousing) secure tenants living on the Estate in a single move to a property with the same number of bedrooms as their existing property or more if their housing need requires. That move will take account of tenants' personal circumstances and expressed preferences in accordance with a protocol produced with the RRG⁸³. It also provides that non-secure tenants will, so long as they meet the criteria in the Housing Allocations Scheme⁸⁴, be offered re-housing by the Council generally within the Borough. As previously mentioned, there is a variety of mechanisms open to dissatisfied non-secure tenants who feel their needs are not being adequately met, including the appeals and review procedure within the Housing Allocations Scheme itself⁸⁵, complaint to the Local Government Ombudsman, and where appropriate defending possession proceedings.

⁸¹ CDA.21 page 7

⁸² CDB.12

⁸³ AA4 Appendix 5

⁸⁴ INQ36 and AA4 Appendix 6

⁸⁵ INQ36

127. As to the 74 secure tenants 67 have already accepted the offer of a new home on the Estate, 65 of whom will move with no interim temporary accommodation. Three have refused offers of a new home on the estate – two on medical grounds, and one by a tenant who has simply failed to engage with the Council. One has been re-housed in Phase 2a of the Regeneration Scheme. Three have moved away from the Estate⁸⁶.
128. As to the 86 non-secure tenants 54 have already been re-housed, on average just over three miles from the Estate, and all but one within the Borough (who has been rehoused in the neighbouring borough of Harrow). Of those 35 have taken a secure tenancy. Twelve cases have been cancelled following discharge of the Council's statutory homelessness duty. Ten have been assessed, and four of those have offers of accommodation pending. Ten have not yet been assessed, five of whom have failed to engage with the Council. The remainder are either having a change of circumstances investigated, or are subject to eviction proceedings due to rent arrears.
129. The Inquiry has heard a great deal of criticism of the Council for not issuing further secure tenancies on the Estate after 2002. However, that was a deliberate and entirely justified position for the Council to take. From 2003, the Council's general practice has been not to grant new secure tenancies on its regeneration estates, but has granted non-secure tenancies to those in housing need so as to make best use of vacant properties. That course of action has had several benefits, which include the avoidance of large numbers of empty units on the Estate, and any consequential adverse impacts on the vitality of its communal life. That benefit has proved particularly important given the regrettable delays to delivering the Regeneration Project. Nonetheless, that course of action has had the consequence of increasing the number of interests to be included within the Order.
130. In the Council's view, the figures show that the decanting process has already substantially succeeded. Arrangements are already in place for the rehousing of the vast majority of both secure and non-secure tenants, and the majority of the latter who have been rehoused have been upgraded to secure tenancies.
131. Two tenants who gave evidence to the Inquiry have situations which raise particular concerns; Lubna Ahmad and Hodan Nur.

[Inspector's note: These are addressed in specific responses to the objections below.]

Phasing

132. The Scheme is split into a number of delivery phases⁸⁷. Completion of all phases is necessary to ensure that the Developer makes a return on its investment. There is a variety of well-being benefits associated with that phasing. As previously noted, the s.106 Agreement requires additional affordable housing, or an affordable housing contribution towards affordable housing provision elsewhere in the Borough, to be provided if the viability of subsequent phases of the Regeneration Project improves⁸⁸. Phasing also allows for the early rehousing of secure tenants on the Estate, and does so in most cases in a single

⁸⁶ Details as at the Inquiry are contained in INQ14

⁸⁷ AA2 Statement 5.4

⁸⁸ CDB.36 s.106 Schedule B Part 2

move⁸⁹. It enables the maintenance of infrastructure throughout the works, for example the provision for temporary community space. More generally, phasing has allowed for the minimising of the works in relation to which compulsory purchase powers are required.

Education

133. At present, there are no schools on the Estate. The position was assessed in detail in the ES⁹⁰. A general undersupply of primary school places is noted. That position has been addressed through the s.106 agreement, which provides for the construction on the Estate (or a suitable alternative location) of a 2-form entry primary school providing 420 spaces and nursery⁹¹. The s.106 also provides for education contributions amounting to £5,286,043 to be paid in instalments as set out at section 3 of Schedule C, which facilitate the interim provision of primary school places through expansion of an existing local primary school until the new school is built if needed⁹². The Council considers that the provision of the new school together with the educational contribution constitute very significant contributions to social well-being.

134. Further, secondary school capacity was assessed in detail in the ES⁹³, and the requisite local capacity is available: 124 pupils are predicted in relation to the Scheme, as against existing capacity of 3,596 places.

Community Facilities

135. The Estate is currently served by 3 community facilities. The West Hendon Community Centre (area of 149 sqm), currently used as a community centre; the Marquin Centre (area of 478 sqm), currently let to a religious organisation; and 189 West Hendon Broadway (area of 169 sqm).

136. The components of the Scheme's provision for community facilities were explained in the Officer's report as follows:-

"In response to the baseline context and the population impacts arising from the scheme the development proposals include on-site provision of a new 500sq.m community space adjacent to the primary school and 304sq.m community space in block G5 which will remain as permanent community floor space as long as there is market interest in using the space. A Community Centre facility of 500sq.m floorspace, over two floors will be constructed during phase 5 of the development adjacent to, and delivered complementary to, the proposed primary school. The key spaces in the community centre would be centre office, toilets, kitchen and flexible community rooms. In addition, it is proposed that block G5 will include 304 sqm of Community space on the A5. Condition 18 secures provision of the G5 community centre floorspace for a minimum period of 3 years and that the floorspace shall remain in community use unless it can be demonstrated to the satisfaction of the Local Planning Authority that there is not sufficient demand to support such a use.

The location of the community centre adjacent to the Primary school will create a community hub for the redevelopment proposals. The Design and Access

⁸⁹ INQ14

⁹⁰ CDB.24 pages 442-450

⁹¹ CDB.36 s.106 Schedule C

⁹² CDB.34 page 81

⁹³ CDB.24 page 448

Statement and Design Guidelines state that the school is co-located with the community centre so that the community centre could make use of the school facilities, for example the hall, and external spaces out of school hours. This also creates the opportunity for a shared reception area so that the community centre could share the school's administrative staff. The S106 heads of term would secure a commuted sum for the council to secure construction of this building in association with the school site as an integrated hub therefore maximising the use of the individual spaces. In phase 6 the hub will benefit from the Silkstream footbridge giving direct access to the West Hendon Playing Fields.

The school associated community centre In the long term responsibility for the continued management of these elements will be subject to further discussions between the future occupants of the school site and other appropriate third party groups including local resident groups with the Council. It is envisaged that the centre will be run and managed in association with the school by a resident's group which will be established in due course.

Whilst the provision of 500sq.m community centre represents a loss in floorspace of 296sqm the proposed consolidation of the three existing facilities into a single centre with a reduced footprint is considered sufficient to meet existing and future needs particularly as the proposed facility will be a modern purpose built and flexible multi-functional space of enhanced quality⁹⁴."

137. So far as the temporary community facility is concerned, should a need be demonstrated the s.106 agreement requires the provision of such a facility prior to the occupation of any Phase 3c unit, and the facility must be retained until the new community centre is available, another community facility is provided by the Council elsewhere, or for 8 years to pass, whichever occurs first⁹⁵. The area of that temporary facility would be 169 sqm. This is the same as the community space at 189 West Hendon Broadway which would be demolished during phase 3. In sum, subject to proving need, there would be no net loss in community floorspace within phases 3 and 4, and the resulting facility after Phase 5 would be a modern, purpose built, multi-functional space of enhanced quality. The Acquiring Authority notes that the proposed provision was found to be acceptable⁹⁶.

Healthcare

138. Local healthcare capacity was assessed in detail in the ES⁹⁷. The ES concluded that there is spare capacity at the 11 GP surgeries within 2km of the Estate for some 15,000 patients, against an estimated 5,180 gross new residents associated with the scheme. In consequence, any additional demands can be accommodated⁹⁸.
139. The Council's Officer dealt with the position⁹⁹ noting that, given existing surplus capacity at both local GP and dentist surgeries, the Scheme's "impact on health facilities in the area would be minimal".

⁹⁴ CDB.34 page 76

⁹⁵ CDB.36 Schedule F, Section 6

⁹⁶ CDB.34 page 76

⁹⁷ CDB.24 page 424

⁹⁸ CDB.24 page 450

⁹⁹ CDB.34 page 82

140. If any improvements to health infrastructure are found to be required at a later stage, the Borough's CIL charge, as guided by the Infrastructure Delivery Plan, is a potential source of funding for these.

Highways

141. The highway works proposed as part of the Scheme are set out in detail in the Transport Assessment¹⁰⁰ which concludes that, when measured against the baseline position, the Scheme will bring about improvements in capacity at junctions, general traffic and journey times. The Transport Assessment included express consideration and analysis of the effects of the proposed removal of bus lanes¹⁰¹, which is an issue that has been raised at the inquiry.

142. In order to enable the development of phases 3b and 3c of the Scheme, the Developer will seek a programme of highway closures and diversions¹⁰². However, the need for the orders is unlikely to constitute an impediment to the delivery of the Scheme¹⁰³.

Public Transport

143. Impacts on existing capacity was comprehensively assessed in both the Transport Assessment and its Addendum, and summarised in the Officer's Report¹⁰⁴. The s.106 agreement requires the Developer to pay a bus service capacity contribution of £450,000, which will fund an additional bus service¹⁰⁵. In addition, the s.106¹⁰⁶ requires the payment of a further £450,000 bus service impact contribution if further assessment shows that additional bus services are required to maintain reliability given the removal of bus lanes along the A5. That is intended to deal with any delays brought about by the closure of bus lanes, if any are identified at the reserved matters stage¹⁰⁷.

144. As to rail, data received from Transport for London (TfL) demonstrates that there are no rail capacity issues arising from the Scheme for either overground or underground links¹⁰⁸.

Parking

145. Parking spaces across the Scheme will be provided at a ratio of 0.8. The objectives of the Travel Plan include discouraging travel by car and minimising the need for parking. The Council's Officer found that the proposals for both vehicular and cycle parking were policy compliant¹⁰⁹ and TfL considered the provision to be adequate¹¹⁰.

¹⁰⁰ CDB.17 section 5

¹⁰¹ CDB.17 7.3.2

¹⁰² Also see AA5 Statement 3.33-43

¹⁰³ AA5 Appendix 2

¹⁰⁴ CDB.34 pages 91-94

¹⁰⁵ CDB.36 Schedule D, Section 6

¹⁰⁶ CDB.36 Schedule D, Section 9

¹⁰⁷ CDB.34 page 92

¹⁰⁸ CDB.34 page 96

¹⁰⁹ CDB.34 pages 100-102

¹¹⁰ INQ12

146. In addition, the Developer confirmed that eligible leaseholders purchasing two bedroom shared equity properties can include a car parking space within the shared equity purchase for a fixed additional cost of £5,000¹¹¹.

Consultation

147. Consultation on the Regeneration Scheme has been on-going since 2002. Those steps taken by the Developer to consult on the planning application were extensive, and are summarised in the SCI¹¹². The points include explanation that a public consultation event on 27 March 2012, with invitations sent to all 680 homes of the West Hendon Estate and local stakeholders. Around 70 local residents attended the event, of whom approximately 50 came from the Estate.
148. A public exhibition of the proposed planning application was held over two days in December 2012 with invitations sent to 5,500 residents and business owners in the Borough. Around 180 visitors attended the exhibition with some comments recorded¹¹³. A series of meetings, briefings and newsletters with a variety of local stakeholders including the RRG and West Hendon Ward Members. The Council has undertaken significant pre-application consultation and engagement with residents, the wider community and relevant stakeholders.
149. As to the consultation undertaken by the Council on the 2013 planning application, the Officer's Committee Report notes that over 8,060 local residents and businesses were consulted by letters posted on 2 April 2013¹¹⁴. In response to this there were 341 letters and emails from local residents. The application was advertised in the press on 4 March 2013 and 9 site notices were displayed around the site. The full range of statutory consultees was consulted. Furthermore, as EIA development, the application was subject to the publicity requirements of under Part 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
150. The full range of consultation responses was summarised in the Council's Committee Report. In addition, the application was considered by the officers of the GLA, and subject to two rounds of consultations through its procedures which brought in a range of comment from still further consultees.
151. Since the grant of the 2013 Permission the steps taken to involve the community and others include, but were not limited to, meetings with both the RRG and the West Hendon Regeneration Partnership Board (RPB). The Council and the Developer have joined the Partnership Board. The RRG has plainly had an impact: its views contributed to the decision to exclude Ramsey Close from the Order. Also, its achievements were summarised in the minutes to its most recent AGM¹¹⁵, which included the securing of agreement that non-secure tenants will have their moving costs paid; confirming with the Council that tenants moving to Skylark Court on a Metropolitan tenancy could revert to a Council tenancy if desired; and the setting up of a Homeowners' Support Group. Indeed

¹¹¹ INQ16

¹¹² CDB.16

¹¹³ CDB.16 pages 12-17

¹¹⁴ INQ38

¹¹⁵ INQ17

the Council notes that, in cross examination, Jasmin Parsons "could not deny" that the RRG has fulfilled a valuable function.

152. In addition site visits and/or presentations have been made to the Welsh Harp Joint Consultative Committee, the Welsh Harp Conservation Group, Andrew Dismore, and Leader of the Council, Alison Moore.

153. Furthermore, the Developer held an open meeting of residents in the Estate's community centre which was attended by more than 60 residents.

154. In sum, from 2002, before, during and after the 2013 Planning Permission was granted, consultation activities have been substantial. Those activities have complied with and exceeded the legal obligations on the Council and the Developer. There neither was nor is there any requirement in law to conduct a ballot.

Social Diversity

155. The Council's Officer noted in the Committee Report that "community cohesion is a key issue in the redevelopment and re-provision of West Hendon Estate", and said that "The proposed development would provide a regenerated neighbourhood within this part of West Hendon which would result in greater levels of integration with the wider community. Physical accessibility and legibility of the site would be improved for pedestrians and cyclists with significant improvements to connectivity between the estate and open space around the Welsh Harp and improvements to West Hendon Broadway improving connections to Hendon Station.¹¹⁶"

156. The Officer concluded that the proposals complied with Barnet Council's Equalities Policy and the commitments set in its Equality Scheme¹¹⁷. The greater levels of community integration which would be promoted both within the new Estate, and between the Estate and the wider West Hendon area are also very significant well-being benefits which weigh in favour of the Order's confirmation.

Environmental Benefits

Current Condition of Estate

157. The current condition of the homes on the Estate include poorly defined public and private space with no clear hierarchy of streets and desirable through routes and no sense of orientation within the estate. Moreover, there are no clear relationship between streets, buildings, open space and the Welsh Harp. The building fabric is in need of repair and upgrade to meet current environmental and building standards. In terms of highways, the Perryfield Way gyratory is the dominant feature on arrival to the estate which has a negative impact. The SSSI has a poorly managed boundary leading to unauthorised access.

158. Those issues would not be adequately addressed simply by bringing the existing Estate units up to Decent Homes standards. Even if the required £4,816,000 was spent to bring the Estate's units up to the Decent Homes standards, some £6,613,500 (including a leaseholder contribution of around £1.6m) would still need to be spent on external areas of the Estate, and even that level of

¹¹⁶ CDB.34 page 121

¹¹⁷ CDB.34 page 122

improvement would not address the Estate's inherent problems to do with its layout and linkages¹¹⁸.

159. The Regeneration Project would, in the Acquiring Authority's opinion, provide a comprehensive and long-lasting solution to redress the unsustainable design choices of the 1960s, and to provide for a long-lasting, durable and exceptionally well designed units in a scheme that would open up the Welsh Harp to the Broadway and create a more legible, secure pattern of streets.

160. A number of objectors have criticised the recent carrying out of works to the electrical rising mains. The Council has been criticised for failing to maintain the Estate as it would have done had the regeneration scheme not been proposed, and for undertaking works when they became unavoidably necessary. Those works undertaken were considered necessary by the Council to ensure that the Estate continues to meet the requirements of Health and Safety legislation. That was as part of a Borough-wide programme to replace electrical rising mains which was accelerated in 2013 following initial inspections and survey reports, and an increasing number of incidents of power outages and a fire in a similar block elsewhere in London. The Council acted entirely properly and it would have been irresponsible not to carry out works required as a matter of ensuring the health and safety of the Council's tenants.

Public Open Space

161. The proposed network of public open spaces is illustrated in the DAS. It includes a re-designed York Park and a strip referred to as "Broadway Place & the Green" which links the Broadway to the Welsh Harp. The intention is that this would allow a visual connection to the water from The Broadway and the new local centre, allowing a link from the station, through the residential development which would to integrate with the green space and water-body beyond. In addition, the two bridges proposed in the Scheme would allow and encourage direct access to the playing fields and green spaces to the west of the Welsh Harp Reservoir.

York Park

162. The Scheme's impact on York Park has taken up Inquiry time. However, York Park is not included within Order Lands; and, in any event, the Scheme provides for its enlargement and improvement. The DAS explains:

"The new emphasis on connections beyond the site will make the Park much more outward looking- attracting more use by the wider community of West Hendon and encourage more use of the West Hendon Playing Fields by virtue of the new bridge.

The new apartments will be configured to greatly increase overlooking of the Park, with some dwellings given direct access from private terrace gardens to the public park. The communal courtyards facing the park will also give gated access to the public park ensuring more use and a safer environment.

The new Park will extend for the whole length of the site's boundary with the reservoir - extending its current length within the development site from 395m by almost 25% to 485m.

¹¹⁸ INQ15

The area of York Park within the development site will also increase slightly to 14,984sqm, compared to an existing area of 14,810sqm.

With a similar area, but better connectivity, improved facilities, lighting, more overlooking and better management, the 'new' York Park will offer a significantly safer and more attractive amenity for West Hendon."

163. The DAS also explains "New paths, lighting and play facilities (and the increased population) will bring new levels of activity to the Park, which will feel more secure, suffer less from misuse and inappropriate behaviour. The regeneration will bring new levels of management and maintenance to York Park which will reflect the importance of this valuable piece of green infrastructure."

164. The evidence of Theresa Musgrove made repeated but unsubstantiated accusations that the Inquiry has been misled on the status of York Park. In fact, the position is straightforward and should not be contentious, if examined in an objective manner.

165. York Park predated the Second World War. It appears on an OS map from at least 1935¹¹⁹. The tragic bomb attack in West Hendon in February 1941 took place to the north of York Park¹²⁰. There remains no evidence of any designation of York Park as a memorial park. It appears that a memorial service was held there in 1950, but there is no evidence of any such activities taking place since then, either in York Park or elsewhere. Since 1945, it is clear¹²¹ that parts of the north-eastern side of the park have been built on, as has the area where housing was destroyed during the Second World War. This Scheme is one of hundreds if not thousands of instances of the continuous rebuilding, regeneration and reshaping of London's built and open spaces which has taken place over the 70 years since the War ended. The Council has emphatically not misled the Inquiry on whether the Scheme would include works to York Park.

166. The 2002 pledge document¹²² made clear that "York Park will be redesigned ... and relocated". The subtitles to the illustrations also make it clear, for example "homes overlooking the new York Park". Ms Parsons accepted in cross examination that there was no reference in the pledge to York Park "never being touched", and that the pledge was clear that York Park was to be redesigned. The Statement of Reasons referred to the "improvement of York Park" and the Statement of Case makes clear that "part of the existing York Park will be reconfigured"¹²³.

167. As above, the reconfigured York Park would have a variety of advantages over the existing space as well as the increase in area as it would give everybody access to the edge of the SSSI.

Construction Impacts

168. A number of objections have raised the adverse impacts on them of on-going construction activities in relation to Phase 3a for which, as above, construction has already commenced without the need for compulsory purchase powers.

¹¹⁹ INQ8 Appendix 2

¹²⁰ INQ8 Appendix 1-2

¹²¹ INQ8 Appendix 3-4

¹²² CDA.21 page 5

¹²³ CDA.11

169. Construction works for Phases 3b and 3c are subject to conditions 8 and 9 of the 2013 Planning Permission¹²⁴ which require a site wide framework Construction Environmental Management Plan (CEMP) to be submitted to and approved in writing by the Council before development of any phase is commenced. The CEMP covers an extensive range of matters as set out in the bullet-points to Condition 8, including a restriction on the hours activities can take place. Plainly, the Developers are obliged to comply with those requirements. Nonetheless, should residents have concerns about whether they are being met they are able to contact the site manager directly, and/or call or email the Developer's communications consultant "Hard Hat", and/or contact the Council's enforcement team.
170. In addition to the site-wide requirement for the CEMP, the Developer is also required to produce a Construction Method Statement (CMS) for each phase to be approved by the Council prior to commencement of that phase. The CMS must include the details of how the construction of the phase accords with the principles in the CEMP. The CMS in relation to Phases 3b and 3c is one of the reserved matters which is required before the commencement of either phase.
171. In terms of current construction impacts, the first point is that any adverse impacts on residents are to be taken seriously and the CEMP seeks to mitigate or avoid them wherever practicable. That said, it should be noted that the on-going construction of Block E2 will proceed to completion regardless of whether this Order is confirmed. Thereafter, in subsequent phases, in relation to the remaining properties in Tyrell Way, the construction activities would be located considerably further away from the impacted units.

Daylight/sunlight

172. Daylight and sunlight issues were considered in detail in the ES¹²⁵. In particular, the impacts assessed were found to have negligible daylight and sunlight impacts, and impacts during enabling works would be beneficial (for the period whilst buildings are removed and before rebuilding). The Council's planning officer considered those impacts¹²⁶, which included impacts on existing properties that are to remain until later phases of the Scheme. These were found to be acceptable.

Welsh Harp SSSI

173. The Scheme's ecological impacts were assessed by expert consultants as part of the ES¹²⁷. As regards the Welsh Harp, the key conclusions were that:

"impacts resulting from construction will have no significant effect on features of the SSSI/LRN/SMINC (not including species of bird); confidence in this prediction is near certain."

"impacts on key species of birds for which the SSSI is designated will be short-term and the effect not significant; confidence in [this] prediction is near certain."

¹²⁴ CDB.37

¹²⁵ CDB.24 section 16

¹²⁶ CDB.34 pages 68-69

¹²⁷ CDB.24

*"there are no significant ecological effects during or at the end of Phase 3 on any valued ecological receptors associated with the Application Site or the SSSI."*¹²⁸

174. Notwithstanding that position, Condition 40 of the 2013 Permission requires the preparation of a detailed mitigation strategy prior to the commencement of development works that may result in impacts to breeding or wintering birds within the SSSI to be agreed by the Council. The strategy must be written "in liaison" with Natural England, and the Council's consideration of it must be in consultation with Natural England.

175. As the Council Officer explained in his report¹²⁹, subject to Condition 40 and conditions on artificial nesting habitats and the requirement of the long term management plan to offset the negative impacts from increased recreational activity, Natural England withdrew its original objection to the grant of planning permission. The planning conditions address potential nature conservation impacts, including lighting¹³⁰.

176. Benjamin Samuel's allegation at section 17 of his Proof that the Scheme is causing unlawful disturbances to flora or fauna within the meaning of 28P(6) of the Wildlife and Countryside Act 1981 is completely unsubstantiated. That provision makes it a criminal offence intentionally or recklessly to destroy or damage protected flora or fauna. The 2013 Permission plainly did not authorise the commission of any criminal offence, on the contrary, the stated purpose of Condition 40 is:

"To ensure that there are no significant impacts from the demolition and building works and other construction noises upon the breeding or wintering birds within the SSSI and that onsite ecological features are protected, enhanced, created and managed in accordance with policies DM16 of the Barnet Local Plan and 7.19 of the London Plan."

177. Any well-founded allegation of breaches of section 28P(6) of the Wildlife and Countryside Act 1981 would require criminal investigation, and would be dealt with under the provisions of that Act. There is no such well-founded allegation here.

178. For completeness, Mr Samuel accepted in cross examination that he has been given a full opportunity to raise his objections both orally and in writing before this Inquiry.

Economic Benefits

179. The starting point is the current economic position on the Estate and in its surrounding area. The correlation between Barnet's largest social-housing estates and high levels of socio-economic deprivation has been recognised by the Council for many years, and as far back as its 2000 Housing Strategy. The Council's concern over that deprivation led to its formulation of regeneration plans for the Estate, and it developed housing policies aimed at achieving that end. More recently, as set out in the Statement of Reasons:

"Evidence gathered as part of the Socio-Economic Assessment within the Environmental Statement from the DCLG Indices of Multiple Deprivation, 2010,

¹²⁸ CDB.24 pages 268, 273 and 277 respectively

¹²⁹ CDB.34 page 109

¹³⁰ CDB.37 conditions 39-45

suggests that crime rates are higher in West Hendon than in any surrounding neighbourhoods, with data showing that West Hendon is amongst the 40% of the most deprived areas nationally."¹³¹

180. Redressing that deprivation by promoting economic benefits in and around West Hendon is one of the Scheme's central objectives. Those benefits will be many and diverse. Some would result directly from the social and environmental benefits already discussed above. They would include bringing about increased economic activity in West Hendon through new retail provision, greater spending power, more and higher quality retail outlets, and through employment within the construction project itself.
181. For example, there would be circa 16,000 square foot of new commercial premises. In addition, there would be around 1,500 additional properties on the estate than are currently there. So the economic spend in the retail district would be very significant. Mr Calladine explained a recent test which looked to see how many people were working on the site. They quizzed the first 150 people through the door and found that 21% lived in NW9 or immediate areas around NW9.
182. In addition, the Scheme makes provision for a number of retail units alongside its playgrounds and outdoor amenity spaces. The proposed Broadway Place would be a new urban space surrounded by commercial units at the ground floor creating the start of the regeneration of the commercial units along the Broadway; it would also create the opportunity for commercial activity like restaurants and cafes just off the busy road.
183. The improved commercial viability of the retail and commercial units on the Broadway through increased population on the site is a DAS objective.
184. As a matter of planning policy, alongside the creation of new homes, UDP policy GCrick made the Cricklewood, Brent Cross and West Hendon Regeneration Area a "major focus for the creation of new jobs"¹³². Through a very significant increase in local spending power, the creation of retail units, the provision of community infrastructure including the new community centre and the school, this Scheme meets that long-standing objective of policy, and will, if allowed to progress, bring major economic benefits to West Hendon and beyond.
185. The s.106 agreement also includes an obligation on the Developer to pay a total of £519,000 towards recruitment, employment and training initiatives in the Borough¹³³.

Likelihood of Scheme Delivery

186. The promoter's position is straightforward. The Scheme will proceed if the Order is confirmed. There is nothing standing in the way of the Scheme other than the acquisition of the remaining interests required to deliver the Scheme comprehensively. The only remaining impediment to the delivery of Phases 3b and 3c is the completion of the land assembly process.
187. The developer's commitment to delivery is clear. Planning Permission for the Scheme is already in place. The land interests for Phases 1, 2 and 3a have

¹³¹ CDA.05 3.13

¹³² CDC.06 12.2.3

¹³³ CDB.24 s.106 Schedule E

already been assembled, and negotiations to acquire further interests are on-going. The Developer has a wide range of experience at delivering housing developments and regeneration projects, and sales for the phase 1 and 2 units have been strong. The Developer has the necessary funding in place to enable them to complete the Regeneration Scheme. Although Phase 3 does not meet the financial viability test within the PDA in itself, the remaining phases of the Scheme will provide the requisite commercial return. In consequence, the Developer is incentivised to complete the Scheme¹³⁴.

