


Haringey Council
Written Statement/Record of a decision made by an officer under delegated authority

Decision Maker (Post Title)	Head of Programme Management – Regeneration and Economic Development
Subject of the decision	The London Borough of Haringey (High Road West Phase A) Compulsory Purchase Order 2023 – Approval to waive Contract Standing Order (CSO) 8.03 to cover the costs of the time and expenses incurred by the Inspector in relation to the Order
Date of decision	22 nd March 2024
Decision	For the Head of Programme Management to waive CSO 8.03 in accordance with CSO 10.01.1 b) and 10.01.2(d)(iii) to award a contract to The Planning Inspectorate for the value of £30,955.20 to cover the time and expenses incurred by the Inspector in respect of the Order.
Reasons for the decision	<p>On 26 January 2023, the Council made a Compulsory Purchase Order (CPO) to acquire the land, interests and new rights required to enable delivery of Phase A of the High Road West Scheme.</p> <p>Following the receipt of 11 objections to the Order, a public inquiry took place from 6 to 22 November 2023, where the Council’s case and the remaining objections were considered by an Inspector appointed by the Secretary of State.</p> <p>Government legislation requires that the Council covers the expenses incurred by the Inspector in holding a public inquiry. The Council does not have the ability to seek three competitive quotations for this service as required under CSO 8.03 and so is seeking a waiver as permitted under 10.01.1(d).</p>
Details of any alternative options considered and rejected by the officer when making the decision	An option to not pay the Inspector’s fees was considered and discounted. This is not viable due to the legislative requirement that the Council covers these costs. Also, the public inquiry has now taken place and so is now owed.
<u>Conflicts of interest – Executive decisions</u>	N/A

<u>Conflicts of interest – Non executive decisions</u>	N/A
Title of any document(s), including reports, considered by the officer and relevant to the above decision or where only part of the report is relevant to the above decision, that part)	Waiver report
Reasons for exemption with reference to categories of exemption specified overleaf, or Reason why decision is confidential (see overleaf) Note: decisions containing exempt or confidential information falling within the categories specified overleaf are not required to be published.	n/a
Signature of Decision Maker	
Name of Decision Maker	David Lee – Head of Programme Management
Does the decision need to be published? Yes <input type="checkbox"/> Y No <input type="checkbox"/>	

DECISION MAKING REPORT

Report for: David Lee – Head of Programme Management, Regeneration and Economic Development

Item number: N/A

Title: The London Borough of Haringey (High Road West Phase A) Compulsory Purchase Order 2023 – Approval to waive Contract Standing Order (CSO) 8.03 to cover the costs of the time and expenses incurred by the Inspector in relation to the Order

Report authorised by : Matthew Maple, High Road West Lead

Lead Officer: Scott Mundy, Regeneration Manager

Ward(s) affected: Bruce Castle

**Report for Key/
Non Key Decision:** Non Key Decision

1. Describe the issue under consideration

- 1.1. On 8 November 2022, Cabinet resolved to make a Compulsory Purchase Order (“the Order”), pursuant to section 226(1)(a) and 226(3)(a) of the Town and Country Planning Act 1990, section 13(1) of the Local Government (Miscellaneous Provisions) Act 1976 and other relevant powers, to acquire the land, interests and new rights required to enable delivery of Phase A of the High Road West Scheme.
- 1.2. On 23 January 2023, the Director of Placemaking & Housing agreed to make the Order, which was formally made on 26 January, and agreed to seek confirmation of the Order by the Secretary of State for Levelling Up, Housing and Communities. Following the receipt of 11 objections to the Order, a public inquiry took place from 6 to 22 November 2023, where the Council’s case and the remaining objections were considered by an Inspector appointed by the Secretary of State. On 20 February 2024, the Order was confirmed by the Inspector on behalf of the Secretary of State.
- 1.3. Following the completion of the public inquiry process and the confirmation of the Order, this report seeks approval to waive Contract Standing Order 8.03 to award a contract to The Planning Inspectorate to cover the costs of the time and expenses incurred by the Inspector in respect of the Order.

2. Recommendations

- 2.1. For the Head of Programme Management to waive CSO 8.03 in accordance with CSO 10.01.1 b) and 10.01.2(d)(iii) to award a contract to The Planning Inspectorate for the value of £30,955.20 to cover the time and expenses incurred by the Inspector in respect of the Order.

3. Reasons for decision

- 3.1. The Government's Guidance on Compulsory purchase process and the Crichel Down Rules (the 'Guidance') sets out in paragraph 42 that acquiring authorities (in this case the Council) are required to meet the administrative costs of an inquiry and the expenses incurred by the Inspector in holding it. As such, it is a legislative requirement that the Council pay these fees.
- 3.2. As the inquiry process is managed by the Planning Inspectorate on behalf of the Department for Levelling Up, Housing and Communities under legislation, the Council does not have the ability to seek three competitive quotations for this service as required under CSO 8.03, and therefore a waiver is sought.

4. Alternative options considered

Not to pay the costs of the Inspector

- 4.1. This is not a viable option as the Council is required to meet these costs under legislation. The public inquiry into the Order has taken place, pursuant to the decisions of Cabinet and the Director of Placemaking & Housing, and these costs have been incurred and the sum is owed. As such, this alternative option has been discounted.

