

<u>MEETING</u> ASSETS, REGENERATION AND GROWTH COMMITTEE
<u>DATE AND TIME</u> MONDAY 12TH MARCH, 2018 AT 7.00 PM
<u>VENUE</u> HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BG

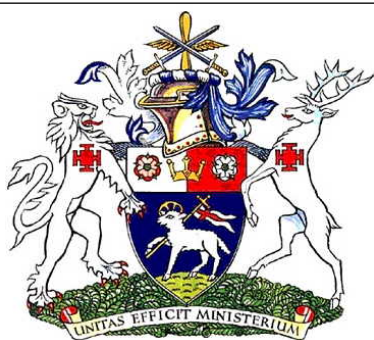
Dear Councillors,

Please find enclosed additional papers relating to the following items for the above mentioned meeting which were not available at the time of collation of the agenda.

Item No	Title of Report	Pages
1.	WEST HENDON COMPULSORY PURCHASE ORDER 3 (CPO3)	3 - 26

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ASSETS, REGENERATION & GROWTH COMMITTEE

12th March 2018

Title	WEST HENDON COMPULSORY PURCHASE ORDER 3 (CPO3)
Report of	Councillor Daniel Thomas
Wards	West Hendon
Status	Public
Urgent	No
Key	Yes
Enclosures	Appendix 1 – Proposed CPO3 Boundary Plan
Officer Contact Details	Simon Bailey, Regeneration Manager Simon.Bailey@barnet.gov.uk, 0208 359 7671 Emily Morris, Regeneration Officer Emily.Morris@barnet.gov.uk, 0208 359 4473

Summary

This report seeks authority to make a Compulsory Purchase Order No.3 at West Hendon. The use of the Compulsory Purchase Order will be an option of last resort and will only be utilised where third party interests cannot be acquired through private treaty negotiations.

CPO3 will apply to residential properties at 1-10 Marriotts Close and 1-232 Marsh Drive and will be promoted using statutory powers under the Town and Country Planning Act 1990.

In advance of CPO3, the Development Partners at West Hendon have created an Advanced Acquisition Scheme. The scheme provides residents with an opportunity to move early. Heads of Terms with three leaseholders have been agreed and negotiations are underway with a further fourteen leaseholders and freeholders.

Recommendations

That the Asset, Regeneration & Growth Committee agrees:

- 1 to authorise the making of CPO3;

- 2** that the appropriate Chief Officer be authorised to issue and sign the order, notices and certificates in connection with the making, confirmation and implementation of CPO3; including signing, issuing and serving referencing and requisition notices;
- 3** that the appropriate Chief Officer be authorised to make General Vesting Declarations (GVDs) under the Compulsory Purchase (Vesting Declarations) Act 1981 and/or to serve notices to treat and notices of entry (if required) following confirmation of CPO3;
- 4** that the appropriate Chief Officer be authorised to issue and serve any warrants to obtain possession of property acquired by the Council following the execution of a GVD or service of a notice of entry relating to CPO3 if it was considered appropriate to do so;
- 5** that the appropriate Chief Officer be authorised to transfer all properties and proprietary interests acquired pursuant to CPO3 to the relevant Development Partners in accordance with the terms of the restated Principal Development Agreement dated 5 February 2014;
- 6** that the appropriate Chief Officer be authorised to take any further necessary actions to secure the making, confirmation and implementation of CPO3;
- 1.6** that the appropriate Chief Officer be authorised to appropriate to planning purposes any parcel of land within the red line planning application boundary for the scheme and/or the proposed CPO3 Plan (attached – Appendix 1) which is held by the Council for another purpose subject to obtaining any necessary statutory consents required and/or compliance with any statutory procedures for such appropriation.

1. WHY THIS REPORT IS NEEDED

- 1.1** The regeneration Scheme will replace existing properties within the West Hendon estate which are sub-standard, with new mixed tenure housing constructed to modern standards. The Scheme will deliver 2,194 new residential units - a net gain of 1,545 on the existing site. These will be delivered over a 17 year period, with all new homes expected to complete by 2028/29. The scheme includes improved transport links, an enhanced Town Centre, a new primary school and a new community hub and is delivered by the Barratt Metropolitan Limited Liability Partnership (BMLLP) – a Joint Venture between Barratt Homes and Metropolitan Housing Trust.
- 1.2** In consultation with the Council, BMLLP submitted a hybrid planning application for the regeneration of the West Hendon estate on 15 March 2013 (REF H/01054/13). This comprised detailed planning application for Phase 3a and an outline element of the planning application for the remainder of the West Hendon Estate Regeneration. On 20 November 2013, the Council

granted planning permission for the Scheme following the completion of an agreement under section 106 of the Town and Country Planning Act 1990.

- 1.3 The Scheme will deliver a provision of 25% affordable housing comprising a minimum floorspace of 28,446 sq m and 543 affordable units. Of this 47% will be social rented enabling the re-housing of all secure tenants on site. The remainder of the affordable units will be intermediate/ shared equity accommodation.
- 1.4 A new strategic network of open green spaces will be provided within the area strengthening links to the Welsh Harp open space and West Hendon recreation ground accessed via two new pedestrian bridges. The site will benefit from extensive investment in public realm and open space including a renewed York Park with two equipped play areas and a civic space connecting the Broadway to the Welsh Harp. The Scheme provides land for a new 2 form entry primary school and nursery and includes a planning obligation for an associated community centre. Additional community and commercial facilities will be provided on the Broadway.
- 1.5 An enhanced public realm and significant highways infrastructure improvements will be delivered in association with the development resulting in the removal of the Perryfield Way Gyratory and safeguarding the freeflow of traffic on key arterial routes whilst improving local pedestrian and cyclist connectivity.
- 1.6 The development is split into four strategic phases identified as Phases 3, 4, 5 and 6. Currently only Phase 3 has been divided into three sub phases: 3a, 3b and 3c. Reserved Matters Planning approval was given in respect of Phases 3b and 3c (ref: 14/07964/RMA) on the 25 March 2015 and Phase 4 (ref: 17/0168/RMA) on the 26 April 2017.
- 1.7 Cabinet Resources Committee 16 December 2013 authorised the making of up to four separate Compulsory Purchase Orders (CPOs). It was agreed that each individual CPO Phase would be approved as the scheme progressed. The Council uses CPO powers only as a last resort, where private negotiations to acquire properties prove unsuccessful.
- 1.8 To date, the Council has successfully secured three CPOs at West Hendon (CPO1, CPO2 & CPO2a). The Council achieved vacant possession of the land required to deliver Phase 3a of the Scheme without the need to exercise compulsory purchase powers and the works in respect of that phase completed in July 2016.

