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

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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**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 run the Council’s development and regulatory services including regeneration services for the next 10 years. Prior to that I was employed by The Council from 1999 to October 2013 in a variety of management roles leading on housing development and regeneration. These roles include Interim Head of Regeneration, Housing Strategy and Development Manager, Development and Regeneration Manager. I transferred to the joint venture company when it went ‘live’ on 1st October 2013.

1.2 I hold a BA (Hons) Social Policy and a postgraduate Diploma in Housing. I have over 20 years’ experience of delivering housing development and regeneration schemes. My work has included affordable housing schemes with a variety of development partners, Registered Providers and private developers. Schemes I have worked on include local authority site disposals to registered providers and private developers, Beaufort Park a scheme of 2,700 new homes, Mill Hill East – former Ingliss Barracks site, Stonegrove Spur Road Estate Regeneration and Dollis Valley Estate Regeneration. I have worked on both the strategic and delivery side of development projects.

1.3 The Regeneration Project (CD glossary) is to take place in two phases. Phase 1 comprises improvements to the three towers blocks at Templewood, Harpenmead and Granville Point and The Phase 2 Scheme comprises the provision of a residential scheme of 58 houses and 74 flats with associated landscaping, parking and open space. The development partner selected for The Phase 2 Scheme is New Granville LLP made up of Mulalley & Co Limited, CHA Ventures Limited and Sherrygreen Homes Limited.

1.4 I have been lead officer for the Phase 2 Scheme from its inception in 2007. My current role involves ensuring that the Council’s regeneration objectives for the Phase 2 Scheme as stated in the Development Agreement are met. I coordinate activities with other services within the Council and oversee progress on delivering these activities. I represent the Council at all progress and project meetings with the development partners.

**2 The need for The Regeneration Project**

2.1 The Regeneration Project emerged as a result of a number of key factors including The Council’s corporate priorities (CD9, page 30, para 3.1 to 3.4), the Decent Homes programme (CD27 page 511, Policy C53), 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 (see AA/PS 1.1 paragraph 2.5 to 2.9).

2.3 In July 2001, the Department for Communities and Local Government launched the Decent Homes Programme, requiring local authorities to ensure that their housing stock offers residents the opportunity of a decent home, promotes social cohesion, well-being and self-dependence. This was a critical trigger for The Council in seeking to comprehensively review the nature and condition of its housing stock.

2.4 The Council considered that, although bringing homes up to the Decent Homes standard was a priority (CD9, page 31, section 9 and CD11, page 217, para 3.2), further works were required to the tower blocks on the Estate which went beyond the Decent Homes standards. Furthermore, there were other issues that needed to be addressed, including the poor layout and design of public realm, underutilised land and lack of connectivity with the local area.

2.5 It was recognised that The Council’s objectives for the Estate could not be met from the capital resources available at the time (CD11, page 218, section 6 and CD12, page 31, resolution 10). Instead, delivery necessitates working in partnership with developers and Registered Social Landlords to release land value through redevelopment delivering sustainable communities and new homes.

2.6 In order to raise the funding to undertake the works to the tower blocks and to address poor layout and design of the public realm, underutilised land and lack of connectivity of the Estate, in 2007 (CD7 and CD8 resolution 7) The Council set out plans to examine opportunities for The Estate.

2.7 The Council’s plans for the Estate were dependent on the cost of The Regeneration Project being met by securing a land receipt delivered through the sale of private dwellings. To deliver sufficient land value it was necessary to increase the density of the Estate. In the case of the Regeneration Project the land value created through redevelopment and additional homes funds the necessary works to the tower blocks and associated improvements to the Estate at no cost to the Council. These are described in the Planning Brief (CD9 and CD10 resolution 7) approved by the Cabinet on 23 January 2008) CD10, resolution 7).

