

**Report for:** Cabinet – 8 November 2022

**Title:** High Road West Scheme Phase A – Compulsory Purchase Order

**Report authorised by:** David Joyce, Director of Placemaking and Housing

**Lead Officer:** Peter O'Brien, Assistant Director for Regeneration and Economic Development

**Ward(s) affected:** Bruce Castle

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

**1. Describe the issue under consideration**

- 1.1. 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 in north Tottenham. 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. On the 31<sup>st</sup> 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.
- 1.2. This report seeks Cabinet approval for the Council to use its Compulsory Purchase Order (CPO) powers to acquire the remaining third party land interests and rights within the Order Land (as outlined at 6.15-6.17 and Appendix 2) that are required to facilitate the delivery of remaining plots within Phase A. This follows the satisfaction of conditions for making a CPO as set out in the CPOIA, required ahead of seeking authority from Cabinet. That includes the Council satisfying itself that there is a compelling case in the public interest to pursue a CPO (considered by officers and now to be considered by Cabinet) and written confirmation by Lendlease to request a CPO. The use of the powers would ensure that the substantial benefits of Phase A can be delivered, which include the delivery of 500 much needed new Council homes for existing residents and residents on the Council's housing waiting list, safe and secure public spaces including a new public square, new retail and commercial facilities and a new library and learning centre.
- 1.3. The report also seeks Cabinet approval to appropriate parcels of land belonging to the Council within Phase A for planning purposes. This follows Cabinet's decision in July 2022 to appropriate land in the first development plot (Plot A). The two land parcels comprise the land in the second development plot (Plot D) and open space land on the Love Lane Estate (required for Plot F and

infrastructure works related to Plot D). This step will, alongside the CPO, facilitate the delivery of Phase A, including the delivery of new homes, in line with the delivery programme.

## **2. Cabinet Member Introduction**

- 2.1. The recommendations in front of Cabinet are necessary steps to ensure that the Council can deliver on the guarantees to residents in the Love Lane Landlord Offer, which residents voted in favour of in the ballot. Following the grant of planning permission, the proposed use of CPO powers for Phase A will provide much-needed certainty for residents that the 500 new Council homes and other community benefits will be delivered, and that residents are not waiting any longer than they need to for their new home in a safe and secure neighbourhood.
- 2.2. The Landlord Offer ensures that the existing community is protected first and foremost through the plans. Existing secure and non-secure tenants have the guarantee of a new secure Council home on the estate which meets their needs, including any adaptations where required. Resident leaseholders have the offer of an affordable home on the new estate or elsewhere if they prefer, and we will continue to speak to all leaseholders to understand which rehousing option is best suited to their individual circumstances. The dedicated Rehousing Team will support all households through every step of the move process, including private tenants, to minimise the impacts on all residents and ensure that they are fully aware of their options.
- 2.3. We recognise that as part of the plans, including delivery of a new public square, a library and learning centre and retail provision, some businesses on the High Road will need to relocate. We will continue to meet with all affected businesses and support them to find the best possible outcome for their business. That includes offering opportunities to relocate into new retail space within the scheme, or where this is not possible or the preferred option for the business, working closely with business owners to identify suitable relocation options locally that meet their needs and future aspirations. All businesses will be compensated for relocation costs, temporary loss of profit and other expenses in line with the compensation code.
- 2.4. We are looking forward to co-designing the new homes, spaces and socio-economic programme with residents, businesses and the wider community so that the scheme brings the maximum benefits for local people and meaningfully responds to the challenges that those in north Tottenham have faced for too long.

## **3. Recommendations**

Cabinet is recommended:

- i. To resolve to make a Compulsory Purchase Order for the acquisition of land, interests and new rights over the Order Land shown pink and blue on the Plans attached as outlined at paragraph 6.15-6.17 and Appendix 2, 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, known as “The London Borough of Haringey (High Road West Phase A) Compulsory Purchase Order 2022” (“the Order”), to enable the redevelopment of the Order Land through delivery of Phase A of the High Road West Scheme and promote or improve the economic, social and environmental well being of the area;

- ii. To delegate to the Director of Placemaking & Housing the power to effect the making, to seek confirmation and to effect implementation of the Order and to take all necessary steps to give effect to the Order in respect of the Order Land, including the following:
  - a. Making such amendments and additions to the draft Statement of Reasons attached at Appendix 1 as deemed necessary;
  - b. Making such reductions to the draft Order Plan attached at Appendix 2 as deemed necessary;
  - c. Finalising and then making the Order, the publication and service of any press, site and individual notices and other correspondence for such making;
  - d. Entering into and monitoring of negotiated agreements with or undertakings to landowners or statutory undertakers as applicable, setting out the terms for withdrawal of any objections to the Order;
  - e. Seeking confirmation of the Order by the Secretary of State including the preparation and presentation of the Council’s case at any Public Inquiry which may be necessary and requesting that the Secretary of State make any necessary modifications to the Order;
  - f. Publication and service of notices of confirmation of the CPO and thereafter to execute and serve any General Vesting Declarations and/or notices to treat and notices of entry, and any other notices or correspondence to acquire those interests within the area;
  - g. Acquiring title to or such rights or interest in the Order Land and, taking and enforcing possession of the Order Land,
  - h. Paying all costs associated with the Order including negotiating and paying any compensation to owners and others entitled to it, provided that the total sum to be spent on these acquisitions shall not exceed the sum referred to in the approved up-to-date capital programme and Project Cost Estimate (PCE) as referenced in the exempt report, noting that those costs will be reimbursed to the Council by Lendlease in accordance with the terms of the CPOIA; and
  - i. Referral and conduct of disputes, relating to compulsory purchase compensation or relating to rights which are overridden, at the Upper Tribunal (Lands Chamber).
- iii. To agree the acquisition for planning purposes by the Council of all the third party land interests located within the Order Land, shown in pink at Appendix 2 and the new rights required over the Order Land shown in blue

at Appendix 2, should an agreement be reached with landowners to acquire these by private treaty, and give delegated authority to the Director of Placemaking & Housing and the section 151 Officer after consultation with the Cabinet Member for Finance and Local Investment and the Cabinet Member for Council House Building, Placemaking and Development to agree the final price (including the land price, costs, compensation and fees) to be paid for each of these third party land interests provided that the total sum to be spent on these acquisitions shall not exceed the sum referred to in the approved up-to-date capital programme and Project Cost Estimate (PCE) as referenced in the exempt report, noting that those costs will be reimbursed to the Council by Lendlease in accordance with the terms of the CPOIA;

- iv. To approve the appropriation from housing purposes to planning purposes of the land edged red on the plan attached at Appendix 6 of this report to enable delivery of Plot D of Phase A, pursuant to section 122 of the Local Government Act 1972, subject to Secretary of State consent being granted, pursuant to section 19 (2) of the Housing Act 1985, and noting that section 203 of the Housing and Planning Act 2016 may then apply to override (subject to payment of compensation) any rights or covenants (to which section 203 applies);
- v. To approve the appropriation from highway purposes to planning purposes of the land edged green on the plan attached at Appendix 6 of this report to enable delivery of Plot D of Phase A, pursuant to section 122 of the Local Government Act 1972, subject to the Council being registered as the owner of the freehold interest in the subsoil, and noting that section 203 of the Housing and Planning Act 2016 may then apply to override (subject to payment of compensation) any rights or covenants (to which section 203 applies);
- vi. In relation to the open space land within Phase A (shown edged red on the plan at Appendix 7 of this report), to consider the objection received in response to the notice given in accordance with section 122(1) and (2A) Local Government Act 1972 and section 233 (1) and (4) of the Town and Country Planning Act 1990 before deciding whether or not this land should be appropriated from housing purposes to planning purposes and disposed of; see paragraphs 6.79-6.82; and
- vii. Subject to recommendation vi., to approve the appropriation from housing purposes to planning purposes within Phase A edged red on the plan attached at Appendix 7 to enable delivery of Phase A (including Plot F and infrastructure works related to Plot D), pursuant to section 122 of the Local Government Act 1972, section 233 of the Town and Country Planning Act 1990 and section 203 of the Housing and Planning Act 2016, and override (subject to payment of compensation) any rights or covenants (to which section 203 applies); and
- viii. To confirm that the land appropriated for planning purposes to enable the delivery of Plot A, following the decision by Cabinet on 19 July 2022 (agenda item 13), is the land edged in red on the plan attached at Appendix

11, noting that the area remains unchanged and is the same as that described in that report.