CPO1

- 1.9 Following the submission of CPO1 (required for the delivery of Phases 3b & 3c) to the Secretary of State, an eight day public inquiry was held in January 2015. The Secretary of State subsequently confirmed CPO1 on 12 November 2015. The relevant statutory notices regarding the confirmation of CPO1 were served on third party interests within the CPO1 order land. Negotiations to acquire those leasehold properties required for the delivery of Phase 3b (i.e.

11-98 Marriotts Close, 1-76 Franklin House and 1-32 Tyrell Way) progressed significantly which enabled the Council to achieve vacant possession of all estate properties within CPO1, with the exception of one unoccupied property that vested.

- 1.10 Nine estate resident leaseholders within CPO1 moved into homes within the new development under shared equity arrangements.
- 1.11 69 of 71 secure tenants previously occupying units required for Phase 3b were rehoused in the new properties delivered as part of Phase 3a, using the Ground 10A process. With regard to non-secure tenants, 69 were rehoused within the borough, with 39 given secure tenancies.
- 1.12 Works to commence the delivery of Phase 3b started in Spring 2016 and are likely to complete by Winter 2018. Vacant possession was also achieved for the land required for Phase 3c and completion is expected by Autumn 2018.

CPO2

- 1.13 Following the submissions of CPO2 and CPO2a (required for the delivery of Phase 4) to the Secretary of State, a four day public inquiry was held in March 2017. The Secretary of States for Communities & Local Government and Transport subsequently confirmed CPO2 and CPO2a on 20 October 2017. The relevant statutory notices regarding the confirmation of CPO2 and CPO2a were served on third party interests within the CPO2 and CPO2a order land. Negotiations to acquire those leasehold estate properties required for the delivery of Phase 4 (i.e. 33-125 Tyrrel Way and 11-72 Warner Close) are progressing. To date, Heads of Terms have been agreed with 29 out of 34 leaseholders. Negotiations continue to progress with those affected by CPO2a; to date agreement has been reached with 1 out of 9 freeholders and leaseholders.

CPO3

- 1.14 The properties likely to be affected by CPO3 are 1-10 Marriotts Close and 1-232 Marsh Drive. Initial land referencing indicates that there are approximately 45 freeholders and leaseholders whose land and/or properties fall within the CPO3 Order Land. The Council and the Developer remain committed to acquiring third party interests voluntarily. Offers to acquire through private treaty negotiations will be based on market values and valuations will be subject to regular, independent review.
- 1.15 In advance of making CPO3, the Development Partners have created an Advanced Acquisition Scheme to assist residents who have indicated they would like to move early rather than waiting for their phase of development. Seventeen leaseholders/freeholders have shown interest in the scheme and three Heads of Terms have been agreed. Inspections and negotiations are progressing on the remaining fourteen. A further seven leaseholders have subsequently expressed an interest in the Scheme after the closing date.

- 1.16 The current estimate for the commencement of Phases 5 & 6 is 2020. This is subject to the Council being able to obtain vacant possession of the land required to secure its delivery.
- 1.17 The West Hendon Partnership Board will continue to receive briefings on CPO3 as the process unfolds. Where possible their views will be taken into account in developing the wider consultation process. Beyond the Partnership Board, stakeholders and residents will be informed with regard to the progress of CPO3 and the implications for them through, for example, updates in newsletters, presentations at West Hendon Partnership Board Open Meetings and CPO workshops targeted at different tenure groups. A Communications Plan will be prepared to ensure that messages to residents are provided in a clear and timely manner.

2. REASONS FOR RECOMMENDATIONS

- 2.1 CPO3 is required to provide certainty with regard to site assembly in order to deliver the benefits of the regeneration to the estate and the wider area. Without a Compulsory Purchase Order as a 'backstop', it would be very hard to assemble the site through private treaty negotiations.
- 2.2 The Council is obliged under the terms of its Development Agreement with Barratt Metropolitan Limited to progress the CPO for West Hendon.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 The only alternative to seeking Compulsory Purchase powers would be to try to acquire the properties and interests required to progress the scheme by private treaty. Without a Compulsory Purchase Order as a 'backstop', it would be very difficult to assemble the site through private treaty negotiations.
- 3.2 Given the progress made to date with the Scheme, proceeding without the 'fall back' of a CPO would place the delivery of the final phases of the Scheme at risk.

4. POST DECISION IMPLEMENTATION

- 4.1 Post ARG, officers acting under delegated authority will undertake work associated with the preparation and making of CPO3, following which the Order will be submitted to the Secretary of State. It is likely that a CPO Inquiry will be necessary. In the event that the Secretary of State confirms CPO3, vesting dates will be agreed and the appropriate legal notices issued.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

- 5.1.1 The vision for 2020 expressed within the Council's corporate plan 2015- 2020 expresses the principles of fairness, responsibility and opportunity and the following strategic objectives.

5.1.2 The council, working with local, regional and national partners, will strive to ensure that Barnet is the place:

- of opportunity, where people can further their quality of life
- where people are helped to help themselves
- where responsibility is shared, fairly
- where services are delivered efficiently to get value for money for the taxpayer

5.1.3 The regeneration of the West Hendon regeneration estate also supports the Sustainable Community Strategy for Barnet 2010–2020 through the following objectives:

- A new relationship with citizens - the new developments will offer more choice and promote independence by providing a number of different housing options such as shared ownership to residents and to other people in the wider community.
- A one-public-sector approach - the Council is working together with other public sector partners to ensure the delivery of the schemes.
- A relentless drive for efficiency - the Council is working with Development Partners to ensure that the scheme is delivered in the most cost effective way.

5.1.4 The regeneration scheme also complies with strategic objectives in the Council's Housing Strategy 2010-2025 which include:

- Increasing housing supply, including family sized homes, to improve the range of housing choices and opportunities available to residents; and promoting mixed communities and maximising opportunities available for those residents wishing to own their own home.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.1 On 5 February 2014, the Council entered into a Compulsory Purchase Order Indemnity Agreement (CPOIA) with the Developer. Under the terms of the CPOIA the Developer is required to cover all of the Council's costs in relation to the preparation, making, confirmation and implementation of up to four Compulsory Purchase Orders. These costs include the purchase price or any compensation for any land or interest which the Council has to acquire either pursuant to the Compulsory Purchase Order or in consequence of the service of valid blight notices, including all payments made pursuant to the Compulsory Purchase Act 1965 and the Land Compensation Acts 1961 and 1973; any statutory interest payable and the Council's reasonable and proper internal and external costs including legal and surveying and other professional costs covered by the indemnity agreement.

