



Housing and Growth Committee

23 March 2023

Title	Edgware Town Centre ‘in principle’ CPO Resolutions
Report of	Chair of Housing and Growth Committee
Wards	Edgware
Status	Public with accompanying Exempt Report (not for publication by virtue of paragraph 3 of Schedule 12a of the Local Government Act 1972 on account that it contains information relating to the financial or business affairs of any particular person (including the authority holding the information)).
Urgent	No
Key	Yes
Enclosures	Appendix 1 Edgware Town Centre CPO Plan Appendix 2 Railway Hotel Plan
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Summary

This report asks the Committee to consider the regeneration proposals being put forward by a Joint Venture (“the JV”) between Ballymore and Transport for London’s commercial property company TTL Properties Limited (TTLP). In recognition of the extent to which the JV’s proposed Edgware Town Centre Regeneration Scheme promotes economic, social and environmental well-being of the town centre the Committee is also asked to agree in principle to use compulsory purchase powers on the basis that compulsory acquisition of land required for the Scheme may ultimately be necessary to enable timely delivery, assuming that current negotiations by the JV to secure the land by agreement/ private treaty prove unsuccessful.

The Committee is also asked to approve in principle the commencement of a compulsory acquisition process for the Railway Hotel in Edgware on the basis that reasonable steps are not being taken for its proper preservation.

Officers Recommendations

That the Committee:

1. Agrees **in principle** to use compulsory purchase powers under section 226(1) (a) and Section 226 (1) (1A) of the Town and Country Planning Act 1990 (as amended) in respect of acquiring the land and rights within the area described in this report for Edgware Town Centre and shown on the plan attached at Appendix 1. This is on the basis that the Council is of the view that compulsory acquisition of the land may ultimately be necessary to secure delivery of the Edgware Scheme, which is seen as essential for the future economic, social and environmental well-being of the Town Centre.
2. Agrees **in principle** to use compulsory purchase powers under Section 47 of the Planning (Listed Buildings & Conservation Areas) Act 1990 in respect of the Railway Hotel, Station Road, Edgware.
3. Subject to the 'in-principle' decisions being made, authorises the Director of Growth or other Officer as delegated by the Director of Growth to:
 - a) settle the proposed form and content of the relevant Compulsory Purchase Orders (CPOs) and begin preparatory work to use compulsory purchase powers and the application for any other necessary statutory consents, licenses and orders to enable project delivery in a timely manner, potentially including the use of Section 203 of Housing and Planning Act 2016 to appropriate easements and other rights in the property. Preparations for making the CPOs are likely to involve appointing land referencing agents to thoroughly investigate all land interests, together with the preparation of draft Statements of Reasons and an Equalities Impact Assessment together with all other necessary documentation to progress a CPO.
 - b) ensure all reasonable endeavours are used to assemble the land by agreement/private treaty prior to the making of any CPO. This will include settling the compensation payable in acquiring any land interests including entering into compensation settlement agreements or undertakings (where such agreements or undertakings are appropriate); as well as seeking to remove land no longer required from the CPO and/or making arrangement for relocation of occupiers and vesting of land acquired in the ownership of the Council or to transfer any interest in land in respect of the properties and proprietary interests acquired pursuant to the CPO to the Scheme regeneration partners, should this be required.
4. Notes that:

- a) The CPOs will only be made following a further detailed report and a Statement of Reasons being brought back to the Council.
- b) A 'Promotion Agreement' is being negotiated with the JV which will indemnify the Council for costs incurred in promoting the Edgware Town Centre CPO for the benefit of the JV.
- c) Any other necessary expenditure associated with preparatory work for the CPOs will be contained within the Council's existing approved budgets.
- d) Approval of these recommendations in no way endorses the Scheme design now or at any time in the future. In this respect, the Local Planning Authority is the authority.

1. Why this report is needed

- 1.1 The Council has been in discussion with a joint venture (the JV) between Ballymore and Transport for London (TfL) - who are intending to redevelop Edgware town centre.

The importance of delivering vibrant town centres and new homes was emphasised in the Council's recently adopted plan: Caring for People, our Places and the Planet: our plan for Barnet 2023-2026. The plan notes that the Council aims 'to create fun places people want to live in and visit. For this, we need safe and clean neighbourhoods, with flourishing town centres where creativity is encouraged, and businesses thrive'.

