

**THE LONDON BOROUGH OF
HARINGEY
'TANGMERE AND NORTHOLT
COMPULSORY PURCHASE ORDER 2020'**

**HOUSING ACT 1985
ACQUISITION OF LAND ACT 1981**

STATEMENT OF REASONS

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1. Introduction

1.1 This is the Statement of Reasons for the making of the London Borough of Haringey (Tangmere and Northolt) Compulsory Purchase Order 2020 ('the Order') by the London Borough of Haringey ('the Council'). The Statement has been prepared in accordance with the 'Guidance on Compulsory purchase process and The Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion' (July 2019) ('the Guidance').

1.2 The Order, has been made by the Council as the acquiring authority under section 17 of the Housing Act 1985 (Document 1). The Order will enable the Council to acquire compulsorily the Order Land (listed in the Schedule to the Order and shown edged red and coloured pink on the Order Plan, being Document 2). The purpose of the Order is to facilitate the demolition of two housing blocks known as Tangmere and Northolt situated on the Broadwater Farm Estate, Tottenham N17 which have been identified as structurally unsafe together with the associated substations in both blocks and to deliver (as a minimum) a qualitative housing gain.

1.3 The Council recognises that a compulsory purchase order ('CPO') can only be made as a "last resort" and if there is a compelling case in the public interest, as is reflected in paragraphs 2 and 12 of the Guidance. The Council has given careful consideration to all relevant issues and, having done so, is satisfied that there is a compelling case in the public interest to make the Order and that compulsory purchase is justified as a last resort.

1.4 It is intended that, unless acquired by agreement, all land and rights in the Order Land would be acquired by the Council following confirmation of the Order. Following confirmation, it is envisaged (subject to the necessary legal agreements being in place) that CPO powers will not need to be exercised to acquire the UK Power Network (UKPN) interest in respect of the substations which are currently being used for the purposes of carrying out their undertaking. Currently, relocation of both substations has been agreed between the parties, and is subject to the legal agreements being finalised. The Council will also consider granting equivalent or alternative rights of way should that be necessary for any part of the Order Land.

1.5 This Statement of Reasons is a non-statutory document. It is provided in accordance with section 6 of Tier 2 and section 12 of Tier 3 of the Guidance.

1.6 The Council has commissioned comprehensive structural surveys to fully consider the condition of both Tangmere and Northolt. The initial surveys were

carried out by Ridge from October 2017 and Curtins were then engaged to peer review those findings in June 2018. These surveys identified serious structural defects giving rise to significant safety issues. The Council was advised that it had only two options: either (1) to carry out extensive refurbishment, or (2) to demolish both blocks.

1.7 Construction consultants Ridge undertook the structural surveys of all 12 blocks (including Tangmere and Northolt) on the Broadwater Farm estate on behalf of Homes for Haringey from October 2017 which were subsequently peer reviewed by Curtins as referenced at paragraph 1.6 above. The findings were that both the Tangmere and Northolt blocks failed the lower test of 17 kN/m² relating to the ability to withstand the force of a vehicular strike to the building or from a bottled gas explosion. As part of Ridge's work, estimated costs for strengthening and refurbishing both blocks were produced – these showed that the costs of refurbishment were prohibitively high without delivering the desired qualitative gain in the quality of housing in the blocks. Although these works could make the buildings safe in the medium term, the Council would still be left with two defective blocks requiring high on-going maintenance costs. As a result, the Council undertook a Section 105 consultation with residents on the preferred option to demolish the two blocks. The vast majority of respondents from both blocks (as noted in the Cabinet report from November 2018, 91% in Tangmere and 81% in Northolt supported the proposals) supported the demolition of Tangmere and Northolt and the re-provision of at least the same number of socially rented homes.

1.8 Following consideration of options and the consultation process (under section 105 of the Housing Act 1985) with the remaining residents and privately held homes in both blocks, the Council's Cabinet resolved to pursue the demolition of the blocks on the 13th November 2018 (document X). On the 13th November 2018 Cabinet resolved to replace 'any Council homes which were demolished with new Council homes on the estate' as a minimum. Given the quality of the current homes, this would represent a qualitative housing gain as a minimum. The Council will also explore all options to deliver a quantitative gain if possible.

1.9 The Council has attempted to acquire the interests from the owners and occupiers of those properties falling within the Order Land to facilitate the required demolition and redevelopment since the decision to demolish in November 2018. This is demonstrated by the Broadwater Farm Rehousing and Payment Policy approved by Cabinet in November 2018 and the Acquisition Strategy agreed by Cabinet in July 2020 which, among other provisions, expanded the existing equity loan offer. To date [18] interests have been secured with [19] leasehold interests remaining. As of 29th September 2020,

agreement had been reached for the sale of 10 of the remaining leasehold interests, with sales to be finalised. Mindful of the structural concerns regarding the 2 blocks, the Council has made the decision that demolition needs to be prioritised and that negotiations to acquire will be continued in parallel with the CPO process.

1.10 Redevelopment will be based on the Council's established policy objectives of maximising the amount of genuinely affordable housing with detailed proposals to be developed in consultation with the community, in accordance with all relevant planning policies and in accordance with section 17(4) of the Housing Act 1985.

1.11 The Council resolved by way of a resolution of the Cabinet on [October 13th 2020] to make the Order (Document X).

2. Background - The Order Land

2.1 The Order Land comprises

- (1) Northolt consisting of 102 flats and an adjoining building housing an energy centre
- (2) Tangmere consisting of 116 flats and undercroft parking spaces
- (3) UKPN substations in the base of (i) Tangmere block and (ii) the base of Northolt block

2.2 Full details of the interests to be acquired are listed in the Schedule (CPO Schedule) annexed to the Order and shown on the map accompanying the Order (the Order Plan). The outstanding interests within the Tangmere and Northolt blocks are included within the Order. Council secure tenants in occupation are included within the Order. However, the Council can, and is securing, vacant possession through tenancy provisions. If necessary, the Council is confident of securing vacant possession from its secure tenants by way of possession proceedings under Ground 10A of Schedule 2 of the Housing Act 1985.