#### **4. Reasons for decision**

- 4.1. The High Road West Scheme has been supported by residents through an estate ballot and has now been granted Planning Permission. The Council has entered into a Development Agreement and CPOIA with Lendlease who will deliver the scheme. The Council has also entered into funding agreements with the GLA to support the delivery of Phase A. The CPOIA with Lendlease requires that the Council seeks authority from Cabinet to make a CPO once certain conditions have been met. Those conditions have now been fulfilled in relation to Phase A. The use of CPO powers is necessary in order to ensure that the benefits of Phase A can be delivered and in a timely manner.
- 4.2. The Government's Guidance on Compulsory purchase process and the Crichel Down Rules (the 'Guidance') sets out that a CPO should only be made where there is a compelling case in the public interest. The factors that the Secretary of State can be expected to consider include the extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social and environmental wellbeing of its area. The Council is satisfied that there is a compelling case in the public interest for the use of CPO powers to deliver Phase A. The reasons for this are set out in the draft Statement of Reasons in Appendix 1 and summarised within paragraphs 6.18-6.42 of this report.
- 4.3. The Council and Lendlease have sought to acquire all of the remaining third party land and property interests in Phase A by agreement, as is set out in the draft Statement of Reasons and paragraphs 6.43-6.60 of this report. It is clear that it is unlikely that it will be possible to acquire all outstanding interests through mutual agreement within a reasonable timescale, and without the use of the CPO. The Council and Lendlease will continue to negotiate with landowners with the aim to acquire these outstanding interests by mutual agreement, alongside the CPO process being progressed.
- 4.4. The appropriation of various land parcels belonging to the Council for planning purposes will support the delivery of Phase A, alongside the progression of the CPO. The appropriation will give the Council and its development partner Lendlease the ability to rely on sections 203 and 204 of the Housing and Planning Act 2016 ("2016 Act") to override any easements or other private rights (such as rights to light) which might otherwise impede redevelopment of this land in accordance with planning permission.
- 4.5. The land to be appropriated for planning purposes includes the land required to deliver Plot D, the second development plot of Phase A, following the decision by Cabinet in July 2022 to appropriate the land required to deliver Plot A. Although the Plot is included within the Order Land, given the small number of acquisitions required, it is hoped that an agreement can be reached with each of the leaseholders and tenants ahead of the CPO, with the aim that Plot D can start on site in 2023, following the commencement of Plot A which is targeted for late 2022. The appropriation of Plot D will facilitate the delivery of this plot



should agreement be reached with those leaseholders and tenants. As the land includes a residential block, the proposed appropriation for planning purposes will be subject to consent by the Secretary of State, pursuant to section 19 (2) of the Housing Act 1985. An application would be submitted following the Cabinet decision if approved.

- 4.6. It is also proposed that the Council appropriates open space land within Phase A for planning purposes. This would enable development to proceed within this location as and when it is required, firstly to enable infrastructure works associated with Plot D (currently due to start in 2023), and subsequently the delivery of Plot F (currently due to start in 2025). The open space is currently a playground and a grassed/seating amenity area. Amenity space will be re-provided as part of Phase A, in the form of Moselle Square and other public and private amenity areas (secured through the section 106 agreement associated with the planning permission). The proposed appropriation of the open space land will allow that part of Phase A to come forward, in line with the development programme, ensuring that there are no impediments to delivery (as set out further below). Pursuant to section 122(1) and (2A) Local Government Act 1972 and section 233 (1) and (4) of the Town and Country Planning Act 1990, a notice of the intention to appropriate and dispose of this land was published. One representation was received which is considered at paragraph 6.82.
- 4.7. The officer report accompanying the Cabinet decision of July 2022 to appropriate for planning purposes the land required to enable the development of the first plot (Plot A), included an appended Plot A Appropriation Plan. While the plan and area shown in the appendix was correct, the report referenced a colour label for the boundary which differed to that shown in the appendix. As clarification, Cabinet are asked to confirm that the land that has been appropriated to enable delivery of Plot A following that decision is that shown edged in red on Appendix 11 of this report. To confirm, the plan and extent of the area remain unchanged.

## **5. Alternative options considered**

### Not to make a CPO or to do so at a later date

- 5.1. If the Council chose not to make a CPO, and instead to solely continue to seek to acquire outstanding land interests in Phase A through mutual agreement, based on the number of interests and the extensive negotiations to date it would not expect that it would be possible to acquire all interests. It is expected that the Council would not be able to deliver Phase A at all in this scenario, potentially losing all the benefits that Phase A of the High Road West Scheme will deliver, the Council's funding with the GLA and failing to honour its commitments to residents set out in the ballot and Landlord Offer.
- 5.2. If the Council chose to make the CPO at a later date, this would result in a significant delay to the delivery of Phase A and the provision of the new Council homes. The process to implement a CPO can take a substantial period of time, and as described above, the Council and Lendlease may not be able to progress development of future plots until this is in place. The Council is satisfied that the required conditions and compelling justification are now in

place to progress a CPO for Phase A, and that there is no justifiable reason for postponing action to secure such powers.

Not to appropriate the land for planning purposes or to do so at a later date

- 5.3. If the Council chose to progress development of the land required for Plot D, or on open space land within Phase A, without having appropriated the land for planning purposes, this would risk the potential for third party claims, which could result in the proposed development being delayed or stopped. The current phasing strategy also has works commencing on the site in the near future. To provide certainty that is needed to enable the works to go ahead, as part of and alongside the remainder of Phase A, the appropriation decisions need to be taken now. As noted at paragraph 6.79 below, the relevant areas (including in particular the open space) will remain available for public use until required for the relevant works.
- 5.4. Based on the consideration of these options, Cabinet is recommended to reject them and approve the recommendations outlined in Section 3 of this report.

## **6. Background information**

### Contractual and Funding Arrangements

- 6.1. 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. 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. Lendlease is obligated to reimburse the Council for all of the costs that the Council has spent in acquiring the land, as well as compensation and expenses payable to third parties, should the development proceed.
- 6.2. In 2018, the Council was granted consent by the Secretary of State in line with Section 32 of the Housing Act 1985 to dispose of Council owned housing land to facilitate the delivery of the High Road West Scheme.
- 6.3. In 2021, the Council entered into a funding package with the GLA to kickstart the first phase of the High Road West Scheme. This package consists of two grant funding pots, namely the Affordable Housing Grant and Mayor's Land Fund, with a combined total sum of £91m. The funding enables the Council and Lendlease to meet the objectives of the overall Scheme as included in the Development Agreement (and summarised in Section 7 of the appended draft Statement of Reasons). To successfully draw down the funding, the Council and Lendlease need to meet various start on site and delivery milestones.
- 6.4. The CPOIA provides for the Council and Lendlease to agree the proposed approach to the phasing of CPOs for the High Road West Scheme and the proposed boundary. The Council and Lendlease have agreed a CPO strategy that includes an initial CPO comprising Phase A (the part of the masterplan south of White Hart Lane), with Phase B (north of White Hart Lane) to follow separately. The reasons for this Strategy are (a) it reflects the availability of

GLA funding, which is specific for Phase A and (b) the Council owns over 80% of the land and property interests within this area.

- 6.5. The CPOIA with Lendlease requires that the Council seeks authority from Cabinet to make a CPO once certain conditions have been met. These conditions, that include the Council satisfying itself that there is a compelling case in the public interest to pursue a CPO and written confirmation by Lendlease to request a CPO, have all now been fulfilled in relation to Phase A, and consequently officers are seeking Cabinet authority to make the CPO.
- 6.6. The Development Agreement sets out the approach to delivery, that the Council is required to acquire all the land within the High Road West Scheme and then, on satisfaction of conditions, required for each phase of the development, to grant 250-year phase leases for that phase to Lendlease, for Lendlease to progress the development. The first phase for the High Road West Scheme is Phase A, which includes seven development plots, Plots A-G. Plot A will be the first to be developed, followed by Plot D, the latter of which is the subject of the appropriation decision in this Cabinet report.
- 6.7. Lendlease are required to pay the Council a land premium for each phase which will be based on an agreed calculation set out in the Development Agreement. As part of the procurement process for a development partner, the Council secured a Guaranteed Residual Land Value for Plots A & D. The Guaranteed Residual Land Value agreed for Plots A & D in the Development Agreement is contained in the exempt part of the report.
- 6.8. **This information is contained in the exempt report.**

### **Compulsory Purchase Order**

#### Relevant Powers for CPO

- 6.9. The relevant legislation for the proposed compulsory purchase order is Section 226(1)(a) and 226(3)(a) of the Town and Country Planning Act 1990 (the Act) and Section 13(1) of the Local Government (Miscellaneous Provisions) Act 1976.
- 6.10. Section 226(1)(a) enables the Council to acquire land compulsorily if the Council thinks that the acquisition of that land will facilitate the carrying out of development, redevelopment or improvement on or in relation to land in its area.
- 6.11. Section 226(1)(a) is subject to sub-section (1A) which provides that the Council must not exercise the power unless it thinks that the proposed development, redevelopment or improvement is likely to contribute to the achievement of the promotion or improvement of the economic and/or social and/or environmental well-being of its area.
- 6.12. Section 226(3)(a) allows the Council, when exercising the power in section 226(1), to acquire compulsorily any land adjoining that land which is required for the purpose of executing works for facilitating its development or use.



- 6.13. Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 enables the Council to create and purchase compulsorily new rights over land, where the acquisition of the land itself is not required and where such rights are not in existence when the compulsory purchase order is made.
- 6.14. The draft Statement of Reasons for making the High Road West Phase A CPO is attached at Appendix 1. The following paragraphs from 6.15 are a summary of key sections of the Statement of Reasons. Should the Cabinet resolve to proceed with the CPO, the draft Statement of Reasons will be updated as required and finalised to reflect matters at the time the Order is made and this is provided for in the delegation sought for the Director of Placemaking & Housing in recommendation ii. of this report.