In addition, the plan notes that 'Barnet's town centres are at the core of our places. We want to champion their diversity, creativity, histories and identities at the same time as making them feel safer for businesses, residents and visitors. As well as providing opportunities for shopping and services, they are important sites of employment, recreation, religion and cultural life.'

The Plan also highlights the importance of delivering the right homes, to meet the diverse needs now and the needs of future generations, so that not only is the borough welcoming for new residents, but it also provides high quality and energy efficient homes for those who have grown up and want to stay here.

Given this context, we are supporting the JV in moving to the next phase of the Edgware town centre project.

Edgware, the Broadwalk Centre & Station

- 1.2 In July 2020 Ballymore acquired the freehold interest in the 190,000 sq. ft Broadwalk Shopping centre, which sits on a 13-acre site next to Edgware Underground Station. Transport for London (TfL) own the adjacent 7-acre site, which currently comprises a bus depot and underground railway sidings. The JV have been considering potential options for the redevelopment of the site with high quality new homes and retail, public realm and

green spaces and community and leisure facilities in consultation with officers at London Borough of Barnet since 2021. A Partnership Board has been formed with Ballymore, Transport for London, the Libraries Service and local businesses which is starting to develop plans for the town centre, including high street activations, new murals and artwork and other creative approaches to place-making.

1.3 The developer has set out their aspiration to deliver a vibrant destination where people can prosper. Whilst the Scheme has yet to be submitted for planning, the proposals are looking to include:

- A new Town Square for farmers markets and celebratory events for people to meet and socialise;
- A new flexible community library, cinema, leisure centre and office space;
- Creating a new shopping district by retaining and attracting anchor retailers and creating new food & beverage, evening economy and health and well-being uses;
- Providing a new and improved Sainsburys Superstore with car parking.

1.4 As well as being a destination in itself, the developer's vision of the new Edgware Town Centre would serve the local community as a passenger-friendly place to travel around North London and beyond. Currently the town centre can be unwelcoming to pedestrians and cyclists, with poor permeability and low-quality routes across the site. The proposals being put forward seek to transform the pedestrian environment and public realm, opening up the site with a series of new routes for pedestrians and cyclists. The developer has proposed:

- A new Station Square with new transport interchange outside the underground station;
- An electrified underground bus garage for TfL opening up the site for community and leisure uses at ground level and improving the local air quality by removing fossil fuel driven buses.
- Hundreds of car parking spaces for residential and town centre / Sainsburys use, including blue badge and parent and child spaces;
- A new cycle hub with new publicly accessible cycling spaces in addition to provision for residents and staff;
- A safer, improved environment for pedestrians and cyclists with a network of routes across the site and to wider neighbourhoods opening up access to the town centre.

However, no planning application has yet been submitted and further community consultation is planned so scheme details are likely to evolve as designs are developed.

1.5 The developer has stated that proposals seek to ensure that Edgware Town Centre is a place built for the future, serving all generations, and allowing families to live and grow in North London for years to come. To enable the delivery of the outlined benefits the developer will deliver much-needed new homes on this site, alongside all the benefits the community and Barnet Council expect from a new town centre. The new homes will be a mix of private and affordable housing.

- 1.6 To achieve redevelopment on this scale it is likely to be necessary to seek vacant possession of the existing shopping centre and other property held by TfL. Negotiations have commenced with parties affected by the Scheme. A number of properties have either been purchased or restructured to enable possession to be obtained but we understand agreement with all parties is very unlikely. In 2022 the Council were asked to consider use of compulsory purchase powers.
- 1.7 Given the nature of the Scheme proposed is to promote regeneration in Edgware and deliver socio-economic improvements and local economic growth and wellbeing, it is believed that there will be a compelling case in the public interest to acquire the property by way of compulsory purchase should that be required. Mindful that a general compulsory purchase power should not be used when a more specific one is available, the Council considers that the most relevant powers available to the authority to help enable regeneration of the Edgware Town Centre site are those under s.226 (1) (a) and Section 226 (1) (1A) of the Town & Country Planning Act 1990 in order to ‘facilitate the carrying out of development, redevelopment or improvement on or in relation to the land’ to be acquired, with the objective of promoting the economic, social and environmental well-being of the area. The benefit to be derived from exercising the power is not restricted to the area subject to the compulsory purchase order, as the concept is applied to the improvements and wellbeing of the whole (or any part) of the acquiring authority’s area.