2.3 Tangmere and Northolt are 6 and 18 storey large panel system (LPS) point blocks built in the late 1960's and early 1970s forming part of the Broadwater Farm Estate. There are currently 218 residential flats in total in both blocks and the floor space within Tangmere in particular is underutilised.

2.4 The Order Land currently constitutes part of a social housing estate known as the Broadwater Farm estate. With respect to the demolition and replacement of affordable housing, draft London Plan Policy H10 requires the replacement of the affordable housing on an equivalent floorspace basis. Where the

demolition involves social rented housing, this tenure is to be replaced, facilitating a right of return for existing tenants, otherwise it may be re-provided as either social rent or London Affordable Rent housing. The policy requirement for an uplift in overall affordable housing provision is only relevant to estate intensification proposals.

2.5 The two blocks do not currently constitute safe or good quality homes and are located in a physical environment designed around now disregarded post war Brutalist design theory. The re-provided homes will provide new safe and good quality homes, delivered in an improved physical environment with the new buildings designed to interface with the adjoining streets and public spaces. Therefore, the proposed redevelopment will achieve the key aims of estate renewal schemes as identified at policy H10. They will also represent a qualitative housing gain.

2.6 The Council's approach accords with the key relevant principles of the Government's National Estate Regeneration Strategy. However, as outlined above, the justification and need for this scheme differs from an estate renewal project. Namely, the scheme is justified on the basis that:

- 1) the blocks are unsafe and pose a risk of progressive collapse both to inhabitants and the surrounding areas;
- 2) the cost of the buildings remaining represents poor value for money due to the prohibitively high cost of refurbishment and structural works;
- 3) the Council cannot deliver its commitments to rebuilding the new homes until demolition of these two blocks has been undertaken.

2.7 On the basis of the above, the Council is satisfied that eliminating the risks associated with the two structurally unsound buildings accords with the Council's obligations as landlord, local housing authority and local planning authority. The provision of a qualitative housing gain (as a minimum) also accords with the Councils' established policies and the planning framework.

3. Enabling Powers for the Compulsory Purchase Order ("CPO")

3.1 The Council has made the Order pursuant to its powers under Part 2, section 17 of the Housing Act 1985 (the Act) (and the Acquisition of Land Act 1981 and Planning and Compulsory Purchase Act 2004) (as amended) to acquire land for housing purposes.

3.2 Section 17 allows the local authority to acquire houses, or buildings which may be made suitable as houses, together with any land occupied with the houses or buildings.

3.3 Section 17(3) of the Act provides that Land may be acquired by a local housing authority for the purposes of this Part by agreement, or they may be authorised by the Secretary of State to acquire it compulsorily.

3.4 Section 17(4) of the Act provides that a local housing authority may, with the consent of, and subject to any conditions imposed by, the Secretary of State, acquire land for the purposes of this Part notwithstanding that the land is not immediately required for those purposes; but an authority shall not be so authorised to acquire land compulsorily unless it appears to the Secretary of State that the land is likely to be required for those purposes within ten years from the date of the confirmation of the compulsory purchase order.

3.5 The Council's Cabinet has authorised on [13th October 2020] the making of the Order (pursuant to S.17 of the Housing Act 1985) with budgets in place to meet the costs of promoting the CPO including costs arising in the event of a public inquiry being required, through to implementation (as may be necessary), dealing with all compensation payments and associated aspects in conjunction with the proposed demolition and building of new homes. The costs associated with acquiring remaining assets and to procure design consultants have been dealt with previously, with £11.5m approved by Cabinet in June 2018, £1.2m approved by Cabinet in November 2018. Architects were appointed in December 2019 to develop designs for the new homes and an Urban Design Framework for the estate. Further to this, as noted in the Acquisition Strategy paper adopted by Cabinet in July 2020, provision has been made within the BWF Capital Budget 2020/21 to cover any supplemental acquisition and rehousing costs.

3.6 The resolution made by the Council's Cabinet in November 2018 seeks to achieve a qualitative housing gain as a minimum.

4. Strategic Context of Housing in Haringey

4.1 The Council's Borough Plan (2019-2023) outlines the Council's overall strategic objectives for housing, setting it as Priority 1 for the borough. It sets out a vision to "*deliver the new homes Haringey needs, especially new affordable homes.*" and to "*drive up the quality of housing for everyone*". The Borough Plan overall supports the key objectives of the Order to ensure the safety of the residents within the two blocks and also the surrounding neighbouring housing. The Borough Plan also supports the subsequent residential redevelopment of the Order Land.

4.2 The strategic planning framework on the making of the Order consisted of the following key documents: • London Plan 2016; • *London Borough of*

Haringey (2017) Local plan; (2017) Development Management DPD (2017) Site Allocation DPD • The National Planning Policy Framework (NPPF) 2019

4.3 The NPPF is a material consideration. It seeks to ensure that in the pursuit of sustainable development, the three-overarching economic, social and environmental objectives are delivered through the implementation of plans and the application of policies. Section 2 paragraph 8b seeks safe built environments as a key social objective of achieving sustainable development. The NPPF seeks to deliver a sufficient supply of homes, significantly boosting the supply of homes and ensuring that land suitable for housing is developed without unnecessary delay.

4.4 The London Plan (2016) provides the strategic context for housing need in London. This provides a target of 15,019 new homes for the Borough for the period of 2015 to 2025.

4.5 The new draft London Plan was published for consultation in December 2017 and the Examination in Public commenced in January 2019. It is currently estimated that the final version of the London Plan will be published in 2020 to replace the 2016 plan.

4.6 The draft new London Plan places an increased emphasis on the need to deliver new homes increasing the pan-London housing target and many boroughs' individual targets. It significantly increases the borough-wide 10-year minimum housing target for the borough of Haringey to 15,920, between 2019 and 2029. This yields an annualised target for the borough of Haringey of 1,592 homes

4.7 In order to achieve the Council's strategic housing target, it is important that as well as provision of new housing there should be no net loss of the existing housing stock through change of use or redevelopment for other uses.

