

**THE LONDON BOROUGH OF HAVERING
(RAINHAM AND BEAM PARK, NEW ROAD, RAINHAM)
COMPULSORY PURCHASE ORDER 2019 No. 1**

SECTION 226(1)(a) THE TOWN AND COUNTRY PLANNING ACT 1990

THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

AND

THE ACQUISITION OF LAND ACT 1981

**STATEMENT OF CASE OF THE ACQUIRING AUTHORITY
PURSUANT TO RULE 7 OF THE COMPULSORY PURCHASE
(INQUIRIES PROCEDURE) RULES 2007**

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1 Introduction

- 1.1 This Statement of Case (“**the Statement**”) has been prepared by the London Borough of Havering (“**the Council**”) in its capacity as acquiring authority pursuant to Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules 2007.
- 1.2 On 10th October, 2018 the Council resolved to make a Compulsory Purchase Order in respect of all land/property and other proprietary interests in the land for the purposes of facilitating regeneration within that part of the Rainham and Beam Park Housing Zone (“**the Housing Zone**”) located at New Road in Rainham, as is more fully described in section four of this Statement (“**the Scheme**”).
- 1.3 On 24th September, 2019 the Council made The London Borough of Havering (Rainham and Beam Park Housing Zone Regeneration Area) Compulsory Purchase Order 2019 No. 1 (“**the Order**”) pursuant to the statutory powers contained in s226 (1)(a) of the Town and Country Planning Act 1990 as amended (“**the 1990 Act**”) and associated provisions within section 13 of the Local Government (Miscellaneous Provisions) Act 1976 (“**the 1976 Act**”).
- 1.4 The Order was submitted to the Secretary of State for Communities and Local Government (“**the Secretary of State**”) for confirmation on 4th October 2019. Following the close of the period for objections on 25th October 2019 twenty-six statutory objections to the Order were received. The Secretary of State, by way of a letter dated January 28th, 2020, has given notice of his intention to hold a public local inquiry (“**the Inquiry**”) into the objections. On 29th July, 2020 one of the objections was withdrawn, therefore leaving just twenty five outstanding objections.
- 1.5 This Statement outlines the Council’s case to be put forward at the Inquiry as to why the Order Land is to be acquired and the Order confirmed.
- 1.6 The Order Land is more fully described in section 3 of this Statement. The scheme which underlies the order (“**the Development**”) is described in more detail in section 4. The Council’s justification for the use of compulsory purchase powers is explained in section 6. The planning position and policy context within which the Council’s planning decision has been taken is set out in section 5.
- 1.7 The Order Land forms a component part of the wider Rainham and Beam Park Housing Zone Scheme (“**the Housing Zone Scheme**”) which will facilitate regeneration over a wide area and will deliver over 4500 new homes (including affordable homes), the

transformation of the A1306 into a residential scale, green 'boulevard', the provision of a new Beam Park Railway Station and public transport access, a new 2 Form Entry Primary School, social and physical infrastructure and access to new open spaces.

- 1.8 Housing Zones were introduced as part of the wider Mayor of London's Housing Strategy as a new way to deliver a large number of new homes in areas of London with high development potential. The Greater London Authority ("**the GLA**") launched the Housing Zone Prospectus on 30th June 2014. The Council submitted a bid for the delivery of a new residential community in Rainham and Beam Park. The bid was successful, and the Council was confirmed as a Housing Zone Borough on the 25th June 2015.
- 1.9 To facilitate delivery within the Housing Zone the Council adopted the Rainham and Beam Park Masterplan and Planning Framework ("**the Masterplan and Planning Framework**") as non-statutory planning guidance on 10th February 2016. The principles within the Masterplan and Planning Framework have been widely consulted upon with local residents, businesses and other stakeholders including the GLA, London Borough of Barking and Dagenham, Transport for London ("**TfL**") and private sector development interests. The Masterplan and Planning Framework sets out the Council's investment priorities in the area and guides and shapes the quality of the development that will be coming forward over the next 10 – 15 years. It sets out a clear vision supported by key design and development principles to ensure a coherent approach to any development activity. The Masterplan and Planning Framework seeks to avoid piecemeal development, with its lack of integration, poor design, build quality, infrastructure provision and failure to achieve in full the development outputs expected by the Masterplan and Planning Framework and within the Housing Zone (including in particular the delivery of affordable homes). It instead favours a comprehensive approach that links new and existing development with social, physical and transport infrastructure to create a well-connected, integrated urban structure as the location for the new sustainable residential neighbourhood. The Submitted Havering Local Plan designates the Rainham and Beam Park area as a Strategic Development Area and adopts and incorporates the principles of the Masterplan and Planning Framework.
- 1.10 The Council considers the Order to fully accord with and further the objectives of the Masterplan and Planning Framework.
- 1.11 In December 2017 the Council agreed to appoint Notting Hill Housing Trust now known as Notting Hill Genesis ("**NHG**") as the development partner to implement the first

phases of housing delivery in the Housing Zone. Consequently, Cabinet gave approval to the Council entering into a joint venture Limited Liability Partnership known as Rainham and Beam Park Regeneration LLP (“**RBPR**”) with Notting Hill Commercial Properties Ltd (“**NHCPL**”), a wholly owned subsidiary of NHG. The LLP was formally established on 29th March 2018.

- 1.12 To secure the delivery and hence full implementation of the Development of the Order Land, RBPR requires the acquisition of various land and property interests. NHG are responsible for the land acquisition process on behalf of RBPR. NHG has endeavoured to acquire the necessary interests by negotiation, but it has not been possible to reach agreement thus far with all of the parties affected. Acquisition by agreement of all required land parcels is considered to be unlikely.
- 1.13 Between April and July 2017, nine outline planning applications were submitted to the Local Planning Authority to bring forward comprehensive development of the sites within the Order Land. The Order Land is arranged over nine sites and these are proposed for residential-led development. The planning applications are supported by planning statements, design and access statements, transport assessment, technical reports and parameter plans. Eight outline planning applications have been approved. Resolution to grant approval for the final application was made by Strategic Planning Committee on the 16th July. This application, by nature of its size, is subject to GLA stage 2 referral by the Planning Authority and this is now underway. The expectation is that the GLA will not intervene in respect of that application, as their earlier comments have been taken on board, and that the GLA will issue a letter in support of the application. A holding direction has also been issued by the Ministry of Housing Communities and Local Government with respect to the application following representations made by an adjoining landowner. It is anticipated that this would be resolved shortly thereby allowing the London Borough of Havering Planning Authority to formally grant consent before the Public Inquiry into the confirmation of the Order.
- 1.14 The development of the Order Land is to be delivered through a phased programme of development. The Council has consequently made the Order so that all of the outstanding interests required for the purpose of carrying out that development can be secured.
- 1.15 The Council is of the view that there is a compelling case in the public interest for it using its powers of compulsory acquisition for this purpose. This Statement has been prepared in accordance with the CPO Guidance.

2 The Council's purpose in making the Order

- 2.1 Under section 226(1)(a) of the Town and Country Planning Act 1990 a local authority may be authorised to compulsorily acquire land in its area if the authority thinks that the acquisition will facilitate the carrying out of the development, re-development or improvement on or in relation to the land. This power may be exercised by the local authority provided that the authority think that such development, re-development or improvement is likely to contribute to the achievement of any one or more of the following objectives:
- the promotion or improvement of the economic wellbeing of its area.
 - the promotion or improvement of the social wellbeing of their area; or
 - the promotion or improvement to the environmental wellbeing of their area
- 2.2 The overarching purpose of the Council in making the Order is to contribute towards the achievement of the strategic regeneration objectives for the area set out in the Havering Local Plan, the Submitted Local Plan, and the Rainham and Beam Park Masterplan and Planning Framework thereby promoting its economic, social and environmental wellbeing.
- 2.3 The Order Land is central to the delivery of the Development which is integral to the regeneration programme seeking transformational change in the wider Rainham and Beam Park Housing Zone.
- 2.4 Paragraph 95 of the CPO Guidance states that the power set out in section 2.1 above *“is intended to provide a positive tool to help acquiring authorities with planning powers to assemble land where this is necessary to implement proposals in their local Plan or where strong planning justifications for the use of the power exist”*.
- 2.5 The Council is seeking the CPO in order to assemble in its ownership the Order Land, which are currently in disparate ownership, in order to facilitate the delivery of the Development. As set out above, the consented scheme accords with the regeneration aspirations for the area as set out in the Local Plan.

3 Location and Description of the Order Land, Present use, and ownership of the Order Lands

- 3.1 The Order Land is located along New Road (the A1306) in Rainham, which runs east to west connecting Rainham with Barking and Dagenham. To the south of the Order Land lies the HS2 high speed railway line that connects St Pancras International, Stratford International and Ebbsfleet International with mainland Europe, and the C2C railway line which connects London Fenchurch Street to Tilbury. Further south is located the A13 which acts as the primary road route into London and towards the M25 connection with the Dartford Crossing.
- 3.2 The Order Land lies within the boundary of the Housing Zone. The Order Land is more specifically described in the Schedule of Interests accompanying the Order and is identified on the related Order Map.
- 3.3 The A1306 corridor, which was formerly the A13 trunk road from Central London to Southend, forms part of a post-industrial landscape, many of the sites were either part of the Ford Motors Dagenham plant which ceased vehicle production and began contracting in 2002, or indirectly linked to the motor trade, and has a mix of uses including B Class uses (business, general industrial and storage and distribution) , intermingled with residential properties. Employment sites to the south of New Road are mixed but several are vacant and under-used. However, since the declaration of Housing Zone status for the area, significant investment in residential development and infrastructure has been forthcoming. This includes the Beam Park site and the adjacent Somerfield site. Both sites have secured major residential planning consents: The Beam Park site has a planning permission for over 3,000 units including a new railway station, civic centre including retail and health facilities and new 2 form entry primary school, with Special Educational Needs and nursery provision. The scheme is being delivered by Countryside and L&Q. The first phase will deliver 640 units and the new railway station. The civic centre and health provision are currently under construction, with the station due to open in May 2022 and the school in the same year. On the Somerfield Site, Clarion, has a resolution to grant permission for 717 units, subject to finalising a S106 agreement and Mayoral Stage 2 approval and includes retail and flexible employment space and public transport infrastructure.
- 3.4 A further residential site at the eastern edge of the Housing Zone, Dover's Corner, is under construction by Persimmon Homes and will deliver 394 units. Havering Council in partnership with Wates are also delivering 197 units on the site of the now demolished

New Plymouth and Napier estate on the A1306 New Road.

- 3.5 Underpinning these and future residential schemes is the delivery of the new railway station at Beam Park, on the Fenchurch Street mainline. The Beam Park Station has achieved GRIP 4 design and is now in Grip 5 detailed design. As set out above, the station building is being delivered by Countryside and the platforms, access and fitting out of the Station by Network Rail. The Station is programmed to be built and operational by May 2022.
- 3.6 A further investment of £12.6million has been secured, and construction work is underway, to transform the A1306 highway from its current over engineered, historic legacy as the former A13 trunk road serving the previously industrialised Rainham Riverside area which included the Ford vehicle manufacturing complex. The transformation of the A1306 underpins the comprehensive Housing Zone vision, with the current multi-carriageway road being remodelled into a single carriageway residential scale street. This programme will also utilise the freed up highway space to create an entirely new 2km long “linear park”, providing new high quality green space, public amenities, leisure provision and accessible pedestrian and cycle links which will integrate with and connect to the emerging new residential communities with the surrounding area.
- 3.7 The Order Land comprises nine sites that are located to the north and south of the A1306 and characterised largely by low value, low density commercial and light industrial uses (B class uses), together with some poorer quality residential units, which do not enable the change in land use and transformation as envisaged in regional or local planning policy or facilitate the vision of the Council to create a vibrant new residential community in the area. The existing development on the Order Land in many instances also detracts from the visual amenity and environmental quality of the area with commercial operations often over spilling directly onto road frontages, in some cases creating a significantly negative visual impact. The Order Land includes 32 residential dwellings, including one house in multiple occupation.

