The London Borough of Barnet (Granville Road Estate Pramsheds and Beech Court) Compulsory Purchase Order 2018

Proof of Evidence of Helen Phillips - SUMMARY

On behalf of the London Borough of Barnet as Acquiring Authority

Dealing with matters relating to: Acquisition Strategy

Date: 26 June 2018

Document reference: AA/HP2.1

1. **Introduction**
   1. My name is Helen Phillips and I am the Regeneration Officer for the Granville Road Estate Regeneration Scheme. I am employed by Re – a provider of regeneration services to London Borough of Barnet. I have provided assistance to regeneration and affordable housing in Barnet since December 2012.
   2. My role specific to Granville Road Estate has been to provide project management support and negotiating on the acquisitions of the Pramsheds. I have been working on this project for 18 months.
2. **Scope of evidence**
   1. In my evidence I will: -
      1. Demonstrate the need for the acquisition of all relevant land and interests in the Order Land
      2. Provide an overview of the Guidance on negotiations and reasonable steps to acquire
      3. Describe the negotiations with partners who have an interest in the Order Land
      4. Describe the interests in the Order Land that have been acquired by the Council
      5. Set out the details of the Council’s negotiations to acquire the interests in the Order Land
      6. Summarise the Council’s response to the objections to the Order
3. **The Need for the inclusion of the land and Interests within the Order.**
   1. The need to acquire the 0.0983 hectares of Order Land arises from the Council’s policy objectives that seek the comprehensive redevelopment of the Estate.
   2. Full details of the details of the interests included in the Order are set out in the Order Schedule (CD4). They are also shown on the Order Map (CD5). The Order Map identifies by plot numbers of the interests to be acquired and where the interests are located.
   3. The Council owns the freehold interest in all of the Order Land. There are a significant number of third party interests identified in the Order Schedules.
   4. The Council are responsible for the acquisition of the Pramsheds and the tenants’ interests at Beech Court, and New Granville LLP are responsible for acquiring the leaseholder’s properties at Beech Court.
4. **Negotiations to acquire the interests in the Order Land**
   1. In preparing and making the Order, the Council have taken the Guidance fully into account.
   2. The Council has evaluated the interference with the rights of those with interests in the Order Land and considers that this is justified in the public interest. Part of the justification is that compensation will be payable in respect of the interests acquired. The value of that compensation is to be derived in accordance with the compensation code.
   3. There are 21 flats within Beech Court, five of which were leasehold interests and 16 were secure tenancies. Through acquisition and the ending of the tenancies, all the Beech Court flats are now in the control of the Council and/or the Developer. Guardians currently occupy the flats on 28 day notice.
   4. Four Pramsheds comprising 221 individual Pramsheds are included in the Order Land. Of these 56 Pramsheds were being occupied on a leasehold (48) or right to use (8) basis. The remaining 165 Pramsheds are now vacant.
   5. Offers were made to the Pramshed leaseholders in an attempt to reach an agreement with leaseholders to acquire their Pramsheds in advance of the Order being made. Offers of £3500 including compensation have been made to the leaseholders not requesting a replacement Pramshed. The Council considers that this is a reasonable offer and accords with the advice the Guidance.
   6. Thirty replacement Pramsheds being constructed as part of the Phase 2 Scheme have been made as an alternative to a compensation payment of their existing Pramshed. 28 of the 30 replacement Pramsheds have been provisionally allocated to these leaseholders to date.
   7. The Council has corresponded at length with those parties with an interest in the Pramsheds to negotiate the acquisition of their interest and to ensure they are aware of the steps being taken compulsorily acquire their interests.
   8. The following table summarises the Pramshed acquisitions as at 21st June 2018:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | No. of leasehold Pramsheds | No. of right to use leasehold | Pramsheds acquired for cash | Pramsheds acquired for replacement | Agreed but not under contract | Not yet agreed |
| Templewood Point | 9 | 0 | 3 | 5 | 1 | 0 |
| Harpenmead Point | 10 | 1 | 5 | 1 | 4 | 1 |
| Granville Point | 15 | 0 | 5 | 3 | 7 | 0 |
| Nant Court | 14 | 7 | 7 | 2 | 10 | 2 |
| Total | 48 | 8 | 20 | 11 | 22 | 3 |

1. **Objections to the Order and the Council's response** 
   1. The Secretary of State has received two objections against the confirmation of the Order.
   2. The Council has continued to negotiate with Objector 1 and Objector 2 in accordance with the Guidance (paragraph 17 and 34).

Objector 1

* 1. Objector 1 was concerned with the temporary and permanent replacement storage proposals. In response the Council met with Objector 1 to explain the offer, and issued new contract documents (AA/HP 3.15). The Council believes its offer of a temporary storage shed during constructions and permanent replacement is suitable in terms of size, location and security.
  2. Given the mitigation and interim measures, the Council does not consider objector 1's objection should be sustained and that the interference with Objector 1’s human rights is justified in the public interest.

Objector 2

* 1. Objector 2 was concerned with the Council's use of terminology and its communication and negotiation strategy, and considered that the Order breaches the objector's human rights. The objector considered the provision of the temporary replacement storage facility was inadequate.
  2. The Council’s response to these objections is as follows:
     1. The Council has written to the objector concerning the negotiated acquisition of their leasehold interest in the pramshed on various occasions.
     2. The Council believes this level of engagement adequately discharges its duty under the Guidance (CD30, para 2 and 34) to take reasonable steps to acquire all the rights and land by agreement.
     3. The Council does not believe its use of the term "pramshed" has any relevance to the confirmation of the Order.
     4. The Nicola Bird (AA/NB 1.1) of the Council has justified the interference with Objector 2's human rights.

1. **Conclusion** 
   1. In conclusion:
      1. I have explained how the Council's offers of compensation meets the statutory requirements and has been prepared to mitigate the impact of the Phase 2 Scheme on residents.
      2. I have demonstrated that the Council has undertaken reasonable negotiations to acquire in advance of the order, as required by section 2 of the Guidance.
      3. I have set out Council's response to the objections that have been made to the Order.
      4. I do not consider the objections can be sustained, and I do not consider that they justify refusing to confirm the Order.

**Declaration**

I believe that the facts stated in this proof of evidence are true.

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Helen Phillips

26 June 2018