5.2.2 As all CPO costs – including land acquisitions, legal costs and staff time – are covered by the CPO Indemnity Agreement, there is no financial risk to the Council. Initial land referencing indicates that there are approximately 45 freeholders and leaseholders whose land and/or properties fall within CPO3. It is anticipated that the acquisition of land and properties will cost

approximately £17,250,000 (including home loss and disturbance payments). At present, CPO3 costs have not been incorporated within the council's capital programme. The Council funds the upfront costs for these acquisitions which are then fully recovered from the developer.

- 5.2.3 Once acquired all third party interests will be transferred to the Developer in accordance with the terms of the Principal Development Agreement ("the PDA") dated 11 August 2006, as varied on 5 February 2014, for the purposes of delivering Phases 5 & 6. Any such interests transferred in advance of a development phase will be the subject of an option agreement enabling the Council to re-acquire the property for regeneration purposes if the Principal Development Agreement should be terminated.
- 5.2.4 The Council and the Developer have put in place a Scheme team including surveyors, legal officers and land referencers to work towards making the necessary order for CPO3.
- 5.2.5 The CPO process is a last resort and the Council and Developer are committed to negotiating the voluntary acquisition of third party interests. Third party interests will be acquired at current market value taking into consideration the condition of the property.

5.3 **Social Value**

- 5.3.1 As indicated in sections within this report, the West Hendon regeneration project will secure wider social, economic and environmental benefits.

5.4 **Legal and Constitutional References**

- 5.4.1 The Council has the power through various enactments to make Compulsory Purchase Orders and to apply to the Secretary of State for confirmation of those orders.

CPO3 – Town and Country Planning Act 1990 Powers

- 5.4.2 Section 226 (1) (a) of the Town and Country Planning Act 1990, (as amended by the Planning and Compulsory Purchase Act 2004), provides that a local authority shall, on being authorised to do so by the Secretary of State, have power to acquire compulsorily any land in their area if they are satisfied that the acquisition will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land. However the power must not be exercised unless the authority thinks that the development, redevelopment or improvement is likely to contribute to the achievement of the promotion or improvement of the economic, social or environmental well-being of their area. The compulsory acquisition of third party proprietary interests and/or rights in the CPO3 Order Land will enable the delivery of Phases 5 & 6 in accordance with an agreed programme and will provide certainty with regard to land assembly and the implementation of the Scheme. The ability to deliver Phases 5 & 6 will enable the Council and the Developer to progress the delivery of the Scheme in its entirety.
- 5.4.3 The third party proprietary interests to be included within CPO3 will be set out in the Order Schedule following the completion of the land referencing

exercise. However, the plan attached at Appendix 1 shows the proposed CPO3 boundary. The final boundary of CPO land required may vary from this boundary, but it provides an indication of the affected areas. The CPO3 Order Land largely comprises estate properties.

5.4.4 The regeneration of the West Hendon Estate is a key priority for the Council. This is set out in saved policies from the London Borough Barnet UDP 2009, the Adopted Core Strategy 2012 and within the associated Development Plan Documents (DPDs).

5.4.5 The estate was constructed in the late 1960s. Due to its design, layout and construction it is characterised by a number of issues such as:

- poorly defined public and private space;
- lack of orientation within the estate;
- no clear connection between the estate and the Broadway and other surrounding streets;
- Unappealing entrances to blocks and poorly maintained internal communal areas;
- Building fabric in need of repair and upgrade to meet current environmental and building standards

5.4.6 Through the regeneration Scheme the housing stock will be significantly improved to meet current building and construction standards, improving the environmental and social wellbeing of the area. Overall the regeneration Scheme will also include training and employment opportunities for residents within the borough, as well as proposals for a new primary school, community centre, town centre and improved transport links, improving the economic, social and environmental well-being of the area.

5.4.7 Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 provides for the acquisition of new rights over land where such rights are not in existence when the order specifying them is made. In order to facilitate the delivery of Phases 5 & 6 it may be necessary to acquire new rights over the land for purposes such as crane oversailing. The land over which the acquisition of new rights may be required is not yet confirmed, and will be confirmed following the requisitioning work. However, the plan attached at Appendix 1 shows the proposed CPO3 boundary. The rights required may fall outside this boundary, but it provides an indication of the affected areas.

5.4.8 In using the enabling powers pursuant to section 226 (1) (a) of the Town and Country Planning Act 1990 and Section 13 of the Local Government (Miscellaneous Provisions) Act 1976, the Council is using the most specific powers available to it for the purposes of the redevelopment of West Hendon estate properties required to deliver Phases 5 & 6.

5.4.9 Government guidance on the use of compulsory purchase powers is set out in “Guidance on Compulsory Purchase Process and the Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion” 2015 (“DCLG CPO Guidance”). That guidance states that compulsory

purchase orders should only be made where there is a compelling case in the public interest.

5.4.10 In resolving to make CPO3 the Council has had full regard to the DCLG CPO Guidance. The regeneration of the West Hendon Estate provides a compelling case for the making of the CPO. The existing housing stock is outdated and does not meet current environmental and building standards. The West Hendon regeneration proposals will improve the economic and social well-being of existing and future residents through the creation of training / job opportunities (e.g. during construction phases of development), updated housing stock, proposals for a new school and community centre and improved transport links. Vacant possession of each phase will be required in advance of its implementation.

5.4.11 The Council remains committed to securing the delivery of the of the overall Scheme, and the need for the comprehensive redevelopment of the Estate is recognised in adopted planning policy including the NPPF, the London Plan, the Barnet Core Strategy and Saved policies from London Borough Barnet UDP 2009 and adopted Development Management Policies (DMP).

