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**STATEMENT OF REASONS**

**LONDON BOROUGH OF HILLINGDON  
(AVONDALE DRIVE) COMPULSORY PURCHASE ORDER  
2021**

**TOWN AND COUNTRY PLANNING ACT 1990  
THE ACQUISITION OF LAND ACT 1981**

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## 1 INTRODUCTION

1.1 The London Borough of Hillingdon ("**Council**") has made the London Borough of Hillingdon (Avondale Drive) Compulsory Purchase Order 2021 ('**Order**') under section 226(1)(a) of the Town and Country Planning Act 1990. This document is the non-statutory Statement of Reasons ('**Statement**') prepared on behalf of the Council in accordance with the Department for Communities and Local Government Guidance on Compulsory Purchase process and the Crichel Down Rules (July 2019) ((the "**Guidance**") to explain the reasons and justifications for making the Order.

1.2 The site has an area of approximately 11,365 sq m and is comprised of the Avondale Drive Estate ("**Order Land**").

1.3 The Council has made the Order to address concerns about the quality and longevity of the homes within the Order Land and wishes to maximise the opportunities to provide new high quality housing, including affordable housing, in the Borough and enhance place-making around Hayes Town Centre.

1.4 It is proposed that the Order Land will be the subject of a hybrid planning application and that it is redeveloped for :

*"Development in outline (with all matters reserved) for residential floorspace (Class C3) to comprise: demolition of all existing buildings and structures; erection of new buildings; new pedestrian and vehicular accesses; associated amenity space, open space, landscaping; car and cycle parking spaces; plant, refuse storage, servicing area and other works incidental to the proposed development; and*

*Detailed planning consent for Block A comprising 30 residential units (Class C3); new pedestrian access; associated amenity space and landscaping; cycle parking, refuse storage, and other associated infrastructure" ("**Order Scheme**")*

1.5 The Order Scheme would transform the area of Hayes and would deliver high quality new housing with a range of tenures and types, an uplift in the amount of affordable housing in the area, increased local economic activity and deliver significant environmental improvements. In addition, although construction jobs would be temporary, the construction phase of the development is scheduled to occur over an approximately 7 year period. It is anticipated that the construction of the Order Scheme will support the employment of a significant number of people, including apprentices, graduates or trainees, for the duration of the construction of the Order Scheme.

1.6 Overall the Order Scheme will make a significant contribution to the economic, social and environmental well-being of the area and deliver very significant benefits; including the following:

- provision of approximately 243 high quality one, two, three and four bedroom apartments, maisonettes and houses around resident only courtyards;

- Re-provision of the same amount of affordable housing floorspace as is currently provided within the Estate and delivery of an increased number of family sized residential units than is currently available within the Order Land;
- provide all residents with private amenity space as well as access to shared courtyards;
- delivery of a percentage of Affordable Housing that will exceed planning policy requirements and include a range of tenure types and sizes;
- delivery of new homes to modern accessibility standards such that residents will be able to benefit from more appropriate and adaptable homes in terms of level access and wheelchair accessibility;
- the design of the Development will adhere to Designing out Crime principles that will address anti-social activity in the area;
- creation of wider economic and social benefits as a result of the development activity and the creation of jobs, apprenticeships and training opportunities during the construction phase of the Order Scheme;
- delivery of public open space, play areas and recreation areas; and
- contribute towards the Council's net-zero targets.

1.7 The Order has been submitted to the Secretary of State for Levelling Up, Housing and Communities for confirmation. If confirmed, the Order will enable the Council to acquire compulsorily the land required to facilitate the Order Scheme.

1.8 This Statement explains why the Council considers that, for the purposes of the powers enabling the Order, the Order Scheme will contribute to:

- 1.8.1 the development, redevelopment or improvement of the Order Land;
- 1.8.2 improving the economic and social well-being of the area of Hayes through the provision of new high quality mixed-tenure housing and additional employment opportunities; and
- 1.8.3 the environmental well-being of the area as a consequence of the high quality public open space and play areas facilitated by the Order Scheme, and the sustainable nature of the Order Scheme.