4 The Rainham and Beam Park Housing Zone

- 4.1 The Council's vision for the Rainham and Beam Park Housing Zone is the transformation of a declining industrial area into a vibrant new urban community providing much needed new housing including affordable and family homes, social, physical and green infrastructure with good access to public transport and employment opportunities. As described above, the regeneration proposals include the construction of a new railway station, with direct transit to central London, significant works to remodel the A1306 in to a residential scale street, and the creation of a new linear park within the Housing Zone.
- 4.2 Within the Housing Zone there are some major sites that are being brought forward for development by house builders in accordance with the Housing Zone objectives notably by Countryside at Beam Park and by Clarion at the former Somerfield site, Havering Council & Wates at New Plymouth and Napier Estate and Persimmon at Dover's Corner. These sites are described in paragraphs 3.3 and 3.4. However, there are also sites that will require direct intervention from the Council as they are currently in fragmented ownership. These cannot deliver new housing (including affordable housing) of the scale, and to the quality and in the quantity expected, without being assembled into larger comprehensive development sites and brought forward for development in a way which facilitates optimum delivery of the outputs expected by the Masterplan and Planning Framework.
- 4.3 The Council has supported development proposals which are in line with the policy vision for the wider Housing Zone. By way of example, the Council has had meaningful engagement with the owner of Site NR08 and welcomes his initiative to carry out proper, planned and comprehensive development in line with the regeneration aspirations of the area, in a timely fashion.
- 4.4 However, the Council will reject proposals that amount to piecemeal development as this is inconsistent with the Masterplan and Planning Framework which places emphasis on comprehensive development. Where land is in fragmented ownership and there are significant impediments to delivery of comprehensive residential development of the type and scale envisaged for the area, the Council has rejected proposals to develop land independently.
- 4.5 Where land is in fragmented ownership, it has proved difficult to assemble all interests to allow a form of development to come forward in accordance with the requirements

and expectations of policy and guidance and to achieve the outcomes which are sought for the area as a whole. Furthermore, on smaller plots a commensurate lack of development experience makes it unlikely that the development will be brought forward within a reasonable timescale. Development is likely to be sub-standard and would not meet masterplan objectives.

4.6 Policy 2 of the submitted Local Plan states that ‘the Council will support development proposals which:

- Adopt an integrated and comprehensive approach without prejudice to the achievement of the wider vision for the area as set out in paragraph 2.2.5.
- Provide a layout that facilitates a coherent urban structure across the area as a whole and demonstrate that the layout achieves a coherent structure both in its own right, and in terms of its facilitation of future phases.

4.7 Paragraph 6.23 further provides that *‘the transformation of the Rainham and Beam Park area into a successful residential neighbourhood can only be achieved if the area is dealt with comprehensively, with developers contributing in a positive and proactive manner to finding solutions that ensure the wider vision for development.’*

4.8 Land referencing and landowner engagement.

4.9 The Order Land comprises one of the first phases of housing delivery within the Housing Zone Scheme. Nine sites have been identified which are able to deliver over 850 new homes of which it is intended that a minimum of 35% will be affordable tenure.

4.10 The Council and its partners, NHCP, have agreed plans that demonstrate how each site in the Order Land will be assembled and brought forward as part of a viable development to secure the regeneration of the wider area as part of the Housing Zone Scheme; and have identified the necessary funding and other necessary resources that will ensure the delivery of the Development.

4.11 Development of the Order Land requires the acquisition of a number of property and land interests. Persona Associates Limited (“**Persona**”) have been appointed to provide specialist advice to the Council including comprehensive land referencing. (Persona were acquired by Gateley Hamer in 2019 and renamed after the main referencing was completed).

4.12 Glenny LLP (“**Glenny**”) were appointed as the Council’s property advisors and have

compiled property cost estimates for all the acquisition sites including valuations, compensation and disturbance costs where appropriate. As from 31st August 2018 the Glenny CPO Team was transferred to Ardent Management Limited (“**Ardent**”) and moving forward Ardent has been appointed as the Council’s property advisors.

4.13 Ardent have also been appointed by NHG to actively negotiate with all affected parties with a view to acquiring their interests by agreement wherever possible including possible options for the relocation of business interests.

4.14 The Council instructed independent agents (Persona) to carry out the referencing exercise for the Order. The actions taken by the agents to investigate title and occupier details for inclusion in the Order included:

- a) Land Registry searches and review of available deeds and similar information.
- b) Service of Requisitions for Information pursuant to section 16 of the Local Government (Miscellaneous Provisions) Act 1976 on behalf of the Council and review of information returned in response; and
- c) Site inspections.

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

4.16 The land referencing undertaken by Persona identified 95 freehold plots, comprising 65 separate properties, which are affected by the CPO. The freehold plots are held by 46 different known owners (including the Council), while the owners of 4 plots were unidentified. An additional 14 leasehold interests have also been identified within the Order Land and there are 91 short term tenancies, tenancies at will or assured shorthold tenancies. There are also 4 advertising hoarding leaseholders.

4.17 As at 21st July 2020, of the 45 identified freehold owners other than the Council, 43 have been made offers. 13 occupier leaseholders have also been made offers. 18 freehold interests, accounting for 22 of the CPO plots listed in the Book of Reference have been acquired by NHG, or are in the ownership of the Council, while terms have been agreed for acquisition of a further 4 freehold interests (accounting for an additional 7 CPO plots), and 3 leasehold interest. A further agreement reached with TfL will secure

the acquisition of 15 CPO Plots. Draft Heads of Terms have been agreed with TfL.
Discretionary compensation has been paid to 9 assured shorthold tenants.

5 Planning Policy Context

5.1 The following paragraphs summarise how the Scheme meets key national, regional and local planning policies and supplementary planning policy objectives for the purpose of paragraph 76 of the DCLG Guidance.

5.2 National Policy

5.3 The National Planning Policy Framework July 2019 ("**NPPF**") sets out the Government's planning policies for England and how these are expected to be applied. It is a material consideration in planning decisions. The NPPF confirms that the development plan continues to be the starting point for determining the acceptability of development. There is a presumption in favour of sustainable development, which the NPPF identifies as having three overarching objectives, namely economic, social and environmental as follows:

- a) In relation to economic objectives, the NPPF supports the building of a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.
- b) In relation to social objectives, the NPPF supports strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.
- c) In relation to environmental objectives, the NPPF seeks to protect and enhance the natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

5.4 The proposed redevelopment of the Order Land will contribute towards each of these economic, social and environmental objectives.

5.5 In terms of housing supply, Para 59 states: "*To support the Government's objective of*

significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”.

5.6 Paragraph 119 of the NPPF states that Local Planning Authorities should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, using the full range of powers available to them. This should include identifying opportunities to facilitate land assembly, supported where necessary by compulsory purchase powers, where this can help to bring forward more land for meeting development needs and/or secure better development outcomes.

5.7 Regional Policy

5.8 London Plan 2016 (Consolidated with Alterations since 2011)

5.9 The strategic vision and objectives of the London Plan identifies that “*the development of east London will be a particular priority to address existing need for development, regeneration and promotion of social and economic convergence with other parts of London and as the location of the largest opportunities for new homes and jobs*”.

5.10 Policy 3.3 of the London Plan refers to increasing housing supply and recognises the pressing need for more homes in London, which will enhance the environment, improve housing choice and affordability and provide better quality accommodation for Londoners. The London Plan states that Boroughs should identify and seek to enable additional housing development capacity and in particular the potential to realise brownfield housing capacity within opportunity and intensification areas and growth corridors.

5.11 In 2013 the Mayor undertook a London-wide Strategic Housing Market Assessment (SHMA) and Strategic Housing Land Availability Assessment (SHLAA) as key evidence base documents to inform the further alterations to the London Plan published in 2015.

5.12 The SHMA concluded that London will require at least 49,000 additional homes per annum to meet the need arising from population growth and falling household sizes over the period 2015-2036. On the supply side, the SHLAA found that over the period 2015-2025 London has capacity for at least 42,000 additional homes per annum.

5.13 Based on these findings, the London Plan sets a minimum target for Havering to deliver

1,170 additional homes per year between 2015-2025.

- 5.14 Under Policy 3.11, the London Plan seeks to maximise affordable housing provision and ensure an average of at least 17,000 more affordable homes are delivered per year. 60% of the affordable housing provision should be for social and affordable rent and 40% for intermediate rent or sale. In assessing planning applications for residential and mixed-use schemes, the maximum reasonable amount of affordable housing should be sought, having regard to local affordable housing targets and the specific circumstances and viability of the individual project (Policy 3.12).
- 5.15 Under Policy 2.13 the London Plan designates a series of Opportunity Areas, including the London Riverside Opportunity Area within which the Order Land sits. Opportunity Areas are the capital's major reservoir of brownfield land with significant capacity to accommodate new housing, commercial and other development linked to existing or potential improvements to public transport accessibility.
- 5.16 Development proposals within Opportunity Areas are expected to optimise their residential and non-residential output. With respect to the balance between housing and employment uses, the London Plan states that *"aspirational employment allocations should not fossilise housing potential. To ensure that housing output is optimised, employment capacities should, if necessary, be reviewed in the light of strategic and local employment projections"*.
- 5.17 Policy 8.1 of the London Plan states that the Mayor will work with Government to develop Housing Zones to deliver the full housing potential of Opportunity Areas. The Greater London Authority (GLA) launched the Housing Zone Prospectus on 30th June 2014. The Council subsequently submitted a bid for the delivery of a new residential community in Rainham and Beam Park and a Housing Zone covering an area including the Order Land was confirmed on 25th June 2015.
- 5.18 The London Plan identifies three types of industrial land, as follows:
- Strategic Industrial Locations (SILs): The primary reserve of land required to support London's industrial employment needs and the wider economy. Policy 2.17 states that the Mayor will protect SILs for industrial and ancillary development, except where alternative development is part of a strategically coordinated process of SIL consolidation through an Opportunity Area framework or Local Plan. The Order Land is not within a SIL, however the Dagenham Dock/Rainham Employment Area, which

lies to the south of the Order Land between the HS1 railway line and the River Thames, is designated as a SIL.

- Locally Significant Industrial Sites (LSISs): Sites that have particular local importance for industrial and related functions, which complement the provision in SILs. The Order Land is not located within a Locally Significant Industrial Area.
- Other industrial sites: Smaller sites that in some circumstances can better meet the London Plan's objectives for new uses but in others will have a continuing role for sustainable industrial uses.

5.19 Under Policy 4.4, the London Plan requires each Borough's development plan to demonstrate how the stock of industrial land and premises in SILs, LSISs and other industrial sites will be planned and managed to ensure a sufficient supply of land to meet future needs, based on an up-to-date assessment of demand and supply. Surplus industrial land should be redeveloped in ways which address strategic and local planning objectives, especially the provision of housing and social infrastructure.