5.4.12 The Regeneration Scheme will deliver the following real and tangible benefits:

- Residential homes built to Lifetime Standards, incorporating higher standards of build quality applying Secure by Design principles and achieving a tenure blind design;
- Mixed and balanced communities delivered through a wider choice of tenure and unit mixes, offering wider opportunities for home ownership and creating sustainable, inclusive and mixed communities;
- The transformation of unappealing groups of buildings and disconnected external spaces into thriving and cohesive neighbourhoods through the integration of the Estate with its surrounding context (achieved through public parks, play spaces and community facilities);
- The removal of the Perryfield Way gyratory which represents a significant obstacle to pedestrian and vehicular movement in the locality;
- Public realm improvements to the Broadway and Station Road;
- 1766m² commercial floorspace (Class A1-A5 & B1) to replace 1,073.19m² existing commercial floorspace
- Connecting the community to the benefits of the Welsh Harp;
- Improved green spaces and play spaces;
- Proposed new bridge connections (an improved Cool Oak Bridge and new Silk Stream Bridge)
- New two-form entry primary school and community centre.

5.4.13 At present properties within the Estate fail to meet Decent Homes Standards. Taking into account the significant investment required to bring the existing buildings up to current standards and the commitment to secure the comprehensive regeneration of the Estate, the Council considers that there is a compelling case in the public interest to secure the delivery of the Scheme (and its associated benefits). To that end, the Council intends to utilise the

powers under section 226(1)(a) of the Town and Country Planning Act 1990 and section 13 of the Local Government (Miscellaneous Provisions) Act 1976 because it is not certain that it, or the Developer will be able to acquire all third party proprietary interests and/or rights by agreement.

Human Rights

- 5.4.14 The Human Rights Act 1998 requires (amongst others) that every public authority acts in a manner which is compatible with the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”). The following parts of the Convention are relevant to the Council’s exercise of its compulsory purchase powers:

Article 1 of the First Protocol – the right to peaceful enjoyment of possessions;
Article 8 – respect for private and family life and home.

- 5.4.15 A decision to make CPO3 must strike a fair balance between the public interest in the regeneration of the land and interference with private rights. Bearing in mind the fact that the exercise of compulsory purchase powers is a statutory process, the provisions for compensation to be paid to those affected and the compelling case in the public interest for the regeneration, it is considered that the interference with private property rights is necessary, proportionate and strikes a fair balance towards meeting the Council’s objectives.

- 5.4.16 Those affected by CPO3 will be informed and advised of their right to make representations to the relevant Secretary of State, to be heard at public inquiry and of a fair entitlement to compensation (where applicable). Thus ensuring consistency with Article 6: right to a fair hearing.

- 5.4.17 The Council’s Constitution, Article 7.5 responsibility for function, states the functions of the Assets, Regeneration and Growth Committee, includes responsibility for regeneration schemes and asset management.

- 5.4.18 The Council, Constitution, Article 10 Table A states that the Assets Regeneration and Growth Committee is responsible for authorising all acquisition of land for over £500k.

5.5 Risk Management

- 5.5.1 The delivery of the West Hendon Regeneration Scheme (“the Scheme”) is dependent upon the ability of the Council and its Development Partner BMLLP (“the Developer”) to acquire all third party proprietary interests in the land and/or rights over the land.

- 5.2.2 The Scheme is to be implemented in accordance with an agreed phasing plan. In order to ensure Scheme viability (and delivery) the commencement and completion of each phase has to occur within a defined timeline. Both the Council and the Developer are committed to entering into negotiations with third party freeholders and leaseholders with a view to acquiring their interest in the land by way of private treaty. However, in the event that negotiations

become complex and protracted any delay to the completion of the land assembly process will pose a significant risk to the delivery of the Scheme.

- 5.2.3 Given the lengthy construction programme to deliver the Scheme in its entirety, on 16 December 2013, the Cabinet Resources Committee resolved in principle, to the making of up to four separate CPOs in order to safeguard the delivery of the Scheme in the event that the Council and Developer are unable to acquire all third party proprietary interests and/or rights in the land through private negotiations within required timescales.
- 5.2.4 The first of the four CPOs, CPO1, was confirmed by the Secretary of State for Communities and Local Government on 12 November 2015. CPO2 & CPO2a were confirmed by the Secretary of States for Communities & Local Government and Transport on 20 October 2017.
- 5.5.5 This report seeks a resolution to make one further and final CPO (hereinafter referred to as “CPO3”). Appendix 1 of this report shows the likely area over which the compulsory acquisition of land and/or rights are required for CPO3. CPO3 is required to secure the delivery of Phases 5 & 6 of the Scheme.
- 5.5.6 Whilst it is hoped that all proprietary interests can be acquired by negotiation, the Scheme cannot proceed with the risk that negotiations may not prove successful in all cases. If confirmed by the Secretary of State, CPO3 will secure the delivery of the final phases of the Scheme (Phases 5 & 6).
- 5.5.7 The land assembly exercise is also dependent upon tenants relocating from their existing properties to other suitable alternative premises within an identified construction timetable. Any delays in achieving vacant possession could risk the deliverability of the scheme. By a letter dated 1 August 2014, the Secretary of State granted Ground 10A approval for the redevelopment of the West Hendon Scheme under Part V of Schedule 2 to the Housing Act 1985. In the first instance officers will seek to rely on that approval to obtain vacant possession of properties occupied by secure tenants. In order to further mitigate this risk, it is also proposed that all tenures, including premises occupied under a secure tenancy on the estate, would be included within the proposed CPO for the Scheme.

CPO Indemnity Agreement

- 5.5.8 Costs incurred by the Council relating to the compulsory purchase process (including compensation payments and claims arising from blight notices) will be met by the Developer in accordance with the CPO Indemnity Agreement dated 5 February 2014 (“CPOIA”). The Council – through Re – has procedures in place to monitor costs against the agreed estimate. Costs will be approved by both the Developer and Re.
- 5.5.9 The decision to make CPO3, may expose the Council to potential Blight Claims from owners of properties included within the CPO area. The CPOIA will indemnify the Council against any payments made following a blight notice.

- 5.5.10 A continuing risk to the viability of the Scheme is the possibility that secure tenants may exercise the Right to Buy. This leads to increased acquisition costs and could result in a delay to the overall programme which ultimately could threaten the financial viability of the Scheme. The service of initial and Final Demolition Notices (on secure tenants within CPO3) pursuant to the Housing Act 1985 (as amended), will mitigate against this risk by suspending the Right to Buy transactions within the scheme.
- 5.5.11 If confirmed by the Secretary of State, CPO3 must be implemented within three years (this period can be extended to a further three years (making a total of six years) by the service of Notice to Treat and then a Notice of Entry on the proprietors of the relevant interests.
- 5.5.12 The Council and the Developer are confident that Phases 5 & 6 are viable and remain committed to the delivery of the Scheme in its entirety.