4.8 The relevant policies of the development plan (London Plan (2016) Policy 3.14; draft London Plan Policy H10; and Local Plan Policy H02) all require there to be no net loss of permanent residential accommodation as a result of demolition, redevelopment or change of use without replacement provision (as measured by equivalent floorspace). The policy position in Policy H02 is reinforced in Local Plan Policy DM10 which resists the loss of all existing housing, including affordable housing and specialist forms of accommodation, unless the housing is replaced with at least equivalent new residential floorspace. These policies do not come with any prescribed mitigation measures to offset the loss of housing other than the replacement of what has been lost.

4.9 The Council considers the Order Land to be capable of delivering a housing scheme which will result in no net loss of housing, whilst also achieving a significant qualitative housing gain; there is also potential to deliver a quantitative housing gain. The commitment to the re-provision of housing and delivery of qualitative (and potentially quantitative) housing gain following confirmation of the Order thus accords with adopted policy.

5. The Local Housing Market in Haringey

5.1. There are approximately 107,700 households in the borough of Haringey, and this is projected to rise to 109,412 by 2022 (ONS, 2018). At the last census, 40% of households were owner-occupiers; 33% lived in the private rented sector and 27% lived in the social rented sector.

5.2 As noted in the section above, there is a clear need for more housing of all sorts in the borough, with a target of over 15,000 new homes over a ten-year period (2019-2029). There is also a pressing need for more social rented homes in the borough. There are over 11,000 households on Haringey's housing register, who need to be housed in social housing, of whom c. 3000 are currently homeless and living in temporary accommodation. The Strategic Housing Market Assessment completed in 2014 identified an affordable housing requirement of 11,757 homes over the 2011-2026 period. The Council's priority is for new affordable housing to be low-cost rented housing since this best meets the needs of the borough's residents.

5.3 Haringey Council is the landlord of c15,000 Council rented homes in the borough; there are c.3000 additional social rented homes in Haringey. Given the clear demand for social rented homes in the borough, evidenced by the housing register and the number of households in temporary accommodation, and the 2014 SHMA and the early findings of the SHMA currently in development, there is clearly a need for an increase in social housing in the borough.

5.4 Therefore, failure to demolish the two blocks and to deliver this scheme with new homes providing a qualitative gain would result in a net decrease of social rented housing which the Council owns in the borough. This would increase pressure on the Council to deliver the housing needed within the borough of Haringey. Making the CPO, enabling the demolition of the structurally unsound blocks will enable social housing to be delivered. This will deliver at least the same number of socially rented homes as are to be demolished and represent a qualitative gain in housing.

6. Outline of the Authority's purpose in seeking to acquire the land

6.1 The Council's purpose in making the Order is to acquire all third-party interests in the Order Land to enable the demolition of Tangmere and Northolt and associated structures noting the two substations (with the proposal to relocate both substations in the vicinity being agreed with the statutory operator, currently subject to legal agreements being entered into). This is to achieve the key objective of replacing the Council homes, as set out in the Council's Cabinet Report of 13th November 2018. Further to this, the demolition will:

- 1) remove blocks that are unsafe and pose a risk of progressive collapse both to inhabitants and the surrounding areas;
- 2) avoid the poor value for money and prohibitively high cost of refurbishment and structural works;
- 3) enable the delivery of the replacement Council homes as agreed in November 2018.

6.2 The two blocks were identified in 2018 as in need of significant repair or demolition as soon as reasonably practicable in a survey carried out by external consultants, Ridge. Both blocks failed the lower 17kN/m² test. Following consultation and consideration of alternatives, the Council's Cabinet resolved to demolish the two buildings. The Cabinet decision of **[13th October 2020]** approved the Council's making of a Compulsory Purchase Order under Section 17 of the Housing Act 1985 to acquire the third-party interests in the Order Land.

6.3 Since the uncovering of these structural defects, mitigation measures have been put in place to minimise risks. The mitigation measures include a 24-hour concierge to ensure no bottled gas is brought into the buildings and the removal of piped gas from Tangmere. Additional to this, three key pieces of policy were adopted to enable the Council to rehouse secure tenants and achieve acquisition of leasehold interests by agreement. These are the Tangmere Rehousing Priority Scheme (adopted in June 2018), the Broadwater Farm Rehousing and Payments Policy (adopted in February 2019) and the Acquisition Strategy (adopted in July 2020). Despite extensive negotiations spanning over 2 years, and with the ongoing cost of securing and maintaining the blocks, it would not be reasonable for there to be further delays to the demolition of the blocks.

6.4 The Council's intention is that the Order Land will be used for housing following confirmation of the Order, with detailed proposals to be developed in consultation with the community for delivery of the new replacement housing and in accordance with section 17(4) of the Housing Act 1985.

6.5 In December 2019 a design contract was awarded to Karakusevic Carson Architects (KCA) after a competitive process to design new homes to be constructed on the Order Land and an urban design framework for the whole of the Broadwater Farm estate. The programme includes extensive engagement with residents on the new homes and urban design framework. As of August 2020, KCA have completed RIBA stage 0 and stage 1 of their work on the new homes and the urban design framework.

6.6 In parallel with the Order, the Council will continue to seek to acquire any outstanding third-party interests in the Order Land by agreement in accordance with paragraph 2 of the Guidance. Upon exercise of a confirmed Order and acquiring all third-party interests, the Council will demolish the two buildings. The remaining interests to be acquired pursuant to the Order are listed in the Schedule of Interests.

6.7 The new buildings will be built to current building regulations and an urban structure which ensures the buildings interface with the adjoining streets and public spaces. Therefore, the new housing stock will represent a significant qualitative improvement to the housing stock and amenity. The Council will also explore options to deliver a quantitative housing gain on the Order Land and the surrounding vacant land.

6.9 The Council's justification for the Order is set out further in Sections 8 and 12 of this Statement of Reasons

6.9 Therefore – to minimise the risk to remaining residents and surrounding areas from progressive collapse of the two buildings, achieve value for money for residents, and begin the development of the order land – it is necessary to pursue the CPO at this time.