5.20 Draft London Plan 2019 (Intend to Publish Version)

5.21 The key proposals in the Draft London Plan which are relevant to the Development on the Order Land are as follows:

- (a) A focus on growth and change, concentrated on Growth Corridors and Opportunity Areas, particularly in East and Outer London (Figure 2.1 - Key Diagram);
- (b) Introduction of significant increases in 10-year (and annual) housing targets for Boroughs (for the period 2019/20-2028/29). The pan-London annual target has increased from 423,887 to 522,870 which is equivalent to nearly 10,000 homes per year above the current target (Table 4.1 – 10-year targets for net housing completions).
- (c) Havering's 10-year housing target to be increased to 12,850 with an annualised target of 1,285 new homes per year compared to 1,170 new homes per year in the current London Plan (Table 4.1 – 10-year targets for net housing completions).
- (d) Requirement for Boroughs to optimise the potential for housing delivery on all suitable and available brownfield sites through their Development Plans

and planning decisions, especially sites which are located within 800 metres of a station (Policy H1 – Increasing housing supply).

- (e) Reference to the Housing Zones programme across London where the delivery of new homes will be prioritised (Para 2.1.11).
- (f) A strategic target for 50% of all new homes to be affordable (Policy H4 – Delivering affordable housing). Of the 50% affordable homes, 30% should be low cost rent, 30% intermediate and the remaining 40% determined by the Borough (Policy H6 – Affordable housing tenure). The strategic target is accompanied by threshold levels of 50% affordable homes in projects delivered by affordable housing providers with agreements with the Mayor and on industrial land where the scheme would result in a net loss of industrial capacity. Where a planning application does not meet these thresholds the viability of the development will be assessed to determine the maximum level of affordable housing deliverable within the scheme (Policy H5 – Threshold approach to applications).
- (g) At the planning application stage, the viability of the programme of sites to deliver affordable housing was assessed through comprehensive and evidenced backed Financial Viability Assessments which considered each site in isolation and the programme of sites collectively. The conclusion of these assessments is that 35% is the maximum achievable level of affordable housing across the sites as a whole. Individually, sites were less able to demonstrate that this level could be achieved, but the programme approach adopted by RBPR allows risk to be more effectively managed allowing RBPR to deliver 35% affordable housing at this programme level. The Financial Viability Assessments have been verified by independent consultants and agreed by the GLA and the LB Havering as Local Planning Authority.
- (h) Havering is identified as one of three Boroughs in the ‘Limited Release’ category, where industrial land vacancy rates are well above the London average. These Boroughs are encouraged to intensify industrial floorspace capacity and support the re-use of surplus industrial land for other uses through a pro-active plan-led approach (Para 6.4.11; Table 6.2 – Management of industrial floorspace capacity);

- (i) Rainham is identified as a District Centre with growth potential for commercial and residential development (Table A1.1 – Town Centre Network); and
- (j) Rainham is identified as a Strategic Area for Regeneration reflecting the impacts of inequality and causes of deprivation (Table A1.1 – Town Centre Network); and
- (k) The Order Land is covered by the London Riverside Opportunity Area, which is identified as an area which has the ability to accommodate significant growth through new housing, commercial development and infrastructure, linked to existing and potential improvements to public transport (Policy SD1 – Opportunity Areas; Table 2.1 Opportunity Area Indicative capacity for new homes and jobs).

5.22 On 13th March 2020 the Secretary of State for Housing, Communities and Local Government wrote to the Mayor to express concerns with the Intend to Publish draft of the new London Plan, primarily with regard to the draft plan's ability to deliver sufficient homes to meet projected needs.

5.23 The Secretary of State is critical of the recent record of housing delivery in London (an average of 37,000 homes per year over the last three years) and emphasises the need for the new London Plan to take advantage of opportunities to densify around existing infrastructure and make best use of brownfield and underutilised land.

5.24 The Secretary of State directed the Mayor to make a number of changes to the draft plan to bring more land forward for housing and speed up delivery. Of relevance to the Order is the Secretary of State's view that Boroughs should have greater flexibility to choose more optimal uses for industrial sites where housing is in high demand and his direction to remove the requirement under Policy E4 for there to be no net loss of industrial floorspace capacity within designated SILs and LSISs.

5.25 The Mayor is currently considering the Secretary of State's letter before taking the statutory steps to finalise the Plan.

5.26 London Riverside Opportunity Area Planning Framework

5.27 The Draft London Plan identifies an extensive overarching Opportunity Area referred to as Thames Estuary North and South. The Mayor says that this Opportunity Area would

have the potential for over 250,000 new homes and 200,000 new jobs and includes a number of existing Opportunity Areas including the London Riverside Opportunity Area. The London Riverside element of the Opportunity Area is identified as having potential to provide 44,000 new homes and 29,000 new jobs.

5.28 In order to successfully regenerate London Riverside, the London Riverside Opportunity Area Planning Framework (“**the London Riverside Opportunity Area Framework**”) adopted by the Mayor of London on 23rd September 2015 as Supplementary Planning Guidance (SPG) to the London Plan, seeks to provide clarity on the long-term land use aspirations for the area, so that its role and function in accommodating London’s growth are clear to potential developers and landowners.

5.29 The London Riverside Opportunity Area Framework reflects the Housing Zone status of Rainham and Beam Park and provides support for new residential-led development in the area. The Framework identifies the “A1306 Sites”, which include the Order Land, as a key development area and establishes design principles to guide their redevelopment. The Framework zones the entirety of the Order Land for low to medium density residential uses, with the potential for a retail/commercial frontage onto New Road.

5.30 Policy 2.13 of the London Plan states that within Opportunity Areas, the Mayor will provide support to adopt frameworks and ensure that areas receive public investment or intervention to achieve their growth potential. Development proposals should contribute towards meeting or exceeding the minimum guidelines for housing.

5.31 Local Policy

5.32 Havering Core Strategy and Development Control Policies Development Plan Document and Site Specific Allocations Development Plan Document

5.33 The Core Strategy and Development Control Policies Development Plan Document (DPD) was Adopted in 2008. It sets the Council’s approach to the planning of the whole borough up to 2020 and sets the framework for the Action Plans and topic specific planning documents. These documents are part of the development plan until the new Local Plan is adopted and are therefore still relevant. It pre-dates other planning policies including the London Plan and NPPF and is therefore relevant only in so far as these policies remain up to date.

5.34 This Site-Specific Allocations DPD adopted in 2008 identifies a number of specific allocations relevant to the Order Land and outlines the general approach to their

development. The Rainham West site (SSA12) covers both south and north of the A1306 and includes the entire extent of the Order Land.

- 5.35 The background to Policy SSA12 notes that the area to the south of the A1306 is suitable for de-designation as an Employment Area to help address an oversupply with regard to future business needs. Up to two thirds of this area is recommended to be released for non-employment uses, with the remaining area suitable for employment uses which are compatible with residential.
- 5.36 North of the A1306, Policy SSA12 encourages comprehensive residential redevelopment and does not seek to retain existing employment uses. Where this is not possible development must not prejudice the development of adjoining sites.
- 5.37 Development either side of the A1306 must embrace the road frontage and seek to integrate the new and existing communities north and south of New Road.
- 5.38 Policy DC11 of the Core Strategy and Development Control Policies DPD (2008) addresses non-designated employment sites, such as those within the Order Land. It states that on such sites the Council will *“generally require the redevelopment for housing of commercial sites which become available for development. If this is not feasible, the Council’s main concern will be to encourage environmental improvements in conjunction with a commercial redevelopment of the site.”* The justification for Policy DC11 goes on to state that employment sites outside the designated employment areas will often be unsuitable in environmental terms for employment uses and will be more suitable for housing, especially on those sites which are close to, or within, residential areas.
- 5.39 Accordingly, there is no requirement to retain or re-provide existing employment uses on non-designated employment sites. On the contrary, as the Local Planning Authority, the Council’s desire is to replace such uses with new housing, especially where the site is within or close to an existing residential area, as is the case with the Order Land.

5.40 Rainham and Beam Park Planning Framework

- 5.41 The Rainham and Beam Park Planning Framework (**“the Masterplan and Planning Framework”**), adopted on 10 February 2016, provides a comprehensive plan for the Rainham and Beam Park area. It is a strategy document that will assist the Council in directing investment to priorities in the area, as well as helping to guide and shape the quality and location of the development that comes forward.

5.42 The Masterplan and Planning Framework forms part of the evidence base of the Submitted Havering Local Plan to inform area specific policies, and consequently a material consideration in the assessment of planning applications. The Submitted Havering Local Plan designates the Rainham and Beam Park area as a Strategic Development Area and adopts the principles of the Masterplan and Planning Framework.

5.43 Policies within the Masterplan and Planning Framework that are considered most relevant to the Order include the following:

5.44 PG 01 - Need for a Comprehensive Development

5.45 The transformation of the Rainham and Beam Park area into a successful, residential neighbourhood will be achieved if the area is dealt with comprehensively with developers contributing in a positive and proactive manner in finding solutions to ensure that the wider vision and objectives are not prejudiced by any single development phase. Sites along New Road are expected to be brought forward in a comprehensive manner. Piecemeal development proposals are not considered acceptable where they conflict with formation of a coherent urban block structure.

5.46 PG 02 - Land Assembly and Compulsory Purchase Order

5.47 The appearance, use and condition of a number of sites along New Road must deliver transformational change and bring forward the new vision for the Rainham and Beam Park area.

5.48 In situations where a site (or sites) in third party (i.e. non-borough or GLA) ownership are not coming forward for development, the Council is prepared to commence Compulsory Purchase Order (CPO) proceedings in order to achieve the required comprehensive delivery.

5.49 PG 03 Urban Structure

5.50 Establishing a coherent urban structure is essential to ensure developments are coordinated and connected across the whole of the Rainham and Beam Park area.

5.51 PG 04 – Character

5.52 Achieving a strong sense of place with areas of different character across the area will help to install local pride, assist with way finding and allow areas to respond to existing

character.

5.53 PG 05 - Housing Priority and Mix

5.54 A mix of town houses and apartments with a variety of unit sizes, tenures and types is important in achieving a mixed and balanced community.

5.55 PG 06 - Affordable Housing

5.56 The Council seek to maximise affordable housing provision when negotiating on individual private residential and mixed-use schemes in accordance with adopted planning policies.

5.57 Negotiations on sites will take account of their individual circumstances including development viability, the availability of public subsidy, the implications of phased development including provisions for re-appraising the viability of schemes prior to implementation ('contingent obligations'), and other scheme requirements.

5.58 Affordable housing and market housing is expected to be integrated in any development and have the same external appearance; and that the affordable and market housing have equivalent amenity in relation to factors including views, daylight, noise and proximity to open space, play space, community facilities and shops.

5.59 PG 08 - Housing Density

5.60 Developments proposals are required to comply with and achieve housing densities set out for each development area. Proposals that exceed these densities will be considered favourably where they fall within London Plan policy density guidelines and demonstrate compliance with the principles set out for the character areas.

5.61 PG 09 - Local and District Centres

5.62 Mixed uses and local facilities are essential to provide strong neighbourhood centres and active street frontages, which bring together those who work, live and play in the area.

5.63 PG 10 – Employment

5.64 The Rainham and Beam Park area prioritises the delivery of new homes. Accordingly, the Framework recommends that the new Havering Local Plan should revoke the policy requirement for employment uses in Policy SSA12 of the adopted Local Plan and

prioritise residential development instead. Small and medium sized enterprises that are compatible with a residential environment will however be encouraged. These uses are considered most appropriate at ground floor level either within the Beam Park local centre or along New Road and at Rainham House. Pursuant to this, the Framework designates the Order Land for residential development, with some sites identified as suitable for mixed use or active ground floor frontages.