- 1.9 The extent of the Order Land is shown edged red and coloured pink in respect of land interests to be acquired on the Order Map which accompanies the Order ("**Order Map**").
- 1.10 The freehold interest in the majority of the Order Land is owned by the Council; however the Order Land is subject to a significant number of leasehold interests, tenancies and other rights. The Council is now seeking to secure ownership of all of the Order Land to ensure that the Order Scheme can be implemented and that the comprehensive benefits referred to at section 1.6 above are secured.
- 1.11 The Council has and will continue to take steps to consult and negotiate with all third parties that have interests in the Order Land to acquire their interests by agreement, but it is clear that compulsory purchase powers will need to be employed to ensure that vacant possession can be achieved and that the full Order Scheme can be delivered.
- 1.12 The Council is also pursuing a compulsory purchase order in relation to the proposed regeneration of a housing estate at Hayes Town Centre and although both schemes share many similarities in terms of their objectives and regeneration benefits, the two projects will be the subject of separate compulsory purchase orders and planning applications.
- 1.13 A copy of this Statement, the Order and the accompanying maps and background documents are available for inspection at the following location:
- 1.14 A copy of this Statement, the Order and the accompanying maps and background documents are available for inspection at the following locations:
- (i) London Borough of Hillingdon (offices open Monday to Friday 09:00 to 17:00)  
Civic Centre  
High Street  
Uxbridge  
UB8 1UW
- (ii) the Botwell Green Library, East Avenue, Hayes, UB3 2HW (Monday to Friday 09:30 to 17:00; Saturday 09:30 to 16:00 and Sunday 10:00 to 13:00 (closed for lunch 13:00 to 14:00 Monday to Saturday); and
- (iii) at the following web address: <https://www.hillingdon.gov.uk/avondale-estate>

## **2 ENABLING POWERS**

- 2.1 Section 226(1)(a) of the Town and Country Planning Act 1990 Act (as amended by the 2004 Act) (the "**1990 Act**") enables a local authority to make a compulsory purchase order if it thinks that acquiring the land in question will facilitate the carrying out of development, redevelopment, or improvement on, or in relation to, the land being acquired.

- 2.2 Section 226(1A) of the 1990 Act states that a local authority must not exercise its powers under section 226(1)(a) unless it thinks that the proposed development, redevelopment or improvement is likely to contribute to achieving the promotion or improvement of the economic, social or environmental well-being of its area.
- 2.3 The Council is satisfied that the proposed Order Scheme will result in overwhelming social, economic and environmental well-being improvements to the area through redevelopment of the Order Land with a comprehensive development providing new high quality new housing, and major additions and improvements to public open space and recreational and play areas.
- 2.4 The Acquisition of Land Act 1981 sets out the process for compulsory acquisition and applies to the Order, and the acquiring authority is the Council.
- 2.5 The making of the Order is consistent with the Guidance, and in particular Section 1 which provides advice on orders made under section 226 of the 1990 Act.

### **3 DESCRIPTION OF THE ORDER LAND**

#### **General description and character**

- 3.1 The Order Land currently consists of 144 homes, of which 116 are owned by the Council and 28 are owned by leaseholders. The estate consists of three 'system built' 12 storey point blocks constructed in the late 1960s and all flats are two bedroomed.
- 3.2 The Order Land is situated within 0.4 miles east of Hayes Town Centre and all its associated retail outlets and facilities and approximately 0.2 miles west of the A312, which connects to the A40 and the M4, both of which provide access to the M25. Semi-detached residential housing mostly surrounds the Estate, with the Minet Junior School directly to the west and Minet Country Park to the east, on the other side of the A312.
- 3.3 A number of areas of the estate within the Order Land are now in poor condition and consultation with residents completed in September 2020 revealed that a large number of residents were concerned identified problems with the circulation spaces within the Estate, anti-social behaviour, crime, and a lack of safety within the Estate. A number of key design features within the estate have been identified by the Council's appointed architects (Pollard Thomas Edwards) as contributing towards the concerns of residents including:
- Unwelcoming ground floor entrances to buildings;
  - Car parking dominates the site with informal kerb parking, covered car parks and garages;
  - No resident windows at ground floor means open space is inactive and not overlooked;
  - No private amenity space for residents;
  - No direct connection to Hitherbroom Park; and

- Poor relationship of buildings to Avondale Drive.

