

London
Borough of
Barnet

**The London Borough of Barnet (Grahame Park Regeneration Area) Compulsory Purchase Order
2022**

STATEMENT OF EVIDENCE OF MARTIN SMITH

February , 2023

PLANNING INSPECTORATE REF:

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1. Introduction

Personal

- 1.1 My name is Martin Smith, and I am the Regeneration Manager for the Grahame Park Regeneration Programme. In my evidence I set out my experience.
- 1.2 I am an employee of Re (a joint venture company between Capita Ltd and the London Borough of Barnet). I explain my role with Re and the services provided by the Council, as well as the delegation and authorisation from the Council to act on their behalf in ensuring delivery of the Grahame Park project since 2012.

The Council's Estate Regeneration

- 1.3 I set out the Council's objective to replace its four largest housing estates including Grahame Park with new mixed tenure estates, contributing to the supply of new housing in Barnet.
- 1.4 I explain the history of the Estate and its original design, and the problems which had arisen by 1999, together with changing government policy.
- 1.5 Following this I set out the history and evolution of the regeneration of Grahame Park, including the chronology of Council decision making from 2001 onwards. This includes
 - o the 2002 procurement process which selected CfGP,
 - o the 2003 residents ballot,
 - o the 2004 planning application and 2007 permission
 - o the 2006 decision to promote a CPO for Stage A of the Scheme, which was confirmed in 2008.
 - o the 2007 signing of the PDA with CfGP
 - o The 2008 commencement of construction of Stage A
 - o A 2013 review of the 2007 permission masterplan
 - o The 2014 decision to promote up to 3 CPOs to deliver the remainder of the Scheme

- o A 2016 SPD for the Scheme area
 - o A 2017 planning application for the Next Phase (plots 10-12 of Phase B), which was refused in 2018
 - o A revised hybrid 2019 application for the Next Phase, which was approved in 2020, ('the 2020 permission')
- 1.6 The principle of the redevelopment of the Plots 10,11 and 12 of Stage B (the Next Phase) is strongly supported by the planning framework. The Core Strategy includes as a core objective the need to regenerate Grahame Park and the surrounding Colindale Regeneration Area as set out in the evidence of Mr Dillon at para 4.12.

2. The Need for Regeneration

- 2.1 In section 2 of my evidence I set out the case for the regeneration of Grahame Park, including the details of the original design and the issues this had created, including difficulties with effective management and maintenance, confusion between public and private areas, layout which gives rise to anti-social behaviour, the lack of success of the Councourse as a retail area and the lack of facilities for children and young people.
- 2.2 Structural defects and management problems with the Estate were identified soon after it was completed. In the early 1990s significant sums of Government funded Estate Action monies, along with finance from the Council's own housing capital programme, were invested in a number of blocks on the Estate. However, the positive impact was marginal.
- 2.3 Therefore, to address the issues identified above, the decision was made in 2001 to regenerate the estate following a vote by residents for comprehensive redevelopment of the estate.
- 2.4 The Scheme emerged as a result of a number of key factors including the Council's corporate priorities, the Decent Homes programme and the need to address the problems suffered by the Estate. I provide further details on the problems in my evidence.
- 2.5 The Council recognised that comprehensive redevelopment represents the only feasible solution to resolve the Estate's inherent failings, provide local infrastructure and meet the Council's wider objectives

- 2.6 I set out the involvement of residents and the extensive consultation and engagement with residents and community stakeholders.
- 2.7 I then set out further details on what the Next Phase will deliver. I confirm it aligns with Council policies and strategies, and set out how the proposals align with various specific strategies including Barnet's Sustainable Community Strategy 2010-2020, the Council's Corporate Plan 2015-2020 and the Barnet Corporate Plan 2021-2025, the Council's Housing Strategy 2015-2025 and the Council's Growth Strategy 2020-2030.

The Next Phase

- 2.8 In this section I set out the Council's proposals for the Next Phase and confirm the key outcomes of the 2020 Planning Permission
- 2.9 Due to the scale of the regeneration of the Next Phase, the significant infrastructure requirements and the aspiration for all secure tenants to be rehoused on the Estate with only one move, it is necessary to phase the regeneration of the Estate. The details of the Phasing, Timeline and need for the Order over the Next Phase are set out in Ms Laver's evidence at section 4. The phasing strategy has been designed to minimise impact on the existing residents in the later phases, as set out in para 4.2-4.3 of Ms Laver's evidence.
- 2.10 Plots 10,11 and 12 of Stage B (Next Phase) is the subject of the Order Land for which compulsory purchase powers are being sought. Vacant possession of part of Plot 10 has been achieved by agreement and development of the first Plot, Plot A, has commenced as set out in para 3.38 of Ms Lavers statement.

3. The Council's arrangements with the Developer

Selection and Appointment of the Developer

- 3.1 In this section I set out further information on the Council's arrangements with the Developer and the key terms of the PDA.

Delivery to Date

- 3.2 In this section, I set out key milestones in the delivery of the Scheme to date, including the delivery of Stage A, and comprising

- Successful site assembly by agreement for Plot A of the Next Phase and commencement of construction. This will deliver 100% affordable homes with a GDV of £89.88m;
- Rehousing of the majority of secure tenants within the Order Land and continuing to work on rehousing the remainder in line with the resident commitments;
- By the acquisition of a significant number of the third-party residential interests – with 54 residential leaseholders successfully acquired through private treaty, leaving just 9 residential leaseholders. Further details of this are set out in section 4 below.
- Approval by planning committee on 15 December 2022 of RMA for plots K & H, the next plots to come forward in the Next Phase
- Progression of an RMA for plots L, G and J and procurement of a specialist contractor to undertake strategic infrastructure and demolition works to enable timely delivery of Plots K, H, K, G, J to the south of the Concourse area.

