

## HAYES REGENERATION: AUTHORITY TO EXERCISE COMPULSORY PURCHASE POWERS

<b>Cabinet Member(s)</b>	Cllr Jonathan Bianco Cllr Eddie Lavery Cllr Martin Goddard
<b>Cabinet Portfolio(s)</b>	Property and Infrastructure Environment, Housing and Regeneration Finance
<b>Officer Contact(s)</b>	Perry Scott, Infrastructure, Transport & Building Services
<b>Papers with report</b>	Appendix 1 Table of Responses to Guidance Requirements Appendix 2 Draft HTC Map Appendix 3 Draft Avondale Map <b>Appendix 4 Draft HTC Order – with the Schedule and Tables 1 &amp; 2 in the confidential appendix circulated separately</b> <b>Appendix 5 Draft Avondale Order – with the Schedule and Tables 1 &amp; 2 in the confidential appendix circulated separately</b> Appendix 6 Draft HTC Statement of Reasons Appendix 7 Draft Avondale Statement of Reasons Appendix 8 Equality and Human Rights Impact Assessment <b>Appendix 9 Financial Considerations - confidential appendix circulated separately</b>

**PUBLIC/PRIVATE**

**This report is public, but it contains three confidential (exempt) appendices in Part 2 of the agenda circulated separately**

### HEADLINES

<b>Summary</b>	This report seeks Cabinet authority for the Council to exercise its compulsory purchase powers and to make, confirm and implement two compulsory purchase orders to deliver vacant possession of the Hayes Town Centre and Avondale Drive Estates to facilitate the redevelopment proposals for those Estates.
<b>Putting our Residents First</b>	This report supports the following Council objectives: <ul style="list-style-type: none"> <li>• <i>Our People</i></li> <li>• <i>Our Built Environment and</i></li> <li>• <i>Strong financial management.</i></li> </ul>
<b>Financial Cost</b>	This is set out in the report.
<b>Relevant Select Committee</b>	Environment, Housing & Regeneration
<b>Relevant Ward(s)</b>	Townfield Ward

## RECOMMENDATIONS

**That the Cabinet:**

- 1) Notes that in-principle Cabinet Member authority was given on 23<sup>rd</sup> July 2021 to use compulsory purchase powers to deliver vacant possession of the residential estates at Hayes Town Centre and Avondale Drive**
- 2) Notes that the Council will continue to use all reasonable endeavours to acquire, by negotiation, the various land interests affected by the compulsory purchase orders, to complete the acquisitions and disposals of land as necessary and to deal with any acquisitions pursuant to blight claims.**
- 3) Notes and approves the draft London Borough of Hillingdon (Hayes Town Centre) Compulsory Purchase Order 2021 as attached at Appendix 4 (“HTC Order”), the maps comprising the land that is proposed to be compulsorily acquired as may be subject to amendment pursuant to paragraph (5). below) as attached at Appendix 2 and referred to in the HTC Order (“the HTC Map”), and the draft Statement of Reasons made in support of the HTC Order and attached at Appendix 6.**
- 4) Notes and approves the draft London Borough of Hillingdon (Avondale Drive) Compulsory Purchase Order 2021 as attached at Appendix 5 (“Avondale Order”), the maps comprising the land that is proposed to be compulsorily acquired as may be subject to amendment pursuant to paragraph (5) below) as attached at Appendix 3 and referred to in the Avondale Order (“Avondale Map”), and the draft Statement of Reasons made in support of the Avondale Order and attached at Appendix 7.**
- 5) Authorises the Borough Solicitor to make changes to the HTC and Avondale Orders (together referred to as “the Orders”), the HTC and Avondale Maps (together referred to as “the Order Maps”) (within the red line boundary as shown on the Order Maps) and Statements of Reasons as considered necessary and agreed with the Corporate Director – Infrastructure, Transport and Building Services.**
- 6) Authorises the use of powers in the 1990 Act to secure the removal of any apparatus of statutory undertakers.**
- 7) Authorises the acquisition by agreement of all third party interests in and over the land described in the HTC Order and the Avondale Order (together known as “the Orders”) under Section 227 of the 1990 Act before and after confirmation of the Orders.**
- 8) Authorises the Borough Solicitor to take all necessary steps to secure confirmation of the Orders and the acquisition of all third party interests in the land described within the Orders (“Order Land”). This authorisation includes the publication and advertisement of the Orders, serving appropriate notices, seeking confirmation of the Orders, taking all steps to acquire relevant interests and such other steps as deemed appropriate by the [the Borough Solicitor to facilitate the development, redevelopment or improvement of the Order Land.**