### The Order Land

- 6.15. The map to the Order ("Order Map") (a draft of which is attached at Appendix 2 identifies the land proposed to be acquired (coloured pink) and the land on, over or under which new rights are to be created and acquired (coloured blue) (together the "Order Land") The pink land includes:
- Love Lane Estate, comprising 297 residential properties and associated amenity space;
  - Nos 731 to 759 High Road, a row of 15 properties with ground floor retail units and residential units above;
  - 100 Whitehall Street;
  - Whitehall & Tenterden Community Centre; and
  - All or parts of roads including Love Lane, Whitehall Street, Moselle Street, Moselle Place, William Street, High Road and White Hart Lane.
- 6.16. In addition to the acquisition of the pink land, new rights are required in relation to land around the perimeter of Phase A in order to deliver the development. These are shaded blue on the Plan attached as Appendix 2. These properties will not themselves be subject to compulsory acquisition.
- 6.17. The Order Land is described fully in Section 4 of the draft Statement of Reasons, and the new rights to be acquired are set out in Appendix 3 (**exempt**) and described in Section 4 of the draft Statement of Reasons. Each plot within the Order Land is listed in the draft Order Schedule (Appendix 3 (**exempt**)), including listing those who own, occupy or have an interest in each plot.

### Compelling case in the public interest

- 6.18. Paragraph 12 of the Guidance sets out that a CPO should only be made where there is a compelling case in the public interest. Paragraph 106 sets out the following, specifically in relation to CPOs made pursuant to s226(1)(a).
- 6.19. Any decision about whether to confirm an order made under section 226(1)(a) of the 1990 Act will be made on its own merits, but the factors which the Secretary of State can be expected to consider include:

- (i) whether the purpose for which the land is being acquired fits in with the adopted planning framework for the area or, where no such up-to-date framework exists, with the draft Local Plan and NPPF;
- (ii) the extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area;
- (iii) whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means. This may include considering the appropriateness of any alternative proposals put forward by the owners of the land, or any other persons, for its re-use. It may also involve examining the suitability of any alternative locations for the purpose for which the land is being acquired; and
- (iv) the potential financial viability of the scheme for which the land is being acquired. A general indication of funding intentions, and of any commitments from third parties, will usually suffice to reassure the Secretary of State that there is a reasonable prospect that the scheme will proceed. The greater the uncertainty about the financial viability of the scheme, however, the more compelling the other grounds for undertaking the compulsory purchase will need to be. The timing of any available funding may also be important. For example, a strict time-limit on the availability of the necessary funding may be an argument put forward by the acquiring authority to justify proceeding with the order before finalising the details of the replacement scheme and/or the statutory planning position.

6.20. These matters are each considered below and are addressed in greater detail in the draft Statement of Reasons (see Appendix 1). Accordingly, it is considered that the matters set out in paragraph 106 of the Guidance are satisfied. Furthermore, appropriate attempts have been taken to seek to acquire the land needed by agreement, and it is clear that compulsory acquisition is necessary to acquire the relevant land, as is set out in the following paragraphs. In the circumstances, it is considered that a compelling case in the public interest is established for making the proposed CPO.

### Planning Framework

6.21. The High Road West site forms part of the land identified in the Council's adopted Local Plan as a key regeneration area capable of accommodating significant growth. The investment in new housing and employment opportunities in north Tottenham has long been a priority for the Council, and High Road West is specifically the subject of policy allocation NT5 in the Tottenham Area Action Plan (2017). For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the Development Plan comprises:

- London Plan (2021)
- Strategic Policies Development Plan Document (DPD) (2017)

- Development Management DPD (2017)
  - Site Allocations DPD (2017)
  - Tottenham AAP DPD (2017)
- 6.22. High Road West is identified within the Upper Lea Valley Opportunity Area in the London Plan. Policy SD1 of the London Plan states that the Mayor will support regeneration in Opportunity Areas and ensure that they deliver the maximum affordable housing and create inclusive and mixed communities.
- 6.23. At the local level, the Order Land forms the southern part of the site allocation NT5 within the Tottenham AAP. Site allocation NT5 states the following vision for High Road West:
- “Masterplanned, comprehensive development creating a new residential neighbourhood and a new leisure destination for London. The residential-led mixed-use development will include a new high quality public square and an expanded local shopping centre, as well as an uplift in the amount and quality of open space and improved community infrastructure.”*
- 6.24. In light of the above, Phase A, being the mixed use residential-led redevelopment of the Order Land, accords with the London Plan, the Development Plan, and the relevant objectives of the National Planning Policy Framework (NPPF) when read as a whole.
- 6.25. On 31 August 2022, planning permission was granted to Lendlease for a hybrid planning application (HGY/2021/3175) to deliver the High Road West Scheme. In relation to Phase A, this includes detailed planning permission for Plot A (which will be the first plot to be delivered (with the first homes targeted for completion in Q4 2023)) and outline planning permission for the remaining plots in Phase A (Plots B to G) as part of the consent for the full High Road West Scheme area.
- 6.26. Section 6 of the Statement of Reasons sets out in further detail how a) the principle of Phase A and b) Phase A, as permitted pursuant to the planning permission, meet the key planning policy objectives of the Council's planning framework and how the purpose for which the Order Land is to be acquired accords with the adopted Development Plan and the revised National Planning Policy Framework. Section 7 of the Statement of Reasons confirms that Phase A (referred to in that document as “the Scheme”) can be delivered independently of Phase B.
- 6.27. The Council (as local planning authority) has received two pre-action protocol letters in respect of the decision to grant the planning permission. One letter dated 4<sup>th</sup> October 2022 was from solicitors representing Tottenham Hotspur Football & Athletic Co. Ltd, outlined its intention to challenge the grant of planning permission by way of judicial review. The Council has responded to this letter, confirming that it would robustly defend the decision to grant planning permission and setting out why it considers that the grounds (in THFC’s letter) on which a judicial review may be sought will not be successful. Lendlease is understood to have responded to THFC’s letter in similar terms. THFC’s pre-action protocol letter and the Council’s response are provided at Appendices 12

and 13 (**both exempt**). The other letter dated 10<sup>th</sup> October 2022 was received from solicitors representing Peacock Estate Management Limited (“PEML”). This letter also outlined PEML’s intention to challenge the grant of planning permission by way of judicial review. The Council has responded to this letter, confirming that it would robustly defend the decision to grant planning permission and setting out why it considers that the grounds (in PEML’s letter) on which a judicial review may be sought will not be successful. PEML’s letter and the Council’s response are provided at Appendices 14 and 15 (**both exempt**). PEML and THFC have each now issued claims for judicial review and issued these to the Council. These are on similar grounds to those cited in the respective pre-action protocol letters, which as noted the Council responded to confirming that these would be robustly defended.

6.28. The planning permission grants consent for a mixed use development which for Phase A, comprises:

- Between 127,500sqm and 156,500 sqm of residential floorspace, which equates to between 1,350 and 1,665 new homes.
- The provision of 40% affordable housing (by habitable room) which will include the provision of 500 social rented Council homes and replacement homes for all existing residents on the Love Lane Estate;
- A new Library and Learning Centre;
- A new public square of a minimum of 3,500 sqm (Moselle Square) which will be used seven days a week. The new Square will provide a range of benefits for the community, including leisure and social spaces and capacity for events, markets and other activities, as well as providing a more spacious and appropriate access to and from the Station and the Stadium;
- A District Energy Network to serve the High Road West Scheme and which has the capacity to serve other buildings including potentially those within Phase B;
- New communal residents’ amenity space; and
- Landscaping, amenity space and parking provision.

6.29. In addition, Phase A includes provision for further non-residential space, with the precise quantum of this to be decided within the reserved matters applications for Plots B to G.

- New retail provision of a range of sizes and types to extend and enhance the existing provision on the High Road;
- New leisure uses and public realm including indoor sports and public houses creating a vibrant area;
- Office space;
- New public realm (in addition to Moselle Square); and
- A new Health Centre if required (current plans are to relocate the existing Health Centre to the Scheme).

#### Contribution to the economic, social and environmental wellbeing of the area

6.30. Phase A will make a significant contribution to the achievement of the promotion or improvement of the economic, social and environmental wellbeing

of its area. The reasons for this are summarised below, with a more extensive description of the benefits at Section 9 of the Statement of Reasons.

- 6.31. From the outset, the High Road West Scheme has been developed to help address the long-standing issues of deprivation which residents have faced in north Tottenham. The delivery of Phase A will make a significant contribution to remedying this. Parts of the area have ranked consistently within the top 10% most deprived neighbourhoods in England over the past decade. The area has an unemployment rate which is around double the borough and London average, and has the highest number of people claiming Universal Credit, Jobseekers Allowance and other job-related benefit allowances within the borough. The area was particularly impacted by Covid-19, and the Tottenham constituency had the highest furlough rate in the UK. The increasing cost of living particularly threatens those community members who have already been affected by two years of income disruption.
- 6.32. In regard to housing, the Tottenham constituency has the third highest rate of overcrowding in the UK, with housing supply not meeting need, particularly for families. North Tottenham is home to a high proportion of families with children (51% of households contain children compared to 35% borough wide), with 32% of children living in poverty, more than 50% higher than the London average. The area also has a high rate of people in 'poor health' impacting on quality of life. For example, a man living in North Tottenham has a life expectancy 2.4 years lower than the borough average, 3.4 years lower than the London average and approximately 7 years lower than the average in some wards in the west of the borough.
- 6.33. In consultation, local residents have consistently fed back their desire to see a safer neighbourhood. 62% of residents in north Tottenham referenced crime and anti-social behaviour as the aspect they disliked most about their local area. Haringey has a rate of crime 18% above the London average and is one of the top ten boroughs for serious youth violence in England.
- 6.34. In the context of the above, for the reasons given in the following paragraphs Phase A will deliver a range of benefits which will seek to address to these challenges in a holistic manner.
- a) The promotion or improvement of the economic well-being of the area*
- 6.35. The development of Phase A will reinvigorate the High Road, promote economic growth and bring new employment and training opportunities for local people through the creation of commercial and leisure uses, and high-quality public realm including a new public square. This will help ensure that residents have access to more jobs locally, while also having the right skills to access jobs across London.
- 6.36. The specific benefits of Phase A include the creation of an average of 422 direct full time equivalent (FTE) jobs in construction and 418 FTE jobs in other sectors and services during each year of the demolition and construction phase. It will also support the ongoing vitality and viability of the local economy by generating a net additional annual expenditure of £12.6 million, and in the process, support 89 FTE jobs in retail, leisure, hospitality, catering and other



services. The occupiers of the additional new homes provided in Phase A will provide an increased customer base for existing and new businesses in the area, supporting business retention and growth, and will also boost the local economy by generating 'first occupation' expenditure of £8.1 million over a ten-year period following occupation of the first homes within Phase A.<sup>1</sup> This will be supported by the delivery of the new Library and Learning Centre, which will provide training and education opportunities for residents to support new jobs and further education, particularly beneficial for those not in employment, education or training (NEETs).