5.65 The Framework states that the majority of existing businesses along New Road are incompatible with the vision for the area as a residential neighbourhood and proposes that suitable opportunities should be found to relocate them to other sites in the London Riverside Area, including the nearby Rainham Strategic Industrial Location (SIL) which is located immediately to the south of the rail line.

5.66 Proposals for General Industrial (B2), Storage and Distribution Uses (B8) and other employment uses that negatively impact upon the residential amenities of the area are not considered appropriate.

5.67 The Council seeks to work with existing occupiers to assist their relocation to the London Riverside and wider area.

5.68 PG 11 - Social Infrastructure

5.69 In support of the need to meet further demand for community facilities arising from the significant growth in the number of residents in the area, applicants are required to;

- a) Make provision for other community facilities via building provision / spaces on long leases.
- b) Ensure all new community facilities are located in places that are or will be accessible by a range of transport, including walking and cycling, and that the development itself is accessible to all groups
- c) Contribute with developer contributions towards the provision of essential new community facilities.

5.70 PG 17 - Building Height

5.71 Building height and massing are important determinants of the character. The broad locations for higher density developments and building heights are in the Beam Park / Rainham area locations. Proposals for feature buildings or high-density development

outside of these areas are considered case by case on individual merit.

5.72 PG 24 - Beam Parkway

5.73 The character and appearance of New Road is instrumental in shaping the impression of the Rainham and Beam Park Masterplan and Framework area. The route will be transformed with surplus highway space being turned into an attractive green corridor that creates a front door for development.

5.74 Development within the Masterplan and Framework area is expected to enable delivery of the new Beam Parkway through CIL/planning obligations contributions. Developments will be expected to demonstrate how they integrate with and address the new green corridor and how the park will be extended into the development sites to provide visual continuity and recreational amenity for residents and visitors.

5.75 Submitted Havering Local Plan

5.76 The Submitted Havering Local Plan sets out the Council's vision and strategy for future growth and sustainable development up to 2031. It indicates broad locations in Havering for future housing, employment, retail, leisure, transport, community services and other types of development.

5.77 As part of the preparation of the Submitted Local Plan, a Housing Position Statement was prepared in March 2018. The Housing Position Statement provides detail on past housing delivery in Havering which confirms that over the previous two years, 2015/16 and 2016/17, Havering under delivered on its adopted London Plan housing target (1,170 homes per annum) by 207 homes and 585 homes respectively.

5.78 The Housing Position Statement assesses Havering's five-year housing land supply (2017 – 2022) based on the Borough's current London Plan housing target of 1,170 units per annum and includes a 20% buffer in addition to previous under delivery. This gives Havering a five-year housing target of 7,812 units. Havering has assessed its five-year housing supply (based on trajectory) at 6,165 i.e. a shortfall of 1,647 units. As such, Havering is unable to identify a sufficient supply of housing to meet the target in the first five years of the Submitted Local Plan.

5.79 Policy 3 of the Submitted Local Plan states that delivering an adequate supply of high quality housing in Havering is essential to ensuring that the Borough is a place where people want to live and where residents are able to stay and prosper. It states that the

Council is committed to taking a pro-active approach to increasing the amount of housing within the Borough and will encourage the effective and efficient use of land by reusing previously developed land.

- 5.80 Policy 3 indicates that at least 17,550 new homes will be built in Havering over the Plan period, of which 3,000 homes are expected on large sites within the Rainham and Beam Park Strategic Development Area. Delivery of homes on sites within the Rainham and Beam Park Housing Zone is therefore a key part of the Council's strategy to meet its housing needs.
- 5.81 It should be noted that, as set out above, the Intend to Publish version of the draft new London Plan increases Havering's housing target from the adopted London Plan target of 1,170 homes per annum to 1,285. It is assumed that the forthcoming draft(s) of the new Havering Local Plan will need to respond to this increased housing target.
- 5.82 With respect to affordable housing, Policy 4 states that the Council will seek to maximise affordable housing provision from development proposals. All major developments are required to provide at least 35% affordable housing. Proposals which do not meet the 35% threshold, or require public subsidy to do so, will be required to submit a detailed viability assessment. Schemes are required to deliver a tenure mix of 70% social/affordable rent and 30% intermediate provision.
- 5.83 In order to capitalise on the opportunity to accelerate housing delivery resulting from the designation of Rainham and Beam Park as a Housing Zone, the Submitted Local Plan requires 3,000 homes to be delivered in a new residential community served by Beam Park Station. To achieve this, under Policy 2 the draft plan designates the Rainham and Beam Park Strategic Development Area, within which new, high quality homes will be delivered on a series of connected sites to the north and south of New Road. These sites include all of the Order Land.
- 5.84 The Submitted Local Plan reflects the need identified by the Rainham and Beam Park Planning Framework for a comprehensive approach to the redevelopment of these sites and makes reference to the Council's efforts to acquire land and secure outline planning consents to enable this.
- 5.85 The planned redevelopment of the New Road sites for housing under Policy 2 is consistent with the findings of the Havering Employment Land Review (ELR, 2015) and subsequent Addendum (2018), which concluded that approximately 24ha of industrial land in Havering could be released for other uses while still providing sufficient land in

the Borough to meet future demand.

- 5.86 The 2015 ELR specifically recommends a change away from industrial employment uses in Rainham West to assist in meeting the housing and wider regeneration needs of the Borough. This recommendation is endorsed by the 2018 Addendum, which reviewed and updated the findings of the earlier study.
- 5.87 At the same time, to ensure that Havering maintains a prosperous economy, under Policy 19 the Submitted Local Plan protects and intensifies employment development in the Borough's SILs (including the Rainham SIL), as well as LSISs. The Order Land is not part of the Rainham SIL. The Rainham SIL lies to the south of the Order Land, between the railway lines and the River Thames.
- 5.88 In addition, the Submitted Local Plan places tight restrictions on the further erosion of industrial land in the Borough beyond the 24ha recommended for release under the ELR. Under Policy 20, the loss of non-designated industrial land and floorspace will only be supported where there is surplus capacity demonstrated through the most up to date ELR, the existing employment uses cause unacceptable detrimental impacts on nearby residential areas, and there is no market interest in the site following one year of continuous active marketing.
- 5.89 The Local Plan was submitted to the Secretary of State for Examination in March 2018. Local Plan Examination hearings took place in October 2018 and May 2019. Since then, the Council has been working with the Inspector to agree proposed Main Modifications and evidence updates that will be the subject of statutory public consultation in Spring 2020 subject to Member approval. Subject to the report and Member approval it is anticipated that the Local Plan should be adopted by the Council in late summer / early autumn 2020.

6 The Justification for Compulsory Purchase

6.1 Compulsory Purchase Powers

6.2 Section 226(1)(a) of the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004) confers power on a local authority to acquire land compulsorily for development and other planning purposes within its area if it thinks that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to that land.

6.3 The power to acquire land compulsorily conferred by Section 226(1)(a) of the 1990 Act is subject to subsection (1A), which provides that the acquiring authority must not exercise the power unless it believes that the development, re-development or improvement is likely to contribute to the achievement of any one or more of the following objectives:

- a) the promotion or improvement of the economic well-being of their area.
- b) the promotion or improvement of the social well-being of their area.
- c) the promotion or improvement of the environmental well-being of their area.

6.4 It is immaterial that the development, re-development, or improvement may be carried out by a third party.

6.5 Section 13 Local Government (Miscellaneous Provisions) Act 1976

6.6 Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 (“the 1976 Act”), enables local authorities to 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. In the Order, new rights are sought for: (i) crane oversailing and (ii) rights of access for the purpose of erecting scaffolding during the construction period.

6.7 RBPR appointed Point 2 Surveyors (“P2”) to undertake a boundary investigation to outline the nature of the boundary interfaces to each of the various Sites which are included within the Order. This identified where the following potential rights were required to either demolish existing buildings on the Order Land and/or to build out the proposed development on the Order Land:

- a) the right to swing the jib of a crane, loaded or unloaded through the airspace over the land; and/or
 - b) the right to erect, secure and use scaffolding and/or hoardings on the land or land adjoining or abutting the boundaries of the land for the purpose of construction, maintenance and repair of land, structures, and buildings adjacent to or abutting the land.
- 6.8 These requirements are temporary in nature and include demolition scaffold and scaffold and crane oversail rights required to build out the proposed development on the Order Land.
- 6.9 Referencing carried out for the Council by Persona over the land where these rights were likely to be required identified 84 individual Plots. Of these plots, 57 were either in the ownership/ control of the Council and/or TfL as highways authority. Following further investigations by P2 facilitated though access granted by adjoining interest holders initially identified through the referencing, 7 of the originally identified plots were determined not to require these access rights and these interest holders have been notified, leaving 20 plots (some falling into single ownership) where RBPR may need to rely on the Council's CPO powers to secure these rights. The table below is a summary of the position:
- 6.10 Since July 2019, P2 (on behalf of RBPR) have attempted contact and progressed negotiations with the interest holders of these plots with the view to agree an Option and Licence Agreement. The Option and Licence agreement will provide the temporary access rights required for the Development, together with appropriate terms and conditions to mitigate any potential or perceived impact on the interests holders use, operations on their land and compensation in return for the grant of these temporary rights.
- 6.11 At the timing of writing (July 2020), agreement in principle has been reached to secure these temporary access rights over 10 of the plots. While P2 continue to attempt engagement, it is unlikely that agreement will be reached with all adjoining interest holders to secure the required rights necessary and RBPR will likely need to rely on the Council's CPO powers to secure these rights.

Description	Number of Plots
Total no. Plots (Crane & Scaffold)	84
LBH/TfL Highways Plots	57
Balance (i.e. Plots in Private 3rd Party Ownership)	27
Following Further Inspection, Licence No Longer Required	7
Ongoing engagement to reach Agreement in Principle but may require CPO as a last resort	10
Agreement in Principle Reached but may require CPO as a last resort	10

6.12 P2 have identified a number of adjoining interest holders that will be affected by the Party Wall Act 1996. These do not require CPO to secure the necessary rights and the adjoining interest holders will be contacted in accordance with the Party Wall Act 1996.

6.13 Department of Communities and Local Government Guidance (2015) Compulsory Purchase and the Crichel Down Rules

6.14 Government guidance on the use of compulsory purchase powers is provided in the Department of Communities and Local Government Guidance (2015) Compulsory Purchase and the Crichel Down Rules on the compulsory purchase process (October 2015 and last updated February 2018) ("the CPO Guidance") to acquiring authorities in England on the use of compulsory purchase powers.

6.15 Paragraph 1 of Tier 1 of the CPO Guidance states that:

"Compulsory purchase powers are an important tool to use as a means of assembling the land needed to help deliver social, environmental and economic change. Used properly, they can contribute towards effective and efficient urban and rural regeneration, essential infrastructure, the revitalisation of communities, and the promotion of business – leading to improvements in quality of life."

6.16 The CPO Guidance (Paragraph 2 of Tier 1) goes on to state that:

"Acquiring Authorities should use compulsory purchase powers where it is expedient to do so. However, a compulsory purchase order should only be made where there is a compelling case in the public interest."

6.17 Paragraph 2 of the CPO Guidance continues to advise that an acquiring authority should ensure that the purposes for which it is making a compulsory purchase order sufficiently justify interfering with the human rights of those with an interest in the land affected. Human Rights considerations are set out in Section 8 of this Statement.