2.8 The Council is currently regenerating 5 other post-war housing estates in Barnet, all of which involve the use of compulsory purchase powers:

* *The Stonegrove and Spur Road Estate regeneration in Edgware was completed in May 2018, and includes 999 new homes with a net increase of 396 homes.*
* *The West Hendon Estate regeneration will provide 2,192 new homes by 2028 with a net increase of 1,543 homes.*
* *The Dollis Valley Estate in High Barnet will provide 631 new homes with a net increase of 191 homes.*
* *The Grahame Park Estate is now part way through regeneration where there is potential for 2,756 homes by 2027 with a net increase of 100 homes. To date 685 new homes have been delivered.*
* *The Whitefields Estate is being regenerated as part of the wider Brent Cross regeneration. The Brent Cross regeneration will deliver a net gain of over 7000 new homes.*

A map showing the location of the Council's estate regeneration schemes is attached as Appendix 1 (AA/NB 3.1).

*Current Estate conditions and accommodation standards*

2.9 The Estate is situated at the southern end of the Borough within Childs Hill Ward. This 1960s social housing estate is typical of its type and time resulting from clearance of traditional terraced streets within an area which is characterised by low rise suburban housing. It consists of three tall tower blocks, Templewood Point, Harpenmead Point and Granville Point, as well as three lower rise blocks Nant Court, Mountfield and Beech Court. Garth House, a sheltered housing block on the Estate was severely damaged by fire on 5 October 2008 and has now been demolished. The Estate is overwhelmingly single tenure social housing. The three tower blocks contain 179 properties of which 75 are leasehold. The physical condition of the tower blocks was poor and the Estate generally was reflective of the problems of 1960s council estate developments and subsequent need for upgrade and improvement to the amenity areas. Most of the improvements required to the tower blocks were not covered by the Council’s Decent Homes Programme.

2.10 In October 2007, the Council’s Cabinet Resources Committee (CD7, section 9, and CD8, page 3, resolution 11) approved the regeneration of the Estate in principle by upgrading the existing tower blocks, including over-cladding to improve their thermal performance and their appearance as well as the sale of surplus land on the Estate for development and enhancing the amenity space to contribute to the regeneration.

2.11 In July 2008, a bid was made to the Mayor of London for funding towards the refurbishment of the tower blocks. The bid was based on re-cladding the blocks, installing new double-glazed windows throughout, and other works to significantly improve the insulation of the flats. In April 2009, The Council received confirmation that the bid was successful (CD11, page 217, para 2.6). To comply with the funding criteria, it was necessary to commence with the over-cladding contract in 2010/11. Therefore, it was agreed to progress the regeneration in two phases (CD12, page 31, resolution 10). Phase 1 would be the refurbishment works to the tower blocks

2.12 A further report was approved by Cabinet Resources Committee in October 2009 (CD12, page 31, resolution 10) to progress the Phase 2 Scheme. It was agreed that the Council would procure a master planning study to assess the regeneration potential of the Estate and to facilitate the development of a business case.

2.13 In June 2010, Cabinet Resources Committee agreed a business case for the Phase 2 Scheme and the procurement of a development partner (CD14, page 2, resolution 10). The report to Committee (CD13, page 40, section 9.6) explained that the Phase 2 Scheme would improve the quality of the public amenity space and to provide additional homes with improved tenure choice on the Estate. Although some of the landscaping is of reasonable quality, the Estate includes large areas of under-utilised and unstructured land including garage courts, undefined parking, unused amenity space, pram sheds and vacant land as a result of the demolition of Garth House and the Community Hall. In addition, the Estate does not offer a range of housing types or tenure options, is not well integrated into the surrounding neighbourhood, and does little to enhance Childs Hill as an attractive residential location. However, there is potential to radically improve the Estate and transform it into a desirable residential location for all tenures.

The vision and underlying objectives for (CD13 page 40) the Phase 2 Scheme include the following:

* to create a cohesive sense of place;
* promotion of the supply of market, intermediate and affordable housing;
* achieve an integrated balanced community;
* deliver high quality design employing sustainable construction techniques;
* bring improvements to the public amenity space;
* reinforce local identity;
* meet local demand for housing; and
* create alternatives to the traditional developer/RSL led estate regeneration.