- 6.37. The delivery of new jobs and learning opportunities is underpinned by a) the commitment made by Lendlease to deliver a £10m socio-economic programme across the whole of the High Road West Scheme that supports a broad range of initiatives aimed at supporting the community including employment and training, and b) obligations contained within the Section 106 Agreement to secure local training and employment benefits.

*b) The promotion or improvement of the social well-being of the area*

- 6.38. The economic benefits noted above and the environmental benefits listed below will improve the social well-being of the Council's area by creating jobs and creating a new attractive environment within which to live. A crucial social well-being benefit is the delivery of up to 1,665 new homes, 40% of which would be affordable homes (by habitable room), including 500 Council homes. These Council homes will be designed and provided firstly to meet the needs of existing residents. These new Council homes will then be allocated in accordance with the Council's housing policy mix to meet wider demand from the Council's Housing Register. The commitments in the Love Lane Landlord Offer and Love Lane Leaseholder Offer (see paragraphs 6.47-6.52 for further detail) ensure that existing residents are able to move into the new homes, supporting retention of family, community, business and social ties built up within the community.

- 6.39. The delivery of new good-quality, secure and affordable homes will provide the foundation for better health and financial stability for residents. In addition, the delivery of a new public square will provide a range of benefits for the community, including leisure and social spaces and capacity for events, markets and other activities, as well as providing a more spacious and appropriate access to and from the Station and the Stadium. The new Library and Learning Centre will provide a community hub which will enable better access to local services, and the provision of a new GP surgery (should this not be provided elsewhere nearby prior to the current facility being required for development) will ensure high quality medical services are located within walking distance. The provision of new private amenity space for residents will encourage social interaction, play for children, and provide the benefits of green space to residents. All the new homes and spaces will be designed adopting Secured by Design principles and in consultation with the community and local stakeholders, to promote a safer neighbourhood. In addition, the socio-

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<sup>1</sup> Based on the information contained within the "High Road West Hybrid Planning Application – Socio Economic Benefits Statement" prepared by Lichfields dated May 2022

economic programme will include investment in community-led projects to empower ideas and opportunities for local people.

*c) The promotion or improvement of the environmental well-being of the area*

- 6.40. Phase A has been designed to significantly enhance the environmental well-being of residents and other occupiers within the area, and the borough as a whole. This includes by building new homes and other spaces to modern standards, providing well insulated, warm and energy efficient spaces, thereby reducing energy use. It will include provision for all new homes to connect the Council's District Energy Network once operational, ensuring that the development aligns with the Council's energy strategy to deliver low carbon, sustainable energy. The development will improve connectivity via safe and accessible walking and cycling routes, which will encourage active travel, reduce vehicle use and improve residents' health and wellbeing. New landscaping and public realm will provide new and enhanced amenity space for both residents and the wider local community, which will be designed to create green and healthy streets, with significant biodiversity enhancements delivered by way of extensive tree planting and greening throughout.

Alternative means to achieve the Council's purposes

- 6.41. It is clear that there is no credible or realistic alternative which could deliver a comprehensive scheme for the Order Land which meets the planning policy objectives and the purposes of the Order within a reasonable timeframe (see Section 9 of the draft Statement of Reasons).

Prospect of Phase A proceeding and viability

- 6.42. Delivery of Phase A of the High Road West Scheme is by Lendlease (HRW) Ltd, part of Lendlease Corporation Ltd, who are a globally integrated real estate and investment group with expertise and proven track record in delivering similar large scale residential led regeneration projects. Lendlease has been fully committed to delivering the High Road West Scheme since entering in the DA. The DA includes provisions for the assessment of viability of the High Road West Scheme, considered by both Parties, as the scheme progresses through the Phases, including those within Phase A. As well as the very substantial investment already made by Lendlease, the scheme is supported by a £91.5 million grant funding contribution secured through the GLA, which was subject to a robust financial due diligence process as part of the bid process.

Efforts to acquire by agreement and land acquisition to date

- 6.43. The Guidance makes clear that compulsory purchase is intended as a last resort in the event that efforts to acquire by agreement fail. However, the Guidance also acknowledges that local authorities will need to consider when the land to be acquired will be needed and should plan a compulsory purchase timetable in parallel with conducting negotiations. The Guidance recognises that, given the amount of time needed to complete the statutory procedures, it may often be sensible to initiate compulsory purchase in parallel with such negotiations.

- 6.44. The Council and Lendlease have sought to acquire all of the required interests within the Order Land by agreement. As would be expected for a scheme of this size, there remain a number of interests where it is expected that compulsory purchase powers will need to be exercised either because reasonable terms cannot be agreed for private treaty acquisition or because it has been difficult to make contact with the legal owners. The Council and Lendlease will continue to seek to acquire the outstanding interests within the Order Land by agreement. However, the Council considers that it is not expected that it will be able to achieve the assembly of the entirety of the Order Land by agreement within a reasonable timescale without the use of its compulsory purchase powers.
- 6.45. Under the CPOIA, the Council is responsible for undertaking negotiations with leaseholders and occupiers in the Love Lane Estate. Lendlease are responsible for undertaking negotiations for all other land and property interests within Phase A. Section 11 of the draft Statement of Reasons provides detail on the efforts to acquire to date and a summary in relation to the main categories of owners is provided in the following paragraphs.
- 6.46. In developing the draft Order Plan and Schedule (Appendices 2 and 3, latter **exempt**), a comprehensive due diligence exercise has been carried out by the Council's appointed land referencing consultants, TerraQuest. This has included desktop research (such as at the Land Registry and the Council's records), as well as 'contact' referencing directly with potentially affected parties. Land interest questionnaires have been sent to all parties with an interest in land included in Phase A, seeking confirmation of their interests and identity and providing contact details for the Council for those that wish to discuss the scheme. Terraquest has also carried out a 'door-knocking exercise', seeking to help people to respond to the questionnaires and encouraging them to do so. Notifying owners and occupiers of the development's potential impact on their property and rights is essential, both as part of the process of assembling land (and including all known parties within the CPO schedule), and to ensure engagement with the community is undertaken to a high standard. Legal advice has been sought to ensure the proper process has been and will continue to be followed.

*Love Lane Estate – Secure Tenants and Non-Secure Tenants*

- 6.47. The Council has a High Road West Local Lettings Policy in place, which was agreed by Cabinet in July 2021 following consultation with residents on the Love Lane Estate and the wider housing register, which was supported by a significant majority of respondents. The proposals were then included in the Landlord Offer, which was the subject of the positive ballot of Love Lane residents in August and September 2021.
- 6.48. The Local Lettings Policy prioritises existing secure and non-secure tenants on the Love Lane Estate for the new Council homes in the High Road West Scheme on a secure tenancy at Council rents. The Landlord Offer also sets out how the Council's dedicated Rehousing Team will support residents through the move process, including arranging for any adaptations in their new home, with all reasonable moving costs covered by the Council through disturbance payments. Secure tenants will also receive a statutory Home Loss payment

and will have the option to move to another Council property in the borough if they prefer.

- 6.49. The Council has written to secure and non-secure tenants on the Love Lane Estate regarding the timelines and next steps to deliver Phase A. These letters set out the Council's aim to acquire all interests on the Love Lane Estate by mutual agreement, through the offer of suitable alternative accommodation in Phase A (or for secure tenants, elsewhere in the borough if they prefer). The Council will continue to work with eligible residents to ensure the new homes meet the needs of individual households as the scheme progresses.
- 6.50. In July 2022, Cabinet agreed to undertake statutory consultation with all secure tenants on the Love Lane Estate, pursuant to Part 5 of Schedule 2 to the Housing Act 1985, regarding the proposal to seek the Secretary of State's approval for the redevelopment scheme for the purpose of Ground 10A to support delivery of later plots within Phase A. This consultation is planned to take place in early 2023. The feedback will be important in informing the follow-up recommendation that will be brought back to Cabinet.