- 9) **Authorises the Borough Solicitor to enter into agreements and make undertakings, contracts and transfers on behalf of the Council with third party interests in the Order Land, including for the withdrawal of objections to the confirmation of the Orders and also including the offering back of any part of the Order Land or rights over it, or acquisition of additional land or interests in or over any such land and the removal of any land from the Orders.**
- 10) **Authorises defending any proceedings challenging these decisions, and the making, confirmation or implementation of the Orders or any notice, general vesting declaration or anything else made pursuant to the Orders.**
- 11) **Authorises the Borough Solicitor following confirmation of the Orders to publish and serve all appropriate notices of confirmation of the Orders and to make one or more general vesting declarations or serve notices to treat and notices of entry (as appropriate) in respect of the Order Land.**
- 12) **Authorises the Borough Solicitor to initiate on behalf of the Council or for the Council to take part in any arbitration or proceedings before the Upper Tribunal (Lands Chamber) or the Courts in order to resolve any disputes as to compensation or other payments payable for any interests in the Order Land or arising from the making or confirmation of the Orders or securing possession of any part of the Order Land or title to any part of the Order Land or the removal of any occupants or apparatus of statutory undertakers or communication code operators.**
- 13) **Has due regard to the Equality and Human Rights Impact Assessment, at Appendix 8.**

## **1 REASONS FOR RECOMMENDATION**

- 1.1 Further to the Cabinet report of 23 July 2021 Cabinet will be aware that in-principle authority was given to use compulsory purchase powers to deliver vacant possession of the residential estates at Hayes Town Centre and Avondale Drive ("**Estates**").
- 1.2 The Council's objective is to address concerns about the quality and longevity of the homes within the Estates, and wishes to maximise the opportunities to provide new high quality housing, including affordable housing, in the Borough and enhancing place-making around Hayes town centre. The Council has commenced negotiations with affected landowners to acquire their interests in the Estates but those negotiations are not likely to be concluded within a reasonable timescale to allow timely progression of the redevelopment proposals, and the Council now needs to exercise its compulsory purchase powers to ensure that the proposed redevelopment of the Estates can be delivered.

## **2 ALTERNATIVE OPTIONS CONSIDERED / RISK MANAGEMENT**

- 2.1 The alternative option would be not to go ahead with the redevelopment of the Estates, despite the positive result of the Residents' Ballot. This would not be optimal because it does not address the Council's objective of maximising the opportunities to provide new high-quality housing and of enhancing place-making around Hayes town centre. Further, it does not address issues of crime and antisocial behaviour that are current concerns raised by residents of the Estates. The opportunity to take advantage of funding from the GLA would also be missed as this is only available for new build development.
- 2.2 As noted in the Cabinet and Cabinet Member reports of 17 June 2021 and 23 July 2021 one of the risks involved in these decisions include the risk associated with failing to secure a development partner on terms that achieve a viable scheme for the Council and the risk of failing to secure all of the third-party interests needed to progress the scheme in line with the development timetable.
- 2.3 To remove the risk of failing to secure all of the interests within the Estates held by third parties by agreement, it is necessary for the Council to exercise its compulsory purchase powers.