6.18 The CPO Guidance provides certain general policy requirements, which apply to all CPOs. From this general guidance the Council is required to have regard to the following when considering the making of a compulsory purchase order:

- a) how the land will be used and that the purposes for which the order is made sufficiently justify interfering with the human rights of those with an interest in the land affected.
- b) the necessary resources are likely to be available to deliver the scheme within a reasonable timescale.
- c) the degree to which other bodies (including the private sector) have agreed to make financial contributions or to underwrite the scheme including the basis and timescales for such contributions or underwriting to be made; and
- d) whether the scheme is likely to be blocked by other impediments to implementation.

6.19 Particular guidance on orders made by acquiring authorities under section 226 of the 1990 Act is provided in Section 1 of Tier 2 of the CPO Guidance. In particular, Paragraph 95 states that the powers in Section 226 can be used by local authorities as; "... intended to provide a positive tool to help acquiring authorities with planning powers to assemble land where this is necessary to implement proposals in their Local Plan or where strong planning justifications for the use of the power exist. It is expressed in wide terms and can therefore be used to assemble land for regeneration and other schemes where the range of activities or purposes proposed mean that no other single specific compulsory purchase power would be appropriate."

6.20 Paragraph 106 of the Tier 2 Guidance further provides that in making a decision whether to confirm an order made under section 226(1)(a), the Secretary of State will take the following factors into account:

- a) whether 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.
- b) 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 and 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 reuse. It may also involve examining the suitability of any alternative locations for the purpose for which the land is being acquired; and

- c) the potential financial viability of the scheme for which the land is being acquired. A general indication of funding intentions and any commitment 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 uncertainty about the financial viability of the scheme, however the more compelling the other grounds for undertaking the compulsory purchase order 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.

6.21 Justification for the Order

6.22 The Council considers that the Order is fully justified. Its resolution to make the Order accords entirely with the provisions in the CPO Guidance (as summarised above) which encourages local authorities to exercise their compulsory purchase powers in such a way as to ensure that sites are brought forward for development.

6.23 Paragraph 106(1) of the CPO Guidance – Whether the purpose for which the land is being acquired fits with the adopted Local Plan for the area or where no such up to date Local Plan exists, with the draft Local Plan and NPPF.

6.24 The purpose of the Order is in accordance with national, regional and local planning policies as detailed within Section 5 above. The CPO Guidance states that where the Local Plan is out of date it may be appropriate to take into account more detailed proposals prepared on a non-statutory basis with the intention that they should be incorporated into the Local Plan at the appropriate time. The policies and proposals set out in the adopted Rainham and Beam Park Planning Framework, as they relate to the Order Land, are incorporated in substantive terms in the Submitted Local Plan. The Rainham and Beam Park Planning Framework will form part of the evidence base for the Local Plan and has been prepared after consultation with local land owners, residents and businesses and 95% of local stakeholders were in favour of the change proposed for the area. (Summary of Community Involvement, Phases 1 and 2. Rainham and Beam Park Masterplan Consultation November 2015). The Development accords with the policies and proposals set out in the Framework.

- 6.25 The submitted local plan clearly delineates the Rainham and Beam Park Area as a Strategic Development Area that would *'enable the transformation of New Road (the A1306) from a traffic dominated corridor into an attractive high quality green street that provides an appropriate setting from a new and expanded residential community'*
- 6.26 The need to regenerate this area has been consistently recognised by the Council and its Strategic Partners over the past decade or more dating back to the strategic regeneration objectives of the Thames Gateway. The then London Development Agency acquired significant land in the area previously owned by the Ford Motor Co to facilitate residential led regeneration. Under the Council's Site Specific Allocations DPD (2008), up to two thirds of the land south of the A1306 is recommended to be released for non-employment uses and the land to the north of the A1036 is identified for comprehensive residential redevelopment. More recently the GLA confirmed the area as an Opportunity Area and adopted the London Riverside Opportunity Area Planning Framework and designated the Rainham and Beam Park Housing Zone.
- 6.27 London and the South East are experiencing significant development pressures and there is a need to increase the supply of housing to meet the demands of the growing population. This has informed the Mayor of London's decision in designating the Order Land and surrounding area as Housing Zone in a bid to revitalise disused brownfield sites, turning them into neighbourhoods Londoners will live in, visit and enjoy. The NPPF requires local planning authorities to identify and meet their full objectively assessed needs for housing. Planning policy at all levels places strong emphasis on making use of brownfield land for housing. In particular, under Policy H1 of the draft London Plan Boroughs are encouraged to optimise the delivery of housing on suitable and available brownfield sites, especially those which are within 800 metres of a station.
- 6.28 The London Borough of Havering forms part of the London-wide housing market area with all of the other London Boroughs. The Mayor of London, through the preparation of the 2015 London Plan sought to identify both the need for new housing and the potential supply across London. The GLA's Strategic Housing Market Assessment (SHMA) 2013 identifies a need for a minimum of 49,000 new homes in London per annum over the period 2015-2036. In comparison, the GLA's Strategic Housing Land Availability Assessment (SHLAA) 2013 found that London has capacity for at least 42,000 per annum over the period 2015-2025. In this context, the current London Plan sets out average annual minimum housing supply targets for each borough from 2015 to 2025. The target for Havering is 1,170 new homes per annum. In line with the requirements of

the London Plan the Council must seek to deliver the minimum target set in the Plan.

- 6.29 At a sub-regional level, the London Borough of Havering forms part of the Outer North East London Housing Market Area with the London Boroughs of Barking and Dagenham and Redbridge. The Council worked with these authorities to prepare a sub-regional SHMA published in May 2016, followed by an “Update for Havering” published in November 2016. The key output of the SHMA process was an objectively assessed housing need to inform housing and planning policies in each of the participating Boroughs. For Havering, the November 2016 SHMA identified a need for 30,052 new homes over the 22-year period 2011 to 2033 i.e. an average of 1,366 per year.
- 6.30 As part of its work towards preparing the new London Plan, in 2017 the GLA undertook new a SHMA and SHLAA to examine the latest housing demand and supply situation. In response, the draft new London Plan has set a higher annual housing target for London of 52,287 over the period 2019-2028. The revised, higher annual target for Havering is 1,285 new homes per annum. Delivery of the Development on the Order Land will make a significant contribution towards the Council attaining these housing targets.
- 6.31 Paragraph 106(2) of the CPO Guidance – 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
- 6.32 The Council considers that development of the Order Land and the wider Housing Zone is likely to contribute to the achievement of the promotion or improvement of the economic, social and environmental well-being of Rainham.
- 6.33 In particular, it is considered that the proposed development will improve the Order Land and surrounds as follows with particular regard to the social, economic and environmental wellbeing.
- 6.34 The development has been designed to create high quality residential focussed buildings from a post-industrial dilapidated landscape with fragmented ownership and bad neighbour uses.
- 6.35 The completion of the development will contribute towards the delivery of much needed well designed housing (including affordable housing) to the Borough that includes links to significant new transport infrastructure, public open space, improved connections for pedestrians and cyclists including significant improvements to the A1306 through the

creation of a linear park

6.36 The prioritisation of residential development on the Order Land is consistent with the findings of the recent Havering Employment Land Reviews, as well as the provisions of the London Riverside Opportunity Area Framework, Rainham and Beam Park Planning Framework and the Adopted and Submitted Local Plan. Furthermore, to ensure that Havering maintains a prosperous economy, the Submitted Local Plan protects and intensifies employment development in the Borough's Strategic Industrial Locations (SILs), including the nearby Rainham SIL. The Rainham SIL is identified as a suitable place for the relocation of existing businesses along New Road that are incompatible with the vision for the area as a residential neighbourhood. As such, employment space needs in Rainham and the wider area will continue to be met consistently with the development's implementation as part of the Housing Zone Scheme. Currently, one business is being relocated from the Order Land to premises that it has identified in the SIL.

6.37 The acquisition of the Order Land is required in order to secure the delivery of the development, anticipated for completion by the end of 2025. The wellbeing improvements achieved by the Development and the Housing Zone Scheme as a whole are summarised as follows:

- a) the provision of high-quality sustainable homes with an improved tenure mix of private and affordable housing units.
- b) an increase in the overall quantum of housing to meet housing need.
- c) improvements to pedestrian and cycle connections throughout the local area particularly with regard to accessing off-site leisure and recreation facilities.
- d) an increase in the quantity and quality of on-site amenity space and substantial improvements to the quality of existing open space.
- e) improvements to the overall townscape to provide clearly defined public realm and landscaped areas.
- f) all residential units built to comply with Part L of the Building Regulations; and
- g) all residential units will comply with Part M of the Building regulations with 10% being designed and built to be wheelchair adaptable.

All of which are considered to result in a significant improvement to the economic, social, and environmental wellbeing of the area.

6.38 The vision for the Rainham and Beam Park Masterplan and Planning Framework and the Housing Zone is the transformation of a declining industrial area into a vibrant new residential community providing the much needed new housing including affordable homes, plus social, physical and green infrastructure with access to public transport and employment opportunities. The Housing Zone will deliver over 3,000 new homes including affordable homes supported by a new 2FE primary school, new health facilities, local retail provision, a new rail station served by bus services and extensive green and open space provision and the creation of a linear park along the A1306 corridor. RBPR will deliver at least 850 new homes including a minimum of 35% affordable homes on 9 sites (40% affordable rented tenures and 60% intermediate tenures) that the market is unlikely to be able to deliver comprehensively and to a high quality. In accordance with London Plan policy, at the planning application stage the viability of each of the sites to deliver affordable housing has been assessed. The conclusion of these assessments is that 35% is the maximum achievable level of affordable housing across the sites as a whole. This has been agreed by the GLA and the LB Havering as Local Planning Authority.

6.39 Due to historically low residential values and other technical and economic constraints (including a pattern of fragmented and disparate land ownership) only a limited number of residential developments have come forward thus far. Some of these developments such as the Countryside and L&Q scheme at Beam Park and Clarion at Somerfield are being brought forward in accordance with the Planning Framework and Housing Zone vision and objectives including the provision of high levels of affordable housing. However, other proposals which have come forward have been on a small scale, piecemeal basis, generally offering poor design and build quality with limited contribution to the environment, affordable housing and infrastructure provision. Piecemeal residential development in the area surrounding the Order Land, for example Norman Lodge, Miller Lodge and Saxon House have not provided the same density of development, improvements to infrastructure and the environment, or other benefits that comprehensive development will provide. A comprehensive approach also allows the development of land with more marginal viability (which might not otherwise be brought forward) to be supported by viable development. Without the Acquiring Authority taking proactive action to assemble land to provide comprehensive development, the trend of poor quality, piecemeal, development is likely to continue, so that the Masterplan

objectives (including the provision of 35% affordable housing) will not be met.