#### *Love Lane Estate – Leaseholders and Occupiers*

- 6.51. The Love Lane Leaseholder Offer, which sets out the rehousing and compensation offer to leaseholders on the Love Lane Estate, was agreed by Cabinet in July 2021 following consultation and engagement with this group. Resident leaseholders have the option to purchase a new affordable home in Phase A of the High Road West Scheme, through a rent and interest free equity loan offer from the Council. Options are also available if a resident leaseholder would prefer to move elsewhere, including an equity loan offer for properties elsewhere in the borough, shared ownership or outright sale, and/or practical help in finding a new home. Leaseholder owners will receive the market value of their property, a statutory home/basic loss payment, and have reasonable costs covered for independent valuation and financial advice.
- 6.52. The Council has contacted all leaseholders with a view to acquiring properties by private treaty, and to speak to resident leaseholders regarding their rehousing options, to find the best outcome for all households. Negotiations with leaseholders on the Love Lane Estate started in 2014, and since that time (and up to the date of this report) the Council has acquired 42 of the 85 long leasehold interests within the estate. Negotiations in relation to the remaining interests will continue in tandem with progression of the Order.

#### *Commercial Owners / Occupiers and Associated Residential Property*

- 6.53. There are 15 commercial properties with associated residential premises included within Phase A, located at Nos 731 to 759 High Road. The ownership can be summarised as follows. Individuals' names have been removed for the purposes of reporting to Cabinet but will need to be included in the final Statement of Reasons and Order Schedule.
- The Council owns 2 freehold titles (731 and 743 High Road);
  - Canvax Limited (which the Council understands is affiliated to THFC) owns 5 freeholds titles (733, 735, 737, 741 and 751 High Road);

- Owner A own 5 freeholds titles (745, 747, 749, 755 and 757 High Road);
- The freehold to 739 High Road is owned by Owner B;
- The freehold to 753 High Road is owned by Owner C; and
- the freehold to 759 (currently the Tottenham Health Centre) is owned by Kingwell Investments Limited.

6.54. Owner A operate two businesses, a shop and a takeaway, from two of the commercial properties (745 and 755 High Road). The tenants of Tottenham Health Centre (759 High Road) are also the owners of Kingwell Investments Limited. The remainder of the commercial units are tenanted and include businesses such as shops, cafés / takeaways, a restaurant and a nail salon.

6.55. The Council recognises that while Phase A will result in a broad and substantial range of benefits to the area overall, including to business, jobs and the economy, there will also be impacts on those businesses that are required to relocate from those premises. In response to this, the Council is working with each of the businesses to support them in finding suitable alternative accommodation, with the aim to keep the businesses within the High Road West Scheme, the area or within the borough. The commitments to businesses are provided in more detail in the High Road West Business Charter, which Lendlease has committed to deliver on.

6.56. Lendlease and its property advisors CBRE are leading on the negotiations with commercial owners and occupiers and associated residential premises. All third-party landowners and tenants within Phase A have been contacted by letter on multiple occasions offering a one-to-one meeting. Most recently, a letter was sent by the Council in February 2022 to landowners within the Scheme confirming that the Council and Lendlease were seeking to focus on delivery of Phase A of the High Road West Scheme and would like to seek to reach mutual agreement with owners for the purchase of their interest in the Order Land. This was followed by a letter from Lendlease in May 2022.

6.57. Since 2018, meetings have taken place with all but one of the landowners of the commercial premises within the Order Land. There is one landowner, Owner B, who has not responded to correspondence to date. Negotiations in relation to these interests, and efforts to seek to engage the landowner who has not responded to date, will continue in tandem with progression of the Order. Further detail is provided in Section 11 of the Statement of Reasons.

#### *Community Premises Owners and Occupiers*

6.58. The Council has been working closely with the Grace Organisation, who currently operate from the Whitehall & Tenterden Centre, to relocate their important community service to newly refurbished equivalent sized space at the Irish Centre, which is just north west of White Hart Lane. The relocation of the service is scheduled to take place during November 2022.

#### *Rights Holders*

6.59. On 16 June 2022 the Council/Lendlease wrote to those landowners outside of the Order Land who are known or considered to be entitled to proprietary rights



(including rights to light) which may be interfered with as a result of the development of Phase A. This letter outlined the components of Phase A, the potential for those rights (particularly rights to light) to be affected and set out the Council's intention to consider whether to appropriate the land for planning purposes and/or promote a compulsory purchase order. The letter confirmed that the Council and Lendlease would be willing to discuss impacts at the appropriate time as and when the development came forward and provided details of drop-in sessions / contact details for those who had any questions in the meantime.

- 6.60. There are a significant number of other rights and similar interests which affect parts of the Order Land. These are mainly rights attaching to other interests within the Order Land (i.e., freehold or leasehold interests), and the relevant rights would no longer be relevant and would fall away once the principal interests are acquired by the Council.

#### Outline of the CPO procedure

- 6.61. If Cabinet accepts the recommendations of this report, the CPO can be made. A CPO is a legal instrument which lists all the plots of land, proprietary interests and rights proposed to be acquired compulsorily and the names of all persons having interests in those interests and rights (so far as can be ascertained) together with a map (or maps) which shows all the plots of land situated within the boundary of the CPO. Interests and rights to be acquired are shown in the schedule of interests and include all affected land interests, including third party rights over land such as rights of light and rights of way.
- 6.62. Notice of the making of the CPO will be served in accordance with the statutory requirements on those listed in the schedule, placed on site and published in a local newspaper. Affected landowners would then have a period (minimum 21 days) to object to the CPO. The CPO along with the Statement of Reasons will be submitted to the Secretary of State, to seek confirmation of the CPO.
- 6.63. Any remaining objections will be heard by an inspector appointed by the Secretary of State at a public inquiry held for that purpose. The acquiring authority and objectors will present evidence to the inquiry in support of their respective cases. The inspector will either then decide whether the CPO is to be confirmed (if delegated to him/her) or write a report to the Secretary of State with a recommendation regarding confirmation of the CPO (if the decision is to be made by the Secretary of State). If the CPO is confirmed, there is then a six week period within which that decision will be open to legal challenge by way of an application to the High Court.
- 6.64. Once the CPO has been confirmed (and subject to any legal challenge), the Council may exercise the power to acquire compulsorily the land and other interests included in the CPO. Those whose land or interests are compulsorily acquired are entitled to compensation, in accordance with the relevant statutory provisions. This usually is on the basis of compensation for the market value of the interests acquired, and can also include disturbance payments, loss payments and severance and injurious affection. Lendlease will reimburse the Council for its land assembly costs (which include compensation payable to landowners and the costs of the CPO process) in accordance with the

arrangements of the CPOIA. If compensation cannot be agreed between the Council and an owner, then the dispute can be referred to the Upper Tribunal (Lands Chamber) for determination.

## **Appropriation**

### Background

- 6.65. The Council holds land for various statutory purposes in order to perform its functions. Appropriation is a statutory process that allows the Council to change the purpose for which land is held from one statutory purpose to another. This report seeks approval to appropriate certain land parcels owned by the Council within Phase A for planning purposes pursuant to Section 122 of the Local Government Act 1972 as it is no longer required for the purposes for which it is currently held.
- 6.66. The appropriation of the land for planning purposes would enable the Council and its development partner, Lendlease, to rely on the provisions of Section 203 and 204 of the Housing and Planning Act 2016, specifically at such time that the land parcels within Phase A are developed in accordance with planning permission, and providing certain conditions are satisfied. This would enable certain third party rights such as easements and rights attached to parcels of land which are infringed by the development of Phase A, excluding those related to statutory undertakers, to be overridden.
- 6.67. The land parcels which are to be appropriated are:
- a) Land in Plot D held for housing purposes which is occupied by the residential block 2-32 Whitehall Street, an estate road, parking and garages in its eastern area, and vacant land including the site of the former British Queen public house in its western area, edged in red on Appendix 6 and discussed in paragraphs 6.74-6.77;
  - b) Land in Plot D which forms the subsoil of part of the public highway known as Love Lane and which is currently being registered by the Council, edged in green on Appendix 6 and discussed in paragraph 6.78;
  - c) Land held for housing purposes which is regarded as open space, which is required for the development of Plot D or Plot F (both within Phase A), edged in red on Appendix 7 and discussed in paragraphs 6.79-6.82.
- 6.68. All of the land parcels described above can be considered under s122 of the Local Government Act 1972. The requirements for the application of section 122 of the Local Government Act 1972 are that a) the land is no longer required for the purpose for which it is held immediately before the appropriation and b) the Council would (in principle) have power to acquire land by agreement for the "new purpose".
- 6.69. In respect of the first of these requirements, when contemplating appropriation, a local authority must give specific consideration to the question of whether the land continues to be required for its existing purpose and in doing so, it must consider the comparative needs in the public interest for the existing use and

the proposed new use. It is not necessary that the land should be surplus or unused. It is considered that each area that is proposed to be appropriated for planning purposes is no longer required for the purposes to which each is put, and that the proposed new uses (each as part of Phase A) are very substantially in the public interest.

- 6.70. In respect of the second requirement for the application of section 122, in this case the "new purposes" are planning purposes. The Council has power to acquire land by agreement for planning purposes under section 227 of the Town and Country Planning Act 1990 to facilitate redevelopment if it is satisfied that the redevelopment would contribute to the achievement of the promotion of economic, social and/or environmental well-being of its area. The well-being benefits of the redevelopment are described above.
- 6.71. The Council should only appropriate land for planning purposes if it intends that the land be used for development which promotes or improves the economic, social or environmental wellbeing of its area and believes that the appropriation is needed in order to facilitate or achieve any of these aims. In this instance the Council intends that these parcels of land be redeveloped as part of Phase A of the High Road West Scheme.
- 6.72. Plot D and Plot F will each deliver a minimum of 30,000 and 38,000 sqm of residential floorspace respectively, equating to a minimum of approximately 700 new homes across the two development plots. The Planning Permission also includes flexibility to provide commercial, retail and leisure, community, public house, cinema, parking, plant and energy centre floorspace uses across the two plots which are capable of facilitating the delivery of a District Energy Network (DEN) Centre. The precise quantum and form of the development, including the tenure mix of the new homes, will be determined within the reserved matters applications for these plots and will take into account the need for Phase A to deliver 40% affordable housing (by habitable room), including 500 council homes.
- 6.73. The land described in categories a), b) and c) in paragraph 6.67 are each subject to additional requirements which are described in the following paragraphs.