## **Land Referencing**

3.4 The Council has instructed independent agents to carry out the referencing exercise for the Order Land, and those agents in doing so, have confirmed they owe a suitable duty of care to the Council. The actions taken by the agents to investigate title and owner/occupier details for inclusion in the Order included:

3.4.1 Land Registry searches and a review of available deeds and similar information;

3.4.2 Service of Requisitions for Information pursuant to section 16 of the Local Government (Miscellaneous Provisions) Act 1976 on behalf of the Council and a review of information returned in response;

3.4.3 Cross-referencing with housing officers to verify the information that the agents had assimilated (subject to adhering to data protection restrictions); and

3.4.4 Virtual site inspections.

3.5 The referencing exercise has been kept under review and subject to updating until the date on which the Order was made. It is considered the Schedule to the Order is therefore as accurate as it can be based on diligent inquiries made on behalf of the Council.

3.6 The Order Map indicates the area within which a number of land interests are sought to be compulsorily acquired. The Order Map has been carefully delineated to ensure that the parcels of the land to be acquired includes only the land that is required to facilitate the delivery of the Order Scheme.

## **4 REASONS FOR THE DELIVERY OF THE ORDER SCHEME AND THE NEED TO EXERCISE COMPULSORY PURCHASE POWERS**

4.1 The Council carried out an Options Appraisal, including residents' consultation, in September/October 2020 which considered both significant investment and improvements to the existing Estate, and the alternative option of demolition and redevelopment of the Estate. On 22 October 2020 the Cabinet considered the Options Appraisal report and gave authority to officers to undertake design work on potential redevelopment schemes, in consultation with residents, and to undertake a Residents' Ballot on proposals once they had been finalised. The reasons for this decision are the following:

4.1.1 The current design of the Estate is not capable of accommodating sufficient improvements to address existing residents' concerns as outlined at section 3.3;

- 4.1.2 Investment to deliver improvements to the current Estate would not deliver the re-provision of the existing housing on the Estate as new high quality housing;
  - 4.1.3 Resident sentiment in favour of the redevelopment option, subject to further design and the completion of a Residents' Ballot; and
  - 4.1.4 The benefits arising from the Order Scheme as outlined at section 1.6 would not be delivered otherwise.
- 4.2 A Landlord Offer setting out the Council's proposals was formulated for all eligible parties that currently hold an interest in the Order Land and this was published on 30 April 2021 as part of the Residents' Ballot process. The Ballot closed on 21 May 2021 and the result was 94.1% in favour of redevelopment proposals in relation to the Order Land with a turnout of 84.9%. The Ballot result demonstrates significant support and enthusiasm for redevelopment among residents and the objective of the Order Scheme is to deliver the redevelopment that is supported by existing residents.
- 4.3 The Council needs to exercise its compulsory purchase powers to deliver vacant possession of the Order Land required for the Order Scheme within a reasonable timescale, to address the concerns of existing residents regarding the Estate, and meet the aspirations of the residents who currently reside within the Order Land, as demonstrated by the results of the Residents' Ballot.
- 4.4 In addition, in November 2020 the Council received an allocation of funding from the Greater London Authority ("GLA") under their "Building Council Homes for Londoners" programme 2018-23 to help deliver affordable homes on the scheme. The GLA funding allocation is subject to conditions, including there being a vote in favour in a Residents' Ballot, which has now been satisfied. There are also key milestones to be satisfied to secure the drawdown of the funding. The making of the Order will take advantage of this time limited funding and maximise the percentage of affordable housing provided within the redeveloped Order Land.
- 4.5 Given the number and nature of the interests that need to be acquired it is not likely that they will be acquired within a reasonable timescale, and to meet the requirements of the GLA funding to secure the delivery of the affordable housing.
- 4.6 The interests to be acquired include those of freeholders, leaseholders and any private express or implied rights that may have been granted over the Order Land. A summary of the main land interests are as follows:
  - 4.6.1 A residential estate consisting of 144 homes, of which 116 are owned by the Council (subject to tenancies), and 28 are subject to long leaseholds. Of the 28 leasehold interests, 5 are owned by a registered provider, the Guinness Partnership, and 23 are owned by private leaseholders.



- 4.7 Discussions are ongoing and will continue with all affected landowners and lessees and the progress to date in terms of acquiring interests in the Order Land is summarised in the remainder of this Section 4.

#### Leasehold interests

- 4.8 Letters were sent to all private leaseholders to initiate a dialogue by the Council on 21<sup>st</sup> and 28<sup>th</sup> June 2021 and these letters have been followed by direct calls. To date the following has been achieved:
- 4.8.1 7 inspections of properties have been carried out and valuations completed;
  - 4.8.2 6 offers have been made to acquire properties by private treaty;
  - 4.8.3 1 agreement to acquire 1 property by private treaty is currently with solicitors and the conveyancing process is ongoing; and
  - 4.8.4 1 verbal agreement has also been reached. The Council's surveyor has issued written terms to the leaseholder and is currently awaiting its return prior to commencing the conveyancing process.