## **3 DEMOCRATIC COMPLIANCE / PREVIOUS AUTHORITY**

- 3.1 On 22 October 2020 the Cabinet considered the options appraisal report and gave authority to officers to undertake design work on potential redevelopment schemes, in consultation with residents, and to undertake a Residents' Ballot on proposals once they had been finalised. These actions have been completed and the result is now known, and Cabinet approval is being sought to progress the scheme to the next stage.
- 3.2 On 17 June 2021 Cabinet granted delegated authority to the Leader of the Council and Cabinet Members for Property & Infrastructure, Environment, Housing & Regeneration and Finance, in consultation with the Corporate Director of Infrastructure, Transport & Building Services, to make any further decisions necessary to implement the above actions and progress the project.
- 3.3 On 23 July 2021 the Leader of the Council, Cabinet Member for Property and Infrastructure, Cabinet Member for Environment, Housing and Regeneration and the Cabinet Member for Finance gave in-principle authority for the Council to exercise its compulsory purchase powers and make, confirm and implement one or more compulsory purchase orders in respect of the proposed redevelopment of the Estates.

## **SELECT COMMITTEE COMMENTS**

None at this stage.

## SUPPORTING INFORMATION

### 4 BACKGROUND

- 4.1 The Hayes Town Centre estate consists of 260 homes including 79 leasehold properties built in the 1970s consisting of medium rise flats and maisonettes with a high-rise point block of 15 storeys, made up of a mixture of 1, 2 and 3 bedroom homes.
- 4.2 Avondale Drive estate contains 144 homes, of which 28 are leasehold properties. The estate consists of three 'system built' 12 storey point blocks constructed in the late 1960s and all flats are two bedroomed.
- 4.3 In response to concerns raised by residents about building conditions within the Estates and anti-social behaviour the Council explored ways to improve the standard of residential provision for current residents on the Avondale Drive and Hayes Town Centre estates in Hayes. The work by the Council resulted in the Options Appraisal carried out by Savills, as reported to Cabinet on 22 October 2020, further consultation with residents and the decision to move ahead with the redevelopment of the Estates.
- 4.4 In November 2020, the Council received an allocation of funding from the GLA under their "Building Council Homes for Londoners" programme 2018-23 to help deliver the affordable homes on the scheme. A condition of this funding was that there was a vote in favour in a Residents' Ballot.
- 4.5 As noted in the Cabinet report of 17 June 2021 a Landlord Offer was formulated for all eligible parties that currently hold an interest in the Estates and this was included in the Residents' Ballot issued on 30th April 2021. The ballot closed on 21st May 2021 and the result was 94.1% in favour of the redevelopment proposals for Avondale Drive Estate and 78.7% in favour in relation to Hayes Town Centre Estate.
- 4.6 The ballot result demonstrates significant support and enthusiasm for redevelopment among residents as well as fulfilling the GLA's requirements as a condition of funding. It is, therefore, proposed that the Council proceed to the next stage of preparation for redevelopment. Actions required at this stage involve:
- 4.6.1 procuring a suitably qualified developer partner for the delivery of the project.
  - 4.6.2 progressing planning applications on both sites.
  - 4.6.3 taking steps to acquire all of the third-party interests needed to deliver the scheme.
  - 4.6.4 taking steps to ensure possession of the site on a phased basis by facilitating the temporary rehousing of Council and registered provider assured tenants in phase one and suspending the right to buy.

## 5 COMPULSORY PURCHASE POWERS

5.1 It is proposed that the Council should use its powers under section 226(1)(a) of the Town and Country Planning Act 1990 to address the priority outlined at paragraph 3.6.3 of this report in order to acquire the various land interests needed to deliver the Development, if they cannot be acquired by agreement. Under section 226(1)(a) of the Act, the Council, on being authorised to do so by the Secretary of State, can acquire any land in their area:

“if the authority thinks that the acquisition will facilitate the carrying out of development, redevelopment or improvement on or in the land”.