The Railway Hotel

- 1.8 Another key issue for Edgware Town Centre is that the Council’s vision for Edgware involves celebrating local heritage. The area has many heritage assets, which have an important role to play in the growth and renewal of Edgware, by providing historical context and supporting local identity. Whilst some of Edgware’s heritage assets are well cared for and well used, in other cases the buildings have been neglected and should be restored and brought back to suitable uses. This is particularly the case with the privately owned Grade II listed Railway Hotel, which is a valued landmark heritage building in the town centre. The building was once a public house, which has been closed since 2006 and is now derelict and is on Historic England’s Heritage at Risk Register.
- 1.9 The National Planning Policy Framework (NPPF) details a significant role for local planning authorities in caring for heritage assets and legislation gives local authorities a lead role in taking enforcement steps for a breach of listed building, conservation area and planning controls. The NPPF at paragraph 190 states:

Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:

- a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;
- b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;

- c) the desirability of new development making a positive contribution to local character and distinctiveness; and
- d) opportunities to draw on the contribution made by the historic environment to the character of a place.

- 1.10 The freehold of the Railway Hotel is owned by Milegate Limited. It was purchased in 2018 together with some vacant land to the rear known as the Forumside site, which together are shown edged red in the plan at Appendix 2. Since 2017 the site has been the subject of a number of planning enforcement actions and occasional engagement with the owners. These actions have, however, achieved sporadic but limited works. Following a site visit in April 2022, accompanied by Historic England, it was considered that the listed building was in severe danger of irreparable harm and an Urgent Works notice was served. Following the failure of the owner to undertake any works listed within the Urgent Works notice a Repairs Notice was served in September 2022, but once more not all works required have been completed.
- 1.11 The Council recognise that there may be benefits of including the Railway Hotel and the land to the rear within the wider town centre redevelopment. The JV approached the freehold owner of this site in 2022 but was unable to acquire the land. However, the repairs to the Hotel are urgent and the Council consider the complexity and risk associated with a large CPO for Edgware town centre would cause significant delay compared to a stand-alone CPO for the Hotel. Therefore, given the urgency of the repairs, the Council considers the most appropriate course of action is to explore using Section 47 of the Planning (Listed Buildings & Conservation Areas) Act 1990 (“the PLBCAA”), which gives a local authority the power to compulsorily acquire a listed building where reasonable steps are not being taken for its proper preservation. The Council are advised that such a PLBCAA CPO could only include the Hotel and not the land to the rear. Therefore, the back-land owned by Milegate Limited is proposed to be incorporated into the CPO for Edgware. Together they form part of the same regeneration scheme.

General Issues Relating to Compulsory Purchase

- 1.12 The most recent guidance to acquiring authorities on the compulsory purchase process was issued by the Ministry of Housing, Communities and Local Government (now Department of Levelling UP, Housing & Communities) in July 2019 on the compulsory purchase process (“the Guidance”). It provides that compulsory purchase orders should only be made where there is a compelling case in the public interest, and further that an acquiring authority must take reasonable steps to acquire all the land and rights necessary by agreement. The Guidance goes on to explain that whilst compulsory purchase is intended as a last resort, it may often be sensible to initiate formal procedures so that the seriousness of the acquiring authority’s intentions are clear from the outset and encourage acquisition by agreement.
- 1.13 The Human Rights Act 1998 places direct obligations on public bodies such as the Council to demonstrate that the use of compulsory purchase powers is in the public interest and that use of such powers is proportionate to the ends being pursued. Should the Council

decide to make a CPO it will need to be sure that the purpose for which the land is required can sufficiently justify interfering with the human rights of those with an interest in the land. These include rights under Article 1 of the First Protocol of the European Convention on Human Rights (“ECHR”) (which provides that every natural or legal person is entitled to peaceful enjoyment of their possessions) and Article 8 of the ECHR (which provides that everyone has the right to respect for their private and family life, home and correspondence).