#### Acquisition of the leasehold interests of the Guinness Partnership

- 4.9 The Council has engaged with the Guinness Partnership with the clear intention of acquiring their leasehold interests. The Guinness Partnership has indicated that they are willing to sell their properties to the Council to enable this important regeneration project to proceed. The Council is actively working with the Guinness Partnership to make sure their tenants can be appropriately rehoused and kept informed as the project progresses.
- 4.10 To ensure an equitable outcome is achieved by all, the Council and the Guinness Partnership have jointly appointed Savills' specialist affordable housing team to undertake valuations of the properties. It is agreed between the parties that Savills' valuation will form the basis of the price the Council will pay for acquiring these interests. In addition to the value of the housing stock, the Council has made it clear that they will also pay any other reasonable compensation costs the Guinness Partnership is likely to be entitled to.

#### Tenants

- 4.11 All tenants have been made fully aware of the redevelopment proposals through various consultation exercises, as described in section 7, and the Landlord Offer issued as part of the Residents' Ballot. The Landlord Offer sets out the various ways in which the Council will assist tenants in finding a new home, depending on their tenancy status, and separately addresses secure Council tenants, registered provider tenants, those tenants in temporary accommodation and tenants of private landlords.

- 4.12 Secure Council tenants and assured housing association tenants, who wish to stay on the estate, will be offered a new home that fits their housing need at social rent levels within the Order Scheme. The Council is in regular contact with its tenants around the moving process which will be carried out in line with the phased construction programme and following the principle of minimising the number of property moves required by such tenants.

## **5 PLANNING POLICY BACKGROUND**

- 5.1 The current Development Plan for the London Borough of Hillingdon currently comprises the following documents:
- 5.1.1 The Local Plan: Part 1 – Strategic Policies (2012)
  - 5.1.2 The Local Plan: Part 2 – Development Management Policies (2020)
  - 5.1.3 The Local Plan: Part 2 – Site Allocations and Designations (2020)
  - 5.1.4 The West London Waste Plan (2015)
  - 5.1.5 The London Plan (2021).

### **National Planning Policy Framework**

- 5.2 The National Planning Policy Framework (NPPF) (2019) is a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.
- 5.3 The NPPF sets out guidance in relation to key planning principles including building a strong economy; ensuring the vitality of town centres; promoting sustainable transport; delivering a wide choice of affordable homes; good design; promoting healthy communities; protecting open space and the built environment; conserving the historic environment; and meeting the challenge of climate change.
- 5.4 With regard to the Order Scheme, the approach taken by the Council to promoting the regeneration of this area already embodies the NPPF guidance regarding sustainable development in terms of the emphasis on the delivery of high quality public realm and recreational space and the efficient use of land in line with economic, social and environmental objectives to improve people's quality of life.
- 5.5 The Order Scheme also seeks to significantly increase the supply and quality of housing within the Hayes area in accordance with the NPPF's focus on the need to "significantly boost the supply of homes" (NPPF paragraph 59), and the recognition in the NPPF that "*The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities*" (NPPF paragraph 72).
- 5.6 Paragraph 73 of the NPPF also requires local planning authorities to "*identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing*

*against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old'. The Order Scheme will significantly address the issue of the need for the delivery of high quality housing in the area.*

5.7 The Council is satisfied that the housing proposed will be delivered where it is needed, and will fully comply with the requirements of paragraph 127 which states:

*"Planning policies and decisions should ensure that developments:*

*a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*

*b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*

*c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

*d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*

*e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*

*f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience".*

### **The London Plan**

5.8 The London Plan, published March 2021, provides the spatial development strategy for London which deals with matters of strategic importance to Greater London. The London Plan is based upon three principle purposes for the Greater London area:

- Promoting economic development and wealth creation;
- Promoting social development; and
- Promoting the improvement of the environment.

5.9 The London Plan recognises the important role of the redevelopment and intensification of existing housing estates. Policy H8, in particular, supports the demolition and replacement of existing homes, to include through estate redevelopment proposals, provided it results in a level of housing "...at existing or higher densities with at least the equivalent level of overall floorspace" (Part A). Supporting

paragraph 4.8.1 promotes intensification of existing housing estates as a key future provider of new homes and affordable homes.