5. Background information

High Road West Scheme

- 5.1. In 2017 and following a competitive procurement process, the Council entered into a Development Agreement and Compulsory Purchase Order Indemnity Agreement (CPOIA) with Lendlease to deliver the High Road West Scheme.
- 5.2. In March 2021 the Council's Cabinet agreed to enter into a funding package with the Greater London Authority ("GLA") to deliver the first phases of the High Road West Scheme referred to as "Phase A", which includes the Love Lane Estate. In the summer of 2021, a resident ballot took place on the Love Lane Estate, where the majority of participating residents voted in favour of the redevelopment of the estate as part of the High Road West Scheme.
- 5.3. On 31 August 2022, Planning Permission was granted for a hybrid planning application for the High Road West Scheme, including detailed permission for Plot A (which includes the first 60 Council homes) and outline permission for the remaining plots.

- 5.4. A detailed background overview of the contractual and funding arrangements for the scheme and the reasons for the use of CPO powers to deliver Phase A is provided in the Cabinet report of 8 November 2022 ([link](#)).

Compulsory Purchase Order Indemnity Agreement (CPOIA)

- 5.5. The CPOIA sets out both the Council's and Lendlease's obligations to acquire and secure vacant possession of the land within the High Road West Scheme boundary. The CPOIA requires the Council to use all reasonable endeavours to assemble the land required for development, including the use of a Compulsory Purchase Order (CPO).
- 5.6. Under the CPOIA, Lendlease is obligated to reimburse the Council for all costs incurred to acquire the land should the development proceed. This includes costs associated with the preparation, making and obtaining confirmation of the Order, such as the costs of the public inquiry and the Inspector's fees, referred to in the CPOIA as a 'Relevant Expense'. These costs will be reimbursed to the Council on a phased basis as the Scheme proceeds.

6. Contribution to the Corporate Delivery Plan 2022-2024

- 6.1. The recommendations will contribute to the successful delivery of Phase A of the High Road West Scheme and will support the Council in delivering its corporate priorities, as well as supporting the progression of objectives in the development plan (including those included for allocation NT5 in particular as they relate to the part of the site covered by the Order Land) and in the London Plan to support regional growth in North London.
- 6.2. The Corporate Delivery Plan (CDP) specifically refers to High Road West as a priority, noting that it includes 2,600 new homes; 500 council homes; a new library and Learning Centre; refurbished Grange, a new 3,500sqm civic square; commercial space; a new 5,600 sqm public park; a new local centre, £10m socio-economic programme. Specifically the scheme contributes:
- Homes for the future: the Council wants all its residents to have a safe, sustainable, stable and affordable home and as such is committed to delivering new Council homes, bringing up the standard of private rented housing, and preventing homelessness. The HRW development will deliver over 500 new, sustainable, Council homes to support this objective alongside public realm and social infrastructures as part of a healthy and sustainable neighbourhood that includes the services, facilities and spaces that will support the wellbeing of our residents.

7. Statutory Officers comments

- 7.1. Not required as the contract award is under £50,000.

8. Use of Appendices

8.1. None

9. Local Government (Access to Information) Act 1985

High Road West Cabinet and Full Council Papers:

- 8th November 2022 Cabinet Report – High Road West Scheme Phase A Compulsory Purchase Order ([link](#))
- 19th July 2022 Cabinet Report – High Road West – Appropriation of Land in Plot A and Consultation on the Use of Ground 10a of the Housing Act 1985 ([link](#))
- 13th July 2021 Cabinet Report – High Road West - Approval of Resident Offers, Landlord Offer and Resident Ballot ([link](#))
- 16th March 2021 Cabinet Report – High Road West – Conditional Approval of Funding and Next Steps ([link](#))
- 10th March 2020 Cabinet Report - High Road West – Next Steps for Consultation on Resident Offers ([link](#))
- 8th March 2018 Cabinet Report- High Road West Regeneration Scheme – approval of the next steps for the Love Lane Leaseholder Offer and for delegated authority to agree all valuation and compensation packages for the land interests due to be acquired ([link](#))
- December 2017 Full Council Report - High Road West Regeneration Scheme – Approval to seek Secretary of State Consent to dispose of housing land ([link](#))
- 12th September 2017 Cabinet Report- High Road West Regeneration Scheme – appointment of a preferred bidder and next steps ([link](#))
- 13th September 2016 Cabinet Report- Tottenham Housing Zone Phase 2- North Tottenham ([link](#))
- 15th December 2015 Cabinet Report- High Road West Regeneration Scheme Update and Next Steps ([link](#))
- 20th January 2015 Cabinet Report - Site Acquisitions Fund – approval for decisions under Delegated Authority ([link](#))
- 16th December 2014 Cabinet Report- High Road West Regeneration Scheme- Masterplan and Next Steps ([link](#))
- 15th July 2014 Cabinet Report- High Road West Regeneration Scheme Consultation. ([link](#))
- 28th November 2013- High Road West Regeneration Project - Master Plan Option Consultation Feedback and Next Steps. ([link](#))