5.6 Equalities and Diversity

- 5.6.1 The Council is committed to improving the quality of life and wider participation for all in the economic, educational, cultural, social and community life of the Borough. The West Hendon Regeneration Scheme will provide a mix of affordable and private sale properties. The new mixed tenure housing will improve the community cohesion in an area with a highly diverse population. It will provide increased choice and opportunity for Barnet residents. This supports the overall aim of the Council's Equalities Policy and the Council's duties under the Equality Act 2010.
- 5.6.2 At present the West Hendon Estate does not reflect a mixed and balanced community, with a heavy bias towards an affordable housing tenure. The Estate offers little by way of variety of unit mix. The regeneration proposals seek to address this imbalance through the delivery of a range of residential tenures across the site e.g. private housing, a new range of intermediate housing, wider range of unit sizes across all tenures and 10% of all residential units meeting Wheelchair Standards. The Scheme seeks to improve the demographic of the Estate to provide a step change in the levels of social inclusion to create a sustainable, mixed and cohesive community.
- 5.6.3 The public sector equality duty under section 149 of the Equality Act 2010 ("PSED") requires the Council to have due regard to: (i) the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; and (ii) the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. 'Protected characteristics' are: gender, race and disability, sexual orientation, age, religion or belief, pregnancy and maternity and gender reassignment.
- 5.6.4 The Council is aware that within the West Hendon estate there may be residents for whom English is a second language. The Council will offer a translation service when sending out CPO literature; additionally all those affected will be advised to seek independent legal advice so they fully understand the CPO process.

5.6.5 All owners and/or residents within the CPO3 boundary will be affected by the Compulsory Purchase Order. The Council and its partners will endeavour to reduce this effect by extensive consultation. Consultation has and will continue to be undertaken with the residents and wider community to ensure that the Scheme reflects local needs. In this regard, the Council and the Development Partners appointed an Independent Resident Advisor to work with the residents on the estate. A Partnership and Residents Board has been established who meet on a regular basis to discuss the regeneration proposals with the Council and its partners.

5.6.5 Having had due regard to its duty under the Equality Act 2010, the Council is confident that the delivery of the Scheme will contribute towards the social, economic, educational and cultural improvements for existing and future residents. It will also increase levels of social inclusion within a mixed and diverse community.

5.7 Consultation and Engagement

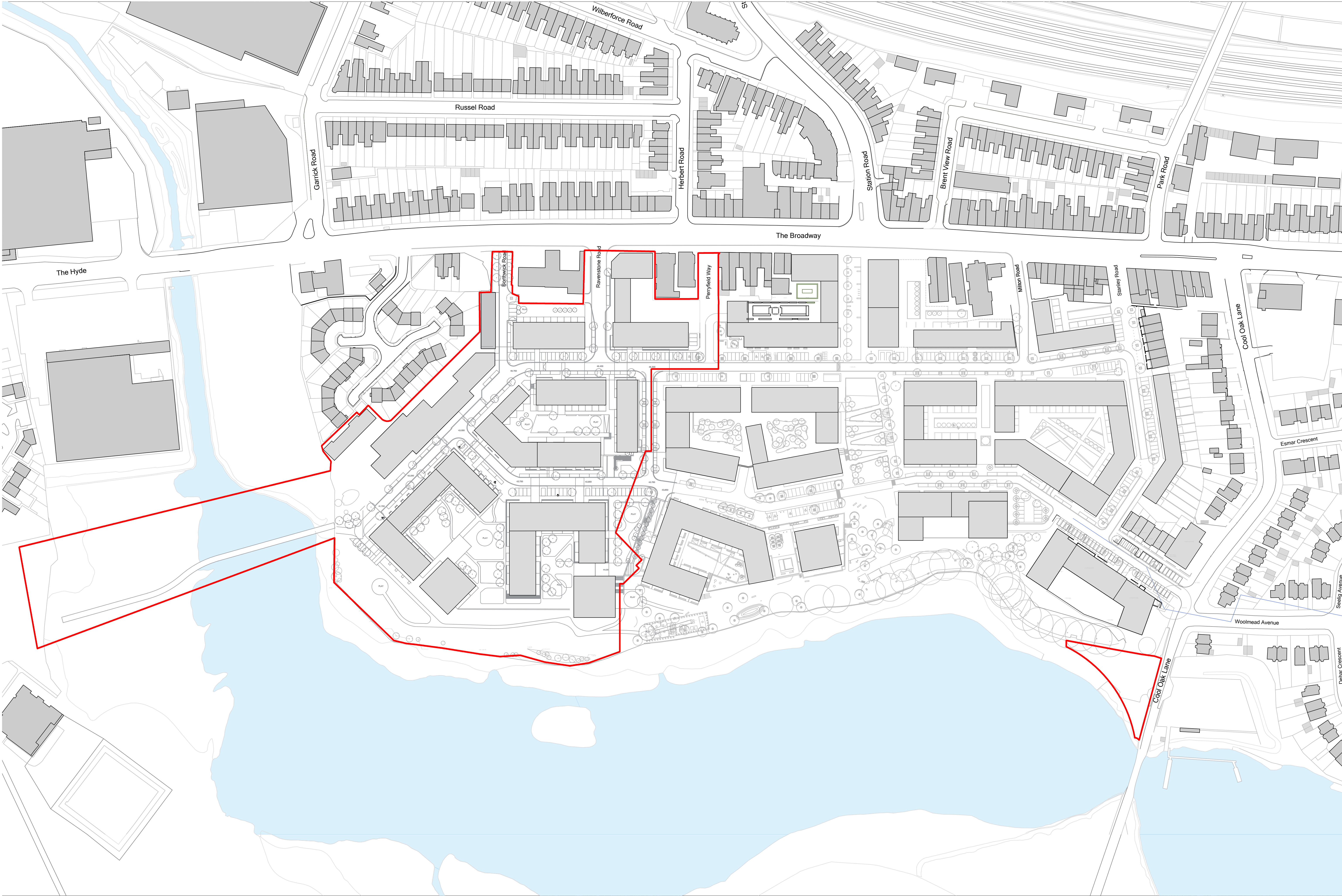
5.7.1 Consultation has and will continue to be undertaken with the residents and wider community to ensure that the Scheme reflects local needs. In this regard, the Council and the Development Partners appointed an Independent Resident Advisor to work with the residents on the estate. A Partnership and Residents Board has been established who meet on a regular basis to discuss the regeneration proposals with the Council and its partners.