5.2 The exercise of the power also requires that the Council:

“thinks, that the development, redevelopment or improvement is likely to contribute to the achievement of any one or more of the following objects:-

- the promotion or improvement of the economic wellbeing of their area
- the promotion or improvement to the social wellbeing of their area
- the promotion or improvement of the environmental wellbeing of their area”

## 6 COMPULSORY PURCHASE PROCESS AND JUSTIFICATION

6.1 The making of the Order has been subject to a two-stage process. Cabinet first resolved on 23 July 2021 that the Council would in-principle seek to exercise its compulsory purchase powers under section 226(1)(a) of the Town and Country Planning Act 1990 to acquire a number of interests in the Estates to enable the construction of the development, consisting of over 500 new and replacement homes on Hayes Town Centre and over 220 on the Avondale Drive site (‘Development’), in the event that they could not be acquired by agreement. This Cabinet resolution has supported negotiations with affected leaseholders and landowners.

6.2 The next step is to make a separate Order in respect of each residential estate at Avondale Drive and Hayes Town Centre. Separate Orders are proposed due to the fact that each Estate will be the subject of a separate planning application, are not geographically adjacent, agreement to acquire interests by agreement may be more successful in relation to one site more than the other and the justification for redevelopment of each site will be slightly different. Negotiations with affected landowners have been taking place since 21<sup>st</sup> June 2021 but it is apparent that not all of the required land interests will be acquired by agreement within a reasonable timescale in respect of one or both of the Estates. As a result the relevant Order(s) and Order Map(s), which indicate the land to be included within each Order, together with accompanying Statements of Reasons have been prepared and are attached at Appendix 6 and 7. This further report is being submitted with a recommendation requesting authorisation for the making of the Orders.

6.3 The MHCLG Guidance on Compulsory Purchase Process and the Crichel Down Rules (“Guidance”) sets out guidance for acquiring authorities in relation to the making of Compulsory Purchase Orders, including when it is appropriate for compulsory purchase powers to be utilised pursuant to section 226(1)(a). The Guidance sets out the key tests

which need to be satisfied before a Compulsory Purchase Order will be confirmed – these are considered by the Secretary of State prior to deciding whether to confirm the Order and must be considered by the Council prior to the making of one or more of the Orders. These tests together with the responses are detailed at Appendix 1 and have been given detailed consideration as it is critical to demonstrate that there are no hurdles to the delivery to the Development that cannot be overcome, including the fact that planning permission has been or will be granted (the planning policy framework is considered further at section 8). Further detailed consideration of the justification for the making of the Orders is included within the Statements of Reasons.

- 6.4 A significant justification for the exercise of compulsory purchase powers is that the Council may need to exercise its powers to take advantage of time limited funding from the GLA and to maximise the percentage of affordable housing provided within the redeveloped Estates.
- 6.5 It is considered that the criteria within section 226(1)(a) are likely to be satisfied, as the significant benefits that the Development will deliver, will improve the economic, social and environmental wellbeing of the area. These benefits include:
- The provision of more than 500 new one,two,three and four bedroom apartments, maisonettes and houses within the Hayes Town Centre development;
  - The provision of more than 220 new one, two, three and four bedroom apartments and maisonettes within the Avondale Drive development;
  - The provision of new safe play areas;
  - The development will include discrete residential blocks around resident only courtyard communal gardens and fewer homes per communal entrance to aid community cohesion and safety;
  - New community facility around a public square at the Hayes Town Centre development;
  - Delivery of public realm improvements that will benefit residents and the wider public
  - The design of the Development will adhere to Designing out Crime principles that will address anti-social problems in the area.
  - Re-provision of existing affordable homes together with additional affordable homes at each site
  - The design will contribute to the Council's net-zero targets

## **7 ACQUISITION OF PROPERTY TO PREPARE FOR REDEVELOPMENT**

- 7.1 The interests within the Estates to be acquired include those of leaseholders, freeholders, and any private express or implied rights that may have been granted over the Estates. These interests have been formally identified following the completion of a land referencing exercise.
- 7.2 All owners and tenants have been contacted as part of the land referencing process that has been carried out. The land referencing exercise has been undertaken by an external specialist who has liaised extensively with the Council's in-house team and its advisors.
- 7.3 The land referencing exercise has identified all owners, tenants, occupiers and others with a legal interest in the land affected by the Order and/or who may be eligible for compensation. The Council has also issued requests for information from those appearing

to have an interest in the land to be compulsorily acquired under section 5A of the Acquisition of Land Act 1981 and/or section 16 of the Local Government (Miscellaneous Provisions) Act 1976.