**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 (CD7 section 9 and CD7 resolution). As one of the Council’s identified Priority Estates (CD27, page 29, para 6.2.1) 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 bring forward the enhancement of the area. It will create a balanced, mixed, inclusive community and improved physical environment of the Estate. 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 (CD20, page 1). The new homes will comprise of 74 flats and 58 houses and associated reconfiguration and alterations to 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 In addition, funding (through the section 106 agreement (CD21, page 51, para 10) of £210,000 has been made available to enhance and invest in Childs Hill Park where the Council will be working with residents on their preference for this investment.

3.5 The planning application for the Phase 2 Scheme was considered at Planning Committee and refused by notice on 26th March 2015 on the grounds of loss of open green amenity space, inadequate provisions towards affordable housing and failure to provide adequate new community facilities to meet the demand for existing and future residents.

3.6 New Granville LLP appealed against the Council’s refusal of planning permission planning permission and a public inquiry was held between 28 June and 5th July 2016. The appeal was allowed by the Inspector (CD20, page 1) on the basis that:

* appropriate provision would be made for open space taking into account the better quality of the provision.
* adequate provision was made for affordable housing and this could either be intermediate housing and/or social rent.
* appropriate provision for community facilities was being made, with the provision through the Community Infrastructure Levy of just over £1 million for infrastructure provision within the Council boundaries.
* the development accorded with the Council’s corporate objectives and adopted policy

3.7 The Council accepted the decision of the Inspector and in moving forward with the Phase 2 Scheme in December 2016 the Council’s Assets and Regeneration Committee resolved to progress a CPO for the Pramsheds and Beech Court (CD18 pages 277-286 and CD19 resolution 20), should this be required.

*Barnet’s Corporate Plan 2015-20 (Appendix 2 AA/NB 3.2)*

3.8 The following priorities within the Corporate Plan are embedded within the Phase 2 Scheme in seeking to improve the environmental, economic and social conditions of the local area:

* *To maintain the environment for a thriving borough so that people can get on with their lives (Appendix 2 page 6).*
* *To deliver regeneration in a responsible and sustainable way, with Barnet’s green and open spaces protected so that the borough remains an attractive place to live (Appendix 2 page 15)*
* *To deliver its existing regeneration programme, which will generate more than £11 million in recurrent income by 2025 and £50 million in one-off income by the end of the decade – to be invested in infrastructure – and create more than 20,000 new homes and provide for up to 30,000 new jobs (Appendix 2 page 15)*

The Phase 2 Scheme will contribute significantly towards meeting these priorities.

*Barnet’s Housing Strategy*

3.9 The Council’s regeneration plans for the Phase 2 Scheme have continued to be a key element in the current Housing Strategy 2015-2025 (AA/PS 1.1 paragraphs 2.12 to 2.14).

3.10 Mr Shipway, in his evidence (AA/PS1.1), explains the evolution of the Council’s Housing Strategy since 2010. The overarching objective of this has been and remains the provision of housing choices that meet the needs and aspirations of Barnet residents. The Housing Strategy 2015-25 also sets out how the Council will deal with a number of challenges including high prices, a shortage of affordable housing and potential threats to the qualities that make the Borough attractive.

3.11 The Strategy identifies the following core objectives:

* *Increasing Housing Supply*
* *Delivery of Homes that people can afford*
* *Sustaining quality in the Private Rented Sector*
* *Preventing and Tackling Homelessness*
* *Providing suitable housing for vulnerable people*
* *Deliver efficient and effective services*

3.12 Housing is a key driver for growth in the Borough. The Phase 2 Scheme makes a key contribution towards the delivery of the Council’s Housing Strategy.