5.7.2 Dedicated CPO meetings & drop-in sessions were held in support of CPO1 and CPO2/2a and similar events are planned for CPO3. Updates and information will also be provided through the West Hendon Regeneration Newsletter and the production of CPO specific leaflets. In addition, staff representing the Development Partners are regularly available at the estate's Interim Community Hub, affording residents the opportunity to discuss their particular issues or concerns relating to the CPO process.

6. BACKGROUND PAPERS

6.1 Cabinet Resources Committee, 16 December 2013, West Hendon Regeneration Project
<http://barnet.moderngov.co.uk/documents/s12100/West%20Hendon%20Regeneration%20Project.pdf>

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Addendum – Equalities Section on West Hendon

The West Hendon Estate is located within the Borough's West Hendon ward and the Hendon Constituency.

Having regard to the Public Sector Equality Duty (PSED) the following provides a summary profile of the West Hendon ward.

Age

West Hendon ward's age structure largely mirrors that of the borough as a whole in all age groups.

¹

Figure 1. Age Profile 2012	0-14	15-39	40-59	60-79	80+
West Hendon	22%	39%	24%	12%	3%
BARNET	21%	35%	26%	14%	4%

Race

West Hendon is one of three wards which have a higher rate of Black, Asian and Minority Ethnic residents than the Borough average. Over half of the West Hendon population is from a Black Asian or Minority Ethnic background.²

The 2011 census indicates that West Hendon has the joint highest proportion (8.8%) of residents who do not have English as a main language³ and 39% of school children in West Hendon do not speak English as a first language in the home. Urdu, Gujarati and Arabic are identified as the most common languages other than English spoken in the homes of West Hendon pupils attending Barnet schools.⁴

Religion or Belief

Typically follows the Borough statistics – residents who identify as belonging to the Christian faith being the largest proportion within the ward.

West Hendon has the highest proportion of Hindus among its residents, 11% as against the borough average of 6%. Also the third highest proportion of Muslims in Barnet wards, 17% against an average of 10%.

¹ Source: Barnet Hybrid Solution updated for MYE Jan 2012 update as referenced in the West Hendon Ward Profile March 2013 - <https://www.barnet.gov.uk/citizen-home/council-and-democracy/council-and-community/maps-statistics-and-census-information/document-downloads.html>

² Barnet Council Equalities and Cohesion Data Summary ; Hendon Constituency Insight and Evidence Review (2015) pg 6

³ Source: 2011 Census referenced in the Hendon Constituency Insight and Evidence Review (2015) pg 16

⁴ Source: PLASC January 2012: this data does not include pupils from West Hendon who attend private schools or schools outside Barnet as referenced in the West Hendon Ward Profile March 2013
<https://www.barnet.gov.uk/citizen-home/council-and-democracy/council-and-community/maps-statistics-and-census-information/document-downloads.html>

Religion Profile⁵

The following table shows the proportion of residents belonging to a particular faith across the Borough as a whole and those within the West Hendon ward.

Ward/ Area	Christian	Buddhist	Hindu	Jewish	Muslim	Sikh	Other Religion	No Religion	Religion not stated
BARNET	41%	1%	6%	15%	10%	0%	1%	16%	8%
West Hendon	36%	2%	11%	14%	17%	0%	1%	11%	7%

Sex

Overall the female population in Barnet is 51.1% as compared to a male population of 48.9%. Below the age of 65 the ratio of men to women within the Borough is roughly equal. However, above the age of 64 the proportion of the female population increases to 56.5% compared to the male population of 43.5%.⁶

Overall, when compared to the Borough as a whole, West Hendon has a higher proportion of people falling within the 0 – 40 age group and is one of three wards in the whole Borough where over 50% of residents are from Black Asian Minority Ethnic background.

Income / Poverty / Deprivation

Overall Barnet is an affluent Borough, however, pockets of deprivation exist. The 2015 update to the Index of Multiple Deprivation, ranks Barnet 157th out of the 326 local authorities in England and Wales for deprivation – just slightly below the national average of 163, where the authority ranked 1 is the most deprived. This is 19 places lower than the 2010 (176th) rankings⁷

One of the two most deprived LSOAs in Barnet is located around the West Hendon Estate. The West Hendon LSOA is amongst the 10% most deprived LSOAs in England, and the top 5% most deprived LSOA in London. In terms of rankings, the West Hendon LSOA is the 2,575th most deprived LSOA in England and has become more deprived since 2010, where it ranked 5,509th.⁸

West Hendon is one of three wards where the average household income falls below the Borough average of £40,000.⁹ The ward also has a higher rate of homes that fall beneath the national poverty threshold of £17,217.¹⁰ House prices vary across the Borough and West Hendon was found to be amongst four wards with the lowest house prices in the whole Borough.¹¹

By ward the highest number of reported crimes in the Borough occurred within West Hendon.¹²

⁵ Source: Census 2011 as referenced in West Hendon Ward Profile March 2013 - <https://www.barnet.gov.uk/citizen-home/council-and-democracy/council-and-community/maps-statistics-and-census-information/document-downloads.html>

⁶ Barnet Equalities and cohesion data summary

⁷ <https://www.barnet.gov.uk/jsna-home/demography.html>

⁸ Ibid based on data from Office for National Statistics, Index of multiple Deprivation, 2015.

⁹ Hendon Constituency Insight and Evidence Review (2015) pg 7

¹⁰ Hendon Constituency Insight and Evidence Review (2015) pg 23

¹¹ Hendon Constituency Insight and Evidence Review (2015) pg 31

¹² Equalities and cohesion data summary pg 15

One in ten of working age residents in West Hendon claim out of work benefits.¹³ In May 2012 there were 2,115 West Hendon residents receiving a state pension, which is lower than the borough average of 2,434 per ward.¹⁴

The West Hendon Estate itself, did not represent a mixed/balanced community with more than 70% of the residential units being affordable housing tenure.

The West Hendon ward is one of three wards within the Borough which have been found to have some of the lowest levels of participation in sports.¹⁵

Whilst income is not a protected characteristic for the purposes of the PSED, Government Guidance on the CPO process ¹⁶ highlights the fact that CPOs are often used to regenerate “run-down areas”. It is not uncommon for the residents within regeneration areas to be on low incomes and for people from ethnic minorities, the elderly or people with a disability to be over-represented in low income groups.