188. There is no challenge at this Inquiry to the Developer's ability and willingness to deliver the Scheme. It has already delivered the Pilot and Lakeside phases, and is in the process of delivering phase 3a. It is obvious that the Developer intends to continue through phases 3b and 3c (which are the elements of the Scheme that this Order will facilitate) to phases 4, 5 and 6, and thus to Scheme completion.

189. No highways orders are currently proposed, although stoppings-up and diversions will in due course be required. These are unlikely to cause adverse impacts on the users of the highway or therefore constitute an impediment to delivery¹³⁵. This has not been challenged.

190. This Scheme is the culmination of a Regeneration Project that has been an aim of Council policy for over a decade. It has already commenced with the benefit of planning permission. Sales and construction activity in relation to Phase 3a is on-going. The Developer has demonstrated a commitment to delivering the Scheme which, in the Acquiring Authority's view, easily passes the test at section 16(iii) in Appendix A to the Circular.

"Any other means"

191. The Scheme has been through the planning process (including Environmental Impact Assessment) and has planning permission. There is no plausible, deliverable alternative to the Scheme, in terms of continuing the regeneration of the West Hendon Estate. Thus, the only alternative is a negative one that is, to halt the process of regeneration. The Order is therefore necessary as a last resort to ensure that the Scheme can proceed.

Negotiations

192. The Circular advises that: "Before embarking on compulsory purchase and throughout the preparation and procedural stages, acquiring authorities should seek to acquire land by negotiation wherever practicable. The compulsory purchase of land is intended as a last resort in the event that attempts to acquire by agreement fail. Acquiring authorities should nevertheless consider at what point the land they are seeking to acquire will be needed and, as a contingency measure, should plan a compulsory purchase timetable at the same time as conducting negotiations. Given the amount of time which needs to be allowed to complete the compulsory purchase process, it may often be sensible for the acquiring authority to initiate the formal procedures in parallel with such negotiations. This will also help to make the seriousness of the authority's intentions clear from the outset, which in turn might encourage those whose land is affected to enter more readily into meaningful negotiations."

¹³⁴ AA2 Statement section 7

¹³⁵ AA5 Statement 3.39

193. The promoters have acted in accordance with this approach by initiating negotiations to acquire land by agreement some 3 months before the Order was made, and by continuing to conduct such negotiations in parallel with the CPO process. The history of negotiations is that 31 properties were acquired by agreement between 2004 and 2008. That is in addition to those acquired by the Council in advance of Phase 1.
194. In March 2014 Capita made approaches to all Estate leaseholders, as well as Broadway owners and occupiers. This plainly, in the Council's view, constituted the opening of negotiations. Those approaches resulted in inspections where access could be gained, the preparation of estimates of value, the agreement of agents' fees, and the making of initial offers to leaseholders of Estate Properties on 4 June 2014¹³⁶.
195. Mr Knowles criticised the Council for undertaking those negotiations in parallel with the making of the Order, but that criticism is misconceived. On the contrary, progressing negotiations in tandem with making the Order is expressly encouraged by the Circular, which states that "Undertaking informal negotiations in parallel with making preparations for a compulsory purchase order can help to build up a good working relationship with those whose interests are affected by showing that the authority is willing to be open and to treat their concerns with respect. This can then help to save time at the formal objection stage by minimising the fear that can arise from misunderstandings."
196. The evidence demonstrates that the promoters have taken appropriate steps to comply with that guidance, and to negotiate where possible and as soon as reasonably practicable. In any event, the general failure positively to respond to the offers made on the Council's behalf bears out concerns that it is "most unlikely" that more agreements would have been reached by the time the Inquiry opened had first offers been made earlier.
197. A number of objectors to the Order's confirmation have contested the level of the promoter's offers. As the Inspector made clear on its first day, this Inquiry is not a valuation tribunal and cannot decide on the appropriate valuation of individual interests. The evidence demonstrates that genuine efforts have been made to acquire interests by negotiation and thereby to resolve objections. Negotiations have continued during this Inquiry. They will continue after its close, and up to vesting, if necessary. That approach meets the requirements of sections 24-25 of the Circular.
198. The question is whether the promoter's efforts to negotiate have been reasonable and undertaken in good faith. On that, Mr Knowles accepted in cross examination that the differences between him and Mr Watling were matters of professional judgement; matters, that is, on which reasonable professionals can disagree. The Acquiring Authority note that professional disagreement on values is not evidence that the Council's efforts to negotiate have been anything less than genuine and reasonable. Finally, any criticism Mr Knowles makes of Mr Watling's approach to negotiations must be tempered by Mr Knowles' failure to make any counter-offers, or otherwise to identify any figure that would be

¹³⁶ The progress of negotiations since those offers were made is set out by Mr Watling and in INQ42

acceptable to his clients. It is no part of the guidance in the Circular to require one-sided negotiation.

199. The promoter's wish to acquire land by agreement wherever possible is evidenced by the acquisition by the Developer of the Catalyst site, and the agreements reached with the CRT (for the acquisition of interests required in order to construct and maintain the new Cool Oak Lane pedestrian and cycle bridge) and the Deerfields site (which will be required for road widening in phase 4). It is anticipated that, in relation to the latter, completion will take place within the next two months.

Human Rights

200. It is now well established that the test to be applied in considering whether to confirm a CPO, namely whether there is a compelling case in the public interest for it to be made, satisfies the balancing exercise required when considering whether interference with human rights under Article 8 and/or Article 1 of the First Protocol is lawful and justified, and thus does not constitute a breach of the Convention. In all cases, the making and confirmation of a CPO to acquire private interests in land must be shown to be justified in the public interest. Striking a balance between the public interest and private rights is thus not only a requirement of the Circular, and domestic law, but is also necessitated by the Human Rights Act and the Convention.

201. The promoter submits that the very significant public benefits that the Scheme will provide by securing the regeneration of the Order Lands justify the inevitable interference with individual rights that will result from the confirmation of the Order, and the exercise of the powers conferred by it.

Disclosure Requests

202. It is clear that it is likely that the Scheme will proceed to completion – not only Phases 3b and 3c, which would be facilitated by the Order, but also the later phases for which the further exercise of compulsory powers is likely to be required. It is important to appreciate that it remains the case that none of the objectors seeks to demonstrate, or even to assert, that the Scheme, and Phases 3b and 3c in particular, is unlikely to proceed should the Order be confirmed.

203. The Council has relied in this respect on its two Position Statements¹³⁷. These were provided in response to requests made for the disclosure of viability studies by Jasmin Parsons, Derrick Chung, Mr Humayune Khalick, Cllr Adam Langleben and (more recently) George Turner. Following consideration of these requests and the Council's response, the Inspector declined to exercise her powers under section 250(2) of the Local Government Act 1972 to require any viability studies to be produced to the Inquiry. In response to a point made by Mr Turner, in the (highly unlikely) event that the Secretary of State considers that he needs to see any such material before making his decision on the Order, he is invited not to refuse to confirm the Order but to indicate his view accordingly to the parties and invite representations on how to proceed.

204. In the light of Mr Turner's more recent intervention, it is perhaps important briefly to reiterate the basis on which the Inspector and Secretary of State are invited to conclude, without needing to see detailed financial viability information,

¹³⁷ INQ31 & 37

that there is a compelling case in the public interest for confirmation of the Order.

205. The Council has provided substantial evidence to the Inquiry on these two matters: likelihood of Scheme delivery, which includes its potential financial viability and, the extent to which the Scheme fits in with the planning framework for the area in terms of compliance with affordable housing policy. In this respect the Council's case is based on the assessment by both itself and the GLA of the affordable housing provision proposed in the planning application. The Developer's viability material was independently appraised, and it was concluded that the provision of 25% affordable housing across the Scheme, in the mix proposed and in accordance with relevant definitions in the London Plan of affordable housing, was policy compliant.
206. The Council's position is that the Scheme which is likely to be delivered has not been the subject of any substantive challenge. That is also true of the position in respect of affordable housing provision, which was determined at the time of the planning application. The only 'challenge' to what has been done has been by way of the requests for viability information which was taken into account at the time the planning application was determined. But these do not in reality constitute a challenge, in the sense of evidence which substantively puts at issue the reliability or accuracy of that information: rather, they are the 'fishing expedition' of precisely the type which Patterson J in the Perry case said that parties should not be allowed to go on¹³⁸. Rather it was important to consider what was necessary to determine the case in hand.
207. It is also worth reiterating that it would be quite erroneous to draw anything from the Shell Centre case in the High Court until judgment has been handed down. That case in any event concerns the grant of planning permission by the Secretary of State and so may well have no direct bearing on the present case. Nor should anything be drawn from the facts in the Tottenham CPO case which were very different from those in the present case. There, the CPO was confirmed in circumstances where part of the development (Phase 3) could have supported some affordable housing, yet the scheme as a whole included no affordable housing provision at all and included no review mechanism, and was thus found to be non-compliant with policy.
208. The Secretary of State is therefore invited to find that there is a compelling case in the public interest for confirming the Order on the basis of the evidence that has been provided to the Inquiry by the Council.

Compelling Case in the Public Interest for confirming the Order

209. Compulsory purchase is recognised in policy as a positive tool in planning to secure public benefits and compliance with policy objectives. The use of CPOs to secure appropriate regeneration and improvement in urban locations is very well-established, and the Secretary of State recognises the critical role that compulsory powers can play in securing economic and social progress in the Circular at paragraph 1:

"Ministers believe that compulsory purchase powers are an important tool for local authorities and other public bodies to use as a means of assembling the land needed to help deliver social and economic change. Used properly, they can

¹³⁸ R(Perry) v Hackney [2014] EWHC 1721 (Admin)

contribute towards effective and efficient urban and rural regeneration, the revitalisation of communities, and the promotion of business – leading to improvements in quality of life. Bodies possessing compulsory purchase powers – whether at local, regional or national level – are therefore encouraged to consider using them pro-actively wherever appropriate to ensure real gains are brought to residents and the business community without delay.”

210. The principal reason why the Order is required is to enable land assembly and sufficient rights to be acquired so that the Scheme may proceed in a timely and well-planned manner in order to bring about public benefits to the area. The exercise of compulsory powers, in short, brings certainty that the Scheme can be delivered.

211. Given the number of interests in the land, the promoters cannot be expected to acquire all of those interests by private treaty within a reasonable period of time, if ever. As submitted above, reasonable efforts have been made, and will continue to be made, to acquire land and rights necessary to carry out the Scheme by agreement. In reality, the period for negotiation will continue until vesting. However, it is obvious that the Order is required to allow this to occur in a timely fashion. That is why the Council has followed the appropriate statutory procedures to make the Order alongside negotiations with affected landowners, as the Circular advises.

212. The well-being benefits promoted by the Order have been addressed in detail. In brief these are:

- The provision of high quality sustainable homes;
- Improvements to pedestrian and cycle connections throughout the area, and particularly with regard to accessing off-site leisure and recreation facilities beyond the Welsh Harp;
- The provision of a new two-form entry primary school and nursery, and the construction of a new community centre;
- An increase in the quantity and quality of on-site amenity space and substantial improvements to the quality of existing open space;
- New and improved retail and commercial provision;
- Improvements to overall townscape; and
- Improved management of the Welsh Harp reservoir.

213. The Scheme will, in the Acquiring Authority's view, create a more attractive, vibrant and sustainable neighbourhood through high design standards, an improved mix of housing tenures and sizes; clear and distinct improvements to the public realm; and, overall, a more balanced and inclusive community.

214. The Acquiring Authority considers that those benefits will contribute significantly to the social, economic and environmental wellbeing of the area within the meaning of s.226(1A) of the 1990 Act, and they amount to a compelling case in the public interest which justifies the use of compulsory acquisition. The importance and urgency of regenerating the Estate have been recognised in planning policy over a number of years. The regeneration benefits brought about by the Scheme are critical not only to the Estate, but to West Hendon more generally. If the Order is not confirmed, the Scheme cannot proceed.

215. Failure to confirm the Order would have adverse consequences in that the only opportunity that is on offer to regenerate the Estate in accordance with the objectives of the London Plan, the CS and some 15 years of Council housing policy will be lost. The regeneration process would halt, leaving a part-completed project and no alternative means of continuing it in prospect.

Conclusions for the Acquiring Authority

216. For all the reasons set out there is a compelling case in the public interest for the confirmation of the Order which justifies the acquisition and overriding of private rights. There are no material obstacles to the implementation of the Scheme other than the confirmation of the Order. No alternatives to the Scheme exist. The requirements of s.226(1) and (1A) of the 1990 Act are satisfied, because the Order will facilitate the continued development of the Scheme and because it will contribute to the economic, social and environmental well-being of the Council's area. There are no new considerations which would justify a different approach to be taken to that of the Council when it granted planning permission. The policy requirements in the Circular for the confirmation of the Order are satisfied. The confirmation of the Order would be consistent with, and not breach, the Framework and Development Plan.

217. The interference with the rights of those whose interests are to be acquired pursuant to the Order is justified in the public interest.

218. A failure to confirm the Order would have serious implications for the Estate, and for West Hendon. Moreover, the many public benefits as described above and in the evidence will not be realised.

219. For the reasons set out above and in the Acquiring Authority's evidence, the promoters submit therefore that there is a compelling case in the public interest to confirm the Order. The huge range of benefits that will flow from the confirmation of the Order sufficiently justify interfering with the human rights of those with interests in the Order Lands. Accordingly, it is requested that the Secretary of State confirms the Order.

The Objections

Objections to the CPO Withdrawn before the Inquiry Opened

220. The Eastern Power Networks objection was withdrawn by letter dated 19 January 2014¹³⁹.

221. Additionally agreement has now been reached between the Developer and the CRT, and its objections to the Order and s.19 Certificate matter was withdrawn by letter dated 16 January 2015¹⁴⁰.

The Remaining CPO Statutory Objections

222. When the Inquiry opened there were 78 remaining objections and 29 non-qualifying objections. Two objections were withdrawn and seven late objections were lodged by people appearing in the CPO Schedule in respect of land to be

¹³⁹ INQ5 – Note - the letter was submitted to the Inquiry on 21 January 2015 and it refers to an earlier letter of June 2014, so it is reasonable to assume '2014' is a typographical error

¹⁴⁰ INQ21

purchased¹⁴¹ and 10 additional objections were made by non-qualifying additional objectors.

223. Given the withdrawn and additional objections at the end of the Inquiry the statutory objections amounted to 62 related to Land that is to be Purchased (Table 1) and the objections relating to New Rights to be Purchased (Table 2) give rise to 22 objections. Non-qualified objections amounted to 39 objections. (Note: With exception of the OWH objection submission these figures relate to objections not objectors as some objections relate to one or more persons. The OWH objection is made on behalf of a list of occupiers individually signing up to it. Those objections have been counted separately out for each individual signing the document).

Case for the Objectors Represented by Mr Knowles of Sawyer Fielding

224. Mr Knowles of Sawyer Fielding explained that his representations are made on behalf of the leaseholders who are objectors and whom his firm represents.

225. Mr Knowles also explained that, in liaison with Ms Parsons, he also deals with a number of issues that tenants on the estate have raised verbally and in writing to the Inquiry.

Public Interest

226. It is accepted that a test for whether the CPO should be confirmed or not is intrinsically linked in part to Section 17 of Circular 06/2004 which sets out that "*A Compulsory Purchase Order should only be made where there is a compelling case in the public interest. An acquiring authority should be sure that for the purposes for which it is making a Compulsory Purchase Order, should sufficiently justify interfering with the human rights of those with an interest in the land affected. Regard should be had, in particular, to the provisions of Article 1 of the First Protocol to the European Convention of Human Rights, and in the case of a dwelling, Article 8 of the Convention*" Section 17 of Circular 06/2004 Article 1 is merely a provision advising that Section 1 applies, within which Article 8 states "*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 is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.*"

227. It is the objectors' position that there is not a compelling case in the public interest for the CPO and that there are private rights specified within the ECHR that would be interfered with if the CPO is confirmed.

228. It is accepted that to interfere with the private rights specified within the ECHR, there needs to be an overriding public interest. The objectors believe that the public interest test has not been met by the Acquiring Authority. Furthermore, they believe that the loss of rights held under the convention are not proportionate to the benefit to the public if the Order is confirmed.

229. There is no denying that there is a shortage of housing and that the development will go some way to bridging that gap. Similarly, there is no

¹⁴¹ As explained for the Header it appears one of these people has since moved out

denying that with an increase in density and the likely increase in spending-power coming from the Estate, that there would be an economic benefit to the area. The objectors' contest whether the make-up of the development and the manner in which increased spending power is utilised is in the public interest, as required by the Circular.

230. Only 25% of the housing will be affordable under the definition from the Mayor's office. Of that, 43% will be social with the remainder a mix between 'affordable' rented properties and those made available for shared equity purchase.

Affordable Rented Properties

231. The definition of affordable renting comes from the Office of the Mayor of London. More particularly, it is 80% of Market rent. The Acquiring Authority has suggested that the Estate suffers from deprivation, citing a Government index as justification. Accepting this Government index as correct, this would leave rental levels in the bottom percentages within the Borough. Market rent on local authority estates will of course be largely influenced by the Local Housing Allowance rate which Mr Dismore referred to when assessing affordability. This rate is set as the 30% percentile of rents within the entire Borough. As such, even with the 20% discount from market rent, this 'affordable rent' would in fact be unaffordable for many within the area and of course those currently residing on the Estate.

232. Mr Dismore further suggested that the affordable rent is actually not affordable given the average salary within London.

233. Many of those tenants on the West Hendon Estate who do not qualify for re-housing but wish to return to the Estate, taking one of the affordable rented properties, are likely to be priced out. As Mr Dismore suggested, the rents would be in many cases approximately twice the level of the social rented properties they currently occupy. In addition to this, the level of service charge may make it prohibitive for the wider community to afford to move into the new developments.

234. Section 6 of Appendix A of the Circular is the 'well-being power'. It says:

"The wide power in section 226(1)(a) is subject to section 226. This provides that the acquiring authority must not exercise the power unless they think the proposed development, redevelopment or improvement of the economic, social or environmental well-being of the area for which the acquiring authority has administrative responsibility."

235. The last part of this section is significant i.e. "for which the acquiring authority has administrative responsibility". The objectors do not believe it is contested that the administrative responsibility for London Borough of Barnet is the area within the Borough boundaries. However, the objectors do contest whether the properties in the new development would be affordable for those who currently reside within the administrative responsibility which the London Borough holds.

236. The information supplied to the Inquiry by Mr Calladine on assessment of service charge subsidies estimates annual service charge levels averaging £1,626 for one bedroom properties and £2,098 for two bedroom properties. The average one bedroom service charge within the Borough for a new-build affordable unit is £1,000. The proposed new development would be some 62.6% higher. The average two bedroom service charge within the Borough for a new-

build property is £1,440 so the proposed the new development will be some 45.7% higher

237. Moreover, the subsidies do not apply to households from outside of the Estate who take an affordable rented property.
238. The increases are even larger compared to the service charges on social rented properties within the Borough where the increases will be 132% higher for the one bedroom units and 110% higher for the two bedroom units.
239. Coupled with the particularly high standing charge by E-on for the hot water system and the high ground rent this makes properties unaffordable not only for those currently living on the Estate but also the comfortable majority of potential residents.
240. The public interest test in the Circular is not met, in the objectors' opinion, when the portion of the public who could benefit from the development is restricted to a very narrow section of wealthy individuals, many of whom may come from outside the area of administrative responsibility referred to in section 6 of Appendix A to the Circular. It neither benefits those currently living on the Estate who have been described as living in deprivation nor those in the wider community, the majority of whom would be unable to afford one of the new units.

Social Rented Properties

241. It is the objectors' position that the proposed development has an insufficient amount of social rented properties. The overall scheme relates to circa 2,000 properties. Taking the figures of 25% of these being affordable, that being 500 and of those, 43% being social, that would provide approximately 227 social rented properties.
242. It has been stated to the Inquiry that there are currently 597 residential properties on the Estate. Of these, 110 are still in private ownership with the remainder owned by London Borough of Barnet and Metropolitan Housing Trust. These numbers should be consistent with evidence provided by others. This leaves a significant number of properties capable of being rented either by London Borough of Barnet or a Registered Social Landlord in Metropolitan Housing Trust.
243. The significant reduction of social rented properties is not in the public interest, again failing the requirement in Section 17 of the Circular.
244. The need for social rented properties is even greater once it is considered that London Borough of Barnet is undertaking similar regeneration schemes on its other large estates, at Stonegrove & Spur Road, Dollis Valley and only a mile or two away, on the Grahame Park Estate which is by far the largest of the Borough's estates.
245. There has been repeated referral to the London Plan both in terms of density and provision of affordable and social housing. It is not for the Inquiry to assess the planning application but rather whether the development, should it proceed, passes the public interest and well-being tests within the Circular. To assess what the public interest is, the London Plan, created under instruction from publically elected officials is a good starting point.

246. Mr Knowles placed weight on Section 3A.9 of the London Plan, titled 'Affordable housing targets' noting that in setting targets boroughs should take account of regional and local assessments of need, the Mayor's strategic target for affordable housing provision that 50 per cent of provision should be affordable and, within that, the London-wide objective of 70 per cent social housing and 30 per cent intermediate provision, and the promotion of mixed and balanced communities.¹⁴²

247. Furthermore, the Mayor's Supplementary Planning Guidance (SPG) on Housing suggests that large residential development sites should be assessed in isolation as to the amount of affordable and social housing. The suggestion by the Council that more privately owned properties are required to alter the tenure mix is therefore not applicable to the West Hendon Estate which should be assessed in isolation. Paragraph 3.2.9 of the Mayor's SPG states:

248. "New developments of 500 homes or more should be large enough to 'set their own context'. They should therefore be able to provide the basis for more mixed and sustainable communities as set out in the LP (Policy 3A.8) and should take account of the need to maximise affordable housing output, and within this recognise the priority attached to affordable family provision."

249. Clearly, as the proposed scheme is for approximately four times the 500 homes referred to, the guidance applies to the West Hendon Estate. Not only has the London Plan's target been missed but so has the target set by London Borough of Barnet.

250. Clearly there is a need for social housing within the Borough. If the CPO is confirmed, it will be more difficult to meet the needs suggested in the London Plan. The scheme proposed under the CPO does not comply with either the public interest or the well-being tests in the Circular.

Private Sale Properties Including Shared Equity Provision

251. The properties are unaffordable to those living nearby or on the Estate and points about affordability apply equally to the purchase prices. However, the issue of the shared equity provision is of particular concern. There is largely an absence of affordable properties near to the estate for leaseholders to buy, an issue in part because of the ambitious plans by the Council to regenerate its largest estates. In circumstances like this, it is common practice for developers to offer a shared equity scheme. Where viable, this enables leaseholders to remain on the estate should they wish to and also enables the acquiring authority to suggest they are meeting the requirements within the Circular. However, on this regeneration scheme, it is the objectors' position that the option is not viable.

252. Of the ten properties made available, only one is affordable to the 19 leaseholder clients (of Mr Knowles) who qualify (out of 22 across the phase). This is on the basis of the purchase price and home loss compensation being required to make up a 50% payment of the purchase price. The other properties are also affordable but only if an arbitrary incentive payment is added and even then, only with the bare minimum 50% being taken.

¹⁴² Inspector's Note: It is noted that this policy comes from an earlier version of the London Plan than that which was in force at the time of the Inquiry and so is not a policy to which I can afford weight

253. However, the incentive payment is linked to withdrawal of the objection to the CPO and is time limited. The deadline after which the incentive payment is to be withdrawn was extended during the Inquiry to the last scheduled day of the Inquiry. It has since been further extended but only by approximately one month.
254. We have heard from a number of witnesses who have suggested that there are a large number of elderly leaseholders on the estate. The ability to raise additional finance for those individuals will be restricted.
255. It is of course not for the Inquiry to assess property values nor should it be. If Mr Watling is correct in saying that the financial offer for the purchase of the properties will not be increased the shared equity provision is unviable. Once the incentive payment is withdrawn, Sawyer Fielding assesses that there would be one affordable property for the 19 qualifying clients which it represents.
256. Though the service charge subsidies are no doubt appreciated by leaseholders, they still remain far higher than both what they have been paying and the average service charges for new-build properties elsewhere in the Borough. Shared equity provision may therefore be an unviable option for leaseholders.
257. Given that a service charge subsidy was one of the original pledges over 12 years ago and that details of it have been requested (by Mr Knowles) but not provided on a number of occasions, it is disappointing that it took until the final week of the Public Inquiry to establish how the subsidy would work.

Viability

258. Viability has become an often repeated issue in the Inquiry, repeated by both promoter and objectors. The promoter has suggested that the breakdown of housing in the proposed development between private sale and affordable housing is due in part to the viability study. The same study is used as justification for the amount of social housing provided within the affordable element and that the shared equity units also comprise part of the affordable element.
259. If the promoter's position that it would be unviable to build more affordable properties and in particular more social homes is to be accepted, then it is for the Inspector to recommend and Secretary of State to decide whether the development will meet the public interest and well-being tests within the Circular. Given the numbers and proportions within the planning approval and given requirements under the London Plan, it has already been detailed why the objectors' position is that the tests are not met and the Order should not therefore be confirmed.
260. The Council's UDP suggests that the West Hendon Estate is an area allocated for regeneration. It is not the objectors' position that the Estate should never be regenerated. It is the objectors' position that the approved planning permission for redevelopment of the Estate does not comply with the Circular. There is every possibility that another scheme could comply.
261. To this end, the requests for the developer's viability report to be released in full have been made. Without independent assessment of the viability, it is impossible to know whether a scheme with a larger portion of social and affordable housing could have been provided, a scheme which may satisfy the requirements of the Circular.

262. For that reason, it is the objectors' position that the Inspector is not in a position to confirm the CPO and as a result it should not be confirmed.

263. In the London Borough of Haringey (Northumberland Development Project) (No.1) Compulsory Purchase Order the Inspector recommended that the Order was not confirmed as the viability report identified that a greater portion of social housing could be built than was provided for in the planning permission. Though the Secretary of State ultimately disagreed that the Order should not be confirmed due to a balance of other considerations, he was nevertheless critical of the developer.

264. There was a disagreement between the parties on whether the requirement to disclose the viability report, as has been the case in planning cases under Section 226 (1) (b) of the Town and Country Planning Act 1990 applied here as the Order was made under sub-section (a), not subsection (b). It is the objectors' position that the requirement to disclose is equally relevant under sub-section (a). However,

1) The Haringey CPO which was in reference to the construction of a football ground for Tottenham Hotspur was an Order made under sub-section (a), the same as at West Hendon. It is set out above how the viability report was key to the Inspector's recommendation.