- 1.14 When preparing the CPO, officers will keep in mind and advise the Council about the need to balance the public interest and individual’s rights and that any interference with these rights will be necessary and proportionate. Proportionate, in this context, is generally held to mean that the interference must be no more than is necessary to achieve the identified and legitimate aim of the proposed regeneration or redevelopment Scheme and that compulsory purchase is only being used as a last resort following reasonable endeavours to purchase land and property by agreement. As part of the work that will need to be undertaken ahead of making any CPO there will be an investigation into the impact on landowners and leaseholders affected by the CPO and this will be taken into account before a final decision is made as to whether or not to put forward a resolution for making a CPO. Given that compulsory purchase is only used as a last resort, the Council together with the JV will also be making every effort to acquire interests required by agreement first.

2 Reasons for recommendations

- 2.1 The resolutions now being sought will not, of themselves, authorise the making of a CPO at this stage, but they will enable further work to be undertaken by the Council and the JV, as the Council’s potential development partner, to enable a decision about whether or not the making of a CPO at a later date is desirable and achievable, and if so how it should be implemented. The ‘in principle’ decisions should give landowners a clear indication that the Council is serious about land acquisition and thereby encourage them to negotiate in a meaningful way. Any future decision to proceed with CPOs will be dependent on a compelling case having been assembled in support of the need to make a CPO for either Edgware, or in respect of the Railway Hotel, and for significant further progress to be made towards satisfying all the necessary financial, legal and planning conditions.
- 2.2 The Guidance states that in considering whether or not to confirm a CPO, the Secretary of State will have regard to the extent to which the purpose for which the land is being acquired fits with the adopted Local Plan for the area or, where no such up to date Local Plan exists, with the draft Local Plan and the NPPF.
- 2.3 Through the London Plan, the Mayor establishes the growth needs for London and places housing targets for all 33 local authorities. The London Plan sets out where the Mayor would prefer to see growth delivered, within an emphasis on directing development towards land that:
- Is brownfield and within or on the edge of town centres;
 - Is well connected by existing or planned public transport;

- Can intensify the use of land to support additional homes and workspaces, promoting higher density development, particularly in locations that are well-connected to jobs, services, infrastructure and amenities by public transport, walking and cycling.

- 2.4 Outer London boroughs such as Barnet and Harrow are required to meet the Mayor's growth requirements through their Local Plan documents and by identifying suitable places where new housing and supporting infrastructure could be delivered. The Mayor's Good Growth Principles underpin this approach, in particular Policy GG2 Making the best use of land, which expects application of a design-led approach to determine the optimum capacity of sites. The Barnet Local Plan Core Strategy supports vibrant suburban town centres and the Council considers that a high-density approach in Edgware Town Centre is a sustainable way of meeting the borough's growth needs while protecting precious green spaces, including Green Belt. The London Plan provides the overall housing target for Barnet. This stands at 2,364 new homes per annum as set out in recently adopted 2021 London Plan. It is a challenging target and although Barnet has performed well in recent years in meeting or exceeding the target, the Council is clear that delivering the right homes in the right locations at the right time underpins successful and sustainable growth. The Council continues to take steps to speed up and get the balance right on housing delivery and major redevelopments such as that proposed in Edgware Town Centre can make a major contribution to new housing in the Borough and also increase the supply of affordable housing.
- 2.5 The emerging Local Plan identifies Edgware as a Growth Area which needs to deliver 5,000 new homes. Both the shopping centre and stations sites are included in the emerging Local Plan's "Site Allocations". This means that planning policy requires these sites to come forward for redevelopment and deliver significant numbers of new homes and jobs. The site allocations target the delivery of over 4,600 new homes as well as new commercial uses such as shops, offices, leisure, community facilities and restaurants, cafes and bars.
- 2.6 In line with the London Plan, the Edgware Growth Area Supplementary Planning Document (SPD), jointly prepared and endorsed by both Barnet and Harrow Councils, seeks to build on the current assets of Edgware and to identify where there are opportunities for improvement and development. It sets out a clear vision for a town centre that will guide regeneration and renewal activity by the respective Councils as well as encouraging investment into the town centre by landowners, investors and other public sector bodies. It aims to deliver the vision both Barnet and Harrow Councils have for a reimaged Edgware Town Centre and thriving high street.
- 2.7 The SPD establishes a vision for Edgware together with 16 key objectives to help realise that vision and nine development principles that will guide sustainable development in the town centre. These principles include renewal of the Town Centre and High Street as a major destination; improved transport and movement options with a need for the station to provide a sense of arrival in Edgware, bringing people into the heart of the town centre and connecting this key public transport node with the surrounding town centre; as well as the need to ensure high quality design and a sensitive approach to Heritage. The SPD

specifically highlights (para 4.24) The Railway Hotel as ... “a valued landmark heritage building that must be brought back into use as part of the renewal and redevelopment of the wider area.”