- 7.4 The land which would potentially be included in the two Orders includes the land edged red on the plans attached at Appendices 2 and 3 and comprises:

Avondale Drive Estate

- 7.4.1 A residential estate consisting of 144 two bed roomed flats of which 116 are owned by the Council and let pursuant to a range of different tenancy arrangements and 28 are owned by leaseholders.

Hayes Town Centre Estate

- 7.4.2 A residential estate consisting of 260 homes from one bed flats to three bed roomed maisonettes, of which 181 are owned by the Council and let pursuant to a range of different tenancy arrangements and 79 are owned by leaseholders.

- 7.5 Considerable progress has made in relation to acquiring interests in the Order Land since June 2021 but a large number of interests are still required to be obtained to deliver vacant possession of the Order Land. Progress on the acquisition of land interests in the Estates is summarised below:

Hayes Town Centre

- 7.4.1 21 inspections of properties have been carried out and valuations completed;
- 7.4.2 20 offers have been made to acquire properties by private treaty;
- 7.4.3 3 agreements to acquire 3 properties by private treaty have been completed;  
and
- 7.4.4 3 agreements to acquire 3 properties by private treaty are currently with solicitors and the conveyancing process is ongoing;
- 7.4.5 3 verbal agreements have also been reached. The Council's surveyor has issued written terms to the leaseholders and is currently awaiting their return prior to commencing the conveyancing process

Avondale Drive

- 7.4.6 5 inspections of properties have been carried out and valuations completed;
- 7.4.7 5 offers have been made to acquire properties by private treaty;

7.4.8 0 agreements to acquire [ 0 ] properties by private treaty have been completed; and

7.4.9 0 agreements to acquire 0 properties by private treaty are currently with solicitors and the conveyancing process is ongoing;

7.4.10 0 verbal agreements have also been reached. The Council's surveyor has issued written terms to the leaseholders and is currently awaiting their return prior to commencing the conveyancing process

7.5 Compulsory purchase is intended as a last resort to secure the assembly of all the land needed for the implementation of projects, albeit that the Guidance does advise that it is not necessary to wait for negotiations to break down before commencing the compulsory purchase process as valuable time will be lost. It also acknowledges that it is sensible to plan a compulsory purchase timetable and initiate formal compulsory purchase procedures before negotiations break down.

## **8 DESIGN AND PLANNING SUBMISSION**

8.1 The Development Plan for the London Borough of Hillingdon currently consists of the following documents:

- The Local Plan: Part 1 - Strategic Policies (2012)
- The Local Plan: Part 2 - Development Management Policies (2020)
- The Local Plan: Part 2 - Site Allocations and Designations (2020)
- The West London Waste Plan (2015)
- The London Plan (2021)

8.2 The National Planning Policy Framework (NPPF) (2019) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

8.3 The Avondale Drive Estate is not allocated within the Local Plan Part 2 (2020).

8.4 The Hayes Town Centre Estate is allocated within the Local Plan Part 2 (2020) as one of three sites which make up site allocation SA 23. The Hayes Town Centre Estate constitutes Site C and should form part of a wider residential-led mixed use scheme that complements the proposed redevelopment of the Crauford Business Park (which is also known as the Silverdale Road Scheme).