2) The difference between subsections (a) and (b) being a moot point that makes little difference as to the purposive approach of interpreting the Courts judgement. Put simply, sub-section (a) concerns the position where an acquiring authority desires powers of acquisition to carry out development whilst sub-section (b) concerns the position where the acquisition is required to achieve interests that the planning policy require. For this CPO scheme in to proceed, clearly acquisitions would also be required to permit the planning permission to be acted upon.

265. Mr Turner also helpfully referred to R (on the application of Perry) v London Borough of Hackney where the High Court is currently considering whether the respondent was obliged to release a viability report to objectors under the Local Government Acts¹⁴³. Mr Turner has stated that during the Hearing, Mr Justice Collins advised that had the promoters not released the viability report, the Secretary of State would have no defence for approving the scheme.

266. Though it is accepted that the statement was likely to have been made in Obiter dicta¹⁴⁴, the case has not yet been decided. It is unclear therefore whether it will in time afford part of the ratio decidendi and therefore be binding. However, even in Obiter, it is persuasive. One of the most well-known legal principles that of Promissory Estoppel, was in fact as an outcome from a statement made in Obiter dicta said by then Justice Denning in Central London Property Trust Ltd v High Trees House Ltd [1947] KB 130.

267. The objectors have made requests under the Freedom of Information Act 2000 for the viability report which have been either rejected or not replied to. There was insufficient time for an application to the Information Commissioners Office

¹⁴³ INQ30

¹⁴⁴ Inspector's Note: For the avoidance of doubt INQ 50 provides the definition of Obiter dictum as follows: " An opinion not necessary to a judgement and therefore not binding as a precedent" (Jowitt's Dictionary of English Law 3rd Edition 2009)

in time for this Inquiry, though no doubt it can be considered for any future CPOs on the West Hendon Estate.

268. In *London Borough of Southwark v The Information Commissioner in the First Tier Tribunal of the General Regulatory chamber* (reference EA2013/0162, decision date 9 May 2014), the decision was that the Viability report should be released in full. The facts in Southwark were very similar in that it was an estate regeneration scheme where London Borough of Southwark had entered into a joint venture with Lend Lease.
269. Though the application referred to non-disclosure following a Freedom of Information request rather than an Order made under Section 226(1)(a) of the Town & Country Planning Act 1990, it is the objectors' position that the public interest in transparency applies equally.
270. As the Inquiry is aware, partly from the evidence of Mr Langleben (INQ 24), the London Borough of Barnet has in section 8.1 of its Statement of Reasons stated- "The Council has followed a transparent and objective decision making process leading up to the decision to exercise compulsory purchase powers ..."
271. Without release of the viability report for the Inquiry and subsequently the Secretary of State to consider, the assertion made by London Borough of Barnet is incorrect.
272. It is also the objectors' position that there is sufficient reason to believe that a scheme with a larger percentage of social housing would have been viable. There are significant differences between the scheme envisaged in 2002 at the time of the pledges and the scheme now before us. Though no planning application was made in 2002, it is reasonable to assume that the developers would have undertaken at least a brief viability study or residual valuation to calculate whether a small increase in the density would be viable with each social rented property being replaced with another. Since then, the developer has changed to a far larger one who it is suggested are likely to have more buying power than the old. The number of social rented properties to be built has more than halved whilst the number of private sale properties has increased by circa ten-fold. In addition, it has been made clear from supplementary information handed out by the promoter that the Order land is to be transferred for no monetary consideration, making a scheme even more viable.
273. The scheme promoter has suggested that the changes are due to economic circumstances being different. The objectors' agree that circumstances are different to those in 2002. The prices which the private sale properties can expect to achieve are far higher now than they were in 2002. However, the annual increase in house prices in the Borough according to the Land Registry is remarkably similar to 2002.

Consultation

274. It is the objectors' position that the consultation carried out has been insufficient. Residents expectations of the scheme were largely set in the November 2002 Ballot. A number of pledges made by Metropolitan and London Borough of Barnet have not been kept. The most pertinent pledges which have not been kept include 'you will have a brand new home' which the promoter claims was addressed to individuals on the Estate rather than tenants as a collective, a rather spurious suggestion which the objectors contest. They also include 'you will have a choice of Landlord' but this is not the case. The pledge

'you will have a choice of where to move' is not the case as allocations are all within the block on the Gyrotory system. The pledge 'your rents and service charges will be affordable' is not correct for the reasons set out, service charges are unaffordable and those who take an affordable rent may in many cases not be able to afford it. The pledge 'you will have a brand new home in West Hendon' is not correct as it has been explained why shared equity units may not be a viable option and why many tenants may be unable to afford to remain on the Estate.

275. It is accepted that with a change of developer and change in economic circumstances, some pledges may need to be altered. However, those that have been altered have, in the objectors' opinion, left the scheme failing the public interest and wellbeing tests in the Circular. While the Acquiring Authority, through Mr Shipway, believes a modern day ballot would still be in favour of the Scheme it is impossible to say so with any certainty; it is the objectors' position that a modern day ballot would result in a majority against the current regeneration proposals. Mr Dismore's own survey (INQ 20) suggests that residents are not in favour. The attendance for this Inquiry and number of residents making statements in support of objectors suggests a strong feeling that residents are against the proposals as they do not feel they are in the public interest. The protests that have taken place and petition of circa 75,000 people further provides evidence that residents are not in favour of the proposals.
276. In addition to the ballot, the promoter has on a number of occasions referenced the RRG meetings which are now known as the Partnership Board (PB). However, statements by Father Hawkins, Ms Bates and Miss Parsons have suggested that the RRG has been ineffective, often providing information to consult on with insufficient time for it to be considered. For example, Father Hawkins' evidence states- "...the partnership board have, typically, received information about these changes too late to have the opportunity to make a meaningful input. An example of this: information about the s.106 variation was given to us to look over on 28 October 2014, but we found out that this was a waste of time as the committee meeting to make a decision about this was on 29 October 2014". Father Hawkins further referred to the board having only 24 hours' notice of service of the Ground 10a letters and that newsletters are sent to residents with very little consultation.
277. Miss Parsons referred in her statement to the board not being told what happened to the previous development partners, Bellhouse Joseph and Lovells. She also referred to the RRG not being consulted on the contracting of E-on to provide the hot water heating system to the new development despite previously being told that they would be after the Council failed to inform them about a similar contract for the pilot phase at Skylark Court. There have been a number of exhibitions where residents have felt talked to rather than consulted.
278. The promoter has also suggested that letters regarding the planning application constituted consultation. Given that the Inquiry is to assess the Order, not the planning permission, there is no relevance to the fact people were consulted on the planning proposals. The feedback to the planning application consisted of 340 objections with one person who wrote in favour.
279. Given some justified and some unjustified changes to the regeneration scheme and the length of time that residents have waited for it, it is the objectors' position that effective consultation is all the more important but that it has not been provided.

Attempts to Negotiate for Consensual Transfer of the Properties Affected

280. The Acquiring Authority's position is that the first offers were made on 4 June 2014. It confirmed that they were made by post, thereby arriving on doorsteps on 5 June and 6 June 2014.
281. The Inquiry has also heard that the CPO was made on 5 June 2014, albeit reissued a short time later due to an administrative anomaly. For the Acquiring Authority it is suggested that the requirements under Section 24 of the Circular are for negotiation to take place before the CPO is made. It is the objectors' position that the requirement is for a reasonable prospect of acquisition to take place and that this has not been complied with. The relevant excerpt from Section 24 is "Before embarking on compulsory purchase....acquiring authorities should seek to acquire land by negotiation". Hourly fees have been agreed with the majority of surveyors and caps have been put on those fees around half the level the RRG were advised had it not been for surveyors taking the risk of working without agreement on fees, leaseholders would have been denied proper representation exacerbating concerns.

York Memorial Park

282. It is the objectors' position that the Park has at some point been granted Memorial status and that the alterations to it under the Development Plan would reduce its usability for local residents. The evidence submitted for the promoter and for the objectors is contradictory. Given that Ms Musgrove's evidence, for the objectors, provides photographs and excerpts from a book written by the Council's archivist on the subject who it is understood supports her evidence, more weight should be given to the evidence from Ms Musgrove. York Memorial Park is of great importance to the residents of West Hendon and has regularly been referred to in objectors' evidence and also in discussions with residents outside of the Inquiry.
283. Miss Parson's evidence refers to the Localism Act 2011 and the requirements under it to offer important local assets to the community before offering them for sale elsewhere. The Act came into force prior to the appropriation of the land for planning purposes and, as such, could have been offered for sale to the residents at public open space value or as is the case for the developer, at no monetary consideration.
284. The devastation of the events in 1941, which subsequently led to the park being granted memorial status are ones clearly not to be forgotten. It is the objectors' position that losing some of the existing use of the park and having part built on with a 29 storey skyscraper does not comply with the public interest test in Section 17 of the Circular. Cllr Mashari also referred to the risk of the Welsh Harp reservoir losing its status as a SSSI.

Insecure Tenants

285. The promoter has suggested that the large number of insecure tenants should have lesser rights than those with secure tenancy agreements. It has been contested by a number of insecure tenants whether at the point of taking their tenancies, they had a realistic expectation, set by Barnet Homes, that their tenancies would later convert into secure tenancies.
286. Insecure tenants make up approximately 200 of the households on the estate. Until a number of them were recently evicted, their numbers were higher than those of secure tenants. Their well-being, to be assessed under Section 6 of

Appendix A of the Circular, appears to have been ill-treated - insecure tenants were offered one choice of re-housing whilst secure tenants have been, or are to be, offered three. The Inquiry has heard of medical assessments not being carried out, of undue pressure being placed on tenants to move and, of genuine concerns of individuals. Ms Nur and Ms Fricker¹⁴⁵ both referred to health risks to young children. Ms Essack referred to a housing assessment hearing being scheduled for the same day as a court appearance to evict her.

287. Ms Sandra Newman¹⁴⁶ explains that many tenants are of the opinion that to swap their views of the Welsh Harp for the back of kebab shops on the Gyrary system properties is unsuitable. Mr Finnie suggested a continuing theme amongst tenants of hearing very little from Barnet Homes.

288. There may be a number of those who have provided statements who have some level of misunderstanding. However, that is part of the issue. A large number of unconnected tenants are suggesting the same things; that they are being treated unfairly and are kept in the dark on a number of issues. The objectors would like consideration of the general approach which has been taken by Barnet Homes.

289. It is the objectors' position that if the CPO is confirmed the social and environmental well-being of these tenants which is to be considered in the 'well-being' test would not be complied with.

290. The Housing Allocations policy has the ability for tenants to appeal if they are unhappy with their treatment. However, despite the valuable support provided to many by Miss Parsons, making challenges is unfortunately an unfamiliar and difficult concept to the majority of tenants who may be scared of the process and given their experiences with Barnet Homes, have little faith that their concerns would be answered.

291. When many of the insecure tenants were granted their tenancies, they assumed they would reside on the Estate for a short period of time. Their tenancies were after all referred to as temporary. With many of these tenants now having occupied their homes on the Estate for ten years or more, it is the objectors' position that they are as much a part of the Estate as secure tenants are, so should be dealt with in the same manner. The promoters reluctance to do this does not pass the well-being test or the public interest test.

Effect on existing Estate if the Compulsory Purchase Order is confirmed and scheme is taken forward

292. If the scheme progresses, there is the potential for the tall buildings to cast shadow and block light to the existing estate properties. It was explained that the effects on the new-build properties would be mitigated but no reference was made to the effect on existing properties, some of which are phased for demolition in ten years' time from now. The play area would not be re-provided until at some point during phase 3a, leaving current residents of the estate without play provision for an undeterminable amount of time. The Multi Use Games area is also being withdrawn and the ability for use of York Memorial Park is already inhibited. It is the objectors' position that these matters are not in the public interest.

¹⁴⁵ INQ26

¹⁴⁶ INQ27

293. One of the themes within the Sustainable Community Strategy is 'healthy and independent living.' While seven out of twelve GP surgeries had available spaces, it is clear that five do not have space¹⁴⁷. It is the objectors' position that with the increase in density, not only on the West Hendon estate but also on larger proposed increases in density within a mile or two at Grahame Park Estate and Peel Centre, GP services will not cope.
294. The same applies with school places, which again is within the Sustainable Community strategy listed as 'investing in young people and their families.' Cllr Kay¹⁴⁸ suggested that it is possible for the London Borough of Barnet to not build a new school at the end of the phasing programme if the child yield does not demand it. It is the objectors' position that due to the lack of certainty of provision of a new school, the public interest test is again being failed.
295. S.106 funding has been allocated for recruitment, employment and training with the first £114,140 already allocated for Borough wide uses. With approximately, a further £400,000 still to be allocated, it is the objectors' position that it is unsatisfactory and not in the public interest that none of this has been allocated specifically to the West Hendon Estate, which has been described as an area of deprivation.
296. With the proposed increase in housing density coupled with nearby increases in similar timescales, there is concern that Hendon railway station will not cope with the additional demand. Cllr Langleben referred in his statement¹⁴⁹ to the station running a shorter platform than other stations which will restrict the amount of trains it can accommodate. The increase in demand for public transport combined with the potential reduction in services has the potential for creating problems which could result in more car journeys which given the local existing congestion could be detrimental to the free flow of traffic. It is the objectors' position that this is not in the public interest and that it could damage the well-being of the local economy.
297. There have been a number of issues raised regarding the impact of the construction works. Ms Jackie Parsons in her statement referred to 55 hours per week of construction and the effect on her health. Mrs Walker referred to the harmful effect of construction works on Adelaide Adams (her 85 year old mother) life limiting health conditions. Cllr Kay gave evidence of complaints that have been raised and how they have not resulted in permanent change but instead have resulted in different companies referring complaints to each other.
298. It is the objectors' position that if the CPO is confirmed, the threat that construction works will have both on those currently suffering from them and those in future phases of regeneration who may suffer from similar issues is unjustified. It is the objectors' position that confirming the Order would again fail the tests for both public interest and wellbeing.
299. The West Hendon Estate is one with a very strong community. Sometimes, in the face of adversity, communities pull together with the spirit they show increasing day by day. The Estate has a very strong community spirit. They have at times laboured points during this Inquiry, largely due to the sensitive nature of what is being considered and being unfamiliar with the process.

¹⁴⁷ CDB.34 page 82

¹⁴⁸ INQ29

¹⁴⁹ INQ24

Conclusion for Sawyer Fielding

300. It is the objectors' position that regeneration is required on the West Hendon Estate. However, it is also the objectors' position that the CPO, if confirmed, will allow regeneration that is not in the public interest, failing tests under Section 17 and Appendix A, Section 6 of the Circular. The objectors would welcome further discussions on how regeneration can be achieved on a basis that would comply with the Circular. The objectors also believe that, given the non-production of the viability report, there is insufficient information to be able to confirm the CPO and it should not be confirmed.

Miss Parsons representative of the action group Our West Hendon

301. **Miss Parsons (LPA Obj Ref: 8.01)** as well as representing herself, represents a number of objectors, including those with lands and rights affected as well as non-remaining objectors. Miss Parsons is a community organiser and headed the Our West Hendon action group throughout the Inquiry and worked alongside Mr Knowles.

302. Miss Parsons, representing a group of residents submitted a written statement to the CPO (CDD.01 (8)) and subsequently provided a further statement (OWH2). Miss Parsons explains that the objectors are happy with their dwellings which were built to 'Parker Morris' standards +10% and so provide a good amount of space. She explains that the Estate is in a prime area given its attractions such as the Welsh Harp and Brent Cross Shopping Centre. It is also accessible to central London, airports and so forth. As there is only one access to the Estate it is secluded. It also has the added advantage of York Memorial Park as an open space.

303. The homes on the Estate could be brought up to Decent Homes Standard but instead the Council has opted to develop the site. The developers of the CPO scheme are the same as for earlier phases and they are known to have had construction issues with roofs, balconies and windows.

304. The existing properties are accessible with ramped access in many cases rather than needing to rely on lifts. The scheme proposed will revert to that reliance having an adverse effect on independence and accessibility.

305. The pledge is not what it was. Temporary tenants will not be allowed to stay so a third of all residents will move from the area. Limited information has been received yet a community is being torn apart.

306. York Memorial Park was left to the community during the second world war. Despite assurances that it would not be built on it has been handed to the developers for tall tower blocks to be built. This space is important to the local community for recreation purposes. Both the Commission for Architecture and the Built Environment (CABE) and Government documents set out the importance of open spaces to people and communities.

307. York Memorial Park also has a relationship to the Welsh Harp SSSI which will be dominated and disadvantaged by tall tower blocks of the regeneration scheme.

308. The pledge has not been kept, residents are not being offered like for like homes, not all residents will have homes and they will have to live on higher floors than in their existing dwellings.
309. Residents have been left unaware of changes to the developer partnership and unaware of land transfers. Consultation was inadequate with exhibitions unable to answer in-depth questions, lack of questionnaires and pens. The poor organisation led to reduced interest from residents.
310. The development objectives require between 1,500 and 2,300 homes, with 548 affordable rented homes and 132 affordable shared equity/intermediate homes. These are to replace existing Council owned homes as well as those purchased under the 'right to buy' legislation. These could accommodate all existing tenant and owner occupiers but this is not to be the case because of the clauses about who can access these properties. Moreover, many homeowners will not be able to afford to take shared ownership. Those who can stay cannot choose where in the buildings they will go, the views they will have, or who in their community they can live near to.
311. The Planning Development Agreement has not been made readily available. This is contrary to the Localism Act. Residents were entitled to know what was being planned. The Independent Tenant advisors kept changing so have been of limited help. The whole approach has caused immense stress.
312. The CPO Statement of Reasons is hard to read and one-sided.
313. Tenancy type remains an issue with promises to change long term insecure tenancies into secure tenancies having been reneged on.
314. Lease and freeholders have asked if they would be compensated for improvement works to their properties. They were told 'no', but at market value would allow for this yet a standard rate has been offered to all. This similarly applies to works undertaken by the Council to improve things which homeowners have had to contribute towards. This seems unjust. The impartial assessment also seems less than impartial given it has been undertaken by Capita who are running 70% of the Council's services. Questions were asked about pensioners who could not extend mortgages as others might - they were told not to worry but this may well be reneged on too.
315. Compensation was initially set out without ties but now it seems it must be added to equity in the new build development. This seems wrong as it changes an entitlement and people have other expenditure to meet as well as moving.
316. Other changes have happened such as the deadline by which you would have needed to buy your property to be entitled to eligibility for the shared equity scheme. The scheme changes so frequently it is doubtful anyone from the existing Estate will be able to live there.
317. Political figures with power at the Council have little sympathy. Temporary tenants do not know what is likely to happen to them despite many having been residents of the estate for between 7 and 14 years. It seems some 60% of the residents will be removed from the Estate to make huge profits for the developers. Many others who have brought up families here will lose links with the area.
318. The proposed skyscrapers will result in a loss of light creating a dark and damp and depressing environment. Views of sunrise will be lost and buildings will

suffer. There are additional concerns about low flying aircraft and possible risk of collision with the tower blocks.

319. The existing maisonettes are full of light. They have plenty of space and storage. There are sheds too which will not be available in the new scheme.
320. The calm green tranquil area of the Estate is being turned into a sea of concrete.
321. Traffic pollution is worsening. Community facilities that were promised have not been provided. The Edgware hospital is now only a day centre as is Chase Farm, and Barnet General Hospital is a one to two and a half hour bus ride there and back. The doctors' surgery is full with nowhere for new residents of this or other proposed estates to go and dentists' practices are similarly difficult to access. Existing shops may be basic but they provide for what is needed. Expensive shops and pavement cafés are not wanted or needed.
322. The existing road network does not have rat-runs and means the environment is pleasant with almost non-existent car theft. The proposed layout will be busier, more polluted, including from light pollution which is bad for residents and wildlife alike.
323. It has been argued that the existing buildings are unsound but there is no evidence of this.
324. At the Inquiry Miss Parsons focussed on a number of issues including York Memorial Park¹⁵⁰. The Council has been aware of the Park for a number of years and it has been taken into consideration with their viability study. If that study were produced it would show that if the York Memorial Park was left at its full size or were increased as stated in 2006 at a Regeneration Meeting the scheme would become unviable.
325. The Council has had several years to check the status of the York Memorial Park and Miss Parsons strongly believes that it did realise that if it was taken into consideration they could not have been able to push through the planning application.
326. Rosemead, any already constructed part of the wider scheme, Miss Parsons explained, was constructed without a CPO being applied for. The Partnership, in her view, went out of their way to avoid a CPO and held numerous meetings with homeowners to secure a deal that was acceptable to all parties. In contrast this latest phase appears to be one where the Partnership appears desperate to put a CPO in place to ensure that the scheme which is reliant on the York Memorial Park can go ahead. This is clear from the two line statement in the Environmental Study¹⁵¹ which says 'There are no historic parks and gardens within the study area, this issue is considered no further'.
327. Furthermore, it is also clear that if the scheme had not taken off then the land that the Council gave to the Partnership at nil cost would be forfeit and would have to be returned to the Council at nil cost.
328. It is also crucial to the viability of the project as the land contributes to its viability, because as private land is removed from the redline area it reduces the

¹⁵⁰ INQ47

¹⁵¹ CDB.24 Vol 2 of 2 Appendix 14.1 page 277

land that needs to be bought at market value as public land is at nil cost. Additionally buildings rising above agreed heights are out of character with the surroundings – Franklin House is the only existing tall building with smaller buildings on the northern edge of the Edgware Road (A5).

329. The previous planning agreement of 2008 included almost a third more land in which the building heights would have been much lower. Almost all that omitted land is private and would have been purchased at current market value.
330. To continue with this scheme a deed of variation was needed to be incorporated to ensure that new changes to the planning as it progresses can be put through without having to take into account the views of the residents. This only increases the view that more social homes will have to be removed from the now current scheme.
331. It is clear that private treaties have not yet been carried out by Capita, with one or two exceptions. The CPO had to be re-issued which meant it was delayed by three weeks. Had that not happened it would have been sought three weeks before the first blanket offer proposals arrived with homeowners as the start of 'negotiations'.
332. As the Council consider that regeneration sites are suitable accommodation they should be listed in their Housing Allocations Scheme of September 2013.
333. Mr Knowles, in considering the S.106 agreement recruitment, employment and training sum, omitted to note that the Council does not have to inform residents that it has these monies even though they have been received and relate to the site.

Remaining Objectors - Land to be Purchased (Table 1 Rights) who appeared at, or produced statements for, the Inquiry

**48 Marriotts Close, West Hendon, London NW9 7QB (Map 1 Plot 5)
Objection by Leonida De Montfort
Lessee or reputed lessee and occupier (*Shared Equity of new property under discussion as recorded at 30 January 2015*)¹⁵²
LPA Obj Ref: 32**

Case for the Objector (CDD.01 (32) and Statement INQ 35)

334. The original letter of objection was submitted by Sawyer Fielding for this objector and focussed on eight grounds. These are entitled social, environmental, sustainable development (housing density), sustainable development (transport infrastructure), funding, lack of negotiations, public and stakeholder consultation and historical implications. These matters are all more fully addressed in Mr Knowles' main objections.
335. Mrs De Montfort explained that she has been a resident of the Estate for 45 years and that she had expected to live here for the rest of her life. She has worked hard to keep her home which would be lost, but in addition she feels her life would be destroyed as would that of the community. The community is a diverse one where people live together harmoniously and the loss of this for

¹⁵² Where the Council has provided information on negotiations or it has been provided by the objector it has been included in brackets () most information is in INQ49

developers' profit seems unfair. Additionally people of different religions will be forced to leave their regular places of worship.

336. Secure and non-secure tenants are not well treated. People are being moved out to places which are alien to them and which will never be home. Leaseholders are being offered poor monetary values below those of the market value of their home.

337. West Hendon was, she explains, a little village in a peaceful green valley with birdsong but it is not so now. Construction works have no thought for the existing residents.

31 Tyrrel Way, West Hendon, London NW9 7QW (Map 1 Plot 20)

Objection by Hodan Nur

Tenant or reputed tenant and occupier

LPA Obj Ref: 8.24

Case for the Objector (Statement OWH1 - statement 7 of 13)¹⁵³

338. Ms Nur explained she has lived on the Estate for 23 years, has 3 children and is part of the community working as a carer. She regrets the loss of use of the York Memorial Park due to traffic, safety, noise and pollution. This, she notes, has had an adverse impact on the community.

339. Ms Nur has a toddler with multiple congenital abnormalities. Dust and pollution cause particular concern to his health which is a current concern and one for potential re-housing given that she is worried they will be moved to a home with windows next to a garage and heavily trafficked road. This contrasts with their current home which is peaceful overlooking the Welsh Harp. Their existing home is also practical in layout as they have a maisonette where she can nurse her sick son downstairs avoiding disturbance to her other children and neighbours. She feels the Council originally offered like-for-like accommodation but that this has been ignored without serious consideration to individual circumstances.

Specific Response by the Council

340. The position in relation to Hodan Nur was clarified¹⁵⁴ in that Ms Nur has been offered a new-build Metropolitan Housing Trust property on the Estate in Gadwall House, which is both close to her current accommodation, and has been assessed as suitable for her needs by Barnet Homes' Medical Assessment team following a detailed review of her medical evidence. Details of the qualifications of that team are provided in INQ44 along with the details of Ms Nur's choices of property which she has changed.

Flat 49, Franklin House, Tyrell Way, West Hendon, London NW9 7QB (Map 1 Plot 14)

Objection by Mr Alexander Finnie

Tenant or reputed tenant and occupier (flat accepted elsewhere)

LPA Obj Ref: 8.21

Case for the Objector (Statement INQ28)

¹⁵³ This Statement was one of 13 submitted in a bound collection in advance of the Inquiry

¹⁵⁴ INQ14

341. Mr Finnie feels that had there not been a regeneration scheme here he would have been made a secure tenant by now. Instead he fears homelessness. Mr Finnie explains that he has friends and neighbours nearby who help him, as he has health issues. He also fears loss of his education program to help him back to work. He has concerns about impact on wildlife and the SSSI. Dust, air pollution and noise all cause concern. These, particularly the noise which impacts on his sleep and depression, harm his health. It is also depressing to see homes being built he cannot afford to occupy.

342. Mr Finnie has now accepted a new flat in Colindale. He will no longer be a Council tenant and feels betrayed with little support from the Council. Despite the judge ordering that he should not pay rent on both his existing and new property he feels concerned this may happen as the moving assistance he was promised has not been forthcoming. This is particularly taxing for him as he is awaiting another operation and wants to feel his house move is under control.

Specific Response by the Council

343. Mr Finnie is to move by 2 February 2015. Barnet Homes have offered assistance with removals, dis/reconnection of services and it has been confirmed he will not pay rent on the West Hendon property between 19 January and 2 February 2015.

Flat 6 Franklin House, Tyrell Way, West Hendon, London NW9 7QA (Map 1 Plot 14)

Objection by Peggy Mateza

Occupier

LPA Obj Ref: 8.40

Case for the Objector (Statement OWH1 - statement 10 of 13)

344. Mrs Mateza does not wish to leave her home. The CPO is hard to deal with and not helped by limited and poor information; it is also costly.