As demonstrated above, the area around the West Hendon Estate is identified as having high levels of deprivation and one of three wards where the average household income falls below the Borough average. The West Hendon ward when compared against the Borough as a whole also has a higher proportion of residents from an ethnic minority background.

The West Hendon Regeneration Scheme

The Regeneration scheme will deliver an inclusive place for people of all ages, with a housing mix that reflects different life stages, a range of housing tenures, community and recreational facilities as well as public spaces which are accessible to all. We are committed to improving the quality of life for all and to encourage wider participation in the economic, educational, cultural, social and community life in the Borough.

The Elderly Community in West Hendon

Officers are aware that elderly residents are likely to feel the greatest impact of having to move out from their current homes on the estate in comparison to other age groups. The physical demands of moving, such as packing and unpacking, is likely to be particularly strenuous for the elderly. There are also psychological effects, such as stress and anxiety that can become prevalent due to the worry of moving out of a home that they have occupied for a number of years and moving into an unfamiliar environment. The elderly are commonly dependant on a support network, such as friends, family and neighbours, and it is possible that these networks could be weakened when they move. In order to mitigate against the elderly losing their support network, the development partners will endeavour to arrange for neighbours/friends to share the same landing so that they can continue to receive support and care.

All residents within the West Hendon Estate required to move as a result of the Scheme will be allocated a dedicated Housing Officer to assist them through the re-housing process. The Housing Officer will complete a housing needs assessment on behalf of the resident and discuss the move

¹³ Hendon Constituency Insight and Evidence Review (2015) pg 3

¹⁴ Source: DWP Information Directorate as referenced in West Hendon Ward Profile March 2013
<https://www.barnet.gov.uk/citizen-home/council-and-democracy/council-and-community/maps-statistics-and-census-information/document-downloads.html>

¹⁵ Hendon constituency Insight and Evidence Review (2015) pg 4

¹⁶Compulsory Purchase Process and the Crichel Down Rules (2015) -
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/684529/Compulsory_purchase_process_and_the_Crichel_Down_Rules_-_guidance_updated_180228.pdf

process, development progression and proposed timescales. In the event that a resident is deemed to require additional support, the Housing Officer will arrange for this. For example, additional support could be provided for packing and unpacking. Additionally, residents can be referred on to other council services, such as Adults and Communities who can potentially provide free support.

In addition, an Independent Tenants Advisor (ITA) is appointed to provide Estate residents with access to free independent advice on the regeneration process including the CPO process.

Children in West Hendon

According to Census 2011 data, 22% of the West Hendon ward are 14 and under, which is slightly higher than the Borough (21%) and London (19%) figures.

The Scheme will provide a two-form entry primary school with nursery. The new school will be in very close proximity to all residents so they will not be required to travel for their primary education. In addition, the section 106 agreement places an obligation on the development partner to pay £5,286,043 towards Education Facilities.

The section 106 agreement for the Scheme also secures a Leisure and Recreation Contribution of £979,000 towards the provision of and/or improvements to sports recreational and open space facilities within priority areas close to the Estate. New playspaces for children will also be provided. Whilst the creation and improvement to existing greenspaces will benefit all ages, it is likely to be of particular benefit to children.

In accordance with the Principal Development Agreement a Community Trust Fund was set up and it has funded numerous projects that will benefit a vast amount of residents on the scheme. Children have benefited from funds for the weekly youth club and visits to the Phoenix Canoe Club; all ages will be able to access free fitness classes supported by the trust fund; and in order to mitigate against digital inclusions, laptops have been bought which can be used in the Community Hub. Additionally, Metropolitan Housing Trust has also funded the Homework Club which all children can use.

Disability

Residents who require adaptations in their home etc. will be referred to an Occupational Therapist. Following discussions held with the West Hendon Partnership Board and Lessons Learned exercises, the Occupational Therapist assessments have been bolstered to incorporate a telephone conversation with the residents in advance of their moves to see if anything has changed since their initial meeting and a full post-move visit and re-assessment to ensure the resident has settled in and to discuss any concerns or further adaptations that may be required.

Having to move home is likely to be particularly difficult for blind or partially-sighted residents who will, at least initially, be unfamiliar with their new homes and the immediate vicinity around their new homes. The Housing Officer will work with any visually impaired residents to ensure that they are fully supported throughout the move. This will include ensuring the necessary documents are produced in Braille, and that the resident's new home has the necessary adaptations. The Housing Officer will meet with the resident regularly to ensure that they are comfortable in their new home and the immediate vicinity, for instance by accompanying the resident to their new home and taking them to the local facilities and amenities, before the move takes place.

Residents suffering from mental illness may experience increased risk of stress and the psychological impacts of moving. Where residents have mental health difficulties the Housing Officer will work

with the residents' existing support network / carers / GPs to ensure that the necessary support and care is provided. Where appropriate, the Council will brief local health providers and any third sector support services. Where additional support is needed the council will be able to allocate additional support from Adult Services. 'Mental Health Champions' have been arranged to assist those suffering from mental illnesses and help them access the help that they require. Additionally, the champions will be trained to recognise signs of those unknowingly suffering from mental health issues and refer those to receive the treatment they need.

Where eligible, residents with disabilities will be assessed to determine their need for a ground floor homes on the redevelopment. The development partners will endeavour to re-house those with needs on the ground floor, however there may be instances where this will not be possible, which will of course negatively impact the resident.

The redevelopment will provide improved access throughout, such as lifts, automated doors, level access and improved access routes from local destinations. This will positively impact elderly residents who may have age-related mobility impairments, as well as families with young children. The new homes will be built to new accessibility standards, as set out in the Lifetime Homes Standard. These standards are an improvement on those that applied when the existing estate was built. Across the entire development, there will be provision for 10% of wheelchair accessible housing; which is more than the current demand. The housing needs assessments will determine who requires these adapted properties. All new homes will be adapted in accordance with the Occupational Therapist's assessment and recommendations.

Disabled residents are likely to be more affected by the closure of pedestrian and vehicular routes during building work than other residents. The phasing arrangements will help to mitigate this impact. Before a redevelopment works on a particular phase can commence the developer must be able to demonstrate and the council must agree how safe, commodious and adequately lit public road and footpath access and egress will be maintained for vehicles, cycles and pedestrians. This will allow access issues for disabled residents to be specifically considered and addressed.