8.5 Policy SA 23 outlines that there is indicative capacity for 400 residential units on Site C (gross). This figure is indicative only and should not be viewed as a definitive cap on design. The redevelopment of the site should also include an element of new public open space and assist with improved connectivity between Silverdale Road, Western View, Austin Road and Hayes Town Centre. The redevelopment should also fully integrate with

the Grand Union Canal to the South, ensuring canal-side access and promoting canal-side activity to maximise recreational potential.

- 8.6 Planning applications for the redevelopment of the Estates are proposed to be submitted in late November and will seek permission for the following developments (subject to minor amendments):

### **Hayes Town Centre**

*“Development in outline (with all matters reserved) for residential floorspace (Class C3) to comprise: demolition of all existing buildings and structures; erection of new buildings ranging from 2 to 12 storeys; provision of a community centre (up to 140 sqm of Use Class F2(b) floorspace); new pedestrian and vehicular access; associated amenity space, open space, landscaping; car and cycle parking spaces; plant, refuse storage, servicing area and other works incidental to the proposed development; and*

*Detailed planning consent for Blocks A and B comprising 80 residential units and ancillary residential facilities (Class C3); new pedestrian and vehicular access; associated amenity space and landscaping; car and cycle parking; refuse storage, servicing area, and other associated infrastructure to include temporary highways and landscaping works.” (‘Order Scheme’)*

### **Avondale Drive**

*“Development in outline (with all matters reserved) for residential floorspace (Class C3) to comprise: demolition of all existing buildings and structures; erection of new buildings ranging from 5 to 10 storeys; new pedestrian and vehicular accesses; associated amenity space, open space, landscaping; car and cycle parking spaces; plant, refuse storage, servicing area and other works incidental to the proposed development; and*

*Detailed planning consent for Block A comprising 30 residential units (Class C3); new pedestrian access; associated amenity space and landscaping; cycle parking, refuse storage, and other associated infrastructure to include temporary highways and landscaping works.”*

- 8.7 The progression of these planning applications will underpin the justification for the making of the Orders. The planning application submissions for the Estates have evolved and been refined following pre-application consultation with local stakeholders and discussions with the local planning authority. (LPA) and the GLA. Since October 2020, during a circa 12 month period, constructive pre-application consultation and engagement with the Council’s Planning and Design Officers (and GLA Officers) has taken place. This technical pre-application consultation has also brought in other specialist Officers (to include: Landscape and Trees, Energy, Highways, and Environmental Health) in order to discuss technical matters around the emerging proposals. The design has evolved throughout this process, taking on board officer comments received in order to allow for the preparation of robust application submissions that have officer support.

## 9 FINANCIAL IMPLICATIONS

- 9.1 The financial implications of the proposals in this report consist of the cost of fees to progress the preparatory work for the making of any Orders including the costs of land referencing agents, external consultants and staff up to March 2022, and the estimated cost of leasehold buy-ins for phase 1 and resident leaseholder in later phases if they wish to sell now. These costs were included within the budgeted costs outlined and approved in the June Cabinet report. The overall potential financial costs of delivering the Order Schemes in terms of taking the Orders through to implementation and buying in all of the land interests is set out in the Confidential Appendix 9.