- 2.8 The SPD also identifies some key opportunity sites within the SPD area. These include the Broadwalk Centre and Station, which is seen as providing the major strategic development opportunity for Edgware. It is noted that this site has the potential for the creation of a modern urban environment with opportunities for tall buildings and higher densities in some parts – dependent on high quality design – while being sympathetic to the context and adjacent residential areas. It is further noted that proposals must also carefully consider the setting and context of surrounding heritage assets, such as the Railway Hotel. Another opportunity site identified is the Forumside site to the rear of the Railway Hotel, where it is noted that a co-ordinated approach is required to realise the site’s full potential, including the opportunity to create a new high-quality ‘heritage quarter’ with a high-quality environment and greatly improved linkages to the surrounding areas.

3 Alternative options considered and not recommended

- 3.1 We understand that the Scheme design for Edgware and the Broadwalk Centre has been developed in consultation with the local community (see Section 5.9 below) and taking account of the views of wider community stakeholders. We also understand that careful consideration has been given to the extent of the land and rights to be included in the CPO and whether it is necessary to include all of these. The developer will be required to demonstrate that site-specific circumstances such as existing plot boundaries, site access and present use have all been considered in developing the Scheme layout.
- 3.2 Community consultation and the feedback received on the Edgware regeneration proposals has been used to shape the emerging masterplan:
- Parking was one of the most important issues to the local community, with concerns about a significant reduction in Sainsbury’s & town centre parking. The JV have reviewed proposed parking and included a new multi-story car park in response to community feedback.
 - The community was clear that they wanted more ‘things to do’ – the cinema in particular is viewed as a big loss to the community. There is a lack of services and activities for young people and families and a need for a greater ‘night- time economy’ in Edgware. Older generations are worried about social isolation and want more community spaces. As a result the JV are including a range of community, cultural and leisure uses from a new cinema, library, leisure centre with 3 lane swimming pool and tennis courts, a range of pubs, restaurants, cafes etc. They will also be providing a range of flexible public spaces to help foster a sense of community among people of all ages.
 - There is a real lack of green and open spaces in Edgware and the JV have included new green spaces, new play space and are now proposing to open up access to a town centre nature reserve.

- Station Road is not viewed as a welcoming pedestrian environment and is one that is dominated by cars and buses and as a result can feel unsafe. By moving the bus garage underground the JV is seeking to reduce traffic movements and improve public realm, addressing key community concerns.
- There was a real sense from younger people in particular that safety and security were a concern in and around the town centre. As a result the JV have developed a new lighting and ground floor strategy to ensure new spaces and streets are safe, especially during the evening.

3.3 If the CPO cannot be made, then the only way of acquiring the interests needed to deliver the Scheme would be by agreement. Nonetheless, despite the progress of negotiations undertaken by the JV to date, unless the CPO is made and confirmed, there is a danger that the JV may not be able to assemble the necessary interests within a reasonable timescale. On this basis, whilst it is intended to acquire all land interests through private treaty negotiation wherever possible, the CPO is a necessary safety precaution. Without compulsory purchase powers there is a risk that the regeneration of Edgware could be delayed or not delivered in the comprehensive manner planned. However, prior to the approval of any CPO the Council will work with the JV to ensure that there is early and meaningful engagement with all affected parties and that reasonable endeavours are made to purchase properties by agreement wherever possible.

4 Post decision implementation

4.1 The Council and its advisors will continue to monitor the progress the CPO proposals to ensure effective delivery of the Edgware Town Centre and Railway Hotel Proposals in line with best practice. On this basis the Council will:

- Begin to prepare the necessary documentation required for the CPOs together with undertaking initial land referencing and an Equalities impact Assessment;
- Ensure that there are robust funding proposals which underpin the Edgware Town Centre and Railway Hotel Schemes;
- Monitor negotiations for the acquisition of properties required for the Scheme by agreement and thereby ensuring the minimum objections to any future CPO;
- Settle the final form and content of the CPO, making any reductions to the extent of the interests to be acquired, and proceed toward an approval for making, confirmation and implementation of the CPO only if the interests required for the regeneration scheme cannot be acquired by private treaty on reasonable terms;
- Ensure that the JV undertake further rounds of public consultation to allow the wider public to have their say on the proposals with a focus on 'hard to reach' groups e.g:
 - Young people (local schools and youth groups)
 - Faith groups (local churches, synagogues, Eruv Committee)
 - Disability & accessibility groups (RNIB, AgeUK, Jewish Blind & Disabled)