7. The Scheme

7.1 The Scheme consists of:

- *The demolition of the structures within the Order Land;*
- *The redevelopment of the Order Land and surrounding land to deliver a qualitative housing gain.*

7.2 The primary purpose of the scheme is to address significant structural concerns within the two housing blocks within the Order Land.

8. Justification for Compulsory Purchase

8.1 The Council considers that there is a compelling case in the public interest for the Order as outlined below. The Human Rights and Equality Act considerations arising are set out in section 12 below.

8.2 Tangmere and Northolt are a 6 and a 18-storey block located on the Broadwater Farm estate in the West Green Ward of the London Borough of Haringey. They were built using a method called a Large Panel System (LPS). This was the same construction method used at Ronan Point, Newham when in 1968 a gas explosion caused the partial collapse of the building and resulted in 4 deaths.

8.3 In 2018 Homes for Haringey, the Council's ALMO, engaged Ridge to undertake intrusive surveys to 4 void properties in Tangmere and Northolt and this survey was published on the Homes for Haringey's website in June 2018. The survey identified that it was safe for residents to remain at Tangmere and Northolt in the short-term (providing additional safety measures were put in place) but extensive strengthening work was required to make the blocks habitable in the long-term. The buildings failed when tested for resistance to disproportionate collapse in the event of an accidental explosion.

8.4 To validate these findings, in June 2018 Homes for Haringey appointed Curtins to peer review Ridge's work, ensuring that their findings were robust. This confirmed that Tangmere and Northolt blocks failed the lower test of 17 kN/m². It was found that both buildings were at risk from progressive collapse in the event of a small explosion or impact (e.g. from a vehicle) and that Northolt presents a danger to the surrounding area and roads in such a circumstance.

8.5 Ridge carried out further visual surveys in June 2020 and confirmed that the original findings remained accurate, with some minor deteriorations identified in Tangmere since the initial surveys were undertaken.

8.6 A meeting with residents was held on 12th February 2018 to explain the implications of the structural surveys for residents of Tangmere and Northolt. The immediate impact was to ensure the short-term safety of residents, by removing piped gas from Tangmere, introducing 24-hour concierge at both blocks, and banning bottled gas from being brought into the buildings.

8.7 Further engagement and communications took place – including door-knocking, drop-in sessions, letters, and 1-1 meetings – until almost all residents had been directly in contact with Homes for Haringey staff. This was to ensure that all were aware of the structural issues, measures being taken to mitigate risk, and the options being considered.

8.8 The structural assessment of Tangmere and Northolt was used for the basis for calculating the costs of refurbishing the blocks, which would address:

- 1. The structural defects of the buildings*
- 2. Full internal reinstatement works including mechanical and electrical, new bathrooms, kitchens, full re-decoration and new floor coverings*
- 4. Making good works externally including complete over cladding*
- 5. And bring the flats to a decent homes' standard.*

8.9 Any refurbishment option would be extensive and highly intrusive. It would be impossible to undertake this work with residents remaining in the blocks. Residents would have to be rehoused for the duration of the works. As well as the disruption there would be a significant cost of refurbishing the blocks, part of which would have to be met by leaseholders. Even with structural repairs, the LPS system would remain an inherent problem.

8.10 In 2018, the Council commissioned Ridge Partners to provide cost estimates for addressing the structural defects identified. The cost of addressing

the structural elements is estimated at £25.6 million for both blocks. The total refurbishment costs, to bring the flats in the two blocks up to the Decent Homes Standard, would be over £33 million. This equates to £164,000 per flat in Tangmere and £145,000 per flat in Northolt. These figures exclude rehousing costs, asbestos removal and professional fees which would add further costs.

8.11 If refurbishment was undertaken, leaseholders would need to contribute their share of this cost on account of their lease obligations. This would place a significant financial burden on the leaseholders. Although such investment would preserve or increase the value of any leaseholders' interest, the refurbishment would not resolve the inherent problems with large panel construction which render such units very difficult or impossible to readily individually mortgage. Such factors have a significant negative impact on property value, reducing the potential for value growth to mitigate the financial burden which would arise for leaseholders if refurbishment was pursued.

8.12 The costs of undertaking refurbishment would therefore be prohibitively high and impact on the rest of the HRA and the Council's ability to fund other required capital schemes and investment and, despite this expense, it would not resolve the underlying issues with LPS construction.

8.13 Additional to significant rehousing and acquisition costs, the buildings remaining despite the resolution to demolish represents poor value for money for residents. This is because 24-hour concierge and security are required to ensure the safety of the blocks, maintenance and repairs are still necessary, and there are ongoing costs associated with supporting the residents that remain in the blocks.

8.14 The Council considered the nature of the structural failings in the buildings, how the LPS structural deficiencies would subsist even after repair, the disruption to residents from a repair option, and the financial cost to leaseholders and the Council. These matters were compared to the alternative issues and costs associated with demolition and redevelopment to deliver a qualitative housing gain. Having considered these alternatives, the consultation response, an Equalities Impact Assessment and the Council's PSED, the Council concluded that demolition represents the most proportionate and appropriate solution to address the structural failings within the two blocks. This decision was taken by Cabinet in November 2018.

Consultation

8.15 The Council undertook consultation with all residents about the future of the blocks. There is a statutory obligation in Section 105 of the Housing Act 1985 on the Council to consult with all secure tenants on a proposal to demolish the blocks, this obligation has been met. The consultation was also extended to leaseholders in both blocks.

8.16 This statutory consultation was made accessible through translators and translations, large print, braille, door knocking, and regular drop-in sessions to ensure that all residents were consulted on the future of the blocks. The consultation explained to residents they would have to be rehoused whether the blocks were refurbished or demolished and explained the Council's preferred option to demolish the blocks because of:

- 1. significant health and safety concerns which must be addressed,*
- 2. the costs of refurbishing the blocks to address the health and safety concerns would have a major impact on the Housing Revenue Account, and limit investment in other homes.*
- 3. the Council wants to be able to rehouse residents appropriately.*

8.17 The consultation started on September 12th 2018 and closed on October 10th 2018.

8.18 The consultation questionnaire was distributed to all Tangmere and Northolt residents. Each consultation included a free-post return envelope, as well as information on replying via email. The materials were provided in multiple languages, large print, and braille as needed. Drop in events were also used as well as door knocking. 6 drop-in sessions were run by Homes for Haringey, with further sessions run by the Independent Tenant Leaseholder Advisors. Additionally, through a needs assessment Homes for Haringey identified the need for translators at drop-in sessions and this was made available for residents that needed it.