345. She comments that the loss of the park is significant for the community, particularly the elderly and children for physical recreation and social interaction. She considers the developers will be interested in young working people. As a result there will be a loss of homes for people to live normal lives on low incomes. This seems to be a dream that will be lost with forcible removal.

346. She is worried about having to settle in a new area, find a new doctor, chemist, shops and hospital given her age and disabilities, especially having been used to the same things for 10 years. She asks why the poor should be disadvantaged, it does not seem like equal opportunities with the wealthy even for people who have lived here all their lives and want to stay.

Specific Response by the Council

347. Ms Mateza made no response to court proceedings. She was given assistance in seeking rehousing and the Metropolitan Housing Team (MHT) have put on hold a bailiff's warrant until further notice to assist her.

30 Tyrrel Way, West Hendon, London NW9 7QW (Map 1 Plot 20)

Objections by Fergus and Jackie Coleman

Lessee or reputed lessee and occupier (On-going discussions as at 30

Case for the Objectors (Objection letter CDD.01 (2) and Statement OWH1 statement 2 of 13)

348. Roger Hannah & Co Ltd, for the objectors, set out concerns that the ballot on the initial scheme was a long time ago and is no longer relevant. A new home has not been offered despite original promises for all tenants and occupiers. There has been no offer about choices of dwelling. There is concern about multiple moves, conflicting dates about possession and a lack of negotiation as well as concern at the sums offered. The proposed development scheme affects 211 dwellings and is only replacing 191 social/intermediate dwellings an unacceptable net loss. As only 25% of the units will be affordable there is a failure to comply with the UDP, the Local Plan, the London Plan and the Mayors SPG; this cannot be in the public interest.
349. Whilst the existing Estate may not be well balanced (76% affordable) nor will the new scheme be (75% private). An independent viability assessment has been undertaken to justify this but it is not publically available. The Mayors SPG allows for flexibility to meet an improved mix in provision but there is no monitoring mechanism.
350. The buildings proposed are of excessive density and height and will have adverse impacts of the open space and nearby SSSI. The scheme is justified on the basis of tackling issues of social isolation but residents do not consider this to be an issue. If residents are forced away how can this be a cohesive community. If residents are forced out how can they benefit from an improved quality of life. The scheme claims to improve amenity space but with an increased number of dwellings the proportion of space per user will decline. There is no adequate assurance that economic, social and environmental well-being will improve.
351. Residents have little information about shared equity and minimum shares may make it difficult for eligible leaseholders to take up the scheme. There has been limited information about the properties which will be made available for shared equity.
352. CPO should be a matter of last resort. The public interest test is questioned particularly as residents are likely to be displaced. The Council has made a single offer and it seems that they are not committed to negotiating as set out in the Statement of Reasons.
353. Human Rights are being infringed because the balance has not been struck between individual rights and the wider public interest. As such there is no compelling case in the public's interest.
354. Ms Coleman, in her statement, sets out that she has lived in the area for nearly 20 years with her husband and son; it is their community. She says that, in the beginning, they were told they would have like-for-like homes and the Estate would be regenerated not redeveloped; that they could remain living as a community. She feels things have changed and they are not being listened to. The scheme is not creating community but destroying a community. She is involved in the community through the church acting as a visitor, help and comforter. She has friends and her doctor here and does not want to lose her close-knit community. She would like the regeneration to stop until they have a

real say in what happens. If that does not happen she would want the building to stop.

25 Tyrrel Way, West Hendon, London NW9 7QW (Map 1 Plot 20)

Objection by Hina Azam

Tenant or reputed tenant and occupier (*at the time of the CPO Inquiry this objector had moved out*)

LPA Obj Ref: 8.27

Case for the Objector (Statement INQ7 statement 5 of 6)

355. Ms Azam has lived on the Estate with her family since 2009. She explains that she was promised that when her dwelling was needed for demolition she would be given a secure tenancy. Ten years on this has not happened and she is faced with moving away it has made her life, she says, a nightmare.

356. She has moved but this has meant travelling miles to school. It has disturbed her children and she finds it difficult to see friends and family. She is worried about this happening again through no fault of her own. It is harder to travel to work for herself and her husband. Rents and rates have also increased which makes it hard financially. This was not helped as she needed to finance new furniture suitable to a smaller dwelling, flooring and appliances for the new flat. They objected to the property on costs grounds but it was classed as a refusal and they were advised to claim housing benefit. They feel betrayed by the system and that the whole process was based on lies, mis-information, bullying and harassment.

Specific Response by the Council

357. Ms Azam is a non-secure tenant who has been re-housed in a secure tenancy in a brand new 3 bedroom housing association property 2.7 miles from her West Hendon property. The rent is £137.48 which is similar to the average weekly rent of £129 for local authority housing stock and well below the Local Housing Allowance. She could appeal but it is unlikely to be successful in the circumstances.

11 Tyrrel Way and storeroom, West Hendon, London NW9 7QW (Map 1 Plots 18 and 19)

Objection by Jacqueline Parsons (also referred to as Jacqueline Parsons)

Lessee or reputed lessee and occupier (*discussing Shared Equity as at 30 January 2015*)

LPA OBJ Ref: 47

Case for the Objector (CDD.01 (47) and Statement OWH1 - statement 12 of 13)

358. The objector expresses concern that deliveries are occurring 55 hours a week causing vibrations. This is in addition to pollution causing harm to health from dust, grit sawing of metal and wood. It is deafening causing anxiety and depression. Ms Parsons feels Councillor's and MP's have not taken opportunities to visit and see for themselves what is happening. The age and health of some residents is an additional concern. Wildlife is also suffering during the works. She considers that the redevelopment is not what was voted on in 2002; every promise has been broken. The new homes will be smaller than those they currently occupy. It seems the scheme is only for the rich.

**Flat 14 Franklin House Tyrell Way, West Hendon, London NW9 7QA
(Map 1 Plot 14)**

Objection by Jason Waters

Lessee or reputed lessee and occupier (*intending to take up Shared Equity home as Mr Waters advised the Inquiry*)

LPA Obj Ref: 19

Case for the Objector (Statement OBJ1 and CDD.01 (19))

359. Mr Waters objection letter to the CPO was made by Sawyer Fielding. They set out four grounds of objection. These are based on environmental matters relating to the loss of public open space; sustainable development matters relating to increased housing density contrary to policy recommendation of the GLA; public and stakeholder consultation issues focusing on the length of time since the main consultation and concerns relating to 'the Pledge' and historical implications relating to the loss of York Memorial Park. These are set out more fully in the objection case put by Mr Knowles of Sawyer Fielding.

360. Mr Waters has lived in Barnet since being born in 1965 and on the Estate since 1995. He set out his background and explained that since 1995 when he gained his Council tenancy his life improved, he has held down a secure job which gave him confidence and security to move forward and secure a permanent dwelling by becoming a homeowner in July 2004 under the right to buy. However, this was after the September 2003 cut-off which entitles people to apply for a shared equity property. He told the Inquiry that the Acquiring Authority has made an exception on the right to buy date in his case and he will be moving to a shared equity property. He is clearly pleased about this as he felt it would have been grossly unfair should he have been unable to remain on the Estate given he has lived there as a leaseholder for in excess of 10 years and as he did not buy his flat as an investment but bought it as security, as a permanent roof over his head.

Specific Response by the Council

361. It is confirmed Mr Waters is in contact with MHT about shared equity.

3 Tyrrel Way, West Hendon, London NW9 (Map 1 Plots 18 & 19)

Objection by Adelaide Adams

Lessee or reputed lessee and occupier (*as at 30 January 2015 2nd offer rejected*)

LPA Obj Ref: 45

Case for the Objector (CDD.01 (45) and Statement OBJ2)

362. The case on behalf of Adelaide Adams was made by Glynis Walker, Mrs Adams' daughter. Mrs Adams is 85 and in ill health. Mrs Adams has lived on the Estate since the early 1980s and has been an owner there since 1997. She has health problems, particularly congestive cardiac failure caused by ischaemic heart disease and chronic obstructive pulmonary disease. She wishes to live out the rest of her life in peace on the Estate.

363. The construction site entrance is close to the front of Mrs Adams' home with its roadside entrance. Her health conditions have deteriorated as a result of 30 or more lorries passing each day including outside of the conditioned hours of 08:00-18:00hours.

364. The noise, dust and toxic diesel fumes are hazardous to Mrs Adams health and she has been advised not to sit outside as she had used to, particularly when talking to another elderly neighbour. Due to deterioration in Mrs Adams' health her GP wrote a letter seeking she be re-housed immediately. A meeting took place between the developer and representatives for Mrs Adams. Before a second meeting a letter was received rejecting the request for rehousing although two higher figures were offered to purchase her property, both of which were rejected. The pressure arising from her health should not mean she has to accept an offer below that she considers to be fair is unacceptable. The impression given is that her ill-health appears as an opportunity to buy the property cheaply.

Specific Response by the Council

365. The Council noted that enforcement of planning conditions would be pursued in the event complaints are made to them.

19 Tyrrel Way, West Hendon, London NW9 7QW (Map 1 Plot 20)

Objection by Joseph Killeen

**Lessee or reputed lessee (as at 31 January 2015 discussing shared equity)
LPA OBJ Ref: 53**

Case for the Objector (Statement OBJ7 and CDD.01 (53))

366. Mr Killeen explains he has lived in the Borough for 52 years with the last 32 years being on the Estate. He brought up three daughters here and now is a great grandfather, his descendants mostly living in the Borough. Under the CPO he feels he will no longer be able to live in the Borough. If he has to leave the Borough he will have less contact with family which he will need to support him as he grows older (he is in his 70s). If he had been able to have a shared equity property he would not be able to have a ground floor flat as at present. The reason he cannot afford to move into shared equity is the cost of service charges and ground rents which are set to increase very significantly. The affordable housing under the regeneration scheme will not be affordable and he is being forced out of his home.

367. Mr Killeen also objects grounds A, C, E, F, H, J (Table 1) and K set out by Mr Knowles for those represented by Sawyer Fielding which are set out below.

Specific Response by the Council

368. Mr Killeen meets the criteria for shared equity but has not been in contact with MHT.

Further Objections at the Inquiry to the CPO regarding Table 1 Rights

369. The following Objections come from occupiers of dwellings included in the CPO. It appears they did not initially object to the CPO in writing but have made objections to the Inquiry.

64 Marriotts Close and storeroom, West Hendon, London NW9 7QB (Map 1 Plots 7 and 8)

Objection by Mr Nadir Kahoul

Lessee or reputed lessee and occupier (as at 30 January 2015 – negotiations but not agreement; shared equity details provided for information)

LPA Obj Ref: none – late objection

Case for the Objector

370. Statement INQ13. Mr Kahoul explained that he has lived on the Estate since 1995 and that under the current CPO offer he feels he will be unable to live in the Borough. He likes the area, which is near to his family, friends and work as well as being close to facilities at Brent Cross, shops, buses, his daughter's school, Wembley Stadium and green space and central London. He does not want to move.

14 Marriotts Close, West Hendon, London NW9 7QB (Map 1 Plot 3)

Objection by Kirsty Lee Fricker

Tenant or reputed tenant and occupier

LPA Obj Ref: none - late objection

Case for the Objector

371. Statement (INQ26). Ms Fricker sets out that she has been a tenant since 2006. She has two young children one of whom has autism and finds coping with change unsettling. The works caused her concern whilst she was pregnant and now she is concerned about the effects of dust and pollution on the family's health, including in terms of dust when cooking. Keeping windows shut has had consequences for health and possessions because of damp. She has also found the behaviour of site workers to be poor. The on-going works have resulted in the loss of outlook. Additionally, having neighbours move away with their properties being boarded up has resulted in a threatening environment.

372. When Ms Fricker moved into the property she claims she was advised that insecure tenants would be re-housed yet has since found out they will not be.

373. Ms Fricker has been offered a flat away from the Estate however, a medical assessment had not been undertaken and as the flat was not suitable the offer was withdrawn. Another offer has also been removed due to administrative issues. A third offer has been made of a privately rented flat but the cost has not been disclosed. She feels she has had no real offer of re-housing.

Specific Response by the Council

374. An offer was withdrawn after an assessment of medical information. An offer was withdrawn after an admin error, Ms Fricker never asked for details about this. Ms Fricker was selected to view a property but Barnet Homes withdrew it as it was not light enough. The Council apologises that a pre-hearing notification letter was not sent to Ms Fricker but notes details were sent in the notice to quit. Barnet Homes will write to her to confirm the assistance that may be available to her.

23 Marriotts Close, West Hendon, London NW9 7QB (Map 1 Plot 3)

Objection by Katrina Newman

Tenant or reputed tenant and occupier

LPA Obj Ref: none - late objection

Case for the Objector

375. Statement (INQ25). Ms Newman records that in 2009 she was offered four other flats in Barnet which were unsuitable on medical grounds, before the one she accepted in Marriotts Close. She explains that she thought that as a secure Barnet tenant before the move, that this tenancy would also be secure, but it was not. She had thought, following discussions with Council officers, that the year-long introductory tenancy would be made secure. She feels aggrieved that no-one had made that clear to her, particularly given her mental and physical health problems. Her temporary tenancy has become a temporary five year tenancy (and for others it has been longer).
376. She has tried to appeal the case. She is aware that she will be told little and moved on at short notice. Ms Newman is concerned that an officer of the Council to whom she has appealed has moved on and that no-one knows what is happening with her case which she finds distressing.
377. Ms Newman has received a Notice to Quit but has not had her housing needs assessed, is not aware of her banding or whether her medical needs have been considered. She has made a further appeal but not had a response.
378. Ms Newman acknowledges that it is reasonable for some maintenance works to be suspended where there is demolition pending, but considers the Council has neglected its contractual duty to undertake repairs. As a consequence, following a leak in an upstairs flat, her current home is almost uninhabitable; the Council's approach is to suggest she move.

Specific Response by the Council

379. The paper-work details of which are set out in INQ44 makes it clear Ms Newman was told she was offered temporary accommodation and a non-secure basis because of the regeneration scheme. Ms Newman has made complaints through a 3 stage process and had her case investigated by the Local Government Ombudsman, who found no fault with how Barnet Homes had handled her tenancy status. A band placement letter was sent to Ms Newman on 30 September 2013. She has had medical assessments and Barnet Homes advises they have responded to all her correspondence including complaints.

52 Marriotts Close, West Hendon, London NW9 7QB (Map 1 Plot 7)

Objection by Sandra Newman

Tenant or reputed tenant and occupier

LPA Obj Ref: none late objection

Case for the Objector

380. Statement (INQ27). Miss Newman moved to Marriotts Close in 1973 and then to No.52 in 1990 with her daughter, Katrina Newman, who now resides at No.23. She is a secure tenant. She was notified of the regeneration scheme and expected it to commence in 1995/96. She feels Marriotts Close could have been excluded from the regeneration scheme. Instead it is part of it and has been left to deteriorate.
381. Miss Newman sets out that at the time of the original consultation she had chosen the option that would maintain the property and add gardens at ground floor. She expresses concern about the ballot process whereby other contenders whom she supported were, in her view, at a disadvantage because they had had less time to prepare to compete in the ballot and because questions asked about how good the various displays were biased towards MHT who were better

prepared. She feels a re-ballot should have taken place and was not happy with the ballot outcome.

382. Much later, in 2009, Miss Newman explains she was told she could remain in Marriotts Close or could be moved if she wished. She was also advised that her daughter could stay as she had lived with Miss Newman and was living elsewhere on the Estate. However, her daughter has since been told she cannot stay.

383. More recently Miss Newman has been told she cannot move back to Marriotts Close but will be moved to a new flat overlooking the gyratory system, overlooking hot-food shops on the Broadway. This is very different to views from her current flat overlooking the Welsh Harp and one will have a wall in place of a window, she assumes this to prevent fumes from existing uses. Miss Newman feels things have changed for the worse. Moreover, she was told by the developers that nobody would buy the flats in the area she has been offered because they do not have views. She understands that the new properties with views towards the Welsh Harp will be predominantly, if not completely, for private sale.

384. The tenant advisor did not stay and they were paid for by the Council resulting in concerns about impartiality.

385. Miss Newman considers the Perryfield Way car park is not suitable for development due to flood issues. Three nearby shops flood. Miss Newman believes this is to do with overloaded pipes and has recently observed the underground car park being flooded.

386. Miss Newman, in 2013, told Barnet Homes she was not happy about moving near to the garage where car spraying takes place and is concerned about this, and car fumes, causing pollution that would put her health at risk.

387. Miss Newman contacted the Council's Environmental Health service about serious issues but was told they could not take action against the Council.

388. Miss Newman raises concerns about a friend at who lives in Marriotts Close and is a wheelchair user yet is being re-housed in a fourth floor flat. She also has concerns about tenants moving without proper Housing Assessments. The general view is that tenants are of little importance.

389. Finally Miss Newman notes that she does not want to become an MHT tenant due to their reputation. Whilst she may choose to decide to remain a Council tenant at the moment she is concerned that in time there will be no option and she will have to become an MHT tenant.

Specific Response by the Council

390. Miss Newman has accepted a property in Block G Phase 3a.

391. Flooding is not an issue raised by the Environment Agency and the Council is unaware of any concerns. All drainage works will be to industry standards. In terms of the friend it is understood that the 4th floor offer was most suitable being a wheelchair unit, but no-one has been forced into it or said they did not want to move there.

17 Marriotts Close, West Hendon, London NW9 7QB (Map 1 Plot 3)
Objection by Syed N Huq
Tenant or reputed tenant and occupier
LPA Obj Ref: none late objection

Case for the Objector

392. Statement INQ7 - statement 5 of 6. It was explained that the objector moved to the West Hendon Estate in 2004 on health grounds because it provided ground floor access. Health concerns are significant (heart condition, lower back problem, asthma, sleep omnia and depression). The support of the community, emotionally and practically, and access to green space is important. It is proposed that Mr Huq be relocated to Grahame Park but, the loss of the local community feels devastating. In addition access to the Royal Free Hospital in Hampstead will be harder, because travel from West Hendon is easy via Hendon Station.

393. There are additional concerns that the assessment band for re-housing has been changed without discussion. The lack of consideration of medical needs is contrary to the 1996 Housing Act. Particular concern is raised as the perpetrators of a crime against the objector reside in the Grahame Park area. Concerns are raised about suitability of housing for others and tactics/pressure bought to bear on people when having to move.

Specific Response by the Council

394. Mr Huq is not a secure tenant – he moved to the Estate in 2007 when such tenancies were no longer offered. Mr Huq has been offered accommodation 1.5 miles away which has been assessed as meeting his medical needs. He has appealed that offer and an outcome is awaited.

Flat 22 Franklin House, Tyrell Way, West Hendon, London NW9 7QA (Map 1 Plot 14)
Objection by Shainaz Essack
Tenant or reputed tenant and occupier
LPA Obj Ref: none late objection

Case for the Objector

395. Statement OWH1 - 11 of 13. Ms Essack explained she has been fearful since the eviction notice because she does not know what will happen to her in terms of housing and is worried about isolation from her community. She has concerns about how the housing assessment process was carried out in terms of timing, attitude and facilitation which avoid having assistance. She expresses severe anxiety. Added to this she is finding construction noise and pollution distressing. She expressed concern about an access incident. Construction traffic adds to those concerns and has affected deliveries to and collections from her property, including for her hospital visits. She feels profit is given higher priority than the community.

Specific Response by the Council

396. It is acknowledged that there was a working hours overrun during which some residents entered the construction site by a few metres.

82 Marriotts Close, West Hendon, London NW9 7QD (Map 1 Plot 9)

Objection by Christine Medeiros

Tenant or reputed tenant and occupier (*at the time of the CPO Inquiry this objector had moved out*)

LPA Obj Ref: none late objection

Case for the Objector

397. Statement OWH1 - 3 of 13. Ms Medeiros records that on 24 October 2005 she signed a temporary contract for No. 82 as the property was part of West Hendon Regeneration. She was told it would be for a maximum of 3 years but that she would then be moved on with a permanent tenancy. She is aggrieved that after 8 years and 8 months she has been given a flexible tenancy and been moved to 259 Watling Avenue which was in a poor state of repair. The financial support given for the costs of moving was nothing like that spent. The new accommodation is smaller so some of her furniture had to be disposed of. She feels she has been treated as disposable and has concerns about the security of her current housing.

Specific Response to Christine Medeiros

398. The dwelling in Watling Avenue was inspected by Barnet Homes for damp and none was found. Plaster had come away when the wallpaper was stripped in a room but Barnet Homes repaired this on 5 September 2014. There has been no complaint raised with Barnet Homes about the condition of the property.

Remaining Objectors - Land to be Purchased (Table 1 Rights) written submissions to the CPO by people represented at the Inquiry

399. Sawyer Fielding represented the following group of objectors. The written objections relate to a series of grounds of objection with each objector identifying the specific grounds on which they object. To avoid repetition the main grounds are précised below and then the relevant grounds cited for each objector.

400. Ground A – Social – Circular 06/2004 refers to the 'well-being power' with well-being sub-divided into economic, social and environmental. The objectors consider that social well-being is not supported by the scheme. The regeneration has been anticipated for 12 years and significant number of leaseholders and tenants have been there for a long time. Of the 26 properties for whom the occupiers are being represented by Sawyer Fielding 24 have been owned or occupied for in excess of 10 years and six of these since the 1980s. Of 34 privately owned dwellings on the Estate 28 are owner occupied and of the remains six four were rented out because of blight affecting sales. This has created a strong community with several generations of the same family and friends, which are threatened with break up.

401. Ground B – Environmental – There will be a loss of public open space. The small remaining areas of public open space will not be useable in the same way that York Memorial Park was. This will result in a loss of opportunity to mix and for children to play reducing social cohesion and community spirit. Consultation on the appropriation of the park was not sufficient. Given the increased density of housing in the scheme and the loss of public open space there will be a threat to environmental quality.
402. Ground C – Sustainable Development (housing density) – There will be an increase from 680 properties of 1-3 bedrooms to 2000+ flats. The current population of the Estate is estimated at 1,475 and this will rise to some 9,161 once the development is complete. This exceeds GLA recommendations. And will allow four blocks of 29-31 storeys where there are currently four-storey blocks. The Statement of Reasons for the CPO is vague in its reference to high density housing and references to London Borough Barnet Policy C1(a).
403. Ground D – Sustainable development – environmental impact – the increase in density will put a strained on the environment and particularly the Welsh Harp SSSI and its flora and fauna. No study appears to have been undertaken to assess impacts upon this area which is an attraction to those who live here and want retain views over it and maintain its unspoilt nature.
404. Ground E - Public and Stakeholder Consultation – The original ballot took place in 2002 and so is dated. That ballot involved canvassing and so impartiality is doubted. The ballot had a low turnout (63%) and the 75% in favour means less than half those allowed to vote really supported it. Since that time there have been changes to the partners involved in the scheme, those entitled to vote have changed, Ramsey Close is no longer part of the scheme and while the footprint is smaller the number of dwellings proposed is significantly greater. The assurances made are not being honoured. For example 'modern homes for all existing residents', 'no-one being re-housed will be required to live on a floor higher than their current home', 'owner occupiers will have the opportunity to transfer their existing equity into their new home', 'You can swap your existing home for a new home on West Hendon', 'You can revert to a tenancy' (limitations apply and offers have changed), 'All existing residents will have the opportunity to move into their new home within 5 years of the first new home being completed' (the first homes are completed but the objectors properties are not phased until after 5 years).
405. Additionally services charges appear to be high and possibly unaffordable, gardens/outdoor space seems to have been lost e.g. maisonettes with gardens have been demolished and not replaced and where gardens exist they appear to have already been allocated or sold. New properties are smaller than those they replace and there is no choice of home. All those factors conflict with what was offered. Although shared equity is not an entitlement under the Compulsory Purchase Code public and stakeholder consultation was on offers that are no longer in place, relate to different developers and a different scheme. The revised scheme and offer it has for displaced leaseholders is not in the public interest.
406. Ground F – Historical Implications – York Memorial Park will be built upon by skyscrapers. The Park is a memorial to the loss of 75 lives with 145 people being seriously injured as a result of a bomb dropped on the area on 13 February 1941. That bomb destroyed 366 houses and damaged 400 houses. Loss of this memorial is not in the public interest.

407. Ground G – There are insufficient local services, particularly healthcare and secondary education, to cope with the increased housing density and that will impact on those remaining on the Estate and living nearby.
408. Ground H – Sustainable Development – transport infrastructure. The increased density will put strain on highway infrastructure. There are existing traffic flow issues in the locality, and other major developments are taking place or anticipated which adds concern about highway capacity.
409. Ground J (Table 1) – The RRG were advised that the CPO would be sealed on 4 April 2014 and sent to affected parties on 10 April 2014. A number of property inspections, by Capita, took place at this time and some later. Since then there has been the Statement of Reasons (3 June 2014), on 4 June 2014 negotiations were opened with most if not all leaseholders with a first offer. On 5 June the Statement of Reasons were hand delivered and some posted out; the same afternoon the first offers were received. Some offers were made subject to inspection. This does not amount to sufficient efforts to acquire the leasehold interests by agreement.
410. Although the level of offers is a matter for the Lands Tribunal, they are sufficiently low to suggest they are only a tokenistic gesture, for example one of the two bedroom properties receive an offer £44,000 below the level the same property had been valued at on blighted terms by the Council the previous month. There had been no changes to the property or market in that short period. No further offer has been made and the offers made do not reflect the spirit of Circular 06/2004.
411. Ground K – Funding - It is questioned whether funding is in place, particularly given the number of properties requiring purchase, rights of access to purchase and possible blight notices seeking early purchase. The CPO does not set out that these matters have been considered therefore financial viability has not been satisfactorily established.