### **Local Plan**

- 5.10 The Local Plan is the foundation for how development will be controlled in the Borough of Hillingdon up to 2026. The two sections of the Local Plan forms the Council's future development strategy for the borough. Together they set out a framework and detailed policies to guide planning decisions and it is the starting point for considering whether planning applications should be approved.
- 5.11 The Local Plan Part 1 sets out the overall level and broad locations of growth for the plan period. It comprises a spatial vision and strategy, strategic objectives, core policies and a monitoring and implementation framework with clear objectives for achieving delivery. It was adopted in 2012 and the enclosed policies are supported by more detailed policies and allocations set out in the Local Plan Part 2.
- 5.12 The Local Plan Part 2 comprises Development Management Policies, Site Allocations and Designations and the Policies Map. The Local Plan Part 2 Development Management Policies and Site Allocations and Designations were adopted as part of the Borough's development plan at Full Council on 16 January 2020.
- 5.13 As defined by the Local Plan, the Order Land is located within the "Hayes Housing Zone" ("HHZ") designation under the Hillingdon Local Plan Part 2 Policies Map (2020). The HHZ is expected to deliver a significant proportion of the Council's housing requirement; this estate expected to be a significant contributor.
- 5.14 The estate's renewal will actively assist in contributing towards the borough's pressing affordable and general housing needs and demands in the short, medium and longer term.
- 5.15 The Planning Team indicated that the proposed design for the Order Land, which was the subject of the Residents' Ballot, was broadly compliant with the adopted policies within the Local Plan.

## **6 CURRENT PLANNING POSITION & ORDER SCHEME**

- 6.1 A hybrid planning application for the Order Scheme will be submitted to the local planning authority at the end of November 2021. The development that is proposed is the following:

*"Development in outline (with all matters reserved) for residential floorspace (Class C3) to comprise: demolition of all existing buildings and structures; erection of new buildings; new pedestrian and vehicular accesses; associated amenity space, open space, landscaping; car and cycle parking*

*spaces; plant, refuse storage, servicing area and other works incidental to the proposed development; and*

*Detailed planning consent for Block A comprising 30 residential units (Class C3); new pedestrian access; associated amenity space and landscaping; cycle parking, refuse storage, and other associated infrastructure (**'Order Scheme'**)"*

6.2 The Order Scheme has evolved and been refined following pre-application consultation with local stakeholders and discussions with the local planning authority. ("**LPA**") and the GLA. Since October 2020, during a circa 12 month period, constructive pre-application consultation and engagement with the LPA's Planning and Design Officers (and GLA Officers) has taken place. This technical pre-application consultation has also brought in other specialist Officers (to include: Landscape and Trees, Energy, Highways, and Environmental Health) in order to discuss technical matters around the emerging proposals. The design has evolved throughout this process, taking on board officer comments received in order to allow for a robust application submission with LPA support at the time of submission. During this pre-application consultation with the LPA, and since the successful resident ballot, there has been constructive on-going resident consultation on emerging plans alongside wider public consultation through an exhibition event in July 2021 and further consultation in November 2021.

## **7 JUSTIFICATION FOR USE OF COMPULSORY PURCHASE POWERS**

7.1 With regard to the justification needed to support a CPO, the Guidance states that in deciding whether or not to confirm an order under section 226(1)(a) of the 1990 Act, the decision will be made on its merits and the Secretary of State will consider the following:

- 7.1.1 Whether the purpose for which the land is being acquired fits in with the adopted Local Plan for the area, and where no up to date Local Plan exists, the draft Local Plan and NPPF;
- 7.1.2 The extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental well-being of the area;
- 7.1.3 The potential financial viability of the Order Scheme for which the land is being acquired, source of funding, general funding intentions and the timing of available funding, and that there is a reasonable prospect of the Order Scheme going ahead;
- 7.1.4 Whether the purpose for which the authority is proposing to acquire the land could be achieved by any other means;
- 7.1.5 Any legal or physical impediments to implementation of the Order Scheme;

7.1.6 The purposes for which the compulsory purchase order is made and whether they justify interfering with the human rights of those with an interest in the land affected:  
and

7.1.7 Whether there is a compelling case in the public interest to make the Order.

7.2 These are each considered below in relation to the Order and Order Scheme.

### **Whether the purpose for which the land is being acquired fits in with the adopted planning framework**

7.3 The Council has considered whether the proposals for the Order Land comply with the Local Plan for the area, as discussed at Section 5.8.