*Local planning policy*

3.13 The Phase 2 Scheme has also been a key objective of the Council’s planning policies for a significant period. It is highlighted as a priority estate within the Council’s Core Strategy Policy CS3 (CD27, page 51) and as providing a source of new housing in the Council’s development pipeline to 2025/26.

3.14 The Phase 2 Scheme remains a key planning policy objective of the Council and substantially accords with the adopted planning framework. Mr Garner’s evidence (AA/TG 1.1) explains the relevant local, regional and national planning policy considerations underlying the Phase 2 Scheme.

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

*Selection and appointment of the Developer*

4.1 Consultation on proposals for the Phase 2 Scheme has been an on-going process of engagement with residents since 2007.

4.2 In November 2012, following a competitive dialogue procurement process, the Council selected a partnership between Mulalley & Co Limited, CHA Ventures Limited and Sherrygreen Homes Limited. The partnership subsequently established New Granville LLP as a joint venture to deliver The Phase 2 Scheme.

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

4.5 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 Regeneration Project, including funding of Council costs.*
* *The Developer designs and delivers the project which accords with the adopted planning framework.*
* *The Council and the developer share any profits over and above what is stated in the Development Agreement*

4.6 Since the signing of the Development Agreement, amendments have been made to the longstop dates resulting from the Planning Appeal and due to the works to replace the cladding to the tower blocks following the failure of fire safety tests in the wake of the Grenfell Tower fire.

*Conditions Precedent*

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

* The grant of Planning Permission – this was satisfied in August 2016
* The Master Plan– the Master Plan was satisfied in August 2014 in accordance with the requirements of the Development Agreement prior to the submission of the planning application.
* The Council providing the partner with a certified copy of the resolution authorising the Council to enter in to the Development Agreement – this was satisfied in December 2013.
* Acquisition of Third Party interests in Beech Court – this has been satisfied.

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

* Master Programme will be satisfied once vacant possession date is known and the New Granville LLP will be able to establish a master programme. The Order will enable this.
* Completion of Third Party acquisitions – the Order will enable this.
* The Works Notice having been served on the Council – all the Conditions Precedent will have to be satisfied before this can be served – the Order will enable this.
* Secretary of State Consents – the Order will enable this.

4.9 The following Conditions Precedent are in the process of being satisfied:

* The Stopping Up Order

As described by Ross Williams in his Developer's proof (AA/RW 1.1 paragraph 6.12) certain footpaths on the Estate are required to be stopped up.

The current status of an order to secure the stopping up is appended to my proof (Stopping Up Order Position Statement as at 19 June 2018 (AA/NB 3.3)).

The Stopping Up Order and the Public Path Creation Order give effect to the Phase 2 Scheme which has already been approved by the Inspector. Therefore the Council cannot see how, following the Public Path Creation Order, there can be any reason why the Stopping Up Order will not be confirmed. I am therefore satisfied that the Stopping Up Order will not be an impediment to the delivery of the Phase 2 Scheme.

**5.0 Appropriation of the public open space**

5.1 The Council owned approximately 12,046 square meters of public open space land at the Estate and on 13 December 2017 this was appropriated for planning purposes to facilitate the delivery of The Phase 2 Scheme.

5.2 The Council’s Cabinet Resources Committee resolved on 7 November 2012 (CD16 item 12) to authorise Council officers to appropriate the land for planning purposes. Public notices of the appropriation were placed in local newspapers and on site on 21 September 2017 (AA/NB 3.4). Seven objections to the appropriation were received and were considered by the Council. The Council did not consider it necessary to obtain Secretary of State’s approval for the scheme.

5.3 The appropriation of the open space at the Estate was completed on 13 December 2017 through delegated powers (AA/NB 3.5).

**6.0 Appropriation of the Order Land**

6.1 Under provision of section 122 of The Local Government Act 1972 the Order Land will be appropriated to planning purposes once the CPO is confirmed and the Order land has vested. Consent of the Secretary of State, section 19 of The Housing Act 1985 will be required for the appropriation as The Order Land in held in the Housing Revenue Account. The Council is confident that this will be given.