#### Housing land (Plot D)

- 6.74. Under section 19(2) of the Housing Act 1985, the Council cannot appropriate the land in category a) without the consent of the Secretary of State as the land consists of 'a house or part of a house' which is held for the purposes of Part II of the 1985 Act. The recommendation to Cabinet is therefore to agree to appropriate this land subject to Secretary of State's consent being granted. An application to the Secretary of State would be made following and in the event of approval by Cabinet. If consent is granted, the appropriation of that part of Plot D could then take effect on the date of the Secretary of State's decision.
- 6.75. The 'house' in question is the residential block 2-32 Whitehall Street. As of October 2022, this block contains 5 leasehold properties (of which 1 is a resident owner), 3 properties which are occupied by non-secure tenants in temporary accommodation, and several vacant properties. The Council will

need to secure vacant possession of this block prior to works commencing in this location. The proposals to relocate and support residents are summarised below and will also be set out in the application to the Secretary of State for consent to appropriate the land.

- 6.76. As set out in paragraphs 6.51-6.52, the Council is continuing to progress negotiations with leaseholders within the 2-32 Whitehall Street block to seek to reach mutual agreement on the purchase of their property. Discussions are ongoing with the resident leaseholder within this block regarding potential relocation options in line with the Love Lane Leaseholder Offer.
- 6.77. Under the current phasing plan, non-secure tenants in the block will have the highest priority for the new Council homes built in the scheme, pursuant to the agreed priority order within the High Road West Local Lettings Policy. While a key aim of the High Road West Scheme's phasing plan is to maximise the number of residents who can move directly to their new home, as this block is planned to be redeveloped prior to the first new homes being built (at Plot A), residents are likely to need to move temporarily before moving to their new secure home. The Council's Rehousing Team are working closely with affected tenants to support them to move suitable alternative temporary accommodation on the estate or nearby.

#### Land currently being registered (Plot D)

- 6.78. The land in category b) forms the subsoil of part of the public highway known as Love Lane. The Council considers itself to be the owner of this land, however it is currently unregistered. The Council will shortly be submitting an application to the Land Registry to register the subsoil. Cabinet is asked to approve the appropriation of that area of land subject to its title being registered to the Council.

#### Open space land (Plot D / F)

- 6.79. The land in category c) is regarded as open space and is shown on Appendix 7. The land comprises an area that is used as a grassed/seating amenity space and another part that includes a playground. Around half of the existing garden area, shaded in orange on the plan, will be redeveloped as part of works required alongside Plot D (due to start in 2023). The remainder of the open space, shaded in purple on the plan and including the playground, will be redeveloped as part of Plot F (due to start in 2025). The open space will remain accessible and open to the public until the time it is required for development. Amenity space will be re-provided as part of Phase A, in the form of Moselle Square and other public and private amenity areas.
- 6.80. Prior to appropriating this open space land, the Council must advertise its intention to appropriate open space land for two consecutive weeks in a newspaper circulating in the area in which the land is situated and consider any objections which may be made to them before reaching its decision.
- 6.81. A public notice of the Council's intention was published in the Tottenham & Wood Green Independent for two consecutive weeks on 31 August 2022 and 7 September 2022 respectively. The notice was also published in the London

Gazette on 31 August 2022. Public notices have been placed at the site and in Coombes Croft Library for a three-week period from 31 August to 21 September 2022. A copy of the notice is attached in Appendix 8. Two drop-in sessions were held at The Grange on White Hart Lane on 12 and 14 September 2022.

6.82. If representations are made to the Council in response to the notices, it is necessary for the Council to duly consider those representations and take them into account in deciding whether or not to proceed with the appropriation of the open space land. One representation has been received, from Tottenham Hotspur Football Club (THFC), which objected to the proposed appropriation and disposal of land, on the following grounds:

6.82.1. The planning permission is likely to be subject to a claim for judicial review. As noted at paragraph 6.27, the Council as local planning authority and Lendlease have responded to the pre-action protocol letters and will each be robustly defending the challenges. Nevertheless the Planning Permission subsists and will remain in place unless and until it is quashed by the courts. As such, the mere fact that the planning permission is currently under threat of a legal challenge does not prevent the Council from concluding that land required to deliver Phase A should be appropriated for planning purposes. The land required to deliver Phase A is identified within the Development Plan, including the TAAP, for redevelopment in any event;

6.82.2. The planning application/permission deviates from numerous aspects of planning policy NT5 and the Area Action Plan. The report to planning committee (21 July 2022) concluded that “the proposal departs from the High Road West Masterplan Framework in a number of respects, however, is considered to broadly comply with the HRWMF and in accordance with the adopted development plan when read as a whole” (paragraph 30.1 in the Addendum Report), and “The scheme does have its some [sic] negative aspects. However, it has clear and demonstrable benefits that weigh heavily in its favour, largely resulting from the comprehensive redevelopment approach advocated by this proposal and the negative aspects would not significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the NPPF as a whole” (paragraph 31.2 in the Addendum Report). In the light of this advice, the Council as local planning authority determined that planning permission should be granted;

6.82.3. The Council doesn't own all the land within High Road West and will require CPO powers, and other statutory processes such as stopping up of highways it is acknowledged that the Council does not currently own all the land and interests required to bring forward Phase A. A decision to appropriate is therefore being sought within this report at the same time as a decision to support compulsory acquisition of the land required to deliver Phase A. It is also acknowledged that highways will need to be stopped up to allow Phase A to proceed – these will be brought forward as required as the development progresses, and the approach to this is set out in section 13 of the Statement of Reasons; and

6.82.4. A decision to appropriate the open space is premature (including given the objection points above), and the land is still required for the use of residents The requirements of section 122 are considered above, including whether the



land is required for its existing purpose. The land will remain available for use by residents as open space until physically required to deliver the Phase A scheme – the appropriation will not of itself prevent continuing use of the amenity.

#### Rights and compensation payments

- 6.83. Third party rights are not extinguished but may be overridden by virtue of sections 203 and 204 of the Housing and Planning Act 2016, with a right to compensation provided in place of enforcement of the third party rights themselves. The Council recognises the potential rights of third parties and will pay compensation where a legal basis for such payments is established. The person who carries out the development is liable to pay compensation under s 204, but if they fail to do so, the Council must make the payments and then recover them from the developer under s 204(3). The CPOIA entered into between the Council and Lendlease provides for how Lendlease will cover any compensation that may be payable pursuant to s.204.
- 6.84. An assessment has been carried out to determine the third-party rights of light which could be affected by the development of Plot D and the open space land as a result of the appropriation, taking the same precautionary approach as has been used in relation to potential impacts on rights of light generally in relation to Phase A. In addition, the Council's land referencers have reviewed other rights and covenants affecting the Phase A land and which may be impacted or interfered with by the development. In summary these include rights of access/way; and covenants to maintain building structures, support for land/buildings, services and common parts (further details are contained within the draft Order Schedule (Appendix 3 (**exempt**))). There is also the potential for unknown rights or restrictions to exist. The rights mainly relate to other properties within the Estate and are general rights, rather than those applying specifically and only to Plots D or F.
- 6.85. Letters were sent on 16 June 2022 to third party rights holders outside of the Phase A boundary: see paragraph 6.59 above.

#### **Consideration of human rights - CPO and appropriation**

- 6.86. The Human Rights Act 1998 incorporates the European Convention on Human Rights into UK law and requires all public authorities to have regard to Convention Rights. Public authorities must not take decisions which are incompatible with Convention Rights. In deciding whether to make the CPO and to exercise the Council's powers to appropriate land for planning purposes, members of the Cabinet must consider the impact of those decisions on the Convention rights of those likely to be affected by the making and implementation of the CPO and/or by the proposed appropriation of land for planning purposes. The Convention rights that are of particular significance to Cabinet's decisions are those protected under Articles 8 (right to respect for private and family life) and Article 1 of the 1st Protocol (protection of property).
- 6.87. Article 8 provides that there should be no interference by a public authority with a person's enjoyment of their right to respect for private and family life and home except in accordance with the law and, insofar as is necessary in a

democratic society in the interests of (amongst other objectives) the economic well-being of the country, protection of health and the protection of the rights and freedoms of others. Article 1 of the 1st Protocol provides that no-one shall be deprived of their possessions except in the public interest and subject to the conditions provided for by law, although the right is qualified to the effect that it should not in any way impair the right of a state to enforce such laws as it deems necessary to control the use of property in accordance with the general interest.