- ESOL groups (Paiwand /Afghan Association and Park Tuition)

5. Implications of decision

5.1 Corporate Priorities and Performance

- 5.1.1 The Barnet draft Corporate Plan 2023-26 puts Caring for People, our Places and the Planet at the heart of everything the Council does. It embraces: all people, no matter their background or circumstances; each place, whether a home, street, neighbourhood, green space, natural habitat, or bustling town centre; and it is our contribution to help protect our planet. On this basis the Edgware town centre regeneration proposals will help to deliver the Council's priorities in making Barnet a brilliant place to live, to grow up, study, work, start a business and raise a family.
- 5.1.2 The Edgware proposals are intended to deliver on what residents have asked for during consultations on the redevelopment proposals, to encourage the further development of a sense of community locally, improving existing facilities and providing safe and affordable accommodation for residents and vulnerable people.
- 5.1.3 Following the declaration of a climate emergency, delivering and implementing the Sustainability Strategy and Climate Action Plan is a key corporate priority for the Council. On this basis the Edgware town centre Scheme aims to achieve a range of nationally and globally recognised sustainability accreditations including TfL's Sustainable Development Framework, BREEAM Outstanding; LEED Platinum for Neighbourhood Development etc.

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

Edgware Town Centre CPO

- 5.2.1 The JV have agreed in principle to indemnify the Council against all costs and professional fees it incurs in preparing the case for a resolution to make the Edgware town centre CPO. It is expected that costs will be recovered monthly. All land acquisition for this CPO is expected to be funded by the JV. A cost indemnity letter has been provided to the Council and a Promotion Agreement setting out the roles and responsibilities of each party in promoting the CPO is in the process of being negotiated.
- 5.2.2 CPO Guidance is clear that the acquiring authority should provide substantive information as to the sources of funding available for both acquiring the land and implementing the scheme for which the land is required. It must show that all the necessary resources are likely to be available to achieve that end within a reasonable time-scale. At this stage we have received the JV funding strategy. This confirms that Ballymore has an extensive and successful track record in putting together funding packages for complex multi-phase developments of a similar size and scale to that proposed in Edgware, having raised c. £2billion in debt finance over the last ten years, including £725m since the onset of COVID-19.

5.2.3 Whilst Ballymore have a proven track record in funding large residential developments, the key issue will be to ensure that the proposed Scheme remains viable as it progresses through the various stages of planning and development so that the authority can remain confident that such funding will be available to fund land acquisition and to implement the Scheme and its associated benefits. At this stage whilst the Council and its development partners are confident that Scheme funding could be secured, there is as yet no settled scheme to assess. However, further due diligence will be undertaken on both viability and funding before the Council authorise the making of the CPO. The Scheme's viability will be kept under constant review by the JV and by the Council and its advisers.

The Railway Hotel

5.2.4 The Council are in discussion with the JV about integrating the Railway Hotel into the Scheme. However, the different timing of the CPOs means the Council are likely to have to fund (at least in the short term) a separate CPO for the Railway Hotel under Section 47 of the PLBCAA 1990. The terms of a possible onward sale to the JV have yet to be discussed.

5.2.5 Legal and Constitutional References

5.3.1 The Council's Constitution, Article 7 sets out the terms of reference of the Housing and Growth Committee including: responsibility for regeneration strategy and overseeing major regeneration schemes, asset management, employment strategy, business support and engagement.

5.3.2 The Council has wide-ranging powers to buy, sell and develop land, which is set out in various statutes including:

- Local Government Act 1972;
- Housing Act 1985;
- Town and Country Planning Acts;
- Local Authorities (Land) Act 1963
- Housing and Planning Act 2016
- Highways Acts.