8.18 91% and 81% of responses were supportive of the proposal to demolish Tangmere and Northolt respectively. A total of 108 responses were received from 105 of the 206 properties (51%). Tangmere had a response rate of 40% (42 of 104 properties) whilst Northolt had a response rate of 62% (63 out of 102 properties). Tangmere's response rate was lower due to the fact that many Tangmere residents had already agreed moves away at the time of this consultation under the Tangmere Rehousing Priority Scheme adopted by Cabinet in June 2018.

8.19 In June 2018 the Council firstly began working with tenants and leaseholders in Tangmere to be rehoused. Tangmere residents were rehoused as

a matter of urgency due to the fact that piped gas needed to be turned off to the building as soon as practically possible to reduce the danger of collapse. The Council did not want to have residents living in a block with no gas and therefore approved a Tangmere Rehousing Priority Scheme in June 2018 to begin this process as soon as possible. In February 2019 the Council began working with tenants and leaseholders in Northolt to be rehoused. Due to Northolt not having piped gas, the Council opted to develop a Broadwater Farm Rehousing and Payments Policy and undertake a full S105 consultation on this policy and the demolition before beginning the rehousing of Northolt residents. The Broadwater Farm Rehousing and Payments policy also applied to Tangmere residents retrospectively.

8.20 On 13th November 2018, the Council resolved to pursue demolition of the blocks in light of the consultation response and structural condition of the two blocks.

8.21 The consultation papers also set out the rehousing and payments policy to residents on how they would be supported in leaving Tangmere and Northolt. It was made clear that this would be required under either option of demolition or refurbishment. The Broadwater Farm Rehousing and Payments policy included provisions for leaseholders to be paid full market value for their properties, home loss payments, disturbance payments, basic loss payments, a right to return, equity loans and more.

8.22 In July 2020, the offer for leaseholders was extended in an attempt to speed up acquisition by agreement and respond to the needs of the remaining 19 leaseholders. This new Acquisition Strategy expanded equity loans to be considered for out-of-borough purchases and introduced an option for a social tenancy to certain vulnerable leaseholders.

8.23 These policies have been updated and expanded to respond to the needs of tenants and leaseholders in both blocks, with a clear desire to acquire all interests by agreement. A discretion panel was also set up and has, as of 29th September 2020, considered claims outside of policy for [6] leaseholders. In all, this demonstrates a clear willingness on behalf of the Council to acquire all interests by agreement.

8.24 Additional to this, the Council has reached an agreement for the relocation of UK Power Network's (UKPN) interests in the 2 substations. These interests have been included in the order schedule as the new leases are yet to be finalised. It is not envisioned that the Council will need to exercise confirmed CPO powers to acquire these interests.

8.25 The primary need for the Order is to enable the demolition of the buildings, to ensure the safety of the residents and those in neighbouring properties. The Order will also enable money currently being spent on securing Tangmere and Northolt to be directed elsewhere and ensure the delivery of a significant qualitative gain in housing stock when the two sites are redeveloped.

9. Negotiations for the acquisition of third-party interest and rights over the Order Land/Proposals for rehousing displaced residents

9.1 The Council has been actively pursuing the acquisition of third-party interests in the Order Land. Negotiations to acquire interests commenced substantively in June 2018 following the adoption of the Tangmere Rehousing Priority scheme.

9.2 The immediate rehousing of Tangmere secure tenants was undertaken via provisions in the Tangmere Rehousing Priority Scheme, adopted by Cabinet in June 2018. This was due to the urgent need to remove piped gas from Tangmere, making the building less habitable. In comparison, rehousing Northolt residents commenced approximately 8 months after the Tangmere block, as this block was not served by piped gas. To date, all secure tenants have been rehoused from Tangmere and 5 secure tenants remain in Northolt.

9.3 Following the Cabinet resolution to demolish the buildings on 13th November 2018, the Council has continued to rehouse the remaining secure tenants. If necessary, the Council intends to obtain vacant possession of units within its ownership and occupied by secure tenants through possession proceedings under section 83 of the Housing Act 1985 and Ground 10A of Part II to Schedule 2 of that Act. As of [29th September 2020], [194] of the flats within the two blocks are vacant.

9.4 After the resolution to demolish in November 2018, the Council began to undertake negotiations to acquire the third-party leasehold interests in the Order Land. Since July 2020, the Council have also appointed Carter Jonas to assist with the outstanding negotiations with a view to reaching agreement.

9.5 The negotiations undertaken to date have been in accordance with the Broadwater Farm Rehousing and Payments policy, resulting in [18] leasehold interests being acquired and [5] secure tenants remaining in the blocks as of 29th September 2020.

9.6 This included a shared equity scheme to enable eligible owner occupiers to remain within the local area. This scheme also significantly exceeds the leaseholders' statutory entitlement to compensation. These offers have been made in order to reach agreement and to ensure owner occupiers are able to remain in the local area, if they wish.

9.7 On 14th July 2020 Cabinet approved an updated acquisition strategy that also allowed a discretion panel to consider shared equity loans out of the borough and an offer of a social tenancy in some cases (and financial compensation for the property). So far [6] individual cases have been considered by the discretion panel.

9.8 In 2018, the Council sought advice from GL Hearn and Carter Jonas as to the level of offers to acquire. The level of offers to acquire disregards the properties inherent structural failings and the current state of the property (e.g.

not accounting for disrepair, leaks etc.) to ensure market level of offers can be made as far as reasonably possible.

9.10 Throughout the negotiation process leaseholders have been encouraged to instruct specialist professional advisers to act on their behalf, with the reasonable cost of this advice to be reimbursed by the Council. This includes paying for leaseholders to obtain third party valuations of their properties value.

