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

SUMMARY PROOF OF EVIDENCE OF **NICOLA BIRD**, on behalf of the London Borough of Barnet acquiring authority

Dealing with matters relating to the Council's decision making and regeneration aims

PLANNING INSPECTORATE REF: APP/PCM/CPO/N5090/78325

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26 June 2018

**1 Introduction**

1.1 My name is Nicola Bird and I am the Regeneration Manager for the Granville Road New Housing Development. I have been employed by Capita Plc with Re (Regional Enterprise) since October 2013. Re is a joint venture company formed between Capita and the Council to provide regeneration services to the Council. Prior to that I was employed by the Council.

1.2 I have been lead officer for the Phase 2 Scheme from its inception in 2007.

**2 The need for The Regeneration Project**

2.1 The Regeneration Project emerged because of several key factors including the Council’s corporate priorities including the Decent Homes programme, environmental considerations and the need to secure longer term, viable and sustainable change in the locality.

2.2 The regeneration of Barnet’s largest council housing estates, including Granville Road, Grahame Park, Stonegrove/Spur Road and Dollis Valley, has been a key component of the Council’s Housing Strategy since 2010.

**3.0 Why the Regeneration Project is important to the Council**

 3.1 The Regeneration Project has remained a key priority for the Council since first highlighted in 2007. As one of the Council’s identified Priority Estates its regeneration is critical to delivering not only new and affordable homes but a new, attractive and sustainable neighbourhood.

3.2 The Regeneration Project will create a balanced, mixed, inclusive community and improved physical environment. This will bring about improvements to the quality of life for existing residents and the wider community through the provision of social and environmental improvements.

3.3 The Regeneration Project will provide 132 residential units through the demolition of Beech Court, garages and pram sheds on the Estate. The new homes and associated reconfiguration and alterations include parking, landscaping, new play areas and communal public space. The new homes will be in the form of courtyard blocks and the introduction of a more traditional street scene influenced by the character of the wider area. This will benefit existing residents and bring new residents into the area. The scheme responds to recognised housing need within Barnet and greater London.

3.4 The Phase 2 Scheme accords the Council’s corporate objectives and policies identified in the following: -

*Barnet’s Corporate Plan 2015-20 (Appendix 2)*

*Barnet’s Housing Strategy*

*Local planning policy*

**4.0 The Council’s arrangements with the Developer**

4.1 The Council selected a partnership between Mulalley & Co Limited, CHA Ventures Limited and Sherrygreen Homes Limited following a competitive dialogue procurement process.

4.2 Commercial terms were agreed between the Council and the New Granville LLP through the signing of a Development Agreement in December 2013.

4.3 The detailed terms of the agreement are commercially confidential, but in summary the overarching principles of the Development Agreement are:

* *The Council provides the land for the development in return for a deferred capital sum on completion designated buildings.*
* *The Developer funds and undertakes the Phase 2 Scheme, including funding of Council costs.*
* *The Developer designs and delivers the project.*
* *The Council and the developer share any profits over and above what is stated in the Development Agreement*

4.4 The Development Agreement is subject to certain Conditions Precedent being satisfied. The following Conditions Precedent have already been satisfied: -

* The grant of Planning Permission
* The Master Plan
* The Council providing the partner with a certified copy of the resolution authorising the Council to enter in to the Development Agreement
* Acquisition of Third Party interests in Beech Court

4.5 The following Conditions Precedent will be satisfied once the Order has been confirmed:

* Master Programme
* The Works Notice having been served on the Council
* Secretary of State Consents

4.6 The Council is satisfied that the Stopping Up Order required to facilitate the delivery of the Phase 2 Scheme will be secured.

**5.0** **Appropriation of the public open space**

5.1 The appropriation of the open space at the Estate was completed on 13 December 2017 through delegated powers.

**6.0 Appropriation of the Order Land**

6.1 The Order Land will be appropriated to planning purposes once the CPO is confirmed and the Order land has vested.

**7.0 The Regeneration Project progress update**

7.1 The Council remains committed to delivering the Regeneration Project.

7.2 The Council is satisfied that save for the confirmation of the Order there are no likely impediments to the delivery of the Phase 2 Scheme.

**8.0 Justification for the Orders**

8.1 The Council has followed a transparent and objective decision-making process leading up to the decision to exercise its compulsory purchase powers to secure delivery of the Scheme. The Pramshed owners have been offered appropriate financial compensation and/or replacement pramsheds.

8.2 Careful consideration has been given to the inclusion of each parcel of land within the Order Land and the Council is satisfied that all the Order Land is required to enable the completion of the Phase 2 Scheme.

8.3 In deciding to exercise its powers the Council believes that the compulsory acquisition of the Order Land is necessary to facilitate the timely delivery of the Phase 2 Scheme. The Phase 2 Scheme will deliver a greater range and variety of accommodation to meet a variety of housing and income needs, together with high quality public open spaces. This will led to significant improvements to the economic, social and environmental well-being of the area.

*Human Rights*

8.4 Careful consideration has been given by the Council to the interference with the individual rights of those directly affected by the Order that are protected by the Human Rights Act 1998. These include Article 8 (respect for private and family life and home) and Article 1 of the First Protocol (the right to peaceful enjoyment of possessions).

8.5 The Council is aware that the decision to make or confirm the CPO must strike a fair balance between the public interest in delivering the Regeneration Project.

8.6 The Council believes the social, economic and environmental improvements that will flow from the Regeneration Project are significant, and that the interference with the rights of those with interests in the Order Land is justified by the compelling case in the public interest for enabling the delivery of the Regeneration Project. Furthermore, those affected will be adequately compensated in respect of their losses. Consequently, the Council resolved to make the Order and to submit it to the Secretary of State for confirmation.

 *Equality Act considerations*

8.7 The Council has been mindful of its public-sector equality duty under section 149 of the Equality Act 2010.

8.8 The Council has considered the likely impacts of the Scheme by reference to the requirements of this legislation.

8.9 The Council therefore considers that The Order comply with the Council’s duties under the Equality Act 2010.

**9.0 Special Considerations**

9.1 There are no issues concerning special category land.

**10.0 Objections to The Order and The Council’s response**

10.1 The Secretary of State has received two objections to the Order on with regards to Article 8 and Article 1 of the Human Rights Act 1998.

10.2 The Order Land is necessary to deliver the Phase 2 Scheme.

10.3 The Council considers that the very significant benefits of the Phase 2 Scheme (in terms of social, economic and environmental wellbeing) together with the compensation and mitigation offered by the Council outweighs the objector's human rights concerns arising from the loss of their interest in their Pramshed.

**11.0 Conclusion**

11.1 Having regard to the benefits to be achieved from the Regeneration Project, the poor quality of the existing accommodation and the built environment in which it currently exists, the Council considers the use of compulsory purchase powers under section 226(1)(a) of the Town and Country Planning Act 1990 to be necessary, justified and proportionate. The Council considers there to be a compelling case in the public interest to confirm the Orders to facilitate delivery of the Regeneration Project.

11.2 If the Order is not confirmed, the Regeneration Project will be delayed or even stop altogether. Attempts to assemble all the necessary land interest by agreement have been unsuccessful to date and without an assembled site it will not be possible to undertake The Phase 2 Scheme.

**Declaration**

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

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Nicola Bird

Dated ………………………