5.3.3 As stated above, the power that is most appropriate to enable regeneration of the Edgware Town Centre site is Section 226(1)(a) and 226(1A) of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004. The section 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 is likely to contribute to the achievement of the economic, social and environmental well-being of the area. The compulsory purchase will enable regeneration to take place in accordance with an agreed programme and will provide certainty for site assembly and the implementation of the Scheme – thus enabling the Council's objectives to be achieved in respect of the land the subject of the Order.

Railway Hotel

- 5.3.4 Where it appears to the Secretary of State (“SoS”) that reasonable steps are not being taken to properly preserve a listed building, for example, the Railway Hotel being a Grade II listed building, the SoS can authorise the *appropriate acquiring authority*, i.e. the Council, to acquire the building under compulsory purchase powers (s.47, (compulsory acquisition of listed building in need of repair) of the Planning (Listed Buildings and Conservation Areas) Act 1990). The SoS must consult Historic England before deciding whether to confirm a CPO under s.47. The Council may acquire by agreement any building appearing to it to be of special architectural or historic interest and for preserving the building or its amenities (s.52). Any person who has an interest (freehold or leasehold) in a listed building who is served with notice of a CPO having been made (in respect of that building) may within 28 days of receipt of the notice apply to the magistrates’ court for an order to stay (or “stop”) further proceedings on the CPO. The magistrates’ court can make an order stating that reasonable steps have been taken to preserve the building (s.47(5)). Where the Council or any person is aggrieved by the decision of the magistrates’ court, they may appeal to the Crown Court (s.47(6)).
- 5.3.5 Section 227 of the Town and Country Planning Act 1990 provides that a Council may acquire by agreement any land which they require for any purpose for which a local authority may be authorised to acquire land compulsorily under section 226.
- 5.3.6 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 redevelopment, it may be necessary to acquire new rights over the land for purposes such as crane oversailing.
- 5.3.7 In using the enabling powers pursuant to section 226 (1)(a) and 226(1A) 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 Scheme.
- 5.3.8 The Adopted Core Strategy September 2012, the adopted Development Management Policies (DMP) September 2012 and the adopted London Plan March 2021 provide a strong planning policy basis to support the Scheme.
- 5.3.9 As stated above, consideration has been given to the provisions of the Human Rights Act 1998 including Article 8 (respect for private and family life and home) and Article 1 of the First Protocol (right to peaceful enjoyment of possessions). A decision to make compulsory purchase orders must strike a fair balance between the public interest in the regeneration of the land and interference with private rights. Bearing in mind the provisions for compensation to be payable and the compelling case in the public interest for the acquisition of the interest, as explained elsewhere in this report it is considered that the interference with private property rights is proportionate and strikes a fair balance between

the public interest and the private interests being acquired in compliance with the requirements of Article 1 of the First Protocol.

5.4 Insight

5.4.1 None in the context of this report

5.5 Social Value

5.5.1 The development of Edgware Town Centre brings with it with it a range of social value benefits. For example, significant employment will be generated over the course of the development and construction programme. This will create employment locally and opportunities for skills and training including apprenticeships etc particularly with regard to construction.

5.5.2 There will also be significant numbers of end-use jobs created. These would range across skills and sectors based on the land uses delivered. The range of jobs could include:

- Retail Jobs
- Office based employment
- Leisure and community jobs

5.5.3 The economic activity generated by these jobs will benefit the local economy. New employees working in Edgware would contribute towards the local economy through additional spending during the working day. New residents would have a positive impact upon the local economy through additional household spending on goods and services much of which could be captured locally.

5.6 Risk Management

5.6.1 The decision in principle does not give rise to any onerous obligations on the Council as it is just approving progression to the next stage of preparing a resolution to make the CPO in parallel to negotiations to acquire land. Compulsory purchase is a specialist area. The Council has therefore appointed the consultants, aspire Compulsory Purchase LLP, to advise on the process and oversee the acquisition of land. They will work closely with the Council's planning, property and legal teams to ensure that the process is understood, risks anticipated and appropriate mitigation is put in place.

5.6.2 There is a risk that the Secretary of State may refuse to consent to the CPO. Clearly, construction will not commence until properties are available and other conditions precedent satisfied.

5.6.3 There are a number of other normal project risks that would be associated with any major regeneration project of this nature. These include:

- a) Title – Extensive legal due diligence has been undertaken to ensure there will be clean title on the land to be used for redevelopment/public realm works and this, together with the

CPO and appropriation workstreams noted above will ensure this is in place in order to enable a start on site.