9.11 As of [29th September 2020], of the [37] properties which were privately held at the commencement of the project, [18] have been acquired and agreement has been reached to acquire all except [9] of the [19] remaining privately held properties.

9.12 In order to secure timely demolition of the blocks and the safety of the residents and neighbours, the Council will continue undertaking negotiations in parallel with seeking compulsory purchase powers. It remains the Council's preference to secure interests by agreement. However, the Council believes that if a CPO is not pursued at this stage the delays to the demolition and rebuild programme will be of an unacceptable length and the risk to remaining residents and neighbouring areas will continue to be unsafe. Further to this, significant cost is associated with maintaining the two blocks as they stand and a commitment has been made by Cabinet on 13th November 2018 to re-provide an equivalent of Council homes.

9.13 The Council has taken account of its duties under section 149 of the Equality Act 2010 and is satisfied that due regard has been had to any potential disproportionate impact on any parties with protected characteristics and has instigated a number of measures to mitigate any potential negative impacts. This has been considered through three Equalities Impact Assessments undertaken in June 2018, November 2018, and October 2020. This issue and the approach to negotiations is considered further at section 12 below.

10. Planning position

10.1 The Order Land forms a significant previously developed brownfield site within an established residential area where there is significant need and demand for housing. The site is subject to a site allocation (SA61) for *improvements of the housing estate to improve stock, design of the site, and routes through the area* in the Site Allocation DPD (2017). The site allocation sets out that *The Council is required to ensure that all housing stock in the Borough that it owns and manages is of a decent standard and fit for habitation on an ongoing basis. Broadwater Farm is a Council housing estate within*

which a range of alternatives regarding how the best provision of fit for purpose housing could be considered. This policy sets out the broad objectives that any future supplementary planning document/masterplan would be required to address in this area.

10.2 The Site Requirements of the Site Allocation include:

- Development will be required to be in accordance with a masterplan, prepared with the involvement of residents and the Canal and River Trust.
- The SPD will be prepared in consultation with existing residents and will assess existing issues within the area and options to address these have regard to the following:
 - the form, function and quality of existing buildings on site;
 - the potential for refurbishment;
 - the principles under which demolitions would be considered;
 - the different and distinct characteristics of areas within and adjacent to the Allocation area, including (but not limited to) Lido Square, Moira Place, and Somerset Close;
 - the management and maintenance arrangements;
 - the community groups active on the site and their aspirations and needs;
 - opportunities to further improve the urban realm across the site;

10.3 Where new development is proposed:

- the optimum quantum of development to be provided;
- the requirement to replace affordable residential floorspace in accordance with Policy SP2;
- the housing mix in accordance with Policy DM11 and Council's Housing Strategy; the achievement of a high-quality development that integrates with its surroundings;
- Housing decant considerations;
- the capacity of the existing community facilities to match any development, including existing shortfalls where they exist;
- the need to improve the transport accessibility of the site to serve the new development and the existing community, including public transport, cycling and walking, and alterations to the surrounding road network;
- consideration of feasibility and viability constraints;
- the delivery/implementation plan, including phasing strategy if necessary;

- Have regard to the opportunity to deliver the objectives of the Thames River Basin Plan, in accordance with Regulation 17 of the Water Environment Regulations 2013.

10.4 The Development Guidelines of the site allocation are:

- There may be opportunities to link the open spaces in the area, particularly Lordship Recreation Ground, to benefit wider areas of the Borough through the Green Grid network.
- This site is identified as being in an area with potential for being part of a decentralised energy network. Proposals should reference the Council's latest decentralised energy masterplan regarding how to connect, and the site's potential role in delivering a network within the local area.
- Studies should be undertaken to understand what potential contamination there is on this site prior to any development taking place.

10.5 In parallel with the demolition programme the Council will work with the community to develop design proposals for redevelopment and improvement to provide a qualitative housing gain in line with the Site Allocation SA61 through a masterplan or SPD. The Site Allocation supports the redevelopment of residential blocks to ensure that homes are a decent standard and fit for habitation.

10.6 The Council will apply for and intends to obtain the necessary permissions, approvals and consents to deliver the qualitative housing gain within a reasonable time following confirmation of the Order.

10.7 The Council considers that there is no impediment to designing a residential development for the site which will accord with the site allocation and adopted policy, whilst also responding sensitively to the local context.

10.8 The Council considers the redevelopment of the site for housing accords with the adopted planning framework as identified at section 4 above.

10.9 Therefore, the Council sees no reason why planning permission will not be obtained for residential redevelopment achieving a qualitative and potentially quantitative housing gain on the Order Land and surrounding vacant land.

11. Funding

11.1 The Council has considered the budget necessary for the acquisition of properties and subsequent demolition costs and associated compensation payments, and authorised £11.5m of Capital provision for rehousing on 26th June 2018, a further £1.2m on 13th November 2018 for Northolt rehousing, and further budget in the BWF Capital Budget 2020/21 for acquisition and demolition of the two blocks.

11.2 In February 2020, Cabinet approved the provision of £68 million in the Housing Revenue Account financial plan over the next 10 years. The demolition will be funded from this provision.

11.3 There is provision in the current Broadwater Farm budget as approved by Cabinet in February 2020 for the CPO process.

11.4 The Council is therefore satisfied that the costs of acquisition, rehousing residents and subsequent demolition of the two buildings in the Order Land can be met in full from internal resources.

11.5 In order to fund the redevelopment, the Council has access to funding from a number of additional sources. The precise need for and nature of the required funding will be determined as the project design develops. The Council will likely fund redevelopment of land through internal resources and if required has access to external funding including borrowing and funding opportunities arising from the GLA or Homes England.

12. Human Rights & Public Sector Equality Duty

12.1 The Human Rights Act 1998 (“the Act”) incorporated into the UK domestic law the European Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”). Section 6 of the Act makes it unlawful for a public authority to act in a manner which is incompatible with a Convention right.

12.2 The Convention rights engaged in the context of a compulsory purchase order are Article 1 of the First Protocol of the Convention and Article 8 of the Convention.