- 6.40 If the CPO is not made, then the only way of acquiring the land and interests needed to deliver the development would be by agreement. Whilst it is recognised that implementation of a CPO is a matter of last resort, discussions to date have made it apparent that unless the CPO is made and confirmed, it is unlikely that the Council and NHG (on behalf of RBPR) would be able to assemble the land and interests needed to bring forward a comprehensive housing development on the Order Land in accordance with the expectations of policy and guidance.
- 6.41 Without this intervention the existing low value commercial land uses would remain in place and infrastructure would not be improved. It will also not be possible to facilitate comprehensive residential development and any residential development that is brought forward is likely to be poor quality and piecemeal and may not deliver the development outcomes which policy envisages for the area and in particular substantial levels of new affordable homes. Such an approach is likely to fail to deliver the required mix, tenures or typology necessary to meet the objectives of the Housing Zone. The Order enables the Council to implement these wider objectives, including the infrastructure and amenity improvement, particularly important in the absence of an up to date Local Plan.
- 6.42 Paragraph 106(4) of the CPO Guidance – the potential financial viability of the scheme for which the land is being acquired
- 6.43 The development of the Order Land is to be taken forward by RBPR who have appointed NHHO, a wholly owned subsidiary of NHG, to provide professional services in respect of development, finance, project management, sales/marketing and administration services to the RBPR to ensure a strong team of in-house experts is available to deliver the Development.
- 6.44 RBPR have undertaken substantial financial modelling of the proposed developments, supported by professional advice, including the cost of land assembly (having account to the PCE Estimates provided by Ardent), development costs and sales revenues. Each of these inputs has been subject to close review and it has been determined that the Order Land is capable of achieving a positive return in accordance with RBPR's financial strategy.
- 6.45 RBPR will use a combination of equity funding, which the Council and NHCPL have agreed to provide, debt and GLA grant. (£12.01m of GLA grant has been approved through Housing Zone funding agreements with NHG) to fund the costs of the

Development.

- 6.46 It is expected that the Development will be delivered by RBPR on the Order Land in four phases. The first phase is envisaged as being fully equity funded (by the Council and NHCPL), together with proceeds from NHG in respect of the affordable housing inclusive of grant from the GLA to allow a rapid start following confirmation of the Order and/the conclusion of site assembly.
- 6.47 NHHO has been appointed by RBPR to lead on discussions to negotiate with potential third party funders on behalf of RBPR to secure the level of third party debt funding required to deliver the Development. The NHG group has a successful track record of securing third part debt finance for development demonstrated in Section 7 of this statement.
- 6.48 The Council, NHG and RBPR have maintained their resource and financial commitment to assure the successful delivery of the Development on the Order Land within the timetable. As at July 2020, NHG has spent £9.9m in progressing private treaty negotiations and purchases. In addition, RBPR has spent £2.6m as at July 2020 in progressing detailed design for Phase 1.
- 6.49 Further funds are committed for NHG to acquire all interests within the Order Land and the Development sites are included in NHG's business plan, thus ensuring NHG have the financial resources in place to deliver the Development.
- 6.50 In February 2018, the Council agreed to provide the funding required to finance the estimated CPO costs for all the Order Land. There is a CPO Indemnity Agreement in place, under which NHG will provide an indemnity for the Council's CPO costs of promoting the CPO and the compensation payable to third parties whose land and interests are acquired pursuant to the CPO. These costs whilst initially born by NHG through the CPO indemnity will be covered in full by RBPR when land is drawn down for development or at a longstop date and have been fully accounted for in RBPR's commercial strategy.
- 6.51 CPO Guidance general policy requirements, which apply to all CPO's.
- 6.52 The overarching principle is that the Council, in seeking to exercise powers of compulsory acquisition, is able to demonstrate a compelling case in the public interest for the exercise of those powers. Evidence is also required to demonstrate that there is no impediment to enable the delivery of the development the proposed acquisition is

intended to facilitate. These matters have been addressed above but, in summary:

- a) Nine planning applications have been made and eight permissions have been granted for the development. Resolution to grant approval for the final application was made at Strategic Planning Committee on the 16th July, 2020. This application, by nature of its size, is subject to GLA stage 2 referral by the Local Planning Authority and this is now underway. The expectation is that the GLA will not intervene and will issue a letter in support of the application as their earlier comments have been taken on board. A holding direction has also been issued by the Ministry of Housing Communities and Local Government with respect to the application. It is anticipated that this would be resolved shortly allowing the London Borough of Havering Planning Authority to formally issue planning permission before the Public Inquiry. There are no obvious reasons which are likely to impede the grant of the outstanding consent pursuant to the resolution of the local planning authority.
- b) Financial and physical resources are available to acquire the land and to deliver the development of the Order Land. The RBPR is operating with governance, a funding strategy, equity commitment from the Council and NHCPL and development phasing already in place.
- c) The context of acquisition sought to be made being that the development proposed, is grounded in a “clear strategic framework” and “planning framework”, being the London Plan and Rainham and Beam Park Planning and Regeneration Framework (reflected in the Submitted Draft Local Plan), which the proposed development of the land after the acquisition will facilitate.
- d) Negotiations have been undertaken with landowners and occupiers, with business and residential relocation strategies in place (section 16 below); Assistance has been offered to all occupiers in the form of business support and help with relocation. Enterprise Nation, a specialist business support provider was engaged by the Council to provide targeted advice and support for all businesses. This included business analysis support to help identify future growth potential and business direction and commenced with a diagnostic assessment to help understand the needs of the business and what support they may require to remain sustainable. This included support for any businesses choosing to sell or close their business. This support was well publicised and delivered through a mixture of 1-2-1’s and workshops.

- e) Occupiers are also being offered option agreements providing 'not before dates' for acquisition, intended to give greater certainty over the basis of compensation payments and alternative dispute resolution procedures. Where the Acquiring Authority controls land, occupiers are, in addition, being offered the potential to agree new leases providing them with greater certainty over their occupation than the short term, or informal, tenancies they may currently hold. These matters are addressed further below.
- f) The regeneration of the Rainham and Beam Park Housing Zone is a key deliverable for the Council as set out in the Submitted Local Plan and the London Plan. The Housing Zone Scheme seeks to avoid development in a piecemeal fashion and of a scale that can make meaningful contributions towards social infrastructure.
- g) Through delivery of the Housing Zone Scheme the existing housing stock, which is predominantly owner occupied and private rental, will be significantly boosted with an increased supply of Affordable Housing located in the administrative area of the borough (section 4 above); and
- h) Construction phases of the development will include training and employment opportunities for residents and businesses within the borough and contribute to social infrastructure.

6.53 Views expressed by Government Departments or Mayor of London on the scheme underlying the CPO

6.54 The Mayor of London has confirmed his support for the Development through the approval of the bid for Housing Zone status, including the Order Land.

6.55 Section 17 Housing Act 1985

6.56 The powers under Part 2 of the 1985 Act, in particular section 17, relates solely to the delivery of housing accommodation with the main uses of the power being to assemble housing for the delivery of homes and ancillary development, including to bring empty properties into use and improve substandard or defective properties.

6.57 This application for a compulsory purchase order is to achieve wider regeneration objectives set out in the Masterplan and Planning. As such the application includes the delivery of a community facility, commercial unit and public realm improvements. It is considered therefore that the making of the Order under powers set out in the Town and

Country Planning Act 1990 (as well as ancillary power under the 1976 Act) is appropriate.

- 6.58 Of note is paragraph 149 of the Guidance which states that: “Where an authority has the choice between the use of housing or planning compulsory purchase powers the Secretary of State will not refuse to confirm a compulsory purchase order solely on the grounds that it could have been made under another power.”
- 6.59 It is nonetheless considered that the justification for making of the Order, as set out in this Statement of Case, conforms with the policy guidance which concerns the making of compulsory purchase orders made under Housing Act powers.

7 Implementation and Funding of the Development

7.1 Commercial and Delivery Structure

- 7.2 In establishing the Rainham and Beam Park Housing Zone (RBPHZ) on 4th November 2015, the Greater London Authority (GLA) confirmed its intention to catalyse development by providing funding to unlock site assembly.
- 7.3 With such a significant level of investment required and a large scale of development proposed within a complex regeneration environment, it was apparent that the Council alone would not have the resources or capacity to deliver the Order Land development proposals. An experienced development partner was required and in December 2017, following a competitive tender process, the Council agreed to appoint Notting Hill Genesis (“NHG”) as its development partner to undertake the housing development on the Order Land. The Council and Notting Hill Commercial Properties Ltd (“NHCP”) (a wholly owned subsidiary of NHG) entered into a formal Joint Venture vehicle known as Rainham and Beam Park Regeneration LLP (“RBPR”) in March 2018.
- 7.4 The vision of RBPR is to transform the A1306 corridor from a declining industrial area into a vibrant, sustainable new urban community. This will require a comprehensive approach and therefore land assembly is required.
- 7.5 RBPR has currently identified 9 strategic sites within the Rainham and Beam Park Housing Zone, all along the A1306 (New Road) corridor (the Order Land). The sites are primarily privately owned and the RBPR has been seeking to negotiate acquisition of these sites by private land treaty (through NHG) or otherwise pursue compulsory purchase orders to enable comprehensive redevelopment of the sites (through the Council).
- 7.6 Notting Hill Home Ownership (“NHHO”) another wholly owned subsidiary of NHG, have been appointed by RBPR to provide professional services in respect of development, finance, project management, sales/marketing and administration services to ensure a strong team of experts is available to deliver the Development.
- 7.7 In addition, the Council has been appointed by RBPR to provide development support services. This allows for collaboration between the two joint venture member parties with both parties playing to their strengths.
- 7.8 The following associated project agreements were entered into to regulate the assembly

and acquisition of the identified sites and the investment necessary to deliver the development of the sites, within agreed viability parameters and success measures:

- **The Members Agreement** entered between (1) the Council, (2) NHCP & (3) RBPR which regulates the joint venture governance, equity contributions, third party debt funding and scheme delivery.
- **The Strategic Land Agreement** entered between (1) the Council, (2) NHG and (3) RBPR which governs the land assembly by private treaty by NHG on behalf of RBPR and regulates the flow of land in to RBPR.
- **The CPO Indemnity Agreement** entered between (1) the Council and (2) NHG under which NHG provide an indemnity for the Council's CPO costs of promoting the CPO and. NHG provide an indemnity to the Council's CPO costs in respect of the CPO promotion and the compensation payable to third parties whose land and interests are acquired pursuant to the CPO; These costs whilst initially born by NHG through the CPO indemnity will be covered in full by RBPR when land is drawn down for development or at a longstop date; If the Order is confirmed, the Council intends to use its CPO powers to acquire land interests that NHG is unable to secure through private treaty negotiations and the land will be transferred to RBPR in the same way as they would acquire land through private treaty negotiations.
- **The Development Management Agreement** entered between (1) RBPR and (2) NHHO which formalises NHHO's appointment to provide professional services in respect of development, finance and project management on behalf of RBPR.
- **The Services Agreement** entered between (1) RBPR and (2) NHHO which formalises NHHO's appointment to provide professional services in respect of administration services to RBPR; and
- **The Development Support Services Agreement** entered between (1) RBPR and (2) the Council which formalises the Council's appointment to provide professional services in respect of development support services.