**Flat 18 Franklin House, Tyrrel Way, West Hendon, London NW9 7QA
(Map 1 Plot 14)**

Objection by Adekunbi Adubifa

Lessee or reputed lessee (As at 30 January 2015 Offers rejected shared equity to be discussed)

LPA Obj Ref: 17

Case for the Objector (CDD.01 (17))

412. The objections of Adekunbi Adubifa are those set out in grounds A, E, F, G and K above.

**Flat 30 Franklin House, Tyrrel Way, West Hendon, London NW9 7QA
(Map 1 Plot 14)**

Objection by Afsanah Monfared

Lessee or reputed lessee (As at 30 January 2015 Offers rejected shared equity to be discussed)

LPA Obj Ref: 18

Case for the Objector (CDD.01 (18))

413. The objections of Afsanah Monfared are those set out in grounds A, B, C, E, G and K above.

**Flat 60 Franklin House, Tyrrel Way, West Hendon, London NW9 7QA
(Map 1 Plot 14)**

Objection by Peter Carr

Lessee or reputed lessee (As at 30 January 2015 Offers rejected shared equity to be discussed)

LPA Obj Ref: 20

Case for the Objector (CDD.01 (20))

414. The objections of Peter Carr are those set out in grounds A, C, E, F, G and H above.

35 Marriotts Close, West Hendon, London NW9 7QB (Map 1 Plot4)

Objection by Amratlat and Bharvi Asawla

Lessees or reputed lessees

LPA Obj Ref: 30

Case for the Objectors (CDD.01 (30))

415. The objections of Amratlat and Bharvi Asawla are those set out in grounds A, B, C, E, G, H, and J(Table 1) above.

47 Marriotts Close, West Hendon, London NW9 7QB (Map 1 Plot 5)

Objection by Ronald Green and Luke Sadarta

Lessees or reputed lessees (As at 30 January 2015 looking at shared equity)

LPA Obj Ref: 31

Case for the Objectors (CDD.01 (31))

416. The objections of Ronald Green and Luke Sadarta are those set out in grounds A, B, C, E, F and K above.

49 Marriotts Close, West Hendon, London NW9 7QB (Map 1 Plot 5)

Objection by Alexander Whelan

Lessee or reputed lessee (As at 30 January third offer made)

LPA Obj Ref: 33

Case for the Objector (CDD.01 (33))

417. The objections of Alexander Whelan are those set out in grounds A, C, E, F and G above.

59 Marriotts Close, West Hendon, London NW9 7QB (Map 1 Plot 6)

Objection by Edward and Julie Kent

Lessees or reputed lessees (As at 30 January 2015 discussing shared equity)

LPA Obj Ref: 34

Case for the Objectors (CDD.01 (34))

418. The objections of Edward and Julie Kent are those set out in grounds A, E, G, J(Table 1) and K above.

70 Marriotts Close, West Hendon, London NW9 7QB (Map 1 Plot 9)

Objection by Debbie Dean

Lessee or reputed lessee (As at 30 January 2015 discussing shared equity)

LPA Obj Ref: 35

Case for the Objector (CDD.01 (35))

419. The objections of Debbie Dean are those set out in grounds A, E, F, H and K above.

85 Marriotts Close, West Hendon, London NW9 7QD (Map 1 Plot 11)

Objection by Diane Steele (As at 30 January 2015 discussing shared equity)

Lessee or reputed lessee

LPA Obj Ref:36

Case for the Objector (CDD.01 (36))

420. The objections of Diane Steele are those set out in grounds A, B, D, E, J(Table 1) and K above.

88 Marriotts Close, West Hendon, London NW9 7QD (Map 1 Plot 11)

Objection by Mazhar and Zahida Hussein

Lessees or reputed lessees (As at 30 January 2015 discussing shared equity)

LPA Obj Ref: 37

Case for the Objectors (CDD.01 (37))

421. The objections of Mazhar and Zahida Hussein are those set out in grounds A, C, H, E, G, and J(Table 1) above.

92 Marriotts Close, West Hendon, London NW9 7QD (Map 1 Plot 11)

Objection by James Rock

Lessee or reputed lessee (As at 30 January 2015 confirmed interest in shared equity scheme)

LPA Obj Ref: 38

Case for the Objector (CDD.01 (38))

422. The objections of James Rock are those set out in grounds B, C, E, F and K above.

96 Marriotts Close, West Hendon, London NW9 7QD (Map 1 Plot 11)

Objection by Siobahn Rothnie

Lessee or reputed lessee (As at 30 January 2015 discussing shared equity)

LPA Obj Ref: 39

Case for the Objector (CDD.01 (39))

423. The objections of Siobahn Rothnie are those set out in grounds A, B, D, E, G, and J(Table 1) above.

98 Marriotts Close, West Hendon, London NW9 7QD (Map 1 Plot 11)

Objection by Fuard and Facel Cassem

Lessee or reputed lessee (As at 30 January 2015 discussing shared equity)

LPA Obj Ref: 40

Case for the Objector (CDD.01 (40))

424. The objections of Fuard and Facel Cassem are those set out in grounds A, B C, H, E, F, and J(Table 1) above.

7 Tyrrel Way, West Hendon, London NW9 7QW (Map 1 Plots 18 and 19)

Objection by Felicity Ibe

Lessee or reputed lessee

LPA Obj Ref: 46

Case for the Objector (CDD.01 (46))

425. The objections of Felicity Ibe are those set out in grounds A, E, F, G and H above.

13 Tyrrel Way, West Hendon, London NW9 7QW (Map 1 Plots 18 and 19)

Objection by Laurence and Trina Welford

Lessees or reputed lessees (As at 30 January 2015 discussing shared equity)

LPA Obj Ref: 48

Case for the Objectors (CDD.01 (48))

426. The objections of Laurence and Trina Welford are those set out in grounds B, C, E, J(Table 1) and K above.

14 Tyrrel Way, West Hendon, London NW9 7QW (Map 1 Plots 18 and 19)

Objection by Hassan and Maria Osman

Lessees or reputed lessees

LPA Obj Ref: 49

Case for the Objectors (CDD.01 (49))

427. The objections of Hassan and Maria Osman are those set out in grounds A, D, E and G above.

15 Tyrrel Way, West Hendon, London NW9 7QW (Map 1 Plots 18 and 19)

Objection by Graham and Marlene Newman

Lessees or reputed lessees (As at 30 January 2015 discussing shared equity)

LPA Obj Ref: 50

Case for the Objectors (CDD.01 (50))

428. The objections of Graham and Marlene Newman are those set out in grounds A, B, C, E and J (Table 1) above.

16 Tyrrel Way, West Hendon, London NW9 7QW (Map 1 Plots 18 and 19)

Objection by Eaglebay Ltd (Farhat Baig)

Lessee or reputed lessee (As at 30 January 2015 discussing shared equity)

LPA Obj Ref: 51

Case for the Objector (CDD.01 (51))

429. The objections of Eaglebay Ltd (Farhat Baig) are those set out in grounds A, C, E, F, G and H above.

17 Tyrrel Way, West Hendon, London NW9 7QW (Map 1 Plot 20)

Objection by Imad Hafeez

Lessee or reputed lessee (As at 30 January 2015 expressed interest in shared equity)

LPA Obj Ref: 52

Case for the Objector (CDD.01 (52))

430. The objections of Imad Hafeez are those set out in grounds A, B, C, D, E, H and J (Table 1) above.

21 Tyrrel Way, West Hendon, London NW9 7QW (Map 1 Plot 20)

Objection by Naseem Kadiri

Lessee or reputed lessee (As at 30 January 2015 expressed interest in shared equity)

LPA Obj Ref: 54

Case for the Objector (CDD.01 (54))

431. The objections of Naseem Kadiri are those set out in grounds A, C, E, F and J (Table 1) above.

432. The following list of objectors to the acquisition of Land (Table 1 Rights) objected in writing to the CPO through Miss Parsons/OWH (those who made direct submissions to the Inquiry have been omitted from the list as their views are set out individually although the objections made by Miss Jasmin Parsons apply to their cases as well). The objections they made are set out in Miss Parsons' main objection above starting at paragraph 301 and contained in CDD.01 (08)

Flat 39 Franklin House, West Hendon, London NW9 7 (Map 1 Plot 14)

Objection by Antony Greenwood

Occupier and tenant or reputed tenant

LPA Obj Ref: 8.04

70 Marriotts Close West Hendon, London NW9 7 (Map 1 Plot 8)

Objection by Andrea Brewster

Occupier

LPA Obj Ref: 8.13

**Flat 44 Franklin House, West Hendon, London NW9 7 (Map 1 Plot 14)
Objection by Patrick James Fenlon
Occupier and tenant or reputed tenant
LPA Obj Ref: 8.14**

**68 Marriotts Close , West Hendon, London NW9 7 (Map 1 Plot 9)
Objection by Colin Cooley
Occupier and tenant or reputed tenant
LPA Obj Ref: 8.15**

**68 Marriotts Close , West Hendon, London NW9 7 (Map 1 Plot 9)
Objection by Pauline Cooley
Occupier and tenant or reputed tenant
LPA Obj Ref: 8.16**

**79 Marriotts Close, West Hendon, London NW9 7 (Map 1 Plots 8 & 9)
Fernanda Udo-Affia
Occupier and tenant or reputed tenant
LPA Obj Ref: 8.17**

**9 Tyrrel Way, West Hendon, London NW9 7 (Map 1 Plot 18)
M Hendy
Occupier and tenant or reputed tenant
LPA Obj Ref: 8.18**

**24 Tyrrel Way, West Hendon, London NW9 7 (Map 1 Plot 20)
Epifania Byrne
Occupier and tenant or reputed tenant
LPA Obj Ref: 8.25**

**7 Tyrrel Way, West Hendon, London NW9 7 (Map 1 Plot 18 & 19)
Ruth Oviasu
Occupier and tenant or reputed tenant
LPA Obj Ref: 8.26**

**26 Tyrrel Way, West Hendon, London NW9 7 (Map 1 Plot 20)
Sajinda Mahmood
Occupier and tenant or reputed tenant
LPA Obj Ref: 8.28**

**28 Tyrrel Way, West Hendon, London NW9 7 (Map 1 Plot 20)
Lilian Herrera Molina
Occupier and tenant or reputed tenant
LPA Obj Ref: 8.29**

9 Tyrrel Way, West Hendon, London NW9 7 (Map 1 Plot 18)
Adam Hendy
Occupier
LPA Obj Ref: 8.30

Flat 65 Franklin House, West Hendon, London NW9 7 (Map 1 Plot 14)
Yazmin Royes
Occupier and tenant or reputed tenant
LPA Obj Ref: 8.32

Flat 55 Franklin House, West Hendon, London NW9 7 (Map 1 Plot 14)
Megan Lee
Occupier and tenant or reputed tenant
LPA Obj Ref: 8.33

Flat 12 Franklin House, West Hendon, London NW9 7 (Map 1 Plot 14)
Mohamed Taklah (also written as Tahani)
Occupier and tenant or reputed tenant
LPA Obj Ref: 8.34

Flat 27 Franklin House, West Hendon, London NW9 7 (Map 1 Plot 14)
Kimberley Ward
Occupier and tenant or reputed tenant
LPA Obj Ref: 8.35

Flat 29 Franklin House, West Hendon, London NW9 7 (Map 1 Plot 14)
Abrahima Bah
Occupier and tenant or reputed tenant
LPA Obj Ref: 8.38

Flat 3 Franklin House, West Hendon, London NW9 7 (Map 1 Plot 14)
Martin Poulson
Occupier and tenant or reputed tenant
LPA Obj Ref: 8.41

Remaining Objectors - Land to be Purchased (Table 1 Rights) written submissions to the CPO by objectors unrepresented at the Inquiry

181 West Hendon Broadway, London NW9 7DD (Map 1 Plot 33)
Objection by A Keller & Sons Holdings Ltd
Occupiers and owners or reputed owners (as at 30 January 2015 discussions on-going)
LPA Obj Ref: 1

Case for the Objectors (CDD.01 (1))

433. Strettons, acting on behalf of A Keller & Sons, have responded in writing to the CPO setting out that the land is not required for the principal scheme to proceed; that an alternative access route could be designed without requiring the acquisition; that retailing will not be improved with the acquisition of the subject property; that the property is fully occupied commercially and residentially; that there is no community benefit from the CPO; that the flats in the property are in good condition therefore no additional housing will be generated by the CPO and there would be no betterment to the housing stock; the vacant possession date is unreasonable; the CPO would result in loss of housing, dispossession of tenants and loss of commercial premises.

193, 193A, 193B, flats 1-5, 193 & garage West Hendon Broadway, London NW9 7DD (Map 1 Plot 27)

Objection by Mr B Gordhanbhai Patel, Mrs V Babubhai Patel, Mr B Patel, Mr H Patel

Occupiers and lessees or reputed lessees (as at 30 January heads of terms being drawn up)

LPA Obj Ref: 5

Case for the Objectors (CDD.01(5))

434. Montague Evans sets out that the site is used for computer training, and for a garage (tyres) with five flats above the commercial premises. The scheme relates to a hybrid part outline part full application. Their clients' premises fall within the outline area as part of the new development in Phase 3. The Statement of Reasons sets out that the order land is required to enable completion of Phase 3b and 3c of the scheme. Additional CPOs are likely for later phases.
435. They consider that their clients' land is not required to deliver the primary aims of the scheme and that there has been a failure to demonstrate that the purpose for which the acquiring authority is proposing to acquire the land could be achieved without the compulsory acquisition of the property.
436. The new homes could be achieved without CPO of their clients' property. Other breaks exist along the Broadway which could be used to create linkages through to the reservoir. It is not reasonable to require 7 properties (plots 27-33) to do this. Moreover, the widening of Station Road forms part of phase 4 and that delivery is not certain and may require a further CPO. In any event their clients' property is not needed for the linkages as the Scheme shows its use for redevelopment.
437. The demolition of their clients' property and the adjoining terrace will result in the loss of existing retailing and commercial space and the residential accommodation above. New education and community facilities, retail and commercial space can be achieved without acquisition of plot 27. The plot is not required for landscaping or open space. The property does not form part of the council estate and is not required for decant and re-housing. The aims of the CPO can be achieved without this plot and the compulsory acquisition of private interests has not been demonstrated to be in the public interest.

438. There has been no attempt to negotiate and given the proposed purchase date of 2017 this will mean the property will be blighted for some 3 years. The CPO should not be confirmed or should be modified to exclude this site.

195-197 West Hendon Broadway, London NW9 7AE (Map 1 Plot 26)

Objection by Mr Patel

Non-occupier and lessee or reputed lessee but the objection states freeholder

LPA Obj Ref: 12

Case for the Objector (CDD.01 (12))

439. Richard John Clark sets out objections on behalf of Mr Patel. They note that matters relating to compensation will be a matter for the Lands Tribunal, but the grounds of objection should be met, or the requirements of the legislation referred to in paragraph 19 of Circular 06/2004 will not be met – that is land should only be taken compulsorily where there is clear evidence that the public benefits will outweigh the private loss, a matter reinforced by the Human Rights Act.

440. The objections are made on the grounds that no significant attempt has been made to purchase their client's interests. They consider the acquisition of their client's rights may have been possible without the use of CPO powers; the use of this blunt tool is unfair and inequitable. No attempt has been made to discuss the effect of the works currently being undertaken and no consideration has been made of personal circumstances. The scheme proposed does not and will not enhance the social environment. No evidence has been provided about the effects of the scheme on existing residents and the community and how it will be altered as a result of the scheme.

441. York Memorial Park is currently a large green space used by residents of the Estate; this will be lost and smaller space provided. This is a place of historic significance being commemorative. Development will be detrimental to that memorial. The higher density proposed will not enhance the environment and is contrary to GLA guidelines. The existing transport network struggles and it is questioned whether impacts upon this have been properly considered; they are not aware of any relevant studies. The Welsh Harp provides for flora and fauna and for people living in and visiting the area. The development is likely to affect this and again they are unaware of any studies in this regard.

442. Whilst there has been public consultation, the goal posts have moved. There has been blight since 2002 as a consequence of uncertainty. There has been a consequent lack of investment and the general deterioration has significantly disadvantaged his client. The scheme will have a substantial impact on local services, particularly schools, education and health. They are not aware of any studies or consideration of these matters. The Acquiring Authority has not had proper regard to those matters or has failed to provide details. Alternatives to the scheme have not been considered properly.

443. The CPO will breach his client's human rights under Article 1 –the peaceful enjoyment of his possessions. For the reasons set out his client does not feel there is justifiable interference in the public interest and the interference with his client's property is not proportional. No attempt has been made to help relocate the business. It would be difficult to relocate quickly resulting in a risk to the business and jobs.

197 West Hendon Broadway, London NW9 7DE (Map 1 Plot 26)
Objection by Mr and Mrs Ahmed
Occupiers and tenants or reputed tenants but the objection states
freeholder
LPA Obj Ref: 13

Case for the Objectors (CDD.01 (13))

444. The case set out for Mr and Mrs Ahmed is the same as that for Mr Patel set out above at paragraphs 439-443.

Flat 45 Franklin House, West Hendon, London NW9 7QA (Map 1 Plot 14)
Objection by Dennys and Moshie Forte
Lessees or reputed lessees but the objection states freeholder (no response
as at 30 January 2015)
LPA Obj Ref:14

Case for the Objectors (CDD.01 (14))

445. The case set out for Dennys and Moshie Forte is the same as that for Mr Patel set out above at paragraphs 439-443 although loss of jobs is not referred to but Article 8 of the Human Rights Act is - 'everyone has the right to respect for...his home'.

22 Tyrell Way, West Hendon, London NW9 7QW (Map 1 Plot 20)
Objection by Ms Veronica Payne
Occupier and lessee or reputed lessee but the objection states freeholder
(as at 30 January 2015 no response to letters)
LPA Obj Ref: 15

Case for the Objector (CDD.01 (15))

446. The case set out for Ms Veronica Payne is the same as that for Dennys and Moshie Forte set out above.

195 West Hendon Broadway, London NW9 7AE (Map 1 Plot 26)
Objection by Vhavna Patel (also written as Bhavna Patel)
Occupier and lessee or reputed lessee but the objection states freeholder
LPA Obj Ref: 16

Case for the Objector (CDD.01 (16))

447. The case set out for Vhavna Patel is the same as that for Mr Patel set out above at paragraphs 439-443.

Remaining Objectors -New Rights to be Purchased (Table 2
Rights) who appeared at, or produced statements for, the Inquiry

47 Tyrrel Way, West Hendon, London NW9 7QW (Table 2 Plot 20)
Objection by Mr Hans Dibobe (Hans Dibobe Ekonje)

Other Qualifying Person
LPA Obj Ref: 8.22

Case for the Objector (Statement OWH1 – statement 4 of 13)

448. Mr Dibobe explains that residents feel neglected in the whole process. He took a tenancy with MHT in 2009 and was told he would be upgraded from Assured Shorthold Tenancy to Assured tenancy after 5 years. This hasn't happened. He is concerned he will not be offered a place on the estate but could be moved anywhere in the country even though MHT will be owning and leasing properties at West Hendon.

449. Mr Dibobe is concerned about the impact on wildlife of so many people living here. He is concerned that there will not be adequate medical facilities. Mr Dibobe is concerned about the loss of a community he relies upon. He would like housing security and stability to maintain roots and be able to invest in his home.

Specific Response to by the Council

450. Mr Dibobe is a MHT tenant, with Table 2 Interests. He has never been given assurances about converting to an Assured Tenancy and there is no provision for this in his tenancy agreement.

44 Tyrrel Way, West Hendon, London NW9 7QW (Table 2 Plot 20)
Objection by Ghazaleh Farnham
Other Qualifying Person
LPA Obj Ref: 8.06

Case for the Objector (OWH1 statement 13 of 13)

451. The Council has failed to deliver what was promised. Regeneration should be meaningful and not to the detriment of the community. There are concerns about future facilities particularly schools and surgery clinics. It is necessary to know what is provided. She has medical concerns and feels she has already been passed from pillar to post. This moving, before being located to West Hendon, means she has lost opportunities for training. She expresses concern about communication and inaccurate telephone numbers. Finally she concludes that regeneration should involve the community – in this case it seems like social cleansing.

Specific Response by the Council

452. Although the 0207 telephone number was incorrect the 0845 number was correct.

65 Tyrrel Way, West Hendon, London NW9 7QP (Table 2 Plot 20)
Objection by Mohammed Naveed Siddiqui
Other Qualifying Person – rights of access¹⁵⁵
LPA Obj Ref: 24

¹⁵⁵ This comment reflects the fact that there has been correspondence on the matter identified – as set out in INQ49 - it applies similarly to those below

Case for the Objector (OBJ8 and CDD.01 (24))

453. Mr Siddiqui, in a joint statement with Mr Khalick, makes a statement which is also made on behalf of The Peoples Power Group the membership of which contains 28 leaseholders from those listed in CPO Tables 1 and 2.
454. This Statement lists key points as follows. The pledge has been broken and the ballot is out of date. There has been a lack of consultation. The viability study has not been made public and a freedom of information request has not been answered. Leaseholders have been trapped on the Estate under a blight for over 10 years. It is accepted that there has been a time extension for the extra money on offer but without this leaseholders will be unable to buy on the Estate. It is accepted that there has been some change on qualification for shared equity.
455. In terms of major works bills, greater rights have been given to resident leaseholders and non-resident leaseholders before 2003 but not to those afterwards. Given the time the regeneration scheme has taken this seems unjust. Tenants of leaseholders should be put on the Council's housing list without leaseholders having to apply to the courts for eviction notices to prove they are being made homeless. These tenants have no protection although some have lived there for 10 years. It is wrong for one part of the Council to buy properties while another advises tenants not to leave to force their landlords to seek possession. It is expensive and time consuming and tenants may refuse to pay rent so as to be re-housed more quickly. Again this adds pressure for landlords. The scheme is not due for completion as a whole until 2025 exacerbating the issues raised.
456. The objections of Mohammed Naveed Siddiqui are also made on grounds A, B, C, E, F, I and J(Table 2) set out in the objections by Sawyer Fielding above.

Written Objections to the CPO from those who did not appear but were represented at the Inquiry – New Rights to be Purchased (Table 2)

457. Sawyer Fielding represented the following group of objectors. The written objections relate to a series of grounds of objection with each objector identifying the specific grounds on which they object. To avoid repetition the main grounds are the same as those set out above beginning at paragraph 400 with exception of Ground J(Table 2) which is précised below. The relevant grounds are cited for each objector.
458. Ground J(Table 2)– No attempts to negotiate prior to the CPO being made and lack of clarity about rights being acquired making it harder to know how to quantify a claim.

50 Tyrrel Way, West Hendon, London NW9 7QW (Table 2 Plot 20) Objection by Marlene Guimaraes Other Qualifying Person – rights of access LPA Obj Ref: 21

Case for the Objector (CDD.01 (21))

459. The objections of Marlene Guimaraes are those set out in grounds A, B, C, E, F, I and J(Table 2) set out above.

52 Tyrrel Way, West Hendon, London NW9 7QW (Table 2 Plot 20)
Objection by Michael and Anne Thoumine
Other Qualifying Persons - rights of access
LPA Obj Ref: 22

Case for the Objectors (CDD.01 (22))

460. The objections of Michael and Anne Thoumine are on grounds A, B, C, D, E, F, I and J(Table 2) set out above.

61 Tyrrel Way, West Hendon, London NW9 7QW (Table 2 Plot 20)
Objection by James and Mary Benham
Other Qualifying Persons - rights of access
LPA Obj Ref: 23

Case for the Objectors (CDD.01 (23))

461. The objections of James and Mary Benham are those set out in grounds A, B, D, E, I and J(Table 2) set out above.

71 Tyrrel Way, West Hendon, London NW9 7QP (Table 2 Plot 20)
Objection by Sadaf Ahmed
Other Qualifying Person – rights of access
LPA Obj Ref: 25

Case for the Objector (CDD.01 (25))

462. The objections of Sadaf Ahmed are those set out in grounds A, C, E, G, I and J(Table 2) set out above.

85 Tyrrel Way, West Hendon, London NW9 7QP (Table 2 Plot 20)
Objection by Aasid and Amina Variava
Other Qualifying Persons – rights of access
LPA Obj Ref: 26

Case for the Objectors (CDD.01 (26))

463. The objections of Aasid and Amina Variava are those set out in grounds A, B, E, I and J(Table 2) set out above.

114 Tyrrel Way, West Hendon, London NW9 7QP (Plot T2 Plot 20)
Objection by Adeoba and Adehimpe Okekunle
Other Qualifying Persons – rights of access
LPA Obj Ref: 27

Case for the Objectors (CDD.01 (27))

464. The objections of Adeoba and Adehimpe Okekunle are those set out in grounds A, C, E, H, I and J(Table 2) set out above.

119 Tyrrel Way, West Hendon, London NW9 7QP (Table 2 Plot 20)
Objection by Piyush and Dipavali Patel
Other Qualifying Persons – rights of access
LPA Obj Ref: 28

Case for the Objectors (CDD.01 (28))

465. The objections of Piyush & Dipavali Patel are those set out in grounds A, B, D, E, F, I and J(Table 2) above.

122 Tyrrel Way, West Hendon, London NW9 7QP (Table 2 Plot 20)

Objection by Mary Olubi

Other Qualifying Person – rights of access

LPA Obj Ref: 29

Case for the Objector (CDD.01 (29))

466. The objections of Mary Olubi are those set out in grounds A, B, E, I and J(Table 2) above.

58 Tyrrel Way, West Hendon, London NW9 7QW (Table 2 Plot 20)

Objection by Peter Wicker

Other Qualifying Person

LPA Obj Ref: 41

Case for the Objector (CDD.01 (41))

467. The objections of Peter Wicker are those set out in grounds A, B, C, E, I and J(Table 2) above.

59 Tyrrel Way, West Hendon, London NW9 7QW (Table 2 Plot 20)

Objection by Ali Rahimian

Other Qualifying Person – rights of access

LPA Obj Ref: 42

Case for the Objector (CDD.01 (42))

468. The objections of Ali Rahimian are those set out in grounds A, B, C, D, E, I, J(Table 2) and K above.

75 Tyrrel Way, West Hendon, London NW9 7QP (Table 2 Plot 20)

Objection by Kate Merrell and Branko Pajevic

Other Qualifying Persons – rights of access

LPA Obj Ref: 43

Case for the Objectors (CDD.01 (43))

469. The objections of Kate Merrell and Branko Pajevic are those set out in grounds A, C, D, E, I, J(Table 2) and K above.

470. The following list of objectors to the acquisition of New Rights to be Purchased (Table 2 Rights) objected in writing to the CPO through Miss Parsons/OWH (those who made direct submissions to the Inquiry have been omitted from the list as their views are set out individually although the objections made by Miss Parsons apply to their cases as well). The objections they made are set out in Miss Parsons main objection above beginning at paragraph 301 and contained in CDD.01 (08).

69 Tyrrel Way, West Hendon, London NW9 7 (Table 2 Plot 20)
Mariam Abdulrahman
Other qualifying person

LPA Obj Ref: 8.03

88 Tyrrel Way, West Hendon, London NW9 7 (Table 2 Plot 20)
Teresa Borges
Other qualifying person

LPA Obj Ref: 8.12

36 Tyrrel Way, West Hendon, London NW9 7 (Table 2 Plot 20)
S El-Giyar
Other qualifying person

LPA Obj Ref: 8.20

34 Tyrrel Way, West Hendon, London NW9 7 (Table 2 Plot 20)
Jemina Acheampon
Other qualifying Person

LPA Obj Ref: 8.19

66 Tyrrel Way, West Hendon, London NW9 7 (Table 2 Plot 20)
Ubath Abdinoor
Other qualifying person

LPA Obj Ref: 8.42

Written Objections to the CPO from those who did not appear and were unrepresented at the Inquiry – those with New Rights to be Purchased (Table 2)

63 Tyrrel Way, West Hendon, London NW9 7QP (Table 2 Plot 20)
Objection by Mrs Dulcie Manage
Legal Interest – Other Qualifying Person
LPA Obj Ref: 9

Case for the Objector (CDD.01(9))

471. Mrs Manage sets out that the CPO does not take into account loss of access and use of parks and green spaces. There is no proposed solution to the loss of parking spaces or their shed. Additionally she draws attention to problems with dust and mud which is affecting her home and causing health and cleanliness problems.