12.3 Article 1 of the First Protocol of the Convention states:

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

12.4 Article 8 of the Convention provides:

“(1) Everyone has the right to respect for his private and family life, his home and his correspondence. 17

(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...”

12.5 The Courts have recognised, in the context of Article 1 of the First Protocol of the Convention, that regard must be had to the fair balance which has to be struck between the competing interests of those whose rights are affected and the community as a whole.

12.6 Similarly, any interference with the Article 8 Convention rights must be in accordance with the law and must be necessary and proportionate.

12.7 The Council has taken into account the impact of the Order on the Convention rights of those whose interests will be affected by the Order generally and through an Equalities Impact Assessment, appended to [13th October 2020's] Tangmere and Northolt CPO Cabinet report. In view of the factual background to the Order as set out in this Statement of Reasons, and the compelling justification for making the Order, the Council considers that the exercise of compulsory purchase powers in this case is justified because it is in the public interest, authorised by law and necessary and proportionate in order to achieve the Council's objectives of securing the safety of the buildings residents, neighbours and securing a future qualitative housing gain.

12.8 The Council has consulted with residents on the future of the two blocks and will consult with all residents of the wider estate on redevelopment proposals.

12.9 If the Secretary of State or Inspector confirms the Order, the compulsory acquisition of the interests in the Order Schedule will be necessary only if they have not already been acquired by agreement at a reasonable cost and within the timescales required to deliver timely demolition. As explained above, efforts to acquire the relevant interests are ongoing. Further, all those whose interests are compulsorily acquired will be entitled to fair compensation, such compensation

to be determined independently by the Upper Tribunal (Lands Chamber) if it cannot be agreed.

12.10 The Council is therefore of the view that there is a compelling case in the public interest for the compulsory acquisition of each and every parcel of land comprised in the Order Schedule. It is also convinced that the public interest that is to be served by demolition of unsafe buildings and the achievement of a future qualitative housing gain outweighs the necessary interference with the private rights and interests that exist in the Order Land.

12.11 The Council also considers that the benefits derived by owner occupiers and occupying tenants from being relocated from unsafe to safe homes mitigates and justifies the interference with the same parties' private rights.

12.12 The Council therefore, believes that in making the Order it has struck a fair and proportionate balance between the interests of those whose Convention rights will be affected and the wider public interest.

12.13 Overall, the Council is satisfied for the reasons set out above that the CPO can lawfully be made and that the Order is a proportionate measure to achieve the Council's objectives in the public interest.

Equality Act 2010

12.14 All public authorities are bound by the Public Sector Equality Duty ('PSED') as set out in section 149 of the Equality Act 2010. In exercising their compulsory purchase and related powers the Council as acquiring authority must have regard to the effect of any differential impacts on groups with protected characteristics, namely:

- Marital or Civil Partnership Status
- Pregnancy / Maternity
- Sexual Orientation
- Sex
- Gender Reassignment
- Religion or Belief
- Race
- Age
- Disability

12.15 The Council, in the exercise of its public functions, has due regard to the need to:

- (a) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act;
- (b) advance equality of opportunity between people who share a protected characteristic and those who do not; and
- (c) foster good relations between people who share a protected characteristic and those who do not.

12.16 As is set out above, the safety of residents, the building's neighbours and others using the space around the buildings is the primary concern of the Council.

12.17 The Council has prepared an Equalities Impact Assessment for the project which identified that the Order may potentially have a detrimental effect or disproportionate impact on persons who share a relevant protected characteristic in terms of families with young children, individuals with disabilities/medical conditions, and the elderly. These parties will likely face greater challenges in relocating and relocation may have a greater impact on their family life. However, the Council has balanced these potential equality impacts against the benefits of the scheme and benefits realised by these parties in being relocated from unsafe to safe housing. The Council has concluded that the decision to make the CPO is proportionate and justified in the circumstances. The Council has also adopted a number of measures to mitigate the impact of the Scheme including:

- *Provision of a shared equity scheme for qualifying residents which is in excess of the statutory compensation entitlement and enables residents to stay within the local area.*
- *A discretion panel to consider offers outside of adopted policies, including the offer of a social tenancy with compensation and consideration of shared equity on out of borough purchases.*
- *Assistance and support in locating and securing alternative suitable alternative accommodation*
- *Provision of compensation for special adaptations required for elderly or disabled leaseholders.*
- *When undertaking negotiations to acquire leasehold interests, an early part of the process involves identifying any protected characteristics. The appointed surveyor then ensures that negotiations are undertaken with regard to the Council's PSED obligations.*
- *The Tangmere Rehousing Priority Scheme adopted in June 2018, the Broadwater Farm Rehousing and Payments Policy adopted in January 2019, and the Acquisition Strategy adopted in July 2020 for affected*

residents has been prepared having regard to the Council's PSED obligations. Equalities Impact Assessments for June 2018 and November 2018 Cabinet respectively considered the Tangmere Rehousing Priority Scheme and Broadwater Farm Rehousing and Payments Policy.

- Secure tenants' housing assessment is in accordance with this PSED and they are offered a new home suitable for their needs. This includes taking account of any protected characteristics, for example elderly or disabled secure tenants requiring special adaptations will be eligible to claim for these costs or the adaptations will be made to the new dwelling.*
- The Council's Equal Opportunities Policy provides a clear statement on the Council's commitment and approach to equality, diversity, and inclusion, in the areas of employment, service delivery and procurement. This policy underlies the Council's approach to delivering the scheme.*
- When developing design proposals and granting planning permission for the future redevelopment of the Order Land the Council will take account of its PSED duty.*

12.18 It is notable that the equality impact assessment finds that older people, BAME people, and disabled people are overrepresented among those residents remaining in Tangmere and Northolt blocks. Numerous measures are in place to mitigate any potential negative short-term impacts, informed by extensive engagement with residents, including the Broadwater Farm Rehousing and Payments Policy, the Local Lettings Policy, and measures within the Acquisition Strategy. It concludes that while there may be short-term disruption, the impact of the decision will be positive in the long-term as it will help to ensure the safety of the people who remain in the blocks.