7.4 Consideration has also been given to the other material guidance and statements.

7.5 The Order Scheme would create a new residential development within Hayes which would accord with the site allocation for the Order Land (Policy SA 23 of the 2020 Local Plan).

7.6 The proposed housing would make a significant contribution to the Council's supply of good quality new housing, including delivering an affordable housing percentage that exceeds planning policy requirements (comprising re-provision of all existing affordable housing floorspace) for which there is great demand in accordance with requirements of the NPPF on deliverable housing supply and Local Plan (and London Plan) policies.

7.7 Overall, for the reasons given elsewhere in this Statement, the Council is satisfied that the purposes for which the Order Land is being acquired fits with the policies of the adopted Local Plan and will enable the Council to begin to realise the wider regeneration aspirations for the Borough, by acting as a catalyst to wider investment and development.

### **The extent to which the scheme will contribute to the achievement of the promotion or improvement of the economic, social or environmental well-being of the area**

7.8 The Council considers that the land proposed to be compulsorily acquired will facilitate the comprehensive development of the Order Land in a manner which will positively contribute to the improvement of the economic, social and environmental well-being of the locality and the wider Borough. The key benefits from the Order Scheme are summarised below.

7.9 Key benefits which cumulatively significantly outweigh any residual harm arising from redevelopment are:

7.10 Social –:

- 7.10.1 The provision of approximately 243 new one, two, three and four bedroom apartments, and maisonettes within the Order Land with an increase in larger family units compared to the current provision within the Order Land;
- 7.10.2 The development will include discrete residential blocks around resident only courtyard communal gardens and fewer homes per communal entrance to aid community cohesion and safety;
- 7.10.3 Each residential unit will have private amenity space in the form of a balcony, terrace or garden which is a significant improvement on the current housing within the Estate as no residential units have any private amenity space;
- 7.10.4 The design of the Development will adhere to Designing out Crime principles that will address anti-social activity and crime in the area; and
- 7.10.5 Re-provision of existing affordable homes with high quality replacement homes.

7.11 Environment –the Order Scheme will deliver benefits which include:

- 7.11.1 The design will contribute to the Council’s net-zero targets;
- 7.11.2 The provision of new high quality safe play areas;
- 7.11.3 The delivery of public realm improvements that will benefit residents and the wider public;
- 7.11.4 the delivery of sustainable urban drainage and urban greening; and
- 7.11.5 maximising the use of a sustainable location with good access to local bus services and a mainline rail station and the traffic free route along the canal towpath

7.12 Economic – In economic terms, the development of the Order Land represents a major opportunity to bring vitality and enhance the vibrancy of Hayes through attracting new residents to the area. The Order Scheme will also result in the creation of wider economic and social benefits as a result of the development activity and the creation of jobs, apprenticeships and training opportunities during the construction phase of the Order Scheme. During the construction and operational phases of the Order Scheme it is anticipated that there will be increased economic activity within the high street within Hayes Town Centre and the utilisation of other local services and businesses.

7.13 Therefore the Order Scheme represents a significant opportunity for economic, social and environmental improvements which can help achieve the broad goals of sustainable development and also help in the wider regeneration of the Borough.

**The potential financial viability of the Order Scheme, source of funding, general funding intentions and the timing of available funding and that there is a reasonable prospect of the Scheme going ahead**

7.14 The Council is satisfied that there are no financial or funding related impediments to bringing forward the Order Scheme. The Council is currently pursuing a competitive procurement process to secure a development partner to deliver the Order Scheme which will be concluded by Spring 2022. The funding and delivery of the Order Scheme will be achieved through the following:

7.14.1 Council Investment in replacement (and additional) affordable housing. Following the selection of a development partner, the extent of this Council capital funding required to support the scheme, will be established and secured.

7.14.2 Investment from other affordable housing investors should the Council decide not to invest in all of the affordable housing being developed.

7.14.3 Development partner finance, the level of which and timing will be established through the procurement process.

7.14.4 Affordable Housing Grant from the GLA. This funding is confirmed subject to achieving the necessary start on site conditions.

**Whether the purpose for which the land is to be acquired could be achieved by other means**

**A. Generally**

7.15 The alternative option would be to not go ahead with the redevelopment of the Estates, despite the positive result of the Resident's Ballot. This would not be optimal because it does not address the Council's objective of maximizing the opportunities to provide new high-quality housing and of enhancing place-making within Hayes.