## RESIDENT BENEFIT & CONSULTATION

### 10 EQUALITY AND HUMAN RIGHTS IMPACT ASSESSMENT

- 10.1 The Public Sector Equality Duty of the Equality Act 2010 places a Duty on public authorities to take due regard in their decision-making processes to the need to eliminate discrimination, foster good relations and advance equality of opportunity. The protected characteristics as defined in the Act are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 10.2 The Council also takes into account any potential impact on carers, community cohesion, and community safety. In line with our duties under the Equality Act 2010, an Equality and Human Rights Impact Assessment (EqIA) has been undertaken on the proposals and the consultation that has taken place in the run up to the ballot. This was appended to the 17<sup>th</sup> June 2021 Cabinet report. As set out in the EqIA, the impact of the disruption of rehousing may have a short term disproportionately negative impact on older people, vulnerable people or those with a disability.
- 10.3 Procedures will be put in place to mitigate against any negative impact including a dedicated decant officer, a comprehensive package of support for moving arrangements including all the costs being covered, and a packing service.
- 10.4 In terms of the Landlord Offer made to eligible residents within both Estates:
- 10.4.1 Secure Council and assured housing association tenants who wish to stay on the estate will be guaranteed an offer of a new home at social rent levels on the new estate; and
  - 10.4.2 Resident leaseholders will receive a fair deal and affordable options to assist them to buy one of the new homes on the estate if they wish to do so e.g. shared equity or shared ownership.
- 10.5 The Human Rights Act 1998 places direct obligations on public bodies such as the Council to demonstrate that the use of compulsory purchase powers is in the public interest, and the use of such powers is proportionate to the ends being pursued.

- 10.6 It is acknowledged that the compulsory acquisition of the land included within the Order will amount to an interference with the human rights of those with an interest in such land. These include rights under article 1 of the first protocol of the Human Rights Act 1998 (which provides that every natural or legal person is entitled to peaceful enjoyment of his possessions and no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by the law).
- 10.7 It is now necessary for Cabinet to consider whether there is a compelling case in the public interest for compulsory acquisition of the various interests referred to in the Order which outweigh such rights, and whether the use of compulsory purchase powers in respect of the Order Land is proportionate.

## **11. Consultation carried out or required**

- 11.1 Extensive consultation was carried out as part of the ballot process
- 11.2 All leaseholders have been contacted by letter to initiate a dialogue.

## **CORPORATE CONSIDERATIONS**

### **Corporate Finance**

Corporate Finance has reviewed this report and associated financial implications, noting that the rationale and business case for the proposed estate regeneration schemes were endorsed by Cabinet in June 2021, with delegated authority granted for the relevant Cabinet Members to progress delivery of the schemes. Costs associated with implementation of the above recommendations and any resulting property acquisitions are to be managed within the budgets established for land assembly as part of the wider project budget.

### **Legal**

The legal comments are contained in the body of the report.

### **Infrastructure / Asset Management**

The actions are considered necessary to ensure delivery of an important project that will result in high quality replacement accommodation for residents plus additional homes in relation to the Hayes Town Centre Estate.

## **BACKGROUND PAPERS**

[Cabinet report – 17 June 2021](#)

[Cabinet Member decision – 23 July 2021](#)

## APPENDIX 1 – TABLE OF RESPONSES TO GUIDANCE REQUIREMENTS

Guidance requirement	Section in Guidance	Council's response
Demonstrate that there is a compelling case in the public interest to make the compulsory purchase order.	Tier 1, Stage 2 – Paragraph 12	The proposed redevelopment of the Estates will generate significant benefits to both the local and wider area and is a significant positive for both. The redevelopment proposals for the Estates are of a scale and nature that will provide a catalyst for wider regeneration and re-vitalisation of the surrounding area and in particular will enhance the local environment and improve links to the wider area
Demonstrate that the purposes for which the Order is made justify interfering with the human rights of those with an interest in the land affected	Tier 1, Stage 2 – Paragraph 12	See Below
The extent to which the proposed purpose will contribute to achieving the promotion or improvement of the economic, social or environmental wellbeing of the area.	Tier 2, Section 1 - Paragraph 73	<p>The Council considers that there is a compelling case in the public interest. The proposed redevelopment of the Estates will bring about social, economic and environmental benefits for the Hayes area and will bring widespread and compelling public benefits through much needed high quality housing to meet housing demand, public realm and environmental improvements.</p> <p>In particular the Development is likely to deliver:</p> <p>The provision of more than 500 new one, two, three and four bedroom apartments, maisonettes and houses within the Hayes Town Centre Estate development;</p> <p>The provision of more than 220 new one, two, three and four bedroom</p>