12.19 The Council recognises that the rehousing of single mothers can be a particularly negative experience for those individuals and their families due to support networks that often exist in the local area, along with access to local facilities and proximity to places of work. As noted in the EQIA for demolition in November 2018, 92% of lone-parent households in West Green were headed by women. To offset these potential negative impacts a number of important mitigations have been made:

- Financial assistance set out in the Broadwater Farm Rehousing and Payments Policy (explored in the November 2018 EQIA)
- Equity loans – enabling leaseholders to purchase similar properties in the local area
- Social tenancies as set out in the Acquisition Strategy from July 2020
- Practical support in finding a new property

- Flexibility and a discretion panel to consider requests outside of the current policies, to find suitable solutions for those particularly ill effected by rehousing

12.20 The Council considered Equalities and Diversity issues when preparing the Cabinet Report making the decision to demolish the blocks and seeking authority to make the Order. The relevant Equalities Impact Assessment's for this decision were appended to the 'Tangmere and Northolt blocks on Broadwater Farm' report from Cabinet on 26th June 2018, the 'Broadwater Farm' report from Cabinet on 13th November 2018, and the 'Tangmere and Northolt CPO' report from Cabinet on 13th October 2020.

12.21 The future development will deliver an inclusive place for people of all ages, with a housing mix that reflects different life stages. The promotion of social cohesion, health and well-being along with the reduction of dependency will be fundamental principles guiding the redevelopment.

12.22 Overall, the Council has taken account of its duties under section 149 of the Equality Act 2010 and is satisfied that due regard has been had to any potential disproportionate impact on any parties with protected characteristics. The Council has instigated a number of measures to mitigate any potential negative impacts.

12.23 In addition, equality and human rights considerations will be considered throughout the CPO process including an updated equalities assessment to ensure impacts and mitigations are considered throughout the CPO process.

13. Conclusion

13.1 The Order is being promoted by the Council under section 17 of the Housing Act 1985, to acquire the ownership of third party interests in the Order Land, to enable the acquisition and demolition of what currently consists of two large panel construction blocks, undercroft parking and two associated substations.

13.2 The Order is made primarily to ensure the safety of the residents within and the neighbours of the two structurally unsound buildings. Additional to this, the costs associated with the blocks remaining does not represent value for money for residents. The Order will enable the acquisition of third-party interests, facilitating the demolition and redevelopment of the land for the purposes of delivering a qualitative housing gain.

13.3 The two blocks have been identified as structurally unsound and in need of demolition or major repair as soon as reasonably practicable by Ridge, with the findings peer reviewed and confirmed by Curtins. Following consultation and consideration of options, the Council resolved to demolish the blocks on 13th November 2018. The Order Land will be used for housing within a reasonable time following confirmation of the order, with detailed proposals developed in consultation with the community in accordance with section 17(4) of the Housing Act 1985.

13.4 The Council has considered alternatives and demolition represents the only realistic option to address the inherent structural failings in the two blocks. Demolition was also supported by the majority of residents in consultation undertaken in September and October 2018.

13.5 In view of the need to demolish the blocks as soon as reasonably practicable, the Council is undertaking negotiations to acquire interests by agreement in parallel with seeking statutory powers. The Council have demonstrated – through the Tangmere Rehousing Priority Scheme, the Broadwater Farm Rehousing and Payments Policy and the updated Acquisition Strategy – that acquisition by agreement is an option that is being exhausted. It remains the Council's preference to acquire by agreement, however compulsory purchase powers are likely to be required to ensure timely demolition.

13.6 The Council considers there is no impediment to the confirmation or implementation of the Order and achievement of the primary aim of the Scheme. Although a number of additional consents will be required to achieve the qualitative housing gain, these will not be needed to enable demolition. The Council sees no reason why these additional consents will not be obtained to enable redevelopment within a reasonable time following confirmation of the Order.

13.7 The Council is satisfied that there are no current planning or financial impediments to the implementation of the Order and that the demolition and redevelopment is therefore likely to proceed if the Order is confirmed. The Council has applied the advice in the Guidance and has set out above its view that the Order meets in particular the requirements of paragraph 14 of the Guidance.

13.8 For the reasons summarised in this statement, the purposes for which the Order Land is to be acquired could not reasonably be achieved by any other means. In addition, the Council considers the Order to be within the necessary

statutory powers and that a compelling case exists for the making and confirmation of the Order.

13.9 Confirmation of the Order is sought on this basis.

14. Inquiry Procedure Rules and Documents to be referred to in the event of an inquiry

14.1 This statement of reasons is not intended to be a statement of case required under Rule 7 of the Compulsory Purchase by Non-Ministerial Acquiring Authorities (Inquiries Procedure) Rules 1990 (or discharge the Council's statutory obligations under Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules 2007).

14.2 In the event that it becomes necessary to hold a public inquiry into the Order, the Council may refer to or put in evidence the documents listed below. It should be noted that the Council reserves the right to add to or amend the list as necessary and may also refer to additional documents.

Document No.	Description
1	London and Northolt Compulsory Purchase Order 2020 ("the Order")
2	Order Plan
3	Council's Cabinet Report dated [13 th October 2020]
4	Council's Cabinet Report dated []

15. Other information of interest to persons affected by the Order

15.1 Parties affected by the Order who wish to discuss matters with a representative of the Council should contact:

15.2 Those parties affected by the Order who wish to discuss the purchase of their interest by agreement should contact:

15.3 The Royal Institution of Chartered Surveyors (RICS) operates a compulsory purchase helpline which provides initial free advice. Those parties wishing to make use of that service should contact RICS on 024 7686 8555 or via its website: www.rics.org

16 Inspection of the Order and order documents

A copy of the Order and the Order Plan and other documents may be seen at:

(a) The Council's office at [] during normal working hours, by prior appointment by contacting [] on [] or email []

(b) [Library] during normal opening hours.

(c) On the Council's website at []

Dated this day of 2020

For and on behalf of Bernie Ryan (Assistant Director of Corporate Governance)

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