7.16 Further it would not address issues raised as a concern by residents of the Estate as described in section 3.3.

7.17 This alternative would also result in the Council missing the opportunity to take advantage of funding from the GLA as this is only available for new build development.

7.18 The Council has and will continue to attempt to acquire all remaining interests by negotiation; however, this may not be possible in all cases. Where agreement by negotiation is not possible the only other option which would guarantee delivery of the comprehensive Order Scheme in a timely manner is to acquire the interest through the exercise of the Council's powers of compulsory purchase.



- 7.19 The Council is satisfied that it has taken all reasonable steps to acquire the land required by negotiation, and that Order is now necessary to secure the redevelopment of the Order Land.
- 7.20 The Council therefore considers there to be a compelling case in the public interest to proceed with the Order.

### **Legal or physical impediments to the implementation of the Order Scheme**

- 7.21 The key issue affecting the delivery of the Order Scheme relates to land ownership. Whilst the Council has been working to ensure the land required for the Order Scheme is assembled, to date it has not been possible to enter into agreements with all owners and those with interests in the Order Land. Negotiations will continue with affected parties with a desire to conclude acquisition by agreement, but without the certainty of land assembly through the compulsory purchase process, the Order Scheme will not be realised.

### **Whether the purposes of the Order Scheme justify interfering with the human rights of those with an interest in the land affected**

- 7.22 The Human Rights Act 1998 requires that every public authority must act in a manner that is compatible with the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”).
- 7.23 Relevant parts of Article 1 of First Protocol of the Convention provide:

*“Every natural or legal person is entitled to peaceful enjoyment of his possessions” and “[no] one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law ...”*

- 7.24 Relevant parts of Article 8 of the Convention provide:

*“(1) Everyone has the right to respect for his private and family life, his home and his correspondence.  
(2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interest of ...the economic well-being of the country...”*

- 7.25 Relevant parts of Article 6 provide that:

*“In determining his civil rights and obligations ... everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.”*

- 7.26 The Council has considered alternatives to the Order Scheme but has determined that the purpose for which the Order Land is to be acquired could not be achieved by means other than by the

compulsory purchase of the Order Land, which will interfere with rights held by owners and occupiers of the Order Land. Such interference is justified through the Council's use of its powers under section 226(1)(a) of the 1990 Act.

- 7.27 The proposed regeneration of the Order Land through the Order Scheme has been publicised extensively and consulted upon by the Council. Third parties likely to be affected by the proposals have been offered several opportunities to make representations to the Council. Any owner, lessee or occupier of land included within the Order Land would have the opportunity to make a representation or objection to the Council, and to appear at a public inquiry before a decision is made as to whether or not the Order should be confirmed.
- 7.28 If the Order is confirmed, notwithstanding the provisions of Article 1 of the First Protocol and/or Article 8 of the Convention, adequate provisions are in place to compensate those affected. The Council also considers that use of compulsory purchase powers in order to bring about this major development is proportionate to the interference with human rights, particularly in light of the statutory compensation available.

#### **Public Sector Equality Duty**

- 7.29 The Council has also had due regard to its obligations under section 149 of the Equality Act 2010 and carried out an Equality and Human Rights Impact Assessment (completed on 18<sup>th</sup> May 2021) on the proposals and the consultation that has taken place in the run up to the Resident's Ballot ("EqIA"). The Public Sector Equality Duty places a duty on public authorities to take due regard in their decision-making processes to the need to eliminate discrimination, foster good relations and advance equality of opportunity. The protected characteristics as defined in the Act are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.30 The Council also takes into account any potential impact on carers, community cohesion, and community safety. As set out in the EqIA, the impact of the disruption of rehousing may have a short term disproportionately negative impact on older people, vulnerable people or those with a disability.
- 7.31 Procedures will be put in place to mitigate against any negative impact including a dedicated decant officer, a comprehensive package of support for moving arrangements including all the costs being covered, and a packing service.
- 7.32 In terms of the Landlord Offer made to eligible residents within the Order Land:
- 7.32.1 Secure Council and assured housing association tenants who wish to stay on the estate will be guaranteed an offer of a new home at social rent levels on the new estate; and

- 7.32.2 Resident leaseholders will receive a fair deal and affordable options to assist them to buy one of the new homes on the estate if they wish to do so e.g. shared equity or shared ownership.