- 6.88. In determining the level of permissible interference with enjoyment the courts have held that any interference with these protected Convention rights must achieve a fair balance between the general interests of the community and the protection of the rights of individuals. There must be reasonable proportionality between the means employed and the aim pursued. The availability of an effective remedy and compensation to affected persons is relevant in assessing whether a fair balance has been struck.
- 6.89. Therefore, in deciding whether to proceed with the recommendations in this report, Cabinet Members need to consider the extent to which the decisions may impact upon the Convention rights of the landowners and residents affected by the proposed CPO and appropriation of land for planning purposes and to balance these against the overall benefits to the community, which the redevelopment will bring. Members will wish to be satisfied that interference with the rights under Article 8 and Article 1 of the 1st Protocol is justified in all the circumstances and that a fair balance would be struck in the present case between the protection of the rights of individuals and the public interest.

*Need for the CPO/appropriation and public benefits of the development*

- 6.90. The CPO and appropriation are required in order to enable the regeneration of the land, by the delivery of Phase A. Given the range of third party interests in the land (including freehold, leasehold, other occupational interests and rights), Phase A will not be delivered in a timely way (or at all) without the CPO and appropriation. As set out at paragraph 6.41 there are no effective alternatives which would deliver Phase A. The Council is satisfied that the development of Phase A will make a significant contribution to the social, economic and environmental wellbeing of the immediate and surrounding area and that the benefits are very substantial, see paragraphs 6.30-6.40.

*Assessing the interference with private interests*

- 6.91. It is acknowledged that third party interests and rights will be affected by Phase A and, in particular, by the proposed CPO and appropriation decisions. The CPO will enable the Council to compulsorily acquire existing interests in land (including freehold and leasehold interests, for residential, commercial and other uses), obtain possession of the land, and acquire new rights over land. The appropriation decisions may lead to section 203 of the Housing and Planning Act 2016 being engaged, meaning relevant rights and easements (including rights to light) would be overridden and would not be enforceable. Each of these would have a consequential impact on owners and occupiers of land within Phase A and outside Phase A (the latter in relation to areas where

new rights are sought over adjoining land or where land with the benefit of rights over Phase A is impacted).

- 6.92. An outline of the CPO process, including the ability for affected parties to object to it and be heard at a public inquiry are set out from paragraph 6.61 above. There have also been a number of public consultations in relation to the High Road West Scheme, consultation specifically in relation to the planning application, and a ballot of tenants on the Love Lane Estate. The Council provided notice of the intention to appropriate the open space land for planning purposes. Compensation for affected parties is provided for in legislation, in relation to both the CPO and where section 203 Housing and Planning Act 2016 is engaged and overrides rights. Both processes can be subject to judicial/statutory review. These matters are relevant to the Article 6 Convention right, which provides that everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal.

### *Conclusion*

- 6.93. It is considered that the realisation and importance of the Council's aims and objectives in promoting the Phase A development and the social, economic and environmental benefits that delivery of Phase A will secure significantly outweigh the interference noted above that would result from the CPO and appropriation with property (Article 1 of the First Protocol) and private life (Article 8), having regard to the availability of compensation and the procedural safeguards offered by the statutory procedure for authorisation and confirmation of the CPO and of the proposed appropriation. On balance, it is considered that the substantial public benefit of being able to carry out and use a CPO and appropriation as set out in this report to deliver Phase A, outweighs the infringement of the human rights of persons affected by the exercise of those powers. As such it is considered that the making of the CPO and exercise of the Council's power to appropriate land is legitimate and proportionate in this instance.

## **7. Contribution to strategic outcomes**

- 7.1. 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 part of site allocation NT5 in particular) and in the London Plan to support regional growth in North London.
- 7.2. The regeneration at High Road West will help to enhance the area in relation to the following four priorities set out in the Council's Borough Plan (2019-2023):
- Priority 1 – Housing ("A safe, stable and affordable home for everyone, whatever their circumstances"): Phase A will make a significant contribution to the borough's housing targets, through the delivery of a minimum of 1,350 homes, including 500 Council homes at Council rents. The new Council homes will include replacement homes for those living within the Scheme, including eligible tenants in temporary accommodation, as well as new homes for the most in-need households on the housing waiting list.

- Priority 2 – People (“Strong families, strong networks and strong communities nurture all residents to live well and achieve their potential”): Phase A will support the Council’s objectives in better linking local neighbourhood services, providing new community facilities designed to meet the needs of local people, and support the Council’s focus on early intervention and prevention.
- Priority 3 – Place (“A place with strong, resilient and connected communities where people can lead active and healthy lives in an environment that is safe, clean and green”): Phase A will deliver a new public square and Library and Learning Centre, which will both provide a range of community benefits, including leisure and social spaces and capacity for events, markets and other activities. The new homes and spaces across the Scheme will be designed to promote safety (including by use of Secured by Design principles and consultation with the community and stakeholders), community cohesion, and good health and wellbeing.
- Priority 4 - Economy (“A growing economy which provides opportunities for all our residents and supports our businesses to thrive”): Phase A will include significant investment into employment, education and training opportunities for local people, to connect residents to sustainable and long-term jobs. It will also reinvigorate the High Road by creating high-quality public realm including a new public square.

**8. Statutory Officer Comments (Director of Finance, Procurement), Head of Legal and Governance (Monitoring Officer), Equalities)**

**Finance**

**8.1-8.7. This information is contained in the exempt report.**

**Procurement**

8.8. There are no procurement comments required for this report.

**Legal**

8.9. The Head of Legal & Governance have been consulted on the content of this report and legal advice has been incorporated into the report.

8.10. The Council is being asked to use its Town and Country Planning Act 1990 (the Planning Act) compulsory purchase powers to help implement this regeneration scheme.

8.11. The CPO would therefore be made using planning powers pursuant to Section 226(1) (a) of the Planning Act (and other powers as noted at paragraphs 6.9 to 6.14. Section 226(1)(a) of the Planning Act enables authorities with planning powers to exercise their compulsory acquisition powers if they think that acquiring the land in question will facilitate the carrying out of development, redevelopment or improvement on or in relation to land. It would not be reasonable to make a CPO if it were clear that all interests could be acquired by

agreement. Section 226(1A) provides that the acquiring authority must not exercise the power 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. In deciding whether to make a CPO using planning powers, the Council would be required to demonstrate that there is sufficient justification for acquiring the land compulsorily and that there is a compelling case in the public interest for a CPO. This is set out in the draft Statement of Reasons attached in Appendix 1 to this report.

- 8.12. In addition, the *Guidance on the Compulsory purchase process and The Criche! Down Rules* states that any programme of land assembly needs to be set within a clear strategic framework, and this will be particularly important when demonstrating the justification for acquiring land compulsorily under section 226(1)(a). Such a framework will need to be founded on an appropriate evidence base, and to have been subjected to consultation processes, including those whose property is directly affected. Any decision about whether to confirm an order made under section 226(1)(a) will be made on its own merits, but the factors which the Secretary of State can be expected to consider are set out at paragraph 6.19 above.
- 8.13. Certain residential and business owners may be able to serve a blight notice on the Council, requiring the Council to acquire their interest in the Order land, pursuant to the provisions in sections 149 to 171 of the Planning Act. A blight notice, if accepted by the Council or upheld by the Upper Tribunal, has the effect of deeming the Council to have served a notice to treat, notwithstanding that the CPO may not yet have been confirmed or implemented. The Council and the owner then negotiate to seek to agree the compensation payable to the owner, and disputes can be referred to the Upper Tribunal (Lands Chamber). Compensation payable following the service of a blight notice is refunded by Lendlease as provided for in the CPOIA, as for other CPO compensation costs.
- 8.14. The Human Rights Act 1998 effectively incorporates the European Convention on Human Rights into UK law and requires all public authorities to have regard to Convention Rights. In making decisions Members therefore need to have regard to the Convention. The rights that are of particular significance to Cabinet's decision are those contained in Articles 8 (right to home life) and Article 1 of Protocol 1 (peaceful enjoyment of possessions). It is considered that the process of making of a CPO, the ability of affected people to object, consideration of objections at inquiry, and the right to bring a legal challenge to confirmation of a CPO, means that procedurally a CPO complies with Article 6 of the Convention. Matters relating to human rights are set out at paragraphs – 6.86 to 6.93 above.
- 8.15. The Council's power to appropriate the various parcels of land held by the Council within Phase A are contained in section 122 of the Local Government Act 1972. Where the appropriation involves open spaces then the Council must advertise its intention for two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed appropriation which may be made to them. That process has been complied with as set out in paragraphs 6.79-6.82 of this report and the



recommendation requires members to consider the one objection received in respect of the open space prior to making its decision.