- b) Land – If the necessary land and rights cannot be assembled via CPO there is a risk that the redevelopments of both Edgware Town Centre and the Railway Hotel scheme won't be able to proceed.
- c) Viability – Maintaining Scheme viability will be a key factor in having sufficient developable area to produce satisfactory financial returns sufficient to enable the completion of the proposed Scheme together with affordable housing, new and improved local community facilities and the associated Scheme features to ensure economic, social and environmental well-being across the town centre.
- d) Finally, there is always a risk of third-party legal challenge to the decision-making process by the Council and also to any decision granting the CPO by the Secretary of State. The Council has involved both its in-house lawyers and instructed leading counsel in order to help minimise the risk of legal challenge.

5.7 Equalities and Diversity

5.7.1 The Equality Act 2010 places a duty on the Council as follows:

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

5.7.2 This is referred as the Public Sector Equality Duty ('**PSED**'). The PSED is set out at Section 149 of the Equality Act 2010. In performing their public functions, acquiring authorities must have due regard to the need to meet the three aims of the Equality Act 2010 set out above.

5.7.3 The Council is committed to improving the quality of life and wider participation for all the economic, educational, cultural, and social and community life within the borough. This is achieved by pursuing successful regeneration of the Borough's regeneration areas, in this instance Edgware.

5.7.4 Further, the Council's Equalities, Diversity & Inclusion policy (2020-24) helps ensure the Council are committed to making decisions that are informed by diverse points of view and

feeding those into the design, commissioning and delivery of services e.g. by building measures within our commissioning procedures so that providers develop and deliver anti-discriminatory services to residents with all protected characteristics.

- 5.7.5 On this basis it is proposed to undertake an Equalities Impact Assessment (EqIA) as part of the next phase of work and before any formal resolution is passed to make the CPO. This will ensure that the Council can fully understand the potential impact of the CPO on the local community and in particular any differential impacts on those with protected characteristics. The findings of the EqIA will allow suitable mitigating actions to be identified and put in place in advance of the CPO being made.
- 5.7.6 The Council also recognises that equality issues will require regular review to ensure that people continue to be treated equally, with understanding and respect, and have equal access to quality services which provide value to the taxpayer.
- 5.7.7 Section 17 of the Crime and Disorder Act 1998 states that all relevant authorities have a duty to consider the impact of all their functions and decisions on crime and disorder in their local area. The principles within LBB's Design Guidance Note on Designing to Reduce Crime will be considered during the design stage and there will be regular design review meetings with the Metropolitan Police crime prevention and safer neighbourhood teams to ensure the building designs and associated technology maximises safety for users and those in proximity of the new buildings and thereby minimises the possibility of crimes being committed. This will continue as the design is developed and consideration will be had as to how the development meets 'Secured by Design' standards.

5.8 **Corporate Parenting**

- 5.8.1 None in the Context of this report.

5.9 **Consultation and Engagement**

- 5.9.1 Eight public exhibitions were held by the JV partners between Summer 2021 and Spring 2022 and there have been more than 100 community engagement sessions including monthly drop-ins, 1-2-1s, group meetings and workshops, including targeted workshops for those with disability or accessibility issues and with youth groups. The JV have also established an online consultation hub which has elicited 9,500 visits and over 1,200 contributions, together with the creation of Edgware Town Centre Steering Group to connect with the local business Community. Community engagement has included youth groups and the Future of Edgware art project undertaken with Edgware Primary School, where approximately 200 pupils participated across reception to year six. There has also been regular engagement with LBB leadership and local and neighbouring ward members. Whilst there has been initial engagement with those parties most likely to be affected by the CPO this will be the focus of activities during the next stage of work.

5.10 **Environmental Impact**

5.10.1 Sustainable design is at the heart of the Edgware town centre development proposals. The JV are proposing a landscape led development that repairs and improves Edgware's environment. Edgware Town Centre will be a safe and inclusive community, resilient and working towards net zero carbon with key initiatives that will improve blue and green networks through the site, increasing biodiversity and providing access to natural landscapes which are currently inaccessible.

5.10.2 In addition the scheme aspires to achieve the following nationally and globally recognised sustainability accreditations:

6. Background papers

[Housing and Growth Committee 13 June 2022](#)
[Our plan for Barnet 2023 to 2026 | Barnet Council.](#)