## **Public Interest**

- 7.33 The Order Scheme generates significant benefits to both the local and wider area and is a significant positive for both. The Order Scheme is of a scale and nature that will provide a catalyst for wider regeneration and revitalisation of the surrounding area and provides for extensive additions to the public realm which will enhance the local environment and improve links to the wider area.
- 7.34 The Order Scheme will bring widespread and compelling public benefits through delivery of high quality new housing to meet housing demand, public realm and environmental improvements which will add to the viability and vitality of the town centre and enhance its character.

## **Consultation**

- 7.35 In response to concerns raised by residents about building conditions within the Order Land and anti-social behaviour the Council explored ways to improve the standard of residential provision for current residents within the Order Land. The work by the Council and consultation with residents resulted in an Options Appraisal carried out by Savills, further consultation with residents in relation to the Options Appraisal and the decision to move ahead with the redevelopment of the Order Land.
- 7.36 Extensive resident consultation was held from autumn 2020 to the publication of the Landlord Offer in April 2021. Events included in-person consultations, virtual drop-in consultations, online meetings for different housing tenures, one-to-one resident surgeries, and the formation of a Resident Steering Group who met online regularly to discuss design matters and the rehousing offer. The resident consultation was supported by communications including a dedicated area of the Council's website, regular newsletters delivered door-to-door, letters, and posters / information boards displayed at key points in the Order Land.
- 7.37 As noted in paragraph 4.3 a Landlord's Offer was formulated in accordance with the GLA's requirements for all eligible parties that currently hold an interest in the Order Land and this was included in the Residents' Ballot issued on 30th April 2021. The Landlord's Offer contained design commitments and indicative proposals for the Order Land in accordance with the GLA expectations and the options that would be available to residents in terms of relocation or remaining resident within the Order Land. Extensive consultation accompanied the issue of the Landlord's Offer. The ballot closed on 21st May 2021 and the result was 94.1% in favour in relation to the redevelopment of the Order Land.

## **Summary**

- 7.38 Having regard to the provisions of the Town and Country Planning Act 1990, and the Guidance, the Council considers that the Order Land is both suitable for and will facilitate the carrying out of development, redevelopment or improvement and will make a positive contribution in the promotion of the economic, social and environmental well-being of its area.
- 7.39 Without the use of these powers, the much-needed development of the Order Land is unlikely to be achievable either at all, or within any reasonable timescale. Appropriate compensation will be available to those entitled to claim it under the relevant statutory provisions. The Council is therefore satisfied that the purposes for which the Order is made gives rise to compelling reasons that justify interfering with the human rights of those with an interest in the land affected.
- 7.40 The Council considers that there is a compelling case in the public interest that the Order Land be compulsorily acquired in order to achieve the purposes set out in the Order and described in further detail in this section 7 of the Statement of Reasons.

## **8 CONCLUSION**

- 8.1 In the light of the matters set out in the Statement of Reasons, the Council considers that there is a compelling case in the public interest in support of the Order. The Council invites the Secretary of State to confirm the Order so that the Order Scheme can be delivered.

## **9 RELEVANT DOCUMENTS FOR ANY PUBLIC INQUIRY**

- 9.1 The Council intends to refer to, or put in evidence, the documents (or relevant extracts from those documents) which are listed below. The Council reserves the right to refer to or adduce additional documents.
- 9.1.1 Cabinet Committee report and minutes 22 October 2020;
  - 9.1.2 Cabinet Committee report and minutes 17 June 2021;
  - 9.1.3 Cabinet Committee report 15 July 2021;
  - 9.1.4 Cabinet decision 23 July 2021;
  - 9.1.5 Cabinet Committee report and minutes 11<sup>th</sup> November 2021;
  - 9.1.6 National Planning Policy Framework (July 2021);
  - 9.1.7 Guidance: Compulsory purchase process and the Crichel Down Rules (July 2019);
  - 9.1.8 The Local Plan: Part 1 – Strategic Policies (2012);

- 9.1.9 The Local Plan: Part 2 – Development Management Policies (2020);
- 9.1.10 The Local Plan: Part 2 – Site Allocations and Designations (2020);
- 9.1.11 The West London Waste Plan (2015);
- 9.1.12 The London Plan (2021);
- 9.1.13 Options Appraisal Report – October 2020;
- 9.1.14 Landlord’s Offer – Avondale Drive; and
- 9.1.15 Equality and Human Rights Impact Assessment 18<sup>th</sup> May 2021.