7.9 The commercial and delivery structure is summarised in the figure below:

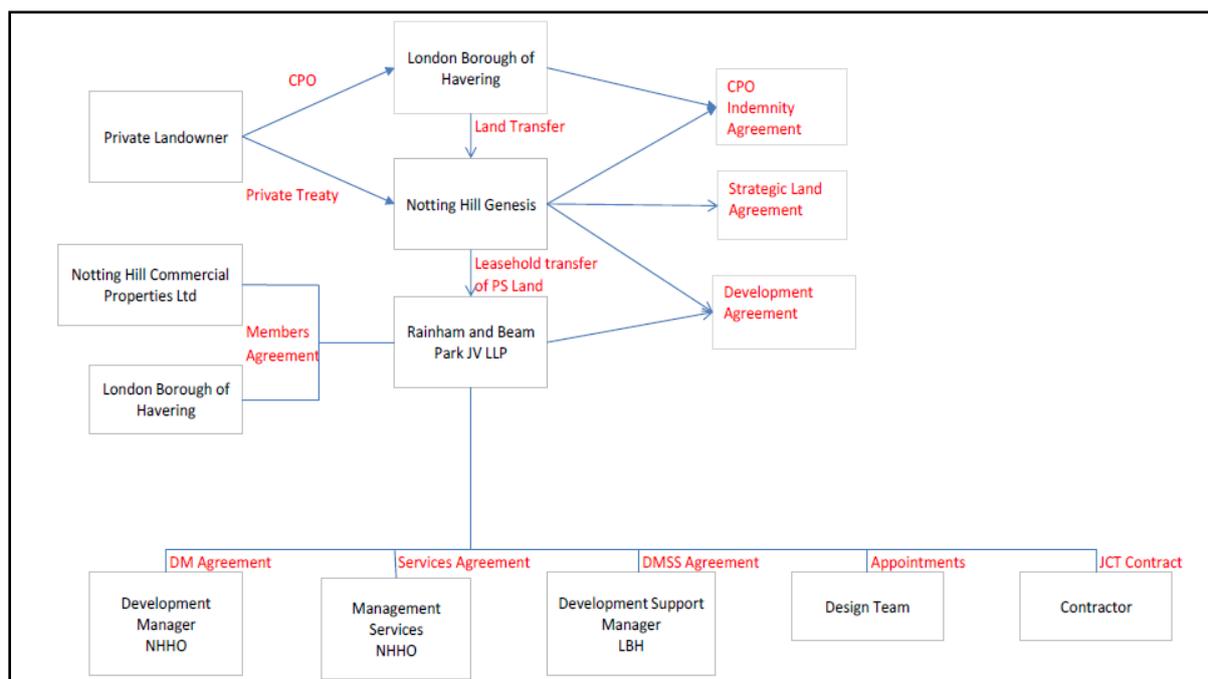


Figure 1 – RBPR Commercial and Delivery Structure

7.10 Relevant Experience and Financial Strength

7.11 The Council is confident that the selection of NHHO to provide professional services to RBPR for the development of the Order Land will ensure that the Development is delivered within the proposed timescales. This is based on their experience and performance since their appointment in March 2018 and the NHG groups' proven track record of successful delivery of regeneration proposals of this scale and complexity, together with their financial strength.

7.12 In addition, RBPR has access to NHG's Consultants and Contractors Framework and NHG's Demolition and Enabling Works Framework, from which to source consultants and contractors to provide advice including design, planning, community engagement, site assembly and construction to RBPR.

7.13 Accordingly, RBPR is well placed to undertake the delivery of a scheme of this nature and scale.

7.14 NHG is a non-profit housing developer, member of the G15 group of major London housing associations and a registered provider of social housing. NHG is the third largest registered provider of social housing in London and the fifth largest in the UK. It has a significant track record in bringing forward successful housing developments and regeneration programmes of this scale. NHG has been creating and participating in

successful joint ventures with a diverse range of partners for over a decade.

- 7.15 NHG have more than 65,000 homes in London and the south east and work within the community, providing homes for around 170,000 people along with social programmes, economic regeneration initiatives; and the services and support their residents need.
- 7.16 NHG specialises in mixed tenure developments, with a focus on affordable housing, with a commitment to providing good quality housing in a range of tenures to meet Londoners' needs. NHG works with local authorities, developers and other public and private sector partners to deliver well-designed, affordable mixed-tenure and mixed-use neighbourhoods. NHG seek to make a profit on market housing and commercial premises so they can reinvest in affordable homes for people in housing need.
- 7.17 NHG brings a strong financial covenant with the cash and resources to support an extensive development programme, a culture of partnership working and a strong management team together with a successful track record of design and delivery of complex and challenging projects, with the ability to drive value and maximise development capacity. Its financial strength and security has allowed NHG to develop a range of projects, from suburban housing estates to major town centre regeneration.
- 7.18 NHG's in-house development team brings with it extensive skills experience in delivering large scale, phased developments in a challenging environment. From the initial stages of opportunity assessment, NHG looks for project solutions that are appropriate to the sites, responsive to the local setting, meet the needs of the local community and can be delivered efficiently.
- 7.19 In the 2019/2020 financial year, NHG completed 1,962 new homes. Currently as at July 2020, NHG have 2,958 homes in the construction phase and is on track to complete on circa 1,700 of these homes in the 2020/2021 financial year, with more than 6,500 further homes currently in their development pipeline.
- 7.20 NHG are currently delivering (through a combination of lead developer and partnering arrangements) a number of large scale multi phased regeneration projects, including projects at Oaklands (London Borough of Ealing), Royal Albert Wharf (London Borough Newham), Aylesbury (London Borough Southwark), and Graham Park (London Borough of Barnet).
- 7.21 The following example exemplifies NHG's capacity to support delivery:

- Royal Albert Wharf represents a major regeneration of three strategic sites within the Royal Docks and Beckton Waterfront Opportunity Area in Newham; and exemplifies NHG's skill, commitment and approach to delivering large scale, multi – phased regeneration projects.
- NHG is more than halfway through delivering the multi-phase Royal Albert Wharf development in the Royal Docks in Newham. The Royal Docks were granted 'Enterprise Zone' status in 2012 and highlighted as an area that provides the opportunity to develop in excess of 5 million square feet of commercial space, along with homes and jobs.
- NHG bought their Great Eastern Quays (GEQ) site in 2008. Four years later, the GLA selected NHG as the preferred partner to deliver the neighbouring site, Gallions Quarter. The sites are adjacent to each other and are located along the Thames between Gallions Reach DLR station and the historic Albert Dock.
- The two sites were master planned as one by architects Maccreanor Lavington, and the name 'Royal Albert Wharf' emerged from marketing reviews and workshops as a brand identity that would speak to the history and context of the site, as well as begin to distinguish it from the previous industrial uses and multiple designations, creating a new sense of place and purpose.
- NHG worked with the local communities in Beckton and Woolwich to design new public spaces and useful communal and retail facilities. More than 8,000 square meters of new commercial, retail, leisure and community space will create hubs around the Gallions Reach DLR station and the dock waterfront. Plans include internal garden squares, accessible areas along the river and docks, and a new pedestrian bridge. Pedestrian and cycle routes are also set to be improved.
- In 2017, NHG were again selected as preferred partner by the GLA to deliver a third site adjacent to the initial two, named Gallions 3B. The masterplan and Royal Albert Wharf branding were both expanded to include Gallions 3B, ensuring that the phased development of the three sites results in a single coherent neighbourhood with a strong sense of its own identity.
- NHG have successfully achieved detailed planning approval across all phases. So far, 886 homes and 3,000 square metres of commercial space have been completed and

occupied. In 2018, Royal Albert Wharf won both the RICS London Residential Property of the Year and RIBA London Awards.

- There are currently (as at July 2020) 564 homes on site and the contract for a further 241 is due to commence in the next two months.
- The whole Royal Albert Wharf regeneration is targeting completion in 2024 and is set to deliver over 1,800 new homes to the area of which at least 40% will be affordable housing, alongside 8,700 square metres of commercial space. Whilst NHG are the lead developer across all phases, it has chosen a mixture of direct appointment contracts and joint venture partnerships to deliver the regeneration.

7.22 NHG is a financially robust developer and housing association and has housing property assets (owned and managed) valued at circa £20bn (as at March 2020) financed by loans, social housing grants and £3.3bn (as at March 2020) of reserves built from a history of strong financial performance. For the year ending 31 March 2020 NHG made a surplus after tax of £98.1m from a turnover of £731.5m with an operating margin of 29.1%, all of which is reinvested in providing good quality homes for those who could not otherwise afford them.

7.23 The strength and robustness of NHG's financial standing is demonstrated by its external credit rating. NHG is rated by Fitch as A and by Standard and Poor as A-.

7.24 When the Council entered into the LLP in March 2018, consequent to the decisions made in December 2017 and March 2018, a number of commitments were made. One of these was to provide funding and this was incorporated in the capital programme by the Council on 21 February 2018, which approved capital budgets from April 2018. The funding requirement was scoped in the 2018-19 OABP which the LLP adopted soon after it was established. The budget for investment expenditure was approved by Full Council in February 2018 with effect from April 2018.)

7.25 Planning

7.26 Nine outline planning applications have been submitted to the Local Planning Authority relating to the proposed housing development on the nine housing development sites comprising the Order Land

7.27 The following table sets out the date each application was validated by the Council and planning permission was approved.

Table 1 – Planning Summary Milestones

Site	Application Validated	Application Approved
NR02/03	June 2017	October 2017
NR04/05	June 2017	Sept 2019
NR06a	June 2017	August 2018
NR06b	July 2017	November 2017
NR08	July 2017	August 2018
NR09	June 2017	March 2020
NR10	July 2017	September 2018
NR11	May 2017	October 2017
RW04b	September 2017	Resolution to grant July 2020 (subject to referral to the GLA)

7.28 Of the nine outline planning applications which have been submitted to the Local Planning Authority all have been approved by the Council’s Strategic Planning Committee.

7.29 Resolution to grant approval for the application to redevelop site RW04b was made by Strategic Planning Committee on the 16th July 2020. This application, by nature of its size, is subject to GLA stage 2 referral by the Planning Authority and this is now underway. The expectation is that the GLA will not intervene but will issue a letter in support of the application as their earlier comments have been taken on board. A holding direction has also been issued by the Ministry of Housing Communities and Local Government with respect to the application. It is anticipated that this would be resolved shortly allowing the London Borough of Havering Strategic Planning Committee to formally grant consent before the Public Inquiry. The proposals have been developed in accordance with the National Planning Policy Framework, London Plan, Havering Local Plan, the Submitted Local Plan, the Masterplan and Planning Framework and taking into consideration the GLA’s Stage 1 design comments. They have also been the subject of full and constructive pre-application engagement with officers of the Local Planning Authority.

7.30 Delivery of the Proposed Development

7.31 The Council has decided to include nine strategic sites in this CPO as opposed to multiple staggered CPOs for the following reasons:

- a) It ensures that the power to acquire all interests required to deliver the Development is secured.
- b) It gives certainty to RBPR that the programme will not be halted or delayed by land acquisition issues, which in turn assists financial planning.
- c) It gives certainty to the occupants so that they have maximum time to plan relocations.
- d) The Council will exercise powers with care to ensure nobody is dispossessed prematurely.
- e) It will build up an experienced team to deal with relocation issues.
- f) The comprehensive approach is supported by the Masterplan and Planning Framework which seeks to avoid piecemeal development; and
- g) It allows a multi-site approach in respect of viability and affordable housing provision allowing RBPR to spread the risk across a portfolio of sites and maximise the affordable housing provision meeting the objectives of the Housing Zone.

7.32 The nine planning applications mentioned above secure the delivery of at least 882 new homes across the nine sites, of which at least 35% will be delivered as affordable tenures (40% affordable rented tenures and 60% intermediate tenures).

7.33 To support the planning applications, Financial Viability Assessments (“FVA”) were submitted on a site by site base and at a masterplan level (i.e. the 9 sites cumulatively). These FVA’s were independently reviewed and assessed by advisors acting on behalf of the Local Planning Authority who confirmed that 35% affordable housing (40% affordable rented tenures and 60% intermediate tenures) at a programme level is currently the maximum level of affordable housing the Development can support.