3.3 The Council remains committed to delivering the project as well as maintaining and improving good relations with affected parties and ensuring wherever reasonably possible that the impact on those affected is mitigated.

3.4 I confirm that although significant progress has been made in securing property interests by private treaty there remains no certainty that all interests can be assembled by agreement within a reasonable timeframe or at all. To provide certainty that the site can be assembled and the project delivered within a reasonable timeframe the Order remains necessary to enable the compulsory acquisition of land or rights if agreement cannot reasonably be reached.

4. Efforts to acquire and relocation strategy

4.1 In this section I confirm that the Council and the Developer have achieved by negotiation vacant possession of Noel, Nimrod, Nicholson, Nighthawk and Nisbet which have been demolished (See Plan 11 in Book of Plans) and enabled the commencement of construction of Plot A.

- 4.2 I set out that of the 517 residential properties in the Next Phase remaining within the Council ownership, 23 are occupied by secure council tenants, 9 are held on long leasehold interests, and 367 are occupied by non-secure tenants.
- 4.3 I confirm the Council's approach to achieving vacant possession of residential and commercial interests within the Order Land including the additional assistance available to residents. I also deal with third parties whose rights may be affected by the Order.

5. Other matters

Highway Orders

- 5.1 It is necessary to stop up a number of highways within the Next Phase. A phased programme of highway orders will be implemented between the Council and the Developer.

Impediments

- 5.2 I set out in this section how the Council has satisfied itself that there are no potential impediments to the delivery of the Next Phase subject to the confirmation of the Order.
- 5.3 Matters considered include planning permission, rehousing for residents, funding and other delivery issues.

6. Justification for the Order

- 6.1 In this section I set out the justification for the Order. The Council is committed to securing the regeneration of the Estate. The need for regeneration is supported in key planning policy documents.
- 6.2 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 regeneration.
- 6.3 The extent of the land required for the Next Phase has been a product of careful consideration by the Council, the Developer and their professional teams.
- 6.4 Accordingly, confirmation of this Order as submitted is necessary to ensure that the Next Phase can be delivered.
- 6.5 In deciding to exercise its powers under section 226(1)(a) of the Town and Country Planning Act 1990 explained in committee report ref (HAG September 30 2021) Council believes that the compulsory acquisition of the Order Land will facilitate its redevelopment, and in relation to the

requirements of section 226(1A)) will result in very significant improvements to the economic, social and environmental well-being of its area. The Council considers that the redevelopment of the Order Land will significantly improve the overall quality of the housing accommodation available locally, as well as the overall appearance of the area, with current and future residents enjoying a greatly improved quality of life from living in the proposed new homes.

6.6 I set out further detail of the wellbeing benefits delivered by the next Phase.

Planning policy

6.7 The purpose for which the land is being acquired fits in with the adopted Local Plan. The Next Phase has the benefit of planning permission and the Developer is implementing the 2020 Planning Permission.

Human Rights

6.8 The council's Housing and Growth Committee in September 2021 (CDD 3) gave careful consideration to the interference with the individual rights of those directly affected by the Order that are protected by the Human Rights Act 1998.

Equality Act considerations

6.10 The public sector equality duty under section 149 of the Equality Act 2010 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 re-assignment. I set out in this section how the Council has met this requirement.

Compelling Case in the Public Interest

6.11 The Order will secure the completion of the comprehensive redevelopment of the Next Phase. There is a compelling case in the public interest for, the delivery of the comprehensive redevelopment of the Next Phase. This Order should therefore be confirmed.

7. Compliance with CPO Guidance

- 7.1 In July 2019, the Ministry of Housing, Communities and Local Government (MHCLG) published revised Guidance on the Compulsory Purchase Process and the Crichel Down Rules, ('the 2019 Guidance'). In preparing and making the Order, the Council and the Developer have ensured that the 2019 Guidance has been followed.
- 7.2 I am content that the Council's approach has been consistent with the Guidance in respect of efforts to acquire by agreement and assistance provided to residents to mitigate the impact of the Order.

8. Response to Objector

- 8.1 Only one objection has been made to the Order. It is from Mr Hamish Kay and Ms Miastkowska, who are the owners of 5 Hampden, Broadhead Strand. The objection CDC 8.01 firstly states that the planned redevelopment will destroy their right to light and that the development will affect their health, their property value and their garden.
- 8.2 The objection states that this impact is unacceptable to them unless considerable compensation is given. In addition, the objector states that they consider the Estate as a whole should be redeveloped including their property.
- 8.3 The objector is not part of the land required to deliver the Next Phase.
- 8.4 As set out in the evidence of Ms Lavers at section 5.27 the Council and Developer has taken expert advice at various stages of the scheme design on the potential impact on light to neighbouring properties.
- 8.5 Following this expert advice the Council is content that the evidence shows that the impact on the objector's right to light would be minimal.
- 8.6 Details of negotiations carried out by Avison Young on behalf of CfGP and the Council with this Objector are set out at Appendix 1 of Ms Lavers' evidence.
- 8.7 I do not think that either of these grounds of objection should prevent confirmation of the Order.

9. Conclusion

- 9.1 In the conclusion I confirm the need for the Next Phase of the Scheme and the justification for the Order to be confirmed.
- 9.2 Confirmation of the Order is necessary if the Council is to achieve its planning, housing and other policy objectives outlined at para 7.7 of my evidence .

Declaration

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

Martin Smith [date]