63 Tyrrel Way, West Hendon, London NW9 7QP (Table 2 Plot 20)
Objection by Miss M Manage

Legal Interest – Other Qualifying Person
LPA Obj Ref: 10

Case for the Objector (CDD.01 (10))

472. Miss Manage sets out the same basic objections as for Mrs Manage.

63 Tyrrel Way, West Hendon, London NW9 7QP (Table 2 Plot 20)
Objection by Mr P Manage
Other Qualifying Person
LPA Obj Ref: 11

Case for the Objector (CDD.01 (11))

473. Mr Manage sets out the same objections as for Mrs Manage.

Non Remaining Objectors

474. **Andrew Dismore AM (LPA Obj Ref: 4)** (Statements OBJ5, CDD.01 (4), INQ20). Mr Dismore suggests that, by law, a re-ballot should take place given the time since the original ballot, particularly given the changes to the scheme.

475. Leaseholders have not been adequately provided for. Properties have been blighted and there is no guarantee of a like for like home. Secure Council tenants need to be sure they can remain tenants of the Council and have leases on the same terms as at present. It is unfair that the unsecure tenants, many of whom were temporary tenants but have been resident for years, face an uncertain future. Private tenants similarly have no security. Things would be significantly better if genuinely affordable and social housing was raised to 40% now there are just 250 rented properties, barely 10% of the total being built.

476. The density is too high exceeding London Plan recommendations. This will affect people and the environment, including the Welsh Harp SSSI about which there are concerns about wildlife and habitat, and York Memorial Park, a place of significance relating to WWII.

477. The under-provision of parking has been a problem on other major redevelopments, impacting on nearby streets. West Hendon already has parking pressures which have required controlled parking zones. That pressure is only likely to spread. The existing traffic situation already has problems and additional pressure from this development will exacerbate matters.

478. Primary healthcare and school provision is already stretched. The scheme is only likely to worsen the situation. The proposed primary school is welcome but there is no clarity about how it will operate, it could be selective.

479. **Patricia Cooke (LPA Obj Ref: 7)** appears to be the freeholder of 6 Marriotts Close, West Hendon. Her Statements are at CDD.01 (7) and INQ7 statement 2 of 6. The scheme, whilst providing much needed housing, should be scaled down because huge estates attract trouble and anti-social behaviour. The Community will be lost. Many have lived on the Estate since the 1970s and support of neighbours will be lost reducing safety and security especially for the elderly. There are no plans for improved medical facilities. The transport system will be overwhelmed. The station can only accept 4 carriages so trains of 12 carriages will not help. The scheme will not open up the Welsh Harp, it will screen it from view. Dust and pollution as well as noise and vibration will be unacceptable. The properties left vacant during works will be susceptible to

crime. The hoardings will make the Estate dark and be hazardous to residents' safety. The scheme will not be completed until 2025 and the quality of life for residents will be affected greatly in the meantime.

480. Derrick Chung (LPA Obj Ref: 8.05) occupies 27 Marsh Drive, West Hendon. His Statement OBJ3 sets out objections on the grounds of the fact that the pledge offered to residents has been reneged upon. He feels consultation has not existed rather a series of decisions have been made without residents involvement. He has additional concerns that space standards are not acceptable with some kitchens not having windows. The increase in density is unacceptable and fails the standards of the London Plan. The proposed tower blocks will be out of keeping with the area. Worse still they will cause shadowing harming the Welsh Harp and the wildlife there.

481. The infrastructure in terms of healthcare is already fragmented and under pressure and this will exacerbate problems. The proposed parking will be inadequate for the number of residents.

482. Secure tenants had been promised 3 choices of accommodation they now only get one. Non-secure tenants, despite living on the Estate for 5 to 10 years have no security contrary to what they had been told by the leader of the Council. Those having leases compulsorily purchased find themselves at a disadvantage with the terms and so may have to settle in court.

483. Proper consultation should take place, the pledge should be honoured, transfer of housing stock to a private landlord should be agreed by ballot of residents. The Council should not be making people homeless but should be making sure landlords provide repairs and maintenance to meet Decent Homes Standard.

Specific Response by the Council

484. Some (31) of the one bedroom flats on phase 3a have kitchen/dining/living open rooms where the kitchen area does not have window. Turning to the offers system, secure tenants have been asked to identify 3 choices and an offer is made on one of those. There is a right of appeal in line with the Council's Housing Allocations Scheme. Non-secure tenants will only get one offer but they are also entitled to appeal. All secure tenants have the right to choose between being a Council tenant or an MHT tenant.

485. Barry Barnett (LPA Obj Ref:8.23) is the occupier of 118 Marsh Drive. His statement (OWH1 statement 8 of 13) was read to the Inquiry by Mr. Knowles. Mr Barnett has serious health problems and in 2001 was referred to social services as being homeless and highly vulnerable. He was housed at Marsh Drive in 2006. He is concerned that moving will result in separation from his family and the community thereby having an adverse effect on his support network and health. Mr Barnett cannot understand why double glazing and electrical works have been undertaken to buildings in a regeneration area.

486. Lubna Ahmed (LPA Obj Ref: 8.07) occupies 38 Warner Close. As such she is not a non-remaining objector in this case. Nonetheless, she wanted to set out her circumstances in anticipation of future phases of development. She read a Statement (OWH1 statement 5 of 13) to the Inquiry. This explained in some detail her health concerns.

Specific Response to Lubna Ahmed by the Council

487. Lubna Ahmad is very concerned that her health would be adversely affected and her family links damaged by any move. As a resident of Warner Close, Ms Ahmad will not be moved until the end of 2017. At that stage, the state of her health, her family circumstances and her local support network will be taken into account in allocating her a new property in accordance with the Housing Allocations Scheme, as it would be with every tenant. Ms Ahmad notes in her statement the importance of her current location in relation to her family members, who all live in Barnet within 30 minutes of each other; she added in that, if she feels unwell and has to call her brother, he is able to be with her in 30 minutes. Whilst no promise can be made at this stage, given the circumstances she has described, and the fact that to date all but one of the non-secure tenants who have been rehoused have been given accommodation in the Borough, there is a good chance that she will be rehoused no further from her family than she is at present.

488. **Mr Kher (LPA Obj Ref: 8.39)** who writes from Flat 12 Franklin House (but no longer resides there) is a signatory to the objections set out by Miss Parsons.

489. **Mr Adewale Bakare (LPA Obj Ref: 44)** is a local resident and owner occupier of 124 Marsh Drive. In addition to the objection made by Sawyer Fielding which represents Mr Bakare (CDD.01 (44))¹⁵⁶, Mr Bakare read his statement (INQ32) and explained that he had been on the Estate since 1991. He says he has seen the effect of an estate gradually being run down with consequences for those taking up the right to buy and assurances for 'in principle' tenants. Politics has had a large part to play. Compromise will need to be reached; offers have been too low and community facilities not forthcoming. Enforced removal is happening. The scheme is all about interests and whose will be served.

490. **Mr Ben Samuel (LPA Obj Ref: 8.31)** read his statement (OWH1 statement 6 of 13) to the Inquiry. He expresses concern at the impact on the environment of the Welsh Harp and is particularly concerned about the bridge at Cool Oak Lane in terms of consequences for nesting birds. He considers that the redevelopment fails to accord with the Wildlife and Countryside Act 1981, causing disturbance to a SSSI. He expresses concern about increased pollution in this area especially as West Hendon is in a Low Emissions Zone and suggests traffic should be restricted in this area. Mr Samuel is concerned that existing restrictions are not being enforced and wardens that have been promised have not been provided.

491. Mr Samuel also expresses concern at possible demolition of buildings with asbestos as well as noise and vibration impacts on health. He concludes that the threat to wildlife is greater than the loss of council housing.

Specific Response by the Council

492. The warden arrangements follow from the s.106 Agreement and the various bodies involved in the appointment are currently establishing the requirements of that role.

¹⁵⁶ Details of CDD.01 (44) are set out below in respect of a wider group of non-remaining objectors who were represented by a written submission of Sawyer Fielding

493. **Kalim Khalick (LPA Obj Ref: 44)**(CDD.01 (44) and Statement OBJ8 – this latter statement is set out in detail under Mr Siddiqui’s statement above) representing his views and that of the **Peoples Power Leaseholders Group**.
494. Mr Khalick explained that he is a member of the campaign group OWH and the Peoples Power West Hendon Leaseholders Group which is a part of OWH and that his objection was on behalf of that group. He explained that the name of the group was chosen to make the point that they feel the need to reclaim ownership of something which has been taken out of the hands of our community: their future and lives, which the group considers will be destroyed by an imposed scheme which has been imposed without participation. He considers that what has happened is an injustice and seeks restitution of rights for residents, tenants, and leaseholders.
495. Mr Khalick’s family has lived on the Estate for nearly forty years. Many of his fellow residents have lived there for a similar length of time, have grown up there, stayed there, raised their own families. This is a community but the Council, he thinks, simply sees a collection of individuals, representing a problem to be resolved: an obstruction to be removed. The Council, in his view, does not see, or care about, the human cost of the decisions they have made, to remove us from their homes, subject them to years of distress, trapped in worthless properties, or living year to year in unsecured tenancies, unable to get on with their lives, provide their children with stability, an assured future, and a sense of belonging.
496. When the council began the process of regeneration of his Estate, it was presented to them, the residents, as for their benefit, and as a way of improving their quality of life. The term ‘regeneration’ implies a renewal of something already in place- a new life, a better future. But what is happening is not regeneration; rather he considers that it is creating profit for developers at the expense of the community.
497. Mr Khalick considers that the community, are being forced out of homes for the housing to be torn down and the presence of the community eradicated, in order to make way for luxury developments, from which he is excluded. He considers this to be social cleansing.
498. Hendon Waterside is not intended for local people, but like other ‘regeneration’ areas (e.g. Beaufort Park) will be largely bought off plan or otherwise, as investment properties by absentee owners and overseas investors. The community feels, Mr Khalick explains, excluded because their views are irrelevant their future has already been decided - that future being that they should be driven from their homes and the publicly owned land where they stood given to developers to do with exactly as they please.
499. Mr Khalick believes that all the promises and assurances given as long ago as 2002 have been broken. The community has not been consulted, or properly informed on the nature of the development. All of the decisions which have transformed a ‘regeneration’ project into a massive private development have been, in his opinion, hidden under the pretext of ‘commercial sensitivity’. There has been no transparency, no accountability it is not known what the ‘viability’ study contained, or the basis on which publicly owned land has been used for private profit. He says this cannot be right, or just.

500. Their human rights, particularly their rights in regard to housing, and protection from eviction, discrimination, predatory development have been ignored in the haste to approve and begin the building of Hendon Waterside.
501. The leaseholders on the Estate who bought their properties have been punished living for more than a decade in condemned properties, unable to sell, or move, without loss of their investment. Now they are being offered low valuations of those properties by Capita, whom, it seems, are also acting as purchaser. Not only would that appear to meet the clearest definition of a conflict of interest, it will have the result of lowering the offers made for the properties. On the current level of offer, leaseholders cannot enter into any agreement of shared equity, or hope to find another home in the Borough.
502. Leaseholders have also been presented with huge bills for maintenance and disputed work which is deemed necessary, but which clearly residents cannot afford and feel is not their responsibility.
503. Mr Khalick wants to know where people will go, when their properties are forcibly purchased. Many have lived here for as long as ten years, yet have been refused the secure tenancies that they felt they were promised by the former Council leader, Mike Freer, in 2009. Mr Khalick considers that the Council's strategy since then has been designed to deprive tenants of their rights to protection, and make them easier to be controlled and removed. Some have been moved here from other 'regeneration' estates, others are being moved on to new 'regeneration' estates with no security of tenure. The term used for this process is 'decanting' - a demeaning term, dehumanising, reducing the lives of men, women and children to nothing more than that of an object, to be moved around, at the whim of the Council, powerless, without rights, without dignity.
504. Mr Khalick considers that the approach taken is one which deliberately seeks to remove those people who are unlikely to vote for those in power.
505. In addition to the worry of moving residents have to deal with on-going problems from the adjoining development phases which are creating homes they cannot afford to buy.
506. Views of the Welsh Harp will be obstructed. The few residents allowed to remain here are accommodated outside the footprint of the private development, squeezed onto the location of a former car park, living literally in the shadow of the high rise towers, looking only onto the backyards of the shops on the Edgware Road.
507. The density of this new scheme, and the ecological impact on the wildlife -the very reason that the Welsh Harp is a SSSI - has been ignored in favour of profit. Profit comes before existing residents' well-being. There will be no green spaces for the community's children, whose families have lived here for generations, or settled here, attended schools here, or played in their local park, which, despite firm promises from the Council, Barratts have now been given to build on. York Memorial Park is a place of great importance to their community, not just as a local amenity, but because it commemorates a terrible event: the dropping of a massive bomb which fell here, exactly where the Estate stands now, in 1941, taking the lives of many civilians, and destroying hundreds of homes.
508. The Estate was an essential part of the rebuilding of West Hendon, and the provision of a new future for the people who live here: the park was left to honour the memory of those who lost their lives. York Memorial Park has been

given to the developers without their consent. The Park's historic significance has been violated, in what is seen as a symbolic gesture, a demonstration of everything that the action group are fighting against: the theft of their homes, the destruction of the community: Our West Hendon. This project should be seen for what it really is: commercial redevelopment masquerading as social regeneration, a wolf in sheep's clothing.

509. Mr Khalick seeks that the Secretary of State intervenes to achieve a reasonable and fair outcome for the leaseholders and tenants affected by this development, whom have wrongfully been excluded from all meaningful consultation and participation in the agreements and decisions that will deliver huge profits to the developers, at the cost of their homes, and to act in the best interests of the residents and taxpayers of this borough.

510. A single letter of objection (CDD.01 (44)) was submitted on behalf of 22¹⁵⁷ non-remaining objectors all relating to dwellings located in West Hendon. Those objectors are:

Sarah Simmons - 11 Warner Close (LPA Obj Ref: g 44) (owner occupier or reputed owner occupier)

Shirley Backes - 12 Warner Close (LPA Obj Ref: 44) (owner occupier or reputed owner occupier)

Genevieve and Lisa Ellis - 14 Warner Close (LPA Obj Ref: 44) (owner occupier or reputed owner occupier)

Oliver Holder and Clara Osedumme - 25 Warner Close (LPA Obj Ref: 44) (owner occupier or reputed owner occupier)

Samil and Bijal Shah - 46 Warner Close (LPA Obj Ref: 44) (non-resident owners or reputed owners)

Mario Forsyth - 59 Warner Close (LPA Obj Ref: 44) (non-resident owners or reputed owners)

Yvonne Longuet - 2 Marsh Drive (LPA Obj Ref: 44) (owner occupier or reputed owner occupier)

May and Joe Swann - 4 Marsh Drive (LPA Obj Ref: 44) (owner occupier or reputed owner occupier)

Michael and Sandra Chiltern 11 Marsh Drive (LPA Obj Ref: 44) (owner occupier or reputed owner occupier)

Haroon Khalick, Kalim Khalick, Zahinda Hussain and Soraya Omar - 36 Marsh Drive (LPA Obj Ref: 44) (non-resident owners or reputed owners)

Carmen Perrott - 161 Marsh Drive (LPA Obj Ref: 44) (owner occupier or reputed owner occupier)

¹⁵⁷ Mr Bakare's objection is separated out as he appeared at the Inquiry

Leonard Brewster – 164 Marsh Drive (LPA Obj Ref: 44) (owner occupier or reputed owner occupier)

Lloyd Smith – 229 Marsh Drive (LPA Obj Ref: 44) (owner occupier or reputed owner occupier)

511. The letter of objection from Sawyer Fielding objects on grounds that the development proposed does not contribute to the social well-being of the land required. The length of time to date means that many residents have lived here for a long period. As a result a strong community will be threatened with break up.
512. The scheme will result in a much greater housing density that appears to conflict with policy. As these objectors have properties in the later phases of the regeneration they are concerned that the increased density will impact upon them prior to their properties being acquired.
513. The increased density will put strain on highway infrastructure. There are existing traffic flow issues in the locality, and other major developments are taking place or anticipated which adds concern about highway capacity.
514. It is questioned whether funding is in place, particularly given the number of properties requiring purchase, rights of access to purchase and possible blight notices seeking early purchase. As these objectors' properties are needed towards the end of the scheme they are concerned that there is no guarantee of funding for them. They are also concerned that the economic climate might change.
515. The process has gone on for a long time with the main consultation in 2002. There are concerns that the 'Pledge' is not been adhered to (as set out in the main evidence of Sawyer Fielding for the objectors). The objectors assert that the revised scheme with the offers for displaced leaseholders is not in the public interest.
516. Many local services are overstretched including healthcare and education. The regeneration scheme will exacerbate this.
517. These objectors have properties which come into the phasing between 2018 and 2022. As a result they will suffer from disruption and pollution throughout the earlier phases. No study appears to have been made of those impacts or mitigation measures. Piling is disturbing the ground as well as use and enjoyment of properties.
518. These objectors' properties have been blighted since 2002. This depresses sale values and 'trapped' people in properties and this is likely to be the case for another few years. As they are not within the CPO they have no automatic right to bring a blight notice. Estate Agents will not market them at unblighted values so these owners are stuck with them as a direct result of the regeneration scheme.
519. Our West Hendon, in its objection letter (CDD.01 (8)) the contents of which is summarised above beginning at paragraph 301, represents 12 objections. Seven of these relate to individuals who have not made other representations. Those objectors are:

M Antunes 63 - Warner Close (LPA Obj Ref 8.02) (occupier)

Emma Davies – 40 Warner Close (LPA Obj Ref 8.08) (occupier)

Kola Okoko – 39 Warner Close (LPA Obj Ref 8.09) (occupier)

Sam Thorpe - 61 Warner Close (LPA Obj Ref 8.10) (occupier)

Sean Woolcombe – 61 Warner Close (LPA Obj Ref 8.11) (occupier)

Shannon Bolley -43 Warner Close (LPA Obj Ref 8.36) (occupier)

Tracy Bolley – 99 Marsh Drive (LPA Obj Ref 8.37) (occupier)

Other Submissions opposing the Council

520. **Paulette Singer** read her statement (OWH1 - 1 of 13). Ms Singer is a former Community Organiser for West Hendon paid for by Central Government. She has listened to over 300 people across the Estate and in the local area. Concerns repeatedly arose about disrepair during the regeneration process and the lack of management making it harmful to physical and mental wellbeing. People once enthusiastic feel disenfranchised.

521. A main concern is the lack of security about residents housing situation. The pledge and development partners have changed since 2002. In terms of the pledge the key areas of concern set out are the quality of housing being offered, the failure to guarantee 'that every council tenant and owner-occupier, living on the West Hendon Estate and Ramsey Close will be offered a new home in the new West Hendon' that regeneration would start in 2004 and last 10 years.

522. Loss of York Memorial Park is unacceptable and conflicts with the Framework in terms of good design. There is also concern about impacts on the SSSI. Tall buildings of 32 storeys are not needed to create a focal point. The promised, and much needed, primary health care resource centre is not provided.

523. Across Barnet Council secure tenants have reduced and temporary tenants brought in, reducing the number of council homes the developer would otherwise have to replace. The number of affordable homes should remain – the London Plan Policy 3.14 aims to resist the loss of housing, including affordable housing. The lowering of affordable housing percentages has been based on commercially sensitive information to which there is no access. The Council acknowledges that the scheme does not meet the target set in Local Plan Policies CS4 and DM10 which set a Borough-wide target of 40%. This, and the attitude of the Council, shows a total disregard for low-income households.

524. The Statement of Reasons sets out that £5.5M social housing grant and £6.8M Get Britain Building Fund money i.e. £12.3M of tax-payers money is being used to build 250 affordable homes, replacing an estate of 540 affordable homes. This cannot satisfy the Circular 06/2004 'compelling case in the public interest' test.

525. The existing Estate has a diverse community, but the new scheme will not have a more mixed and balanced community. It will have a block of affordable homes. Waterside homes will be £430,000 for two bedrooms offered as shared equity. This is not affordable, will not create mixed communities or cater for those most in need.

526. The homes being offered do not reflect those existing which have pleasant views over green areas and/or the Welsh Harp; rather they are above mechanics shops

facing the A5. Ms Singer says that occupiers have been told they are being offered the flats that would not sell.

527. The tenant advisors are paid for by the developers so are not impartial and this hinders the democratic process. This has been exacerbated by the loss of free use of the community centre.

528. Temporary tenancies have been put in place for newcomers to the regeneration estates. This has had a devastating impact on many of those vulnerable people including in terms of health, employment opportunities and on children's education. These people have not had the rights of others despite claims that some local politicians have offered improved status and thus rights. This has put a group of tenants in limbo.

529. Temporary tenants were told they would have assessments made before possession orders were received. This has not happened. Some did not attend court proceedings (it is said on the advice of Council officers). Legal advice and that from Our West Hendon advised some who have had deferrals put in place. This demonstrates poor handling of the situation.

530. Leaseholders feel Capita have offered half the value of their homes. Those values are based on private information. Surely it should not be as it involves public money. Cost of new homes will involve high leasehold charges adding to the burden. The change will be from owning a home to owning half a home with high associated costs. It also seems unfair not to add premiums to the Welsh Harp view at present, yet add them for the new scheme dwellings.

531. Human Rights set out the fair balance test but here the community that the regeneration claims to benefit are being most adversely affected. Article 1 of the First Protocol (entitlement to peaceful enjoyment of possessions) is being contravened here. There is loss of an established community, loss of enjoyment of homes, loss of support and social networks and damage to physical and mental well-being. If enough affordable homes were being built this could be resolved.

532. Regeneration has seen the decline of a community where strong links enable existence on low incomes, for instance unpaid social support and care. Some are itinerant and have no rights to vote. But the strong community spirit has resulted in a petition by thousands in support of that community. Regeneration should be about working with communities. Public gain here compared to the losses leads to the conclusion something is very wrong. Regeneration in Barnet appears to be about replacing low income households with high income households.

Specific Response by the Council

533. The affordable homes will not all be in one location in least desirable locations. Block L has 30 social rent units, Block E has 3 rented units and shared equity as required, Block D has 30 shared Equity/ownership units. All of these are blocks adjacent to the Welsh Harp.

534. There have been 6 tenant advisors over 14 years but this has been to do with who has tendered and staff moving on and not to do with conflicts of interest.

535. **Ms Tayieba Shah** provided a statement (Statement in INQ7 - 1 of 6) on behalf of Barnet Housing Action Group (BHAG). BHAG are concerned with all Barnet housing regeneration schemes. In particular they are concerned with temporary and non-secure tenants some of whom have been in that situation for a decade. The groups concerns focus on the request to release viability information and the lack of documentation in respect of the sale of public land. They consider that insufficient social housing is being provided and question whether expert staff have been employed to assess the scheme. The group express concern that planning gain from s.106 contributions has ballooned and that the development phase is too long at 17 years. They also question whether alternatives were considered when looking at viability. Concerns are raised about bullying residents into accepting housing that is offered whether or not it is suitable. BHAG and Our West Hendon are concerned that the development taking place provides private developer benefit at the expense of the community.

536. They demand that: all non-secure tenants are granted flexible and secure tenancies; that all members of the community can remain housed on the West Hendon Estate; that the viability report is produced to show that the lower percentage of affordable housing is needed; and, if that be the case, any members of the community who must leave are housed as close as possible to the Estate and their support networks. Concern is also expressed about accountability and transparency in the Borough with further doubts about application of the law and democratic process.

537. **Martin Wheeler** appears to be the tenant of 216 Marsh Drive. Ms Parsons read his Statement of Objection (INQ7 statement 3 of 6). Mr Wheeler came to the Estate some 15 years ago and his private landlord sold the MHT about 5 years ago. He has heard nothing about whether he will remain their tenant or if he will be re-housed. He has health issues and the situation is causing anxiety. His rent and bills are always up-to-date and he undertakes repairs (he has concerns about water damage) as he is too worried to ask for work to be done in case his tenancy is terminated.

Specific Response by the Council

538. MHT purchased 216 Marsh Drive in 2008 with Mr Wheeler as a sitting tenant. It is located in the area likely to be set as 'CPO3' so will remain for 8 years. As such, MHT has not written to him yet. There have been no requests for help relating to water damage, but now MHT have spoken to Mr Wheeler and a surveyor is going to visit the property.

539. **Janet Evans** (INQ7 Statement 6 of 6) explains that the regeneration is resulting in a human crisis in terms of impacts on residents because they do not know where they will be living, if they will have a home or what the costs will be. This causes anxiety and stress. Added to that they are living in the middle of a building site with associated dangers, pollutants and unable to let their children play outside. The long-term repercussions of regeneration are not clear but, Ms Evans, cites a Glasgow based study which indicates that such schemes have negative effects. There is a difference between a house providing shelter and a home with associated sense of belonging, meaning, identity, security, safety and community.

540. Of particular concern here is the lack of investment in homes and the uncertainty about the future creating a powerlessness. BHAG believes there has been a deliberate attempt to destroy the sense of community. Those who have ended up on the Estate are often those in greatest need, and the circumstances

lead to deterioration in health, including mental health or 'poverty tenure'. Families on regeneration estates should be able to have decent public housing in decent surroundings at realistically affordable rents with security for themselves and their families. It is considered that the Council is not taking health and well-being seriously to the detriment of residents.

541. **Cllr Dr Devra Kay** (Statement OBJ4 and INQ29) there has been uncertainty since 2002 on this Estate. Properties were neglected until an incident elsewhere led to urgent works resulting in bills of £10,000 for leaseholders. This was a shock and hard for many low-paid people.

542. Building is in progress and little is done to protect health and safety with dangling wires and asbestos concerns. Construction, which is in breach of conditioned hours, is causing noise and pollution concerns. Children's play space, including York Memorial Park, have been lost to development. Leaseholders have not been offered market value for their homes and existing tenants will face significant rent increases (at up to 80% of market rents). It is insensitive to simultaneously show them the new homes they will never afford.

543. Cllr Kay also expressed concern about a number of specific incidents.

Specific Response to Cllr Dr Kay

544. Specific claims about heating/noise incidents cannot be addressed without more detail. There is no evidence of particular noise as cited and no evidence of drug abuses.

545. In terms of rents those payable by existing secure tenants who move to a new property will be based on target rents e.g. Barnet net rents compared to block G rents for 2014/15 compare as follows:- 1 bed £100 /£105.94; 2 bed £120/£125.10; 3 bed £130/139.19.

546. The bills for electrical riser works were advised in 2013, with start of works invoices in 2014 and the contribution arose from contractual obligation.

Cllr Langleben (Statements OBJ9 and INQ24).

547. Whilst the Council is seeking to improve the balance and mix in the community this implies the existing community is neither. However, it is mixed with around 100 different languages being spoken. It is suggested that the existing affordable housing (at 76%) creates an unbalanced community yet the proposed scheme will provide 75% open market housing. There is no definition of 'mixed and balanced' but it seems the proposed scheme will not be.

548. Economic changes are blamed for the changes to the scheme. Yet viability cannot be challenged because the assessment is not available. In terms of open space and its quality the judgements are subjective, for instance children will find it hard to play football on the spaces that will be provided whereas they can at present.

549. Whilst there may be, unspecified, improvements to the playing fields, there are concerns at the distances these are from the Estate.