- 8.16. The land held for housing purposes contains a residential block. The appropriation will need the consent of the Secretary of State, so the decision to appropriate must be subject to the consent being obtained.
- 8.17. Appropriation of land parcels within Phase A (which includes Plot D and the open space) will enable the Council and its developer, Lendlease to rely on the provisions of section 203 and 204 of the 2016 Act. If land is appropriated by a local authority for planning purposes, then the development can be carried out on that land, notwithstanding that those works and use may interfere with third party rights, provided that three further conditions are satisfied:
- (a) there is planning permission for the works and / or use;
  - (b) the Council could have acquired the land compulsorily for the purpose of the works/use (if it did not already own the land); and
  - (c) the works and/or use are related to the purposes for which the land was appropriated.
- 8.18. In respect of condition (a) above, planning permission was granted for Phase A as part of the High Road West Scheme on 31 August 2022.
- 8.19. In respect of condition (b) above, the Council has power, under s226 of the Town and Country Planning Act 1990 on being authorised by the Secretary of State, to acquire land compulsorily for planning purposes, including in order to facilitate redevelopment if it thinks that the redevelopment would contribute to the achievement of the economic, social and/or environmental well-being of its area. The report sets out details of the benefits that will be achieved by the development of Phase A and information on Plots D / F specifically is provided at paragraph 6.72.
- 8.20. In respect of condition (c) above, the development of Phase A (and plots D and F in particular) is clearly related to the purpose for which the land is being appropriated.
- 8.21. Third party rights that can be overridden under s203 include easements (such as a right of access or right to light) and restrictive covenants which otherwise would limit the use of the land.
- 8.22. Those third parties whose rights have been overridden may be entitled to compensation, on the basis of the diminution in value of the impacted property. It is for the developer to pay the compensation however the Council retains residual liability should the developer fail to do so. The CPOIA provides for Lendlease to repay compensation payable under sections 203/204.
- 8.23. The appropriation of land for planning purposes by the Council does not of itself override third party rights or infringe them. Only when development progresses, and third-party interests are interfered with or breached does the consequence of having appropriated the land for planning purposes actually take effect. If

there is no development, then the act of appropriating land within Phase A for planning purposes does not infringe any third party's rights.

8.24. The recommendations include a decision to acquire various properties (recommendation iii.) if agreement can be reached by private treaty. These acquisitions will be for planning purposes. The Council has power under section 227 of the Planning Act to acquire by agreement any land which it requires for any purpose for which it authorised to acquire land under section 226. Therefore the Council can acquire these properties by agreement.

8.25. **This information is contained in the exempt report.**

### **Equality**

8.26. In deciding whether to make the CPO and to appropriate land for planning purposes, the Council must have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Equality Act 2010
- Advance equality of opportunity between people who share protected characteristics and people who do not
- Foster good relations between people who share those characteristics and people who do not.

8.27. The Public Sector Equality Duty applies in relation to persons who share the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty.

8.28. The need for the Council to fulfil the Public Sector Equality Duty has been addressed at each stage of the key decision-making for the High Road West Scheme. The Council has developed and updated the High Road West Scheme Equalities Impact Assessment (EqIA) when making recommendations to Cabinet as it has progressed and has also produced specific EqIAs for accompanying housing policies. The findings of the assessments have been monitored and informed subsequent decisions on the High Road West Scheme. Notable assessments and their subject areas include the following:

- December 2014 – High Road West Masterplan Framework ([link](#))
- September 2017 – Appointment of Lendlease as Development Partner ([link](#))
- March 2021 – Approval of GLA Funding Package ([link](#))
- July 2021 – HRW Local Lettings Policy ([link](#)) and Love Lane Leaseholder Offer ([link](#))
- July 2022 – Appropriation of Plot A for planning purposes ([link](#)) and consultation with secure tenants regarding the proposal to seek the Secretary of State's approval for the redevelopment scheme for the purpose of Ground 10A ([link](#))

8.29. The Council has commissioned an EqIA in relation to Phase A specifically and the proposed use of CPO powers to deliver Phase A, see Appendix 5. This has found that the delivery of Phase A is likely to bring a range of benefits which

would particularly benefit those sharing protected characteristics in the local community, through improved housing provision, the changes in employment and training opportunities, provision of community resources and improved social cohesion, measures to improve public safety, and measures to improve connectivity and accessibility after the development.

- 8.30. For residents within Phase A, the EqIA assesses that there are likely to be no adverse impacts for those with protected characteristics for the qualifying tenants and resident leaseholders who are eligible to move to a new home in Phase A pursuant to the Landlord Offer, if the existing mitigations by the Council are implemented. This includes providing the right to remain on the estate for eligible existing residents, covering reasonable costs for the moves to the new homes, keeping Council rents at a similar level to the existing Love Lane properties, providing support through the Council's Rehousing & Engagement Team at each stage of the move process and ensuring access to independent advice from an Independent Tenant & Leaseholder Advisor (ITLA). Both the Rehousing & Engagement Team and the ITLA will provide support and advice on an individual basis and respond to the specific needs of each household, recognising where residents may be disproportionately affected or face specific barriers.
- 8.31. There may be some residual adverse impacts for groups with protected characteristics who rent privately and may not be able to remain in the local area, which is likely to particularly affect ethnic minority groups, children and women, who are overrepresented in the demographic makeup of this group. The impacts are likely however to be minor given the limited number of private tenants, who make up less than 15% of the residents within the Order Land. The Council has set out mitigation measures to reduce these impacts as far as possible. The Rehousing and Engagement team will liaise with individual households to ensure they are aware of the phasing timelines and of the options available to them. Tenants will have access to Haringey's Housing Services to provide support and assistance, and to independent advice from the ITLA which as above will recognise their specific needs. The Council will ensure that that the process for private tenants to access housing support is clear and communicated to these residents, including by providing information in other languages and access to interpreter support as required.
- 8.32. There are 15 businesses located within Phase A who will be impacted as a result of the redevelopment. For these business owners and their employees, the EqIA assesses that there are likely to be limited adverse effects on persons sharing protected characteristics, particularly as a number of businesses on site are minority ethnic-owned. Any potential loss of business, potential redundancy of employees associated with business loss or relocation, or impact on the existing customer base, would particularly affect ethnic minority groups and children, due to these being disproportionately represented in the study area. It may also particularly impact older people and disabled people due to their specific needs.
- 8.33. The Council has set out mitigation measures to reduce these impacts on business owners and employees as far as possible. The mitigation measures include the following:

- Provision of relocation support and aim to relocate businesses within Phase A if possible, or elsewhere within the borough if not
  - Phasing of redevelopment to provide opportunities for businesses to make a single move to new accommodation in Phase A, or provide temporary space where this is not possible (where the business can be accommodated within Phase A)
  - Commitment to regular communication and engagement with businesses, including to discuss relocation options and to develop the designs for the new commercial spaces in the Scheme and business support initiatives
  - Businesses will be offered a compensation package for the loss of and any damage to the business, including removal expenses, adaptation of replacement premises, temporary loss of profit during the move, diminution of goodwill following move and depreciation in value of stock
  - Businesses will be independently valued by a surveyor who can be appointed by the business owner, with reasonable costs reimbursed by the Council
  - Commitment to work with businesses to help them develop individual business plans
- 8.34. The assessment identifies that the delivery of Phase A has the potential to provide improved living conditions for local residents, as well as enhancements to housing quality, accessibility, the public realm, and other community facilities. Furthermore, the Council have embedded a series of mitigations within the design and delivery of the Scheme in order to mitigate and manage risks associated with potential changes in social conditions which can arise from scheme programmes of this kind.
- 8.35. The EqIA or equivalent will be monitored and reviewed throughout the progression of Phase A in order to ensure that the mitigation measures are being delivered, and that any future impacts can be measured and mitigated as necessary.

## 9. Use of Appendices

Appendix 1 – Draft Statement of Reasons

Appendix 2 – Draft Order Plan

**Appendix 3 – Draft Schedule of Interests (exempt)**

**Appendix 4 – Phase A Rights of Light Plan (exempt)**

Appendix 5 – Equalities Impact Assessment (EqIA) of the CPO

Appendix 6 – Appropriation plan – Plot D

Appendix 7 – Appropriation plan – Open space land

Appendix 8 – Public notice of intention to appropriate and dispose of open space land

**Appendix 9 – Plot D Rights of Light Plan (exempt)**

**Appendix 10 - Details on the types of rights affected by the development of Plot D (exempt)**

Appendix 11 – Appropriation plan – Plot A

**Appendix 12 – Pre-action protocol letter from THFC (exempt)**

**Appendix 13 – Council’s response to THFC pre-action protocol letter (exempt)**

**Appendix 14 – Pre-action protocol letter from Peacock Industrial Estate (exempt)**

**Appendix 15 – Council’s response to Peacock Industrial Estate pre-action protocol letter (exempt)**

## **10. Local Government (Access to Information) Act 1985**

### **High Road West Cabinet and Full Council Papers:**

- 19<sup>th</sup> 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](#))
- 13<sup>th</sup> July 2021 Cabinet Report – High Road West - Approval of Resident Offers, Landlord Offer and Resident Ballot ([link](#))
- 16<sup>th</sup> March 2021 Cabinet Report – High Road West – Conditional Approval of Funding and Next Steps ([link](#))
- 10<sup>th</sup> March 2020 Cabinet Report - High Road West – Next Steps for Consultation on Resident Offers ([link](#))
- 8<sup>th</sup> 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](#))
- 12<sup>th</sup> September 2017 Cabinet Report- High Road West Regeneration Scheme – appointment of a preferred bidder and next steps ([link](#))
- 13<sup>th</sup> September 2016 Cabinet Report- Tottenham Housing Zone Phase 2- North Tottenham ([link](#))
- 15<sup>th</sup> December 2015 Cabinet Report- High Road West Regeneration Scheme Update and Next Steps ([link](#))
- 20<sup>th</sup> January 2015 Cabinet Report - Site Acquisitions Fund – approval for decisions under Delegated Authority ([link](#))
- 16<sup>th</sup> December 2014 Cabinet Report- High Road West Regeneration Scheme- Masterplan and Next Steps ([link](#))
- 15<sup>th</sup> July 2014 Cabinet Report- High Road West Regeneration Scheme Consultation. ([link](#))
- 28<sup>th</sup> November 2013- High Road West Regeneration Project - Master Plan Option Consultation Feedback and Next Steps. ([link](#))