6.2 No further consent will be required as the land is disposed at market value.

**7.0 The Regeneration Project progress update**

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

7.2 Although progress has been made in securing the Pramsheds by private treaty (see Helen Phillips' proof of evidence AA/HP1.1), there remains no certainty that all the outstanding interests can be secured by agreement. To provide certainty that the site can be assembled and the Phase 2 Scheme can be delivered within a reasonable timeframe, the Order remains necessary to enable the compulsory acquisition of land if agreement cannot reasonably be reached.

7.3 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 Order**

8.1 The Council is committed to securing the regeneration of the Estate. The need for redevelopment is supported in adopted planning policy documents including the NPPF, the London Plan and the Barnet Core Strategy (see Terry Garner's proof of evidence (AA/TG 1.1)). 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 in accordance with the compensation code (see Helen Phillips' proof of evidence (AA/HP 1.1)).

8.2 The Council remains committed to assembling the land interests for the remainder of the scheme by agreement. However, the Order is necessary to ensure all the necessary land interests are delivered within a reasonable timeframe.

* Beech Court – the 21 existing units will be demolished and redeveloped to offer a new block of 40 homes providing a net increase of 24 homes.
* Nant Court Pramsheds and Granville Road Pramsheds – this is required to provide the necessary parking requirements for the existing homes on the Estate. Parking provision across The Estate has been reviewed and clearly designated to ensure sufficient use of the site was being achieved. This will require demolition of the existing Pramsheds to provide for this parking and also to enable construction of the Phase 2 Scheme.
* Harpenmead Point Pramsheds – The demolition of these Pramsheds are required to facilitate a suitable road configuration, public realm and a reconfigured car park for Harpenmead Point. Without this it would not be possible to provide the number of new homes and the parking required without a reduction in in open space.
* Templewood Point Pramsheds - The demolition of these Pramsheds are required to facilitate a suitable road configuration, public realm and a reconfigured car park for Templewood Point. Without this it would not be possible to provide the number of new homes and the parking required without a reduction in in open space.

8.3 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.

(AA/JM 1.1 para 4.1).

8.4 In deciding to exercise its powers under section 226(1)(a) of the Town and Country Planning Act 1990, the Council believes that the compulsory acquisition of the Order Land will facilitate the delivery of the Regeneration Project, 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.

*Social well-being*

8.5 The Phase 2 Scheme will deliver:

* 132 new homes, contributing to the need for more homes in Barnet and in London contributing towards the Council’s housing targets contained within the London Plan.
* A greater range and variety of accommodation to meet a variety of housing and income needs. The Phase 2 Scheme will deliver 74 flats and 58 houses ranging from 1 bedroomed homes to 4 bedroomed homes.

* 46 affordable homes for shared ownership, which be offered to households who are unable to afford to buy on the open market. The homes comprise 17 one bedroomed homes, 21 two bedroomed homes and 8 three bedroomed homes. This is a form of tenure that has previously not been available on the Estate.
* A more balanced mixed tenure community within the Estate. The Estate currently comprises 257 homes of which 69% are social rented and 31% held on private leases. The Estate, on completion of the Phase 2 Scheme, will provide a more balanced tenure mix of 44% social rented homes, 43% private homes and 13% shared ownership homes.
* Improvements to existing pedestrian routes through the improved visibility and overlooking and boundary treatment. The proposed layout also enhances the permeability of the site for cyclists with secure cycle parking for the residents within the communal public realm and is supported through a S106 contribution of £200,000.
* Re-configuration of the car parking where the parking is clearly identified for existing and new residents. with a contribution of £75,000 S106 payment for parking controls improvements and car permit system only available to residents on the Estate.
* A new road layout on the Estate that is designed as a Homezone with speeds limited to 20 mph and traffic calming measures.
* An increase in the quality of on-site amenity and open space through a new linear park running at the centre of the Estate, and the proposed open space strategy for the Regeneration Project. Dedicated landscape amenity space will be provided for each of the existing blocks of flats to provide semi -private space to the residents of these blocks.
* Improvements to the Public Realm which is better structured than at present and includes play provision for the under 12s and the planting of a substantial number of additional trees.
* Improvements to Childs Hill Park through a S106 contribution of £210,000.
* Improvements to the overall townscape with a central route through the site with three public squares. The public squares will feature as a series of flat terraces with raised planting beds and seating areas. The three squares will be adjacent to the tower blocks with the use of high quality hard and soft landscaping.
* The provision of new and sustainable homes, which will meet the relevant design standards including the Code for Sustainable Homes level 4 and Lifetime Homes. In addition, 10% of the new homes will be easily adapted for wheelchair users.