550. In terms of the quality of existing housing it is poor because the Council has let it get that way. The residents do not find it physically isolated. Social exclusion identified as an issue is an outcome of a housing policy only housing non-secure tenants on the Estate many of whom have severe personal difficulties. That housing policy appears to have been crafted purposely by the Council to make

the stock more viable for developers. Insecure tenants will remain so and not benefit from any of the pledges made for secure tenants despite some living there for up to 12 years.

551. Affordable housing should be maximised here in accordance with the London Plan but that cannot be seen to be the case as there is not access to the viability reports. There will be a loss of 430 social units on this Estate from when it was constructed as 680 Council homes and against present homes Cllr Langleben considers there will be a loss of 199 social units.
552. Shared ownership, which accounts for half of the affordable provision, is not truly affordable, rather it is aimed at people earning between £30,000-60,000 not at people on the lowest incomes. In order to achieve shared ownership people need a deposit and mortgage. Only those who can move to the new estate will benefit from accommodation to Lifetime Homes Standards, those being moved away are unlikely to see improvement.
553. A politically weighed planning committee voted on the planning application which is a policy of the local authority. This politicisation makes a conflict between the independence of the planning system and members of that committee and control of the political parties (via the whip).
554. Cllr Langleben questioned whether capital receipts from the sale of land will be protected for the delivery of affordable housing within the Council's Housing Revenue Account. It cannot be in the public interest of the 197 non-secure tenants for the scheme to proceed. Moreover, the Council has not acted reasonably given they only commenced negotiations 24 hours before issuing the CPO. Nor has the process been transparent.
555. Environmental well-being may also be harmed despite mitigation in place for the Welsh Harp. Cycle access seems pointless in a Local Authority which does not provide cycling provision on its own streets.
556. Human Rights are being affected and Cllr Langleben doubts a fair and proportionate balance is being struck, particular between those affected and the wider community and he notes community in this context is about Council tax receipts. There is particular concern about the approach to non-secure tenants, who have felt intimidated by the Authority. Those who had legal aid support have been able to obtain more appropriate housing outcomes than those who did not. Those without legal aid support do not attend possession hearings have been moved on or discharged from the Council in respect its housing duties. In fact the approach to non-secure tenants is creating social displacement on a huge scale similar to policies of Dame Shirley Porter in the London Borough of Westminster in the 1980s. Here he considers that a permanent change in social composition will come about as a result of regeneration with associated changes in political support. Many of those being displaced will be forced out of the Borough or out of London.
557. Current regeneration proposals do not go far enough in terms of creating economic benefits from regenerating West Hendon Broadway. There are doubts about the costs for community facilities. The ballot related to a very different scheme. Other changes appear too such as the loss of succession rights.
558. The Planning Development Agreement should be publically accessible given it relates to public land and its transfer.

559. In terms of the s.106 Agreement parking is a concern with legal agreements restricting access to parking permits. Parking is therefore likely to become an issue in surrounding areas. The s.106 Agreement is vague in terms of what reasonable service charges will be. Whilst the s.106 agreement makes provision for the reappraisal of viability to reassess the affordable housing provision this is to be funded by the developer and the Council will be bound by the findings. This seems to create a conflict of interest. It also seems that paragraph 12.2(b) of schedule B part 2 of the s.106 means the level of affordable housing would be capped whatever the determining surveyor finds so that any additional need would be achieved through a contribution to affordable housing elsewhere. Schedule D provides for transport but does not help upgrade Thameslink facilities. It is also disappointing that the Council will not be adopting the roads as this might have secured better control and provision of parking.

560. Finally Cllr Langleben points to the inequality of resources available to the objectors when compared to the Acquiring Authority. He also explains legal challenge to the planning permission was considered but ruled out on cost.

Council's Specific Response to Cllr Langleben (INQ44)

561. It was suggested that those attending possession hearings had better outcomes. However, 17 attended court of which 4 were re-housed to secure (flexible) tenancies; 2 had received offers prior to the hearing and 2 were ordered by the judge to make themselves available for assessment. Only 17 attended court of 74 non-secure tenants, yet 37 have been housed in secure (flexible) tenancies. Thus court proceedings have not resulted in preferable treatment.

562. **Cllr Mashari** (Statement INQ34 – 2 documents) set out the scale of opposition to the scheme made by Brent Council. She expressed concern at what she perceives as irregularities at the planning committee meeting dealing with the planning application. Linked to this she set out concerns relating to the planning application relating the environmental impacts (green space, SSSI, wildlife, scale of buildings) and transport infrastructure concerns.

563. **Cllr Houston**, a member of the Council, set out reasons why he considers the use of CPO powers is not in the public interest (Statement INQ33). The ballot promised re-housing and it does not for all tenures. Regeneration should be for the benefit of those living there at present with no reduction in social housing. People will be forced out of homes for those not living in the Borough and for profit at a time of housing crisis. The reduction in social rent or shared ownership is not in the public interest. This scheme will set a precedent for other regeneration estates compounding the lack of affordable housing, which is in the top 3 of concerns for local people. Very few leaseholders will be able to buy property in the new development and many will not be re-housed in social rented homes here because of the reduction in the number of units available.

564. Consultation has left residents feeling betrayed and that the system is unfair, which is not helped by viability assessments being unavailable for scrutiny. Independent assessment is necessary to conclude whether the scheme is in the public interest. This applied where the London Borough of Southwark was given a ruling that the Heygate estate development should have its viability information disclosed setting a precedent for this to happen. It is expected that the Inspector will want to be satisfied that all valuations were carried out by RICS valuers.

565. **Ms Musgrove** (Statement INQ18) explains that evidence regarding York Memorial Park provided by the Acquiring Authority is misleading and inaccurate. Ms Musgrove provides evidence that, on 13 February 1941, a bomb was dropped on the area destroying 40 houses and damaging hundreds of others. Photographs have been provided showing a 1945 pamphlet describing a memorial service held on the site since the bombing and a newspaper article indicates it was still happening 9 years later. It appears that York Park, whilst existing before the bombing, was extended after it to include the area of bomb damage. It seems that buildings in Marriotts Close, within the CPO area, are part of York Memorial Park. Indeed, it may be a place of interment. This sensitive site is not being protected as promised. Moreover, it seems the site has been acquired for less than best consideration and indicating exploitation of this area.
566. The war-time spirit and resilience continues in residents fighting the proposed development. The Council housing erected on this bombing site was meant to provide decent affordable housing. But now the land has been taken and used for private profit whilst disposing the local community. The loss of York Memorial Park is not a technical matter rather it is a matter of pride and is symbolic of the loss of tenure over the community's history. The regeneration is not for them but for luxury housing.
567. Ms Musgrove also raises concerns of inequity given the limited resources of residents who are trying to challenge the planning process. She also considers that the viability study should be made public. Ms Musgrove considers that the CPO should not be confirmed.
568. **Father John Hawkins and Ms Louise Bates** (Statement OBJ6) identifies four key areas of concern. Firstly is the breaking of commitments given by the Council; there has been a lack of adherence to the pledge, promises about the environment have been broken and promises made by Council members have been reneged upon, for instance in respect of tenancy arrangements. They seek recompense for residents.
569. The second area of concern relates to poor communication and consultation. For example a variation to the s.106 Agreement was only made available a day before the Council took a decision upon it (in October 2014). Senior Councillors have not even acknowledged invitations to discuss matters. Communications have being poorly planned and the Partnership Board not kept informed. They seek action to address concerns.
570. The third area of concern relates to homeowner valuations and options. The market values are not that, offers are conditional, many cannot afford to buy and the requirement to include compensation in equity means there is no financial compensation. They seek greater generosity, flexibility and equity.
571. The fourth area of concern relates to non-secure tenants in addition to concerns already raised he notes many such tenants have arrived via homelessness and are therefore particularly vulnerable. They ask that the Council reassess its approach to non-secure tenants and that they get up to three offers for re-housing.

Specific Response to Father Hawkins

572. There is no statutory basis for shared equity schemes which will vary from location to location. Non-secure tenancies were made from January 2003.

Inspector's Conclusions

573. The numbers in square brackets [] refer to earlier paragraph numbers of relevance to my reasoning.

Initial Comments

574. At the outset of the Inquiry I explained that a number of matters raised in the written objections were not relevant to the CPO process. In particular the CPO process is not a way to revisit the details of the planning application/permission or to deal with property valuations or blight. Nor is it a way to address matters of planning enforcement of conditions for phases of works currently being undertaken. Some of these issues will be picked up under other matters, but they will not be addressed in the main considerations. [400, 452, 570]

Justification for the CPO

Planning Framework

575. The principle of major regeneration in this location has been a key objective of the Council's planning policies for a significant period. Moreover, those policies are not just at a local level they are also established at a wider London based level. The RA SPG, dating from 2005, is a joint document between the Council and Mayor of London and identifies West Hendon as a major opportunity for regeneration. It sets out that approximately 2,200 dwelling units will be provided. The RA SPG acknowledges that housing density will be increased. It requires that the existing affordable housing must be replaced by an equivalent amount, type and mix of new affordable housing funded by the private sector to meet Decent Homes Standards. [12, 74-76]

576. There is no dispute that the scheme will be funded by the private sector, albeit objectors are not satisfied about land transfer arrangements. The number of units is not disputed and nor is it disputed that Decent Homes Standards would be met. However, objectors suggest that the level of affordable housing is not acceptable. Nonetheless, in terms of the RA SPG, the Acquiring Authority set out the figures which identify that existing affordable housing on the Estate amounts to 453 social rented dwellings. The Scheme, for which planning permission has been granted, proposes 506 units. These are to be made up of 219 social rented and 287 intermediate (shared equity) dwellings. The latter property type accords with the definition of affordable housing set out in the Framework. In terms of the RA SPG the requirements are therefore being met. [30,103, 241-243 245-249,475]

577. The UDP containing policies Policy GCrick, C1, and C1(A) dating from 2006, reinforces the fact that the West Hendon Regeneration Area will be a major focus for redevelopment. In addition to the matters of housing and affordable housing set out above, it seeks protection of the Welsh Harp, integrated open spaces and highway improvements. Whilst local objectors may not like the scheme for which planning permission has been granted, that scheme clearly addressed all of these matters. That scheme was the subject of an Environmental Impact Assessment and had an associated plethora of reports, including those in respect of ecology and transport assessment. Those reports were subjected to all required consultation procedures. On the basis of the evidence before me I have no

reason to doubt that the scheme which obtained planning permission did anything other than accord with the UDP policies cited. [15, 77-81]

578. The Local Plan CS is more recent still being dated September 2012. This again seeks the regeneration of priority housing estates including West Hendon. It repeats basic regeneration objectives and planned dwelling provision. Whilst Policies CS4 and DM10 seek 40% affordable housing this is subject to viability. An independent viability assessment was undertaken in association with the planning application and it was found that the approach taken was justified in view of the policies and figures supplied. However, it should not be forgotten that affordable housing is a priority and therefore a greater level of affordable housing should be sought under the scheme if viability allows in future phases. [16-19, 83-86]

579. The London Plan, as in force during the Inquiry, through Policy 3.14 seeks to resist the loss of housing, including affordable housing. Clearly there is no divergence on this point. However, it also seeks that of the affordable housing provided 60% should be for social rent and 40% for intermediate housing¹⁵⁸. That would not be achieved under the approved scheme. However, the scheme addresses the issue of housing mix. Unlike the current Estate of predominantly one and two bedroom properties, there would be larger dwellings of three and four bedrooms. This would improve community balance even if 75% is privately owned. [20-21, 348, 523]

580. Although Policy 3A.9 of the London Plan was referred to by objectors that policy relates to a superseded policy document, so, as advised, cannot be afforded weight.

581. The scheme represents an adherence to the main planning objectives for the area. Whilst there are some areas where higher levels of affordable housing, and particularly rented social housing, are raised in policies, the policy background acknowledges these are to be sought rather than to be regarded as inflexible requirements. Given the other benefits of dwelling type, the scheme for which the CPO is sought is satisfactory in its compliance with planning policy. I note that view was similarly arrived at by the Council and its officers in dealing with the planning application and by the GLA in its Stage 1 Report on the matter. [41, 105]

582. Therefore, there is strong policy support for the CPO to be confirmed.

Well-being

Dwellings

583. The existing residential accommodation of the Estate is dated. The construction form is a fundamental concern. General standards of maintenance may have been reduced because of the intention to regenerate the site but this alone is not the reason that the properties are in need of replacement. It is not disputed that very significant financial resources, in the region of £4,816,000 would be required to bring the properties up to Decent Homes Standards. The poor condition has significant issues in terms of insulation having implications for heating/cooling and health. Moreover, there is no evidence to dispute such costs

¹⁵⁸ It is noted that this percentage split remains in the Further Alterations to the London Plan March 2015 in policy 3.11

would rise to some £6,613,500 were external area issues to be resolved, part of which would be held as leaseholders' responsibility to fund. [157-158, 323, 380, 489, 550]

584. I also saw that some occupiers clearly take significant pride in their property but this, the relative spaciousness of those homes, or the ramped accessibility of many, do not compensate for the fundamental design issues which need to be addressed. The new scheme would provide for Lifetime Homes Standards, be suitably accessible, well insulated and services would be improved, for instance, with a combined heat and power plant, achieving Code for Sustainable Homes level 4, and would have better security¹⁵⁹. [93,109]

585. There would be a greater range of dwelling type and tenure. As a consequence, the community would change. The matter of community break-up is addressed below. However, in terms of diversity, although the existing estate may contain people from many cultures with many languages that alone is only one measure of diversity. The scheme here would enable family occupation in family homes of both open market and affordable housing tenure. It would also provide a significant proportion of smaller units, partly in response to the needs of the established community. The affordable accommodation would not be situated in an isolated block as suggested by some objectors but would be split up and would include units in blocks adjacent to the Welsh Harp which is seen as the more attractive part of the development, being away from the A5 and nearer to open space and the water-body of the SSSI. The improved standard of accommodation would represent a significant benefit to social well-being and I am mindful that the 2000 Housing Strategy recognised deprivation here in which led to the development of the regeneration plans. [155, 526, 525, 533, 547]

586. The extent of accommodation would inevitably result in increases to the number of people living in the area. Those additional dwellings would assist the very significant shortage of housing in the London area and provide other people with homes. Additionally, it would bring benefits in terms of income within the area, and as a consequence be likely to result in increased demand for local retail and service facilities thus boosting the local economy improving economic well-being of the area. [179-185, 495-498]

Highways, Hendon Station and Parking

587. There are concerns about adverse impacts arising from an increase to the population. In particular concerns are raised about highways and parking. However, the site is well located for public transport and part of the wider regeneration seeks, in combination with road layout in this phase, to improve links to the station, such that high levels of parking would not be necessary. Concerns are raised about the platform length at the Hendon Station, however, there is no TfL objection and the facility of the station is a positive benefit of the scheme even given the potential platform issues. [141-146, 296, 408, 471, 477, 479, 513, 559, 562]

¹⁵⁹ The Code for Sustainable Homes was replaced by new housing standards 'the new national technical standards' following a Written Ministerial Statement referred to as the Planning update March 2015 (dated 25 March 2015)

Medical and Education Needs and Community Facilities

588. All of these matters were assessed as part of the planning application which relates to this CPO and found to be acceptable. Hence, although it is perceived that there is an issue with medical facilities the evidence indicates that there is capacity within existing services such that this is not a matter of which could contribute to a decision not to confirm. [138-140, 293, 321, 478, 481, 516, 522]

589. In terms of education provision, the calculations indicate that existing provision would have capacity at secondary school level. However, it is acknowledged that there is an existing concern in respect of primary education facilities. Whilst it is not for any planning scheme to provide for existing inadequacies, it is reasonable for it to provide for occupiers of the new development. To this end space has been allocated in the masterplan for a new primary school. This would not be constructed until later stages of the scheme and would only be required if there is a need at the time of the construction of the relevant phase. Nonetheless, this scope for construction of a two year entry primary school, established by the s.106 Agreement, provides a significant opportunity to improve the social well-being of the area. [133-134, 294, 478]

590. In addition, new purpose-built community facilities to sit alongside and make best shared use of some of the accommodation would represent positive and constructive use of community assets, albeit existing facilities of a reasonable size exist at present in the community centre. This approach to community space has the potential to significantly improve social interaction, assist in healthy activity, and promote well-being. [135-137]

Open Space

591. Although the configuration of public open space would alter, it would be designed to encourage use by the community. There would be some 'private' areas for the residential blocks to use but also equipped space to encourage children's play, which in my experience helps interaction of other age groups, social space linked with the retail area and improved access to the environmental asset of the Welsh Harp, with improved access to the playing fields beyond for which there would be additional funding. This would be a marked improvement on the existing open space which, whilst overlooked in places, is not readily naturally policed as a consequence of its relationship to buildings, access routes and pedestrian flow. The redesign of open space, which extends beyond the Order Lands has the potential to improve social interaction, physical activity and thus health, as well as enhancing the environment and making better use of environmental resources. [161, 292, 401, 471, 507, 562]

Density and Standard of Accommodation

592. Whilst the proposed development for which this CPO is sought is high density with tall tower block form, it is evident that this has been rigorously assessed in terms of guidance and advice. Clear modelling and illustrations means that those considering the scheme as consultees and decision makers were clear about its impacts. Moreover, impacts in terms of daylight and sunlight were also assessed and found to be acceptable, including during the development process. Accommodation would adhere to clearly set out standards and so would not be compromised. Taking all these factors together, which were found to be satisfactory at the application stage, the density of the development does not mean it would be unacceptable in terms of environmental or social or well-being. [172, 292, 318, 402, 476, 512, 522, 562]

593. A concern was raised by Mr Chung regarding kitchens without windows. It has been clarified (INQ44) that 31 one bed properties in Phase 3a have an open plan kitchen/dining /living area where windows are located within the room but not immediately in the kitchen area. There is nothing, by way of standards or qualitative assessment, to suggest this is unacceptable and I find it does not offer any reason to resist the CPO. Miss Parsons also raises concerns about the loss of ramped access placing reliance upon lifts. However, those lifts and communal areas in the proposed scheme will be critical to the functioning of the proposed buildings and there is no reason to assume they would be poorly maintained. As such, use of lifts should not hinder independence and may provide easier level entry access. Thus, I do not find this a reason to resist the CPO. [304, 480, 484]

594. Some objectors raise concern because they would no longer have access to a shed. Whilst I understand additional space can be helpful as there are no significant private garden areas there is a limited need for such additional storage. Thus, whilst it might be considered desirable by some, it is not a matter which counts against the adequacy of the housing proposed in terms of well-being. [471]

595. Whilst concern is raised about tower blocks being an issue for low flying aircraft, there are many tower blocks throughout the country which have not given rise to concerns and there is no evidence as to why it should be any different in this location, again this matter is no a well-being point for the CPO. [318]

596. The issue of community break-up is raised by many objectors. To some extent that is likely to arise as part of a redevelopment scheme. In this case, it is more likely because of the continued use of the properties for temporary (non-secure) accommodation (which is justified on practical grounds of maintaining activity/use and providing homes) once regeneration became anticipated. Those who have security of tenure have the potential to remain on the Estate and as such their community has no reason to be broken. However, it is also evident that many seek choice of property rather than choice to remain together which rather limits this particular concern. [400, 495-497, 511, 540]

597. The Pledge is raised as an issue in many cases as used to suggest that well-being would be harmed. The pledge cannot be met in full, for instance Ramsey Close no-longer forms part of the scheme, the time-scale involved so far means the five year move time cannot be adhered to, single moves may not be possible due to unit choice and, accommodation may have to be on a higher floor than previously. Many of the pledge contents are still being met. It seems that some residents believe it should apply to all those arriving on the Estate after that pledge had been made. Whilst that might be an ideal situation, it is clear the pledges were intended for those on the Estate at the time it was made and any other interpretation would be illogical and would have served to encourage abandonment of the buildings, which would not have been in anyone's best interests. [120-125, 499, 521, 568]

Impacts on Individuals

598. A number of individuals have raised specific personal concerns. However, for those within Table 1 of the Compulsory Purchase Order Schedule where property is to be acquired, these concerns have all been considered by the Council. For some matters appear to have been resolved in that alternative housing has been found, as in the case of Mr Finnie, Ms Azam and Ms Medeiros

(non-secure tenants). Shared equity is now being actively pursued as in the case of Mr Waters, a leaseholder, despite his circumstances not according with the pledge as he had purchased his home after the cut-off date. [341-343, 355-357, 359-361, 397-398]

599. It is clear that some are less than satisfied with the situation in which they find themselves. However, the Council has explained those circumstances and it appears procedures are being properly followed and residents assisted where possible as in the cases of Ms Nur, Ms Mateza and Mr Huq (the first two are secure tenants, the latter is not a secure tenant). [338-340, 344-347, 392-394, 539]
600. However, it has been made clear that leaseholders would all be able to secure properties in shared equity homes based on the offer before them. This is not a statutory requirement; the CPO process provides compensation through purchase at market value, but the shared equity scheme, even if some of the sums are based on a time limited offer, indicates that the well-being of existing residents is being taken seriously. Aligned with this is the commitment to subsidize service charges to levels comparable with other affordable housing in the Borough. It may well be that such charges are notably higher than for run-down properties. However, those properties will be less efficient, more costly to run and be at risk of significant bill increases should significant works be required. Lack of information on this point has not been helpful and appears to have inflamed matters. Whilst there is no right to a shared equity product it seems most unhelpful to the process that those involved were not fully appraised of the proposals. Nonetheless, the shared equity scheme which has been put in place and which goes beyond statutory requirements is such that well-being of residents is being considered. [114, 116, 119, 233, 236-240, 251-257, 310, 314, 316, 349, 366, 370, 405, 515, 530, 542, 552, 559, 563, 572]
601. In terms of secure tenants, 67 of the 74 have already accepted the offer of a new home on the Estate. Three have moved away, one has been rehoused in Phase 2a. Three have refused offers of a new home (two on medical grounds and one failure to engage). This indicates that the needs of existing residents are being taken seriously. It is also evident that this process is continuing where matters have not, as yet, been resolved. [127, 380-390, 542, 545]
602. Non-secure tenants are all new occupiers since the pledge. They arrived at the Estate on the basis that the accommodation would not be a permanent solution and in the full knowledge of the regeneration scheme being pursued. The use of this accommodation has had the benefit of providing homes to those in need of them and has meant that a greater degree of activity has continued on the Estate retaining it as a lively place and supporting other occupiers through community, activity and natural surveillance. Nonetheless, by the nature of the arrangement, this group are most likely to be greatly affected. Of the 86 non-secure tenants 54 have been re-housed, with 35 of those now with improved circumstances as they have secured tenancies. Twelve cases have been cancelled following discharge of homelessness duties, involving formal procedures. The remainder are people whose cases are clearly being processed by the Council insofar as it can, given the failure to engage for a number of individuals. It seems that the Council is taking its responsibilities for the non-secure tenants well-being seriously. [54, 122, 123, 128, 129, 285-291, 305, 313, 336, 372-374, 375-379, 397-398, 528-529, 535, 536-537, 540, 561, 571, 572]

603. The take-up rate set out above for those seeking to remain at West Hendon suggests that the price rises referred to are not considered to be prohibitive. [240]

604. Whilst there are concerns regarding the Table 2 New Rights to be Acquired, it seems that those rights are in the main limited to access over Council-owned land to properties for which access will be maintained. Other rights may not be clearly detailed until such time as the precise details of the planning reserved matters are confirmed. Nonetheless, there is nothing before me which results in such concern that it would warrant a recommendation against the confirmation of the CPO.

605. Some occupiers have expressed concern about the CPO although their properties fall within later phases of the Scheme. Whilst there clearly is some degree of uncertainty for those individuals these issues are ones to be resolved at the appropriate stage. However, it would be helpful if the Acquiring Authority could be proactive in assisting those people sooner rather than later. Valuations of those properties in the later stages, and blight concerns, as already set out, are not a matter for this CPO. [485, 486-487, 489, 517-518]

606. Whilst individuals may not want to move, there is no case put forward individually or by a cumulative group that is so compelling that it indicates that the CPO should be resisted.

Impacts on Businesses

607. The businesses which are affected are those on West Hendon Broadway. While it is suggested that there are satisfactory through routes such that these properties are not required, the design of the Scheme revolves around improved linkages, particularly to the Station, and a focal link between the Broadway and new Scheme. Therefore, the properties are required for a fundamental element of the scheme in the interests of wider community benefits. [557]

608. New retail space will be created as part of the development such that those areas lost would be more than made up for in terms of provision to the area. As a consequence there would be no adverse impact on employment in the area. The CPO process provides compensation although the sums involved are not a matter for consideration. [24, 181]

Viability

609. The Acquiring Authority does not seek to suggest that this phase of development, in isolation, is viable. Rather it is a key part of a wider scheme. The financial benefits to the developer, it is put, will not arise until subsequent phases are underway. This acts as a significant incentive for the work on this phase to be completed promptly.

610. It is suggested that adequate funding might not exist given the numbers of properties requiring purchase and potential for blight notices to be served. I acknowledge that access to the detailed viability material has not been provided so there is no substantiated evidence in that regard. However, I have no reason to believe that a well-established developer would fail to have calculated basic purchase costs as suggested by the objectors. Thus, whilst it is acknowledged that in isolation this part of the development would not be viable, I do not consider it likely that funds would be so limited as to prevent the CPO works going ahead. Moreover, I do not consider it necessary to have access to the viability information for the proposal in order to reach the level of confidence that

this CPO scheme would proceed. As set out above, the relationship of this part of the development to the whole scheme acts as a financial incentive for the delivery of this CPO scheme. [411, 514]

611. There is outline planning permission in place for the Scheme with a clear masterplan and negotiated s.106 Agreement. There is a developer in place with an experienced background in the form of development. Moreover, the development of initial phases of the wider scheme is underway with necessary equipment on site. As such, there is every indication a prompt start would be made. [186-190, 258-273]

Other Means

612. The Scheme forms part of a comprehensive development that has already commenced. As a consequence, no other site is suitable for the development proposed. The area of the Order Lands has been reduced to omit an area no longer required (Ramsey Close). The whole of the site is required to facilitate the development and progress with the wider redevelopment scheme. Consequently, all of the Order Lands need to be assembled in the Acquiring Authority's ownership. In order that the development, which has been in the planning process for many years, can take place in a timely manner and continue the development works of earlier phases which are on-going, and benefit from the financial backing now in place, it is necessary that the Order Lands are secured by CPO.