All residents who require a disabled parking bay will be re-provided with a new car parking space in the new development, so this is likely to have a neutral impact.

Residents with learning disabilities may well find it harder to understand the implications of the redevelopment, and organise their move to new homes. The dedicated Housing Officer will work closely with any resident with learning disabilities to ensure that they are fully supported and fully understand the move process. They will ensure that information is related to the resident in a way that they can understand. The Housing Officer will also be able to organise aspects of the move for the resident including arranging household registration, disconnection of utilities and the packing and move arrangements. In the event that a resident is deemed to require additional support, the Housing Officer will arrange for this.

The Phoenix Canoe Club has plans to redevelop their centre, with assistance from the development partners. The new facility will be DDA compliant, which it is not at the moment, and have lift access to the water. This will be a new facility available to those with physical disabilities.

Update on CPO1

- In order to fully support a leasehold family with disabled children, the Council offered a Council mortgage so that they could buy a shared equity property and remain in the area. Where possible, the Council will do their utmost to ensure this assistance can be provided to others in the same or similar situations.

Low Income Households

As set out above, the average household income within the West Hendon ward falls below the Borough average and it is amongst the 10% most deprived LSOAs in England, and the top 5% most deprived LSOA in London. When compared to the Borough as a whole, the ward has a higher proportion of residents from Black, Asian and Minority Ethnic. Therefore, there is an over-representation of ethnic minorities within the ward.

All secure council tenants will be rehoused in the new development, based on their need. For example, families with children whose current accommodation is over-occupied, will be entitled to a new property that meets their needs (e.g. increased number of bedrooms). This will not be detrimental to other households who are currently under-occupied (as a result of children having moved out of the family home, for example), as they will be entitled to a like-for-like replacement home, unless they choose to downsize.

All non-secure tenants are assessed in accordance with the Council's Housing allocation policy. The Housing Allocations Policy was prepared having regard to the Council's PSED obligations and is applied not only to the Regeneration Project but also across the Council's wider homelessness obligations.

Those non-secure tenants identified as eligible for assistance will be rehoused in suitable alternative accommodation. Every effort is made to house existing residents locally but this will depend on housing available. The location of a child's school or the location of work will both be taken into account in considering where to house residents.

Update from CPO1 :

- Of the non-secure tenants rehoused as a result of CPO1, 84% were rehoused by the Council; the remaining 16% were not rehoused for various reasons including non-occupation, tenancy breaches, tenancy fraud and refusals to accept reasonable offers of alternative accommodation.
- Of the 84%, over half of the tenants were rehoused on a form of secure tenancy and around 95% remained in the Borough (2 households requested to move out of the Borough).

Residents who purchased their homes on the Estate through the Right to Buy scheme will receive statutory compensation as a result of any confirmed CPO. Statutory compensation includes the current market value of the existing property. It is acknowledged that the current market values on the Estate are unlikely to enable existing resident leaseholders to purchase a new home within the Scheme.

Eligible leaseholders will be entitled to purchase a shared equity property on the redevelopment. Which will allow the resident to purchase a stipulated percentage equity stake within the property – unlike the shared ownership product no rent is payable.

Where an existing resident leaseholder cannot readily access the mortgage market the Council may use and/or explore its mortgage lending powers to assist. The use of such powers will be assessed on a case by case basis. In CPO1 these powers were used to allow a leaseholder and their family with protected characteristics to port a mortgage when access to the general mortgage market was not available.

Assistance in locating and securing alternative suitable accommodation where existing resident leaseholders wish to relocate away from the Estate will also be provided.

Update from CPO1 :

- Of the 34 leasehold interests held within that Phase 3b of the Scheme, the Council was able to acquire 33 leasehold interests through private treaty negotiations, only vesting the interests of one empty Estate residential property owned by a limited company through the exercise of compulsory powers

CPO 2 Update

- To date, the acquisition of 30 out of 34 leasehold interests have been agreed through private treaty negotiations

As always, the Council will only seek to exercise its compulsory purchase powers as a last result.

The developer is obligated to pay £519,000 towards the delivery of skills training enterprise and employment opportunities in connection with the Development Adults of working age will also be get assistance from an Outreach Support Officer who can help to elevate the barriers to work. This will be extremely beneficial as the individuals will improve skills to gain or regain employment.

Barnet Homes Housing Officers will offer private tenants housing advice and assist with re-housing where they can. This will include information on their housing options and where they can receive additional re-housing advice and support

Benefits arising from the Scheme

The Council is committed to advancing equality of opportunity between people from different groups and is working with its development partner to foster good relations between people from different groups as part of the regeneration scheme. This can be evidenced as follows:

- Free access to the Scheme ITA – who can provide residents with independent advice on the CPO process;
- Translation process available for residents who may require it particularly if English is not their first language;
- The allocation of a Housing Officer to every household affected by the regeneration proposals. The Housing Officer is able to ascertain whether a resident has any particular needs that would warrant extra assistance / support through the process;
- Regular meetings between the Council, the development partner and residents. This has fostered a better working relationship between all parties and enables residents to raise issues any issues / concerns that they may have with the Scheme;
- In addition to the formal statutory notices, CPO workshops have been held in order to explain the process to residents and answer queries;
- 10% of all units across the Scheme will be wheelchair accessible and homes adapted to meet Occupational Therapist recommendation where necessary;
- The Scheme will deliver a new two-form entry primary school and a community centre;
- Improved access to recreational spaces and the creation of play spaces will benefit all residents but particularly children;
- Over half of the non-secure tenants that were rehoused as a result of CPO1 were rehoused on a form of secure tenancy;

- Shared Equity product for eligible leaseholders to mitigate the impact of differences in housing values between existing properties and new homes;
- The creation of a Community Trust Fund which has funded: a Mothers & Baby group to support pre and post natal mothers on the Estate, weekly youth club and visits to the Phoenix Canoe Club, and the provision of laptops within the community hub;
- Potential use of Council mortgage lending powers to support residents who might otherwise face challenges accessing a mortgage in the market;
- A better balance in housing tenures (minimum 25% affordable housing throughout the Scheme).

The demographics of the West Hendon ward indicate that the regeneration proposals may have an impact on some protected groups. However, as can be seen above, the Council has been and continues to work with its development partner to mitigate the impacts arising. Overall, the regeneration proposals present a positive benefit to all existing and future residents (including those sharing a protected characteristic) of West Hendon.