*Environmental well-being*

8.6 The Phase 2 Scheme will deliver:

* A network of high quality public open spaces through the introduction of designated play spaces, the linear park running through the centre of the Estate, and designated parking for the new and existing residents. The amenity and open space will include the planting of up to 200 trees of a variety of species.

* Sustainable design features include elements to reduce water consumption, the recycling facilities, inclusion of energy efficiency measures.
* 188 cycle parking spaces for residents and provisions for visitors.
* Ecological enhancements to improve biodiversity using green roofs and tree planting.
* All residential units will achieve Sustainable Homes standards. The development will deliver at least a 40% reduction in CO2 emissions including on site renewable energy through the installation of solar panels on the roofs of the prosed flats and houses.

*Economic well-being*

8.7 The Phase 2 Scheme will deliver:

* High quality sustainable homes with and improved tenure mix of private and affordable housing units through the building of 58 family houses and 46 shared ownership.
* An increase in the overall quantum of housing to meet housing need. There will be 132 new homes built as part of The Phase 2 Scheme ranging from 1 bedroomed homes to 4 bedroomed homes.
* An employment and training contribution will be provided through the S106 agreement of £10,000 and 5 level 2 apprentices’ during the construction period. (CD S106))
* A target within the Development Agreement for New Granville LLP to have 30% of those employed on the Phase 2 Scheme to be for local residents.
* Increased spending in local shops
* Increased revenue through Council Tax

8.8 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 in terms of their social, environmental and economic wellbeing.

*Human Rights*

8.9 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 (the right to peaceful enjoyment of possessions) of the Convention.

8.10 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, and the Phase 2 Scheme in particular and the interference with private property rights.

8.11 Confirmation of this order will further enable Phase 2 of the Regeneration Project to proceed and allow the wider public benefits identified to be delivered.

8.12 The Council and Developer have already acquired the leasehold interests in the order Land at Beech Court. The remaining occupiers of Beech Court occupy either on licence or unlawfully. This is explained in detail in Helen Philips' proof (AA/HP 1.1).

8.13 The remaining parts of the Order Land required to deliver the Regeneration Project are the Pramsheds. The Council fully understands that some of those with interests in the Pramsheds place great personal value on these.

8.14 The Council is also aware that other parties have agreed to part with their interest in the Pramsheds for cash equivalent and/or a replacement shed, and that the functionality of some of the Pramsheds has been significantly compromised by their state of repair. Many remain under-used or have effectively been abandoned by the owners.

8.15 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 Project. Furthermore, those affected will be adequately compensated in respect of their losses. Consequently, the Council resolved to make the Order (CD16, page 10, resolution 20) and to submit it to the Secretary of State for confirmation.

8.16 The Council continues to hold the view that there is a compelling case in the public interest for the confirmation of the Order. Nothing has changed to persuade the Council that the balance has changed, and

*Equality Act considerations*

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

8.18 The Council is committed to improving the quality of life for all and to encouraging wider participation in the economic, educational, cultural, social and community life in the Borough. The Council has considered the likely impacts of the Scheme by reference to the requirements of this legislation. The Council considers that the Regeneration Project will deliver an attractive neighbourhood and will be integrated with the wider community. The Phase 2 Scheme will make a significant contribution to the provision of high quality private and affordable housing units in the Borough.