613. The Acquiring Authority has been involved in negotiations to acquire properties in the regeneration area since 2004 which indicates that a negotiated solution has been successful elsewhere in other phases of the regeneration scheme. The specific negotiations for this CPO commenced three months before the CPO was made and are still continuing. I have no doubt that some residents feel that negotiations have not taken place over a long enough period or resulted in negotiations being concluded in line with their expectations. However, it seems that some are unwilling to enter into the negotiation process and others may have expectations beyond that which is reasonable (although this ultimately would be a matter for the Upper Tribunal). I consider that reasonable efforts have been made by the Acquiring Authority to achieve a negotiated settlement, albeit some information that has played a role in objectors making decisions has been slow in its provision (such as leaseholder charges and parking provisions). It also seems that a negotiated solution may still be achieved for some of the properties. Nonetheless, the inclusion of all properties identified in the CPO remains necessary to ensure timely possession of the CPO Order Lands [192-199]

614. In summary, from the evidence presented, there is no feasible alternative to the provision of the comprehensive redevelopment, with the benefits of improved shopping and housing provision, significantly greater numbers of residential units, improved access to green space and improved highway provision that would be achieved through the scheme. Accordingly, the confirmation of the CPO would be the only means of delivering this important comprehensive redevelopment scheme, following reasonable efforts of the Acquiring Authority to acquire the Order Lands by consent. [191]

Other Matters

Consultation

615. One of the main areas of concern has been the perception of a lack of consultation. However, this appears to relate to matters of detail and relationships to do with matters outside of the formal planning and CPO process. Whilst positive relationships could have been better, it is clear that there has been extensive consultation. Starting in 2002 there was a public ballot. Whilst circumstances have changed, there is no legal requirement to ballot but this indicates an early act of consultation. A RRG was established (later becoming a Partnership Board) and residents acknowledge that this has been able to influence some elements of the scheme. [305, 309, 351, 480]
616. Since the 2002 ballot the principle of regeneration has been set out in numerous policy documents each of which will have been the subject of statutory consultation and there is no evidence to suggest this did not take place. More recently there has been a planning application granting planning permission in November of 2013. The SCI identifies a consultation process starting in February/March 2012 involving meetings with the RRG, newsletters distributed to some 680 addresses, and exhibitions with the most recent one in May 2012 attended by 180 people. There was also a helpline set up, although it seems this may have had some issues. The planning application resulted in 341 letters from interested parties in addition to those from statutory and other consultees. [47-49, 147-154, 494]
617. It seems in some instances consultation was not ideal with little or no time for residents to provide responses. However, that relates to broad arrangements rather than statutory requirements. Again while this is not to be condoned, and is not a way in which future liaison should take place, it is not fundamental to the issue of whether or not there has been adequate consultation. Whilst objectors may not be happy with the outcome of consultations, there is no doubt that there has been extensive consultation, some of which has led to change. That extensive consultation is also evidenced by the interest in the Inquiry. From all of the material available there is no doubt that consultation has been adequate. [274-279, 311, 404, 499, 569]
618. Allied to this matter concerns have been raised about tenant advisors changing. However, changes in staff cannot be prevented when people choose to move jobs. Whilst advisors are paid by the Acquiring Authority their purpose is to assist the process. [533]

Negotiation

619. The objectors express concern that there has been inadequate time for negotiation. However, the Circular advises that negotiation can take place in parallel with the CPO preparations. Approaches were first made in March 2014. While offers may not have been made until June at the same time as the making of the initial offers there clearly had been time for consideration and since then there has been opportunity for leaseholders to continue negotiations with the Acquiring Authority. It seems that working relationships have not been particularly good in this regard which is regrettable. Nonetheless, there has been potential for negotiations to take place where parties have wished to do so; being pragmatic there may simply be cases where negotiated agreement cannot be reached and, ultimately, it would be for the Upper Tribunal to consider valuations should the CPO be confirmed and agreement not have been reached. [192-199, 280-281, 331, 409-410, 554]

Disclosure Requests

620. Requests were made to the Council and subsequently to the Inquiry for the disclosure of viability evidence in respect of the proportion of affordable homes proposed in the Scheme. Although there may be general public interest in obtaining that information, the planning application scheme was the subject of independent professional assessment on behalf of the Council in respect of that matter and the Council in fulfilling its responsibilities will have been mindful of its policy requirements and responsibilities. A planning permission, which was unchallenged, was made on the Scheme having regard to those matters. [205, 499, 535, 548, 551]

621. Bearing that in mind, it seems little would be gained by delaying this CPO to obtain that information. This is particularly so firstly because this CPO is in relation to a part of the scheme which is found not to be viable (hence at this stage there is little prospect of affordable housing being increased) although in terms of the wider scheme the actual viability is not of concern. Secondly, and aside from the fact the related planning permission has been granted and found to be essentially policy compliant in respect of affordable housing, there is a mechanism through the s.106 agreement for the quantum of affordable housing to be reassessed at subsequent phases by specifically looking at viability. It appears more important for viability information to be rigorously assessed at that stage and, it seems to me that it is not necessary to have access to the viability evidence at this stage in order to make a determination in respect of this particular CPO. This, in my view, accords with the Perry case which refers back to Tweed¹⁶⁰ which found the Inspector, in considering requiring information under the provisions of the AL Act and the Local Government Act 1972, should consider 'whether, in the given case disclosure appears to be necessary in order to resolve the matter fairly and justly'. [106, 132, 206]

622. There is nothing compelling submitted in the other cases referred to by the objectors (Shell Centre and the Tottenham CPO) that suggests an alternative approach is necessary in this case. The Shell case, at the time of the Inquiry had not had a judgement handed down¹⁶¹. The Tottenham CPO case was materially different, it being for a case where affordable housing was not being provided (a vague and unenforceable s.106) and thus the scheme was not policy compliant. However, should the Secretary of State require the viability information at this stage, the Acquiring Authority seeks opportunity to provide it. [207]

York Park

623. It is important to appreciate that the CPO Order Lands do not include York Park/ York Memorial Park. It may be, as Ms Musgrove suggests, that part of Marriotts Close was built upon it. However, that was something which happened in the 1960s and it is not uncommon for spaces to be redeveloped over time. Given the current use of this land, for housing, I do not find conflict in respect of the Park in this case. I note that there are concerns that the ES did not pick up the Park as a special place, but there is nothing before me to indicate that it is registered as park or garden which is a specific heritage designation. [162-167, 306-307, 324-326, 401, 403, 406, 507-508, 522, 565-566]

¹⁶⁰ Tweed v Parades Commission [2007] 1 AC 650

¹⁶¹ The Court of Appeal judgement has subsequently been made and found in favour of the SoS. As it does not alter the view I had already arrived at I have not sought the views of the parties on that judgement.

624. The matter of the disposal of land at less than best consideration has been determined elsewhere so as to satisfy the appropriate procedures. Challenge to that decision cannot be made through the CPO process. [327, 535, 558]

Welsh Harp SSSI and Wildlife

625. Concerns are raised about the impact of the development on the SSSI status of the Welsh Harp. The effect of the development on the SSSI was a matter for the planning application and the impacts, with mitigation, were found to be acceptable. There is no substantiated evidence of harm to the SSSI and, as such, there is no reason to conclude that the CPO would harm the environmental well-being of the area in that regard. [173-178, 307, 350, 403, 507, 522, 562]

626. Concerns are also raised about harm to wildlife protected under the Wildlife and Countryside Act 1981. However, that Act exists precisely to provide legislative protection to wildlife which is at risk and so is not a matter for this CPO. [490-492, 555]

Historic Works and Associated Costs

627. It is clear that local residents have mixed, but understandable concerns about works to the existing buildings. Some feel that decay has been allowed which has devalued their properties, whilst others object to significant bills that have been apportioned to the leaseholders for priority works. It seems to me that the Council has attempted to create a balance between costs to itself, and leaseholders, in not undertaking major works, but has undertaken those works which are critical for reasons of health and safety of the occupiers of the buildings; hence the works to the electrical rising mains. Those decisions have been for the Council to take and are not matters which form part of the CPO considerations. [160, 485, 502, 541]

Construction Issues on the Adjoining Site

628. Whilst it is suggested that there have been construction issues on the adjoining site there is no substantiated evidence in this respect. Even if there were, development would be required to meet building regulation standards and the additional standards set out by the Council. Those are matters which can be enforced against through the relevant procedures. As such, I do not accord weight to this allegation. [303]

629. Flooding and drainage has been raised as a concern but there is no evidence that there is a problem which cannot be resolved and the Environment Agency raised no objections. [385, 391]

On-going Construction Concerns

630. There are clearly concerns regarding noise, disturbance and pollution during the current development phase and this is being projected forward in terms of fears for the whole regeneration process. People are living close to the site and it is inevitable that there will be disturbance from traffic, noise and vibration from when works of this type take place. That is a regrettable part of the development process. In order to control the extent of that impact it is clear that a site-wide CEMP (CDB.28) has been agreed for the scheme to which this CPO relates. The CEMP covers a wide range of matters including dust, noise and vibration, working hours, air pollution, artificial lighting, asbestos and contamination, recycling, traffic management, health and safety concerns and 'considerate contractors scheme'. Similar controls exist for the present

development of phase 3a and are set out in CDB.30. Whilst that scheme is not a matter before me, I understand why residents might be unhappy were that scheme not adequately enforced. The Council has provided contact details in respect of enforcement of planning conditions and residents should make use of that facility should it continue to prove necessary; it is apparent from the letter regarding Cllr Dr Kay's concerns (INQ44) that matters do get addressed. [168-171, 297-298, 337, 358, 362-364, 371, 395-396, 471, 479, 505, 539, 542, 544, 546]

631. These are not matters which count against the confirmation of the CPO.

Funding for Recruitment, Employment and Training

632. S.106 funding has been allocated for recruitment, employment and training. If this has not been provided for the intended purposes and recipients it is understandable the locals feel aggrieved. However, the s.106 Agreement is clearly set out in terms of its objectives for those monies and it is for the Council to use its administrative role properly in that regard. This is not a matter for my investigation in respect of this CPO. [185, 295]

Political Issues

633. Concerns are raised about the political approach of Council members and the ideological approach taken. However, it is simply the case that the democratic process has resulted in the election of people who make decisions on behalf of the electorate. These are not matters for the CPO which need to be considered in the context of current planning policy and the legislative regime. [489, 504, 532, 553]

Human Rights

634. Confirmation of the CPO would cause interference with human rights of those with an interest in the Order Lands in terms of Article 8 and/or Article 1 of the first protocol. Article 8 is the right to respect for private and family life, home and correspondence in which there shall be no interference by a public authority except as such is in accordance with the law and is necessary in a democratic society in the interests of, amongst other things, the economic well-being of the country. Article 1 of the first Protocol sets out that every natural or legal person is entitled to the peaceful enjoyment of his possessions. No-one shall be deprived of his possessions except in the public interest. Negotiations have been attempted for all those affected and in many cases this has been successful in acquiring land and rights by agreement. While a significant number of statutory objectors remain it is clear that this is a fluid situation with at least some statutory objectors engaged in negotiations that will secure them alternative accommodation.

635. Whilst land valuations are not a matter for this CPO Inquiry, it has been made clear by the Acquiring Authority that shared equity could be secured by existing resident leaseholders. Shared equity is not a statutory right; rather the statutory right is to market value compensation plus home loss payment¹⁶². It is also clear that service charges would be restrained at least for the first five years. Whilst that might not seem reasonable, the potential for significant bills associated with the maintenance of the existing poor quality housing fabric are likely to result in

¹⁶² INQ22 provides details of current levels

significant future costs for leaseholders should the scheme not go ahead. As a consequence, provisions made by the Acquiring Authority arising from the Compulsory Purchase of leasehold property appear to have been considered in a reasonable manner which goes beyond the statutory requirements for compensation at market value and which would result in resident leaseholders being able to retain a home on the Estate.

636. All secure and non-secure tenants would be provided for in accordance with the Council's Housing Allocations Policy and it has been shown that rents would be capped at a level reflective of that for affordable housing within the Borough. This would be greater than for the existing poor quality homes but retention of accommodation at below Decent Homes Standards on that ground is not justified; it could lead to significantly defective housing that would be detrimental to health and well-being. [126-130, 230-233, 353, 531, 556]

637. The Scheme if allowed to proceed would result in significant benefits to the well-being of the area, particularly as part of the wider Regeneration Scheme. Those benefits are in terms of housing provision, the built and natural environment, traffic and transportation, and the local economy including retail facilities. This would be in the interests of residents currently occupying sub-standard accommodation and the wider population of the Borough and beyond. Overall, the interference with human rights would be proportionate having regard to the level of interference and the public benefits that the scheme would bring. [200-201, 226-228, 500]

Conclusion on the Circular Guidance

638. The evidence is clear that the Scheme would be in accordance with the objectives of the UDP, the CS, Local Plan, London Plan and the RA SPG and would accord with the Framework. The evidence indicates that it would have positive effects on economic, social and environmental well-being of the area and would be financially viable over the wider scheme and so funding is realistic. Given the commencement of early phases and the financing arrangements, it is likely to proceed, and would have benefits that could not be achieved by other means.

639. The CPO would cause disturbance and would interfere with interests in the land which it affects. There would also be an interference with human rights but this would be proportionate.

640. The identified need to redevelop the area to provide for more homes and homes of a better standard, along with highway, retail and public realm improvements, is a pressing need which would improve the economic, social and environmental well-being of the area which justifies this interference. The CPO is a necessary interference in this case and strikes an appropriate balance between the public interest of achieving the improvements and regeneration and the private interests in the land. The public benefits would significantly outweigh the private loss and consequently there is a compelling case in the public interest for confirming the CPO.

Certificate Matters

641. As the Acquiring Authority and CRT have now reached agreement about the land around the Cool Oak Bridge and modification is sought to omit that land from the CPO the s.19 Certificate no longer needs to be pursued. Should the Secretary of State decide not to accept the modification in this regard the s.19 Certificate matter would need to be reassessed by the parties.

Recommendations

642. I recommend that The London Borough of Barnet (West Hendon Regeneration Area) Compulsory Purchase Order No1 2014 be confirmed subject to the modification matters referred to in paragraphs 5 and 6 above so omitting the need for the associated s.19 Certificate.

Zoë H R Hill

Inspector

APPEARANCES

FOR THE ACQUIRING AUTHORITY:

Neil King QC and Zack
Simons of Counsel

They called
Mr Martin Cowie
BA(Hons) DipTP

Mr Matthew Calladine
Mr Hendrik Heyns
BArch, RIBA

Mr Paul Shipway BA
(Hons)

Mr Thomas Wyld
Biology BSc(Hons)

Mr Paul Watling BSc
MRICS

Miss Virginia
Blackman BSc(Hons)
MRICS

Instructed by Katherine Hamilton of HB Public
Law

London Borough of Barnet Interim Assistant
Director of Strategic Planning, Regeneration
and Transport

Head of Development for Barratt London
Director at Allies and Morrison

London Borough of Barnet Head of Strategy
and Performance

London Borough of Barnet Principal Planning
Officer

Director of Valuation at Capita

Director, Head of Compulsory Purchase at GVA

FOR THE REMAINING AND NON-REMAINING OBJECTORS:

Mr Knowles
He called

Mr Jason Waters
Mrs De Montfort
Mr Joseph Killeen
Mr Bakare

Advocate and Witness

Statutory Objector
Statutory Objector
Statutory Objector
Objector

Miss Parsons

With assistance from
Mr Knowles she
called¹⁶³

Ms Essack

Ms Nur

Mr Finnie

Lubna Ahmed

Ghazaleh Farnham

George Turner

Statutory Objector

Statutory Objector

Statutory Objector

Objector

Objector

Viability Witness

UNREPRESENTED STATUTORY OBJECTORS

INTERESTED PERSONS:

Mr Andrew Dismore
Mr Kahoul
Mr Khalick

London Assembly Member

Cllr Langleben
Ms Musgrove
Mr Derrick Chung
Father John Hawkins
Ms Bates
Mr Ben Samuel
Cllr Houston
Cllr Mashari
Cllr Kay
Janet Evans

STATEMENTS OF EVIDENCE PROVIDED IN ADVANCE OF THE INQUIRY

AA1 Statement and Summary of Martin Cowie
AA2 Statement, Summary and Rebuttal of Matthew Calladine
AA3 Statement of and Plans and Illustrations of Hendrik Heyns
AA4 Statement, Summary and Appendices of Paul Shipway
AA5 Statement, Summary and Appendices of Thomas Wyld
AA6 Statement, Summary and Appendices of Paul Watling
AA7 Statement, Summary and Appendices of Virginia Blackman
SF1 Statement of Mr Knowles of Sawyer Fielding with Appendices and Addendum
OWH1 Statements of Evidence from Representatives of Our West Hendon (13 Statements bound together)
OWH2 Statement, Summary, Appendices and Addendum of Miss Parsons for Our West Hendon
OBJ1 Statement of Mr Jason Waters
OBJ2 Statement of Glynis Walker on behalf of Adelaide Adams
OBJ3 Statement of Mr Derrick Chung
OBJ4 Statement of Cllr Kay
OBJ5 Statement of Andrew Dismore AM
OBJ6 Statement of Father John Hawkins
OBJ7 Statement of Joseph Killeen
OBJ8 Humayune Khalick and Mohammed Naveed Siddiqui
OBJ9 Statement of Cllr Langleben

CORE DOCUMENTS

CDA The Order and Associated Documents
CDA.01 Council's resolution in principle for the making of up to four Compulsory Purchase Orders - dated 16 December 2013
CDA.02 Council's resolution to make The London Borough of Barnet (West Hendon Regeneration Area-Compulsory Purchase Order No. 1 2014 -dated 27 February 2014
CDA.03 The London Borough of Barnet (West Hendon Regeneration Area) Compulsory Purchase Order No. 1 2014 (Order and Order Schedule) -dated 17 June 2014
CDA.04 The London Borough of Barnet (West Hendon Regeneration Area) Compulsory Purchase Order No. 1 2014 Map
CDA.05 The London Borough of Barnet's Statement of Reasons supporting the Order
CDA.06 Notice to Qualifying Persons
CDA.07 Published Newspaper Notices

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| CDA.08 | Site Notices |
| CDA.09 | Application to the Secretary of State for Certificate pursuant to sections 19 and 28 of the Acquisition of Land Act 1981 |
| CDA.10 | Circular 06/2004 |
| CDA.11 | The London Borough of Barnet's Statement of Case |
| CDA.12 | Appropriation of Land within Phase 3a |
| CDA.13 | Stopping Up Orders in respect of Perryfield Car Park and Telford Road |
| CDA.14 | Secretary of State consent under s.233 of the 1990 Act to dispose of land at less than best consideration – dated 25 September 2013 |
| CDA.15 | Secretary of State consent (ref: LGA/13-14/04 under section 25 of the Local Government Act 1988 dated 21 October 2013 |
| CDA.16 | Secretary of State approval of redevelopment scheme Part V of Schedule 2 to the Housing Act 1985 –dated 1 August 2014 |
| CDA.17 | Lease dated 27 July 1983 between British Waterways Board and Barnet Corporation |
| CDA.18 | Planning Inspectorate Guidance: Acquisition of Land Act 1981 Section 19 and/or 28 Certificate Applications |
| CDA.19 | Report to Cabinet 30 August 2005 |
| CDA.20 | Minutes Cabinet Meeting 30 August 2005 |
| CDA.21 | Undated Leaflet relating to the regeneration of the West Hendon Estate |
| CDA.22 | Letter dated 7 August 2014 responding to FOI request for a copy of the PDA |
| CDA.23 | Letter dated 8 October 2014 advising of the Secretary of State's intention to issue the certificate |
| CDA.24 | Public Notices of the Secretary of State's intention to issue the Certificate (Newspaper and Site Notice) |
| CDA.25 | Letter dated 22 October 2014 notifying the Canal and River Trust of the Secretary of State's intention to issue the Certificate |
| CDA.26 | Council's Housing Strategy 2010-2015 dated March 2010 |
| CDA.27 | Council's Draft Housing Strategy 2015-2025 (public consultation commencing December 2014) |
| CDA.28 | Council's Regeneration Strategy |
| CDB | The Planning Application Documents |
| CDB.01 | Planning Application (ref: H/01054/13) |
| CDB.02 | Planning Application Boundary |
| CDB.03 | Outline Application Parameter Plans |
| CDB.04 | Illustrative Masterplan and Detailed Application Landscape Drawings |
| CDB.05 | Design and Access Statement |
| CDB.06 | Design Guidelines |
| CDB.07 | Development Specification |
| CDB.08 | Planning Statement and Addendum |
| CDB.09 | Planning Policy Statement and Addendum |
| CDB.10 | CIL Assessment |
| CDB.11 | Retail Impact Assessment |
| CDB.12 | Residential Decant Strategy |
| CDB.13 | Phasing Strategy |
| CDB.14 | Management Strategy |
| CDB.15 | Townscape Appraisal |
| CDB.16 | Statement of Community Involvement and Addendum |
| CDB.17 | Transport Assessment and Addendum |
| CDB.18 | Flood Risk Assessment |

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| CDB.19 | Drainage Statement |
| CDB.20 | Energy Statement |
| CDB.21 | Sustainability Statement |
| CDB.22 | Utilities Strategy |
| CDB.23 | Refuse Strategy |
| CDB.24 | Environmental Statement and Addendum |
| CDB.25 | Maximum and minimum Illustrative Storey Heights |
| CDB.26 | Tree Strategy |
| CDB.27 | Ecological Management Plan |
| CDB.28 | Sitewide Construction and Environmental Management Plan |
| CDB.29 | Landscape Management Plan |
| CDB.30 | Construction Method Statement (Phase 3a) |
| CDB.31 | Archaeology Written Scheme of Investigation |
| CDB.32 | Detailed Application Drawings Schedule, Drawings and Accommodation Schedule |
| CDB.33 | Illustrative Masterplan Drawings Schedule, Drawings and Accommodation Schedule |
| CDB.34 | Officer Report to the Planning & Environment Committee 23 July 2013, Addendum and Informatives |
| CDB.35 | Minutes of the Planning & Environment Committee 23 July 2013 |
| CDB.36 | S.106 Agreement dated 19 November 2013 |
| CDB.37 | Decision Notice dated 20 November 2013 |
| CDB.38 | Officer Report to the Council's Committee 29 October 2014 |
| CDB.39 | Minutes of the Planning Committee 29 October 2014 |
| CDC | Relevant Planning Policies |
| CDC.01 | National Planning Policy Framework |
| CDC.02 | London Plan 2011 (Extracts) |
| CDC.03 | Barnet Council's Core Strategy 2012 (Extracts) |
| CDC.04 | Barnet Council's Development Management Policies 2012 (Extracts) |
| CDC.05 | Mayor's Housing SPG (Extracts) |
| CDC.06 | Saved policies from Barnet Council's UDP 2006 (Extracts) |
| CDC.07 | English Heritage Guidance on Tall Buildings July 2007 |
| CDD | Objections and Negotiations |
| CDD.01 | Objection letters submitted to the Secretary of State |
| CDD.02 | Council's response to Objectors |
| CDD.03 | Canal & River Trust Objection letter dated 12 November 2014, in respect of the Secretary of State's intention to issue the Certificate |
| CDD.04 | Council's response letter to Canal & River Trust - dated 17 November 2014 |
| CDD.05 | Schedule of Objectors |
| CDD.06 | Schedule of Objection Themes |
| CDE | Relevant Legislation |
| CDE.01 | Section 226 of the Town and Country Planning Act 1990 (as amended) |
| CDE.02 | Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 |
| CDE.03 | Sections 19 and 28 of the Acquisition of Land Act 1981 |
| CDE.04 | Compulsory Purchase (Inquires Procedure) Rules 2007/3617 |
| CDF | Correspondence Regarding the Inquiry |
| CDF.01 | Notice of Secretary of State's Decision to hold an Inquiry dated 5 |

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| | September 2014 |
| CDF.02 | Notice of Pre-Inquiry Meeting dated 29 October 2014 |
| CDF.03 | Letter advising of change of opening time for the Pre-Inquiry Meeting dated 3 November 2014 |
| CDF.04 | Notes of Pre Inquiry Meeting |

INQUIRY DOCUMENTS SUBMITTED AT THE INQUIRY

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| INQ1 | List of appearances on behalf of Acquiring Authority and Barratt Homes |
| INQ2 | Compulsory Purchase Order with modifications |
| INQ3 | List of Statements of Objectors |
| INQ4 | Opening statement on behalf of Barratt Metropolitan Limited Liability Partnership and London Borough of Barnet |
| INQ5 | Eastern Power Networks' objection withdrawal letter |
| INQ6 | Rebuttal Statement from Jasmin Parsons |
| INQ7 | Additional Statements of evidence from Ms Parsons (6 statements) |
| INQ8 | York Park plan document (A3 document) |
| INQ9 | Current York Park over new open spaces and parks |
| INQ10 | Mr Cookey letter from Barnet Homes |
| INQ11 | Vision and objectives (submitted as a core document) |
| INQ12 | GLA stage 2 report |
| INQ13 | Mr Nadir Kahoul Statement |
| INQ14 | Additional information from Mr Shipway |
| INQ15 | Note on work which has been completed on the Estate |
| INQ16 | GVA Virginia Blackman document answering questions arising from the Inquiry |
| INQ17 | Minutes of West Hendon Resident Regeneration Group Annual General Meeting (Handed in on Day 6: 28 January 2015) |
| INQ18 | Statement of evidence of Theresa Musgrove |
| INQ19 | Site visit list and map |
| INQ20 | Mr Dismore accompanying evidence to statement |
| INQ21 | Withdrawal letter from Canal and River Trust (TLT LLP) |
| INQ22 | Statutory Instrument 2014 No. 1966 Acquisition of Land, England - Compensation - The Home Loss Payments (Prescribed Amounts)(England) Regulations 2014 |
| INQ23 | Statement of evidence of Mr Khalick and appendix |
| INQ24 | Statement of evidence of Cllr Langleben |
| INQ25 | Statement of evidence of Ms Katrina Newman |
| INQ26 | Statement of evidence of Ms Kirsty Fricker |
| INQ27 | Statement of evidence of Ms Sandra Newman |
| INQ28 | Statement of evidence of Mr Alex Finnie |
| INQ29 | Statement of evidence of Cllr Kay |
| INQ30 | Statement of evidence of Mr George Turner |
| INQ31 | Promoters First Position Statement on Disclosure (Submitted on 12 January 2015; recopied for completeness) |
| INQ32 | Mr Adewale Bakare statement of evidence |
| INQ33 | Statement of evidence of Cllr Ross Houston |
| INQ34 | Statement of evidence of Cllr Roxanne Mashari (updated statement handed in at the Inquiry) |
| INQ35 | Statement of evidence of Mrs Leonida De Montfort |

- INQ36 The Housing Allocations Scheme September 2013 (Part of Mr Paul Shipway's Appendix 6; this is the whole document as opposed to the extract)
- INQ37 Promoters Further Position Statement on Disclosure of Viability Material
- INQ38 Letter from Mr Thomas Wyld dated 2 April 2013
- INQ39 Public Inquiry Essential Reading List
- INQ40 Modifications to the Order Map
- INQ41 Email from Mr Arai regarding language accessibility
- INQ42 Capita correspondence
- INQ43 Responses to the Inspector's Inquiry note
- INQ44 Schedule of responses to issues arising during Inquiry - including Ombudsman letter
- INQ45 Closing Statement on behalf of Objectors' on 30th January 2015 (Mr Knowles)
- INQ46 RRG 2005 documents referred to in Ms Parsons evidence
- INQ47 Closing Statement of Ms Parsons
- INQ48 Closing submissions on behalf of the London Borough of Barnet and Barratt Metropolitan Limited Liability Partnership
- INQ49 Updated negotiations schedules x4 - only changes to Estate properties and Canal and River Trust documents
- INQ50 Jowitt's dictionary of English Law 3rd Ed. Obiter dictum definition