Guidance requirement	Section in Guidance	Council's response
		<p>apartments and maisonettes within the Avondale Drive development</p> <p>Significant improvements to the public realm and creation of new high quality public open space;</p> <p>Creation of wider economic and social benefits as a result of the development activity;</p> <p>Creating well designed and safe environments for residents; and</p> <p>These benefits justify interfering with the human rights of those with an interest in the land affected.</p>
<p>Present a clear idea of how it intends to use the land which it is proposing to acquire</p>	<p>Tier 1, Stage 2 – Paragraph 13</p>	<p>The land acquired by the Order will be used to secure the delivery of more than 500 new one, two, three and four bedroom apartments, maisonettes and houses within the Hayes Town Centre Estate development and more than 220 new one, two, three and four bedroom apartments and maisonettes within the Avondale Drive development.</p>
<p>Demonstration that the scheme is unlikely to be blocked by any impediments to implementation. This needs to consider include financial, physical and legal considerations.</p>	<p>Tier 1, Stage 2 – Paragraph 15</p>	<p>The planning team has indicated that the emerging designs for the Estates that have been the subject of pre-application discussions are largely compliant with the adopted policies within the development plan and for these reasons there would be no in principle objections to the schemes.</p>
<p>Demonstrate the planning framework provides the justification for an order and that there are no planning or other impediments to the implementation of the scheme.</p>	<p>Tier 2, Section 1 - Paragraph 74</p>	<p>See above</p>

Guidance requirement	Section in Guidance	Council's response
<p>Show that all the necessary resources are likely to be available to achieve that end within a reasonable time-scale.</p>	<p>Tier 1, Stage 2 – Paragraph 13</p>	<p>See below paragraph 14(a) and the Council has committed sufficient internal resources to deliver the redevelopment of the Estates and engaged all necessary external advisors.</p>
<p>The acquiring authority should provide substantive information as to the sources of funding available for both acquiring the land and implementing the scheme for which the land is required.as much information as possible about the resource implications of both acquiring the land and implementing the scheme for which the land is required. Details of how any shortfalls are intended to be met. This should include:</p> <ul style="list-style-type: none"> <li>• the degree to which other bodies (including the private sector) have agreed to make financial contributions or underwrite the scheme; and</li> <li>• the basis on which the contributions or underwriting is to be made.</li> </ul>	<p>Tier 1, Stage 2 – Paragraph 14 (a)</p>	<p>The sources of funding for implementation of the scheme will be:</p> <p>Council Investment in replacement (and additional) affordable housing. Following the selection of a development partner, the extent of this Council capital funding required to support the scheme, will be established and secured through a further cabinet report.</p> <p>Investment from other affordable housing investors should the Council decide not to invest in all of the affordable housing being developed.</p> <p>Development partner finance, the level of which and timing will be established through the partner procurement process with the financial implications of the successful bid being brought back to cabinet.</p> <p>Affordable Housing Grant from the GLA. This funding is confirmed subject to achieving the necessary start on site conditions.</p>
<p>Evidence should be provided to show that sufficient funding could be made available immediately to cope with any acquisition resulting from a blight notice</p>	<p>Tier 1, Stage 2 – Paragraph 14</p>	<p>See above</p>

Guidance requirement	Section in Guidance	Council's response
Details on the timing of the availability of the funding. Funding should generally be available now or early in the process.	Tier 1, Stage 2 – Paragraph 14 (b)	See above
Demonstrate how the purpose for which the land is being acquired fits in with the adopted Local Plan for the area or, where no such up to date Local Plan exists, with the draft Local Plan and the National Planning Policy Framework	Tier 2, Section 1 - Paragraph 76	The Development complies with the policies of the Local Plan, the London Plan and the NPPF.
Whether the purpose for which the acquiring authority is proposing to acquire the Order Land could be achieved by any other means.	Tier 2, Section 1 - Paragraph 76	There is no certainty of securing all land interests through private treaty agreements, without which the Development would not be delivered, and as such it is considered necessary, appropriate and in the public interest to make and seek confirmation of the Orders.