8.19 The Council has considered the impact on equality through the inception of the Regeneration Project.

8.20 The Council considers that pursuing the regeneration of the Priority Housing Estates will benefit all sections of society and Barnet's diverse communities who are seeking housing (CD15, page 6, para 5.1).

8.21 The policies in the Core Strategy with which the Phase 2 Scheme is compliant were

considered no to create any adverse impacts for any of the identified groups (CD27

page 17 para 2.10.1).

8.22 The design of the Phase 2 Scheme was acceptable with regard to equalities and diversity matters, and the scheme will increase levels of social inclusion within a mixes and diverse community (CD18, page 8, para 5.6).

8.23 The Council continues to consider the Phase 2 Scheme will enhance the physical accessibility and legibility of the area would be improved for pedestrians and vehicle users.

8.24 All new dwellings in the Phase 2 Scheme will be built to ‘Lifetime Homes’ standards. 10% of new housing stock will be wheelchair accessible or adaptable units.

8.25 The Phase 2 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, play areas, public realm as well as investment in Childs Hill Park which are accessible to all. The promotion of social cohesion, health and well-being along are fundamental principles guiding the Project.

8.26 Paul Shipway's evidence describes the impact of the Order on the residents of Beech Court (AA/PS1.1). Helen Philips' evidence (AA/HP1.1) described the impact of the Order on the Pramshed interests.

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

**9.0 Special Considerations**

9.1 There are no listed buildings or ancient monuments within the Order land. The Order land is not within a conservation area and there are no issues concerning special category land.

9.2 Council land is included in the Order land and the operation of section 17(3) of the Acquisition Land Act 1981 means that there is no requirement to subject the Order special parliamentary procedures.

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

10.1 The Secretary of State has received two objections to the Order. The matters raised are addressed principally in the evidence of Helen Phillips.

10.2 Objector 2, Wimal, Irine, Indika, Kalana Patabendige objected on the basis of the interference with their human rights, stating that “*by taking away our rights to a store room for which we currently have over 90-year lease room”* and that this loss of storage space would result in considerable amounts of items been stored within the dwelling taking away the indoor space they have been enjoying (CD32 paragraph 5d).

10.3 The Council has taken has addressed the objector's concerns regarding the 'loss of a store room' though the offer of a replacement Pramshed (this is described in Helen Phillips’ evidence AA/HP1.1 section 5.6.6).

10.4 The benefits of the Phase 2 Scheme have been assessed by the Council. The benefits that will be delivered in terms of social, economic and environmental wellbeing are explained in para 8.5-8.8 above. As is explained in Jo McCafferty's proof of evidence (AA/JM 1.1 section 4.1) the Pramsheds at Nant Court are needed to provide designated parking and to enable construction of the Phase 2 Scheme. The Council has concluded that the benefits that flow from the Phase 2 Scheme outweigh the objection made in regard to the objector's human rights.

**11.0 Conclusion**

11.1 The Council remains committed to securing the delivery of the Phase 2 Scheme. The Order is essential to delivering this, thus enabling the much-needed improvements to the Estate to take place and to build the additional homes that Barnet and London require. It will create a balanced, mixed and inclusive community with improvements to the public realm and investment to open space at Childs Hill Park. This will significantly enhance the physical environment and bring about improvements in social, environmental and economic wellbeing for existing and new residents and the wider neighbourhood.

11.2 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.

11.3 The Council does not consider that the conditions precedent in the Development Agreement are likely to constitute an impediment to the delivery of the Phase 2 Scheme.

11.4 The Council remains satisfied that the New Granville LLP has the necessary skills and resources to deliver the Phase 2 Scheme in accordance with the Development Agreement.

11.5 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 ………………………]