7.34 The subsequent detailed planning applications relating to the sites will be subject to further early stage (if applicable) and late stage viability reviews. This will be done to secure further affordable housing in the event that economic growth in the area results in an improvement of financial returns to a level where a higher level of affordable

housing would be considered viable.

- 7.35 RBPR's approach to viability is not simply cost focussed, but rather seeks to balance costs against value to maximise returns. RBPR has appointed a specialist sales consultant to research market expectations, develop the sales specification and review, improve and optimise internal property layouts to ensure quality, desirability and maximise sales revenues.
- 7.36 RBPR undertake rigorous financial appraisals to inform their delivery strategy for the Development and carry out regular performance monitoring to inform commercial decisions and a proactive response to changing market conditions.
- 7.37 RBPR have agreed plans that demonstrate how each site in the Order Land will be assembled and brought forward as part of a viable development to secure the regeneration of the wider area as part of the Housing Zone Scheme. In addition, RBPR have identified the necessary funding and other necessary resources that will ensure the delivery of the Development.
- 7.38 RBPR will use a combination of equity funding provided by the Council and NHCPL, debt funding and GLA grant and loan funding (through Housing Zone funding agreements between the GLA and NHG) to fund the costs of the Development. The Council's and NHCP's equity funding contributions will ultimately be repaid from net receipts from the sale of the private and affordable housing units with the surplus providing a commercial return to the Council and NHCPL.
- 7.39 NHG entered the Housing Zone Funding with the GLA in March 2018 securing a funding commitment of £12,010,000 (combination of grant and loan funding) from the GLA. NHG have an obligation to apply this funding to the Development and as at July 2020 NHG have drawn down circa £2.5mil against the successful land acquisitions by private treaty.
- 7.40 RBPR is adopting a multi-site approach in respect of viability and affordable housing provision allowing RBPR to spread the risk across a portfolio of sites. As would be expected with such a project, the Development will be delivered in phases. As at February 2020 it is expected that the four funding phases of housing development will be developed in accordance with the following indicative key milestone schedule:

Table 2 – Indicative Milestone Schedule

Funding Phase	Site	Site Acquisition Completed (including vacant possession)	Construction Start on Site	Construction Completion
Phase 1	NR06A	March 2021	April 2021	October 2022
	NR06B	March 2021	April 2021	October 2022
	NR11	August 2021	September	November 2022
	NR02/03	October 2021	November 2021	October 2023
Phase 2	NR10	September	October 2022	April 2024
	NR09	January 2023	February 2023	March 2025
Phase 3	NR04/05	March 2024	April 2024	March 2026
	NR08	March 2024	July 2024	December 2025
Phase 4	RW4B	June 2024	September	October 2026

7.41 It should be noted that the programme set out in Table 2 does not match the target programme initially set out in the CPO Statement of Reasons. This is due to the fact that the current target delivery programme has responded to the delays to the Development progress encountered as a result of the impact of the Coronavirus pandemic, including the delay in the CPO Inquiry originally intended to commence on 17 June 2020.

7.42 Phase 1 has been identified as being fully equity funded by RBPR members together with revenue supported by grant funding and from NHG for the affordable housing elements of the Phase. This will allow a rapid start to Phase 1.

7.43 Phase 1 of the Development on the Order Land may be able to commence in 2020, prior to confirmation of the Order through private treaty land assembly. At July 2020, all the private land interests on site NR06A have been acquired by NHG. In addition, only one private land interest comprising site NR06B remains to be purchased by NHG, and this parcel of land is currently under offer by NHG. Subsequent phases of the Development require the completion of land assembly using CPO powers and will commence following confirmation of the Order by the Secretary of State.

7.44 A phased funding strategy enables RBPR to recycle equity and profits from earlier phases to fund the delivery of later phases and source debt funding in a cost-effective way. The phased approach also gives RBPR the ability to spread risk across a portfolio of sites and adopt a multi-site approach to viability and the delivery of affordable housing. This multi-site approach allows RBPR to optimise the delivery of new homes and

harness the opportunity to create a mixed and sustainable community, including at least 35% affordable housing at a programme level.

- 7.45 NHHO, in its capacity of Development Manager will lead on discussions on behalf of the RBPR to negotiate with potential third-party funders on behalf of RBPR to secure the level of third party debt funding required to deliver the Development.
- 7.46 The NHG group has a successful track record of securing third party debt finance for development. As current at July 2020, the NHG group has in place at the time loan facilities from various banks of which include Lloyds, Barclays, Nationwide, Santander and RBS concurrent with capital market bond issues leading to an aggregated total of £4.3bn, of which £837m is unutilised and available. Group cash held as either cash in bank or on deposit totalled £121m (as at July 2020) providing immediately available liquidity (within 48 hours).
- 7.47 NHG and RBPR have also maintained their resource and financial commitment to ensure the successful delivery of the Development on the Order Land within the timetable. As current at July 2020, NHG has spent £29.9m in progressing private treaty negotiations and purchases. In addition, RBPR has spent £2.6m as at July 2020 in progressing detailed design for the 4 sites to be included in Phase 1 and developing the robustness of their proposals.
- 7.48 Further funds are committed for NHG to acquire all interests within the Order Land and the Development sites are included in NHG's business plan, thus ensuring NHG have the financial resources in place to deliver the Development

8 Consultations and Negotiations

- 8.1 An intensive two-stage consultation exercise summarised in a Statement of Community Involvement was undertaken by the London Borough of Havering over the spring and autumn of 2015 to raise awareness of the Rainham and Beam Park Planning Framework and Housing Zone. It sought to gauge the support of local residents and stakeholders to the principles in the Housing Zone and Planning Framework. The consultation process included a combination of:
- a) Member group briefings and meetings with local Ward Councillors and presentations to the Rainham Wennington and South Hornchurch Working Group,
 - b) Meetings with stakeholders,
 - c) Advertising the consultation process through an article in Living in Havering magazine and a brochure about the development, including a questionnaire, hand delivered to 11,000 residents living in the vicinity of the masterplan area,
 - d) Creating a dedicated website (www.rainhamandbeampark.co.uk) with information about the proposals with the ability to raise questions and provide comments on the proposals, and
 - e) Displaying posters at local shops and community buildings, such as the Rainham Library.
- 8.2 A Stakeholder Engagement Event took place on the 17th March 2015 to gather views and ideas to feed into the vision and objectives for the masterplan. Various stakeholders, who included key elected members, staff from Jon Cruddas MP's office, representatives from local businesses and community organisations, and landholders took part in this hands-on masterplanning event.
- 8.3 A second presentation to the above stakeholders was held on 6th October 2015 to present amendments as a result of the initial public consultation and to seek feedback on more detailed designs.
- 8.4 A series of resident drop in sessions were held at Rainham Library and Mardyke Community Centre over the weekend and evenings of 21st, 23rd and 24th March 2015 and further masterplan events on 13th and 17th October 2015 which sought to update residents on progress and provide feedback on the initial sessions held in March (dates mentioned above). Residents were able to review the information about the masterplan,

discuss the proposals with the project team and input into the process, either at the event, via the dedicated website or via email, telephone or post.

- 8.5 Responses were very positive with a majority of 84% of respondents in favour of the Housing Zone proposals to which this development and the Order accord. A summary of the responses is provided in this Statement.
- 8.6 The Council have attempted to engage with landowners via the undertaking of site visits, holding meetings to explain the CPO process and the public consultation process ahead of outline planning applications being submitted. Letters have been circulated to business and residential property owners respectively, to keep them informed of the regeneration proposals and CPO process as it has progressed.
- 8.7 In particular an initial stakeholder consultation and advice event was held in January 2019, followed by a series of monthly drop-in sessions scheduled, and held, between July 2019 and March 2020 – (further scheduled drop in sessions were cancelled in accordance with Government Covid-19 restrictions) between 10:00am and 15:00pm. All held locally at the Mardyke Centre. At these representatives of the Council and NHG have been present along with specialist property and compensation advisors to give advice and guidance to all parties, landowners, business and residential tenants affected by the CPO. These were advertised by letter including a flyer to all affected parties, and advertisements in Havering's in-house publication Living, and on the Rainham and Beam Park Regeneration web site.
- 8.8 The Covid-19 pandemic and in particular the 'lock down' restrictions have had an impact on the way that we have been able to work on the New Road project. From 23 March 2020 the UK was put into 'lock down'. This placed a restriction on inspections and meetings. However, alternative arrangements have been put in place utilising social media and publishing phone numbers to call for advice. A successful online planning consultation for two of the CPO sites NR02/03 & NR06a & b has also been conducted remotely.
- 8.9 As referenced in Section 6.52(d), Enterprise Nation was contracted by the London Borough of Havering in September 2019 to provide specific support for the 79 businesses that were affected by the CPO. The objectives of the business support were:
- to provide a diagnostic assessment and up to 12 hours of support to each business
 - to provide support to help businesses to become sustainable

- to provide support for any business choosing to sell or close their business
- to provide support for the businesses considering options for relocation

8.10 A series of 10 business Workshops were held. These were designed to help businesses consider the business options available to them should their premises be compulsorily purchased, and then required to relocate. The drop-in sessions were provided so that businesses could come and meet business coaches and ideally agree a convenient time for a 1-to-1 session to discuss their specific circumstances and conduct a diagnostic assessment of their support needs so that a bespoke support programme could be designed. Drop-in sessions were scheduled at lunchtimes and after business hours to make them as convenient as possible for the businesses to attend. In addition to the flyers, Enterprise Nation also conducted an online search to try to discover email addresses and phone numbers to improve engagement. Enterprise Nation emailed the companies whose email addresses were on file the same day the letter was sent out. Letters and flyers were sent on three separate occasions to each identified business. Each of the 79 identified businesses were also visited individually in a door knocking exercise. Each letter was sent approx. one week before the first drop-in session that was advertised on the flyer. Of the 79 business premises identified 49 businesses were able to be engaged personally. However, despite considerable efforts and blanket communications only 10 businesses took the opportunity to take up the offer of 1:2:1 intensive business support offered by Enterprise Nation.

8.11 In Paragraph 2 of the Guidance on Compulsory purchase process ('the CPO Guidance') states that:

The confirming authority will expect the acquiring authority to demonstrate that they have taken reasonable steps to acquire all of the land and rights included in the CPO by agreement. Where acquiring authorities decide to/arrange to acquire land by agreement, they will pay compensation as if it had been compulsorily purchased, unless the land was already on offer on the open market.

Compulsory purchase is intended as a last resort to secure the assembly of all the land needed for the implementation of projects. However, if an acquiring authority waits for negotiations to break down before starting the compulsory purchase process, valuable time will be lost. Therefore, depending on when the land is required, it may often be sensible, given the amount of time required to complete the compulsory purchase process, for the acquiring authority to:

- *plan a compulsory purchase timetable as a contingency measure; and*
- *initiate formal procedures*

This will also help to make the seriousness of the authority's intentions clear from the outset, which in turn might encourage those whose land is affected to enter more readily into meaningful negotiations.'

8.12 In compliance with Paragraph 2, the Council, and subsequently NHG on behalf of RBPR, has been actively negotiating with owners since March 2016 to acquire all interests in the Order Land, set out in the schedule of interests in the CPO.

8.13 Glenny, and since 1 September 2018, Ardent, have also met with as many of the landowners as possible in order to inspect the properties and provide the Council with accurate valuations and compensation assessments for each property to establish potential acquisition costs and to enable offers to be made. Contact has also been made with occupiers to understand their requirements in terms of relocation premises and to identify any specific issues that will need to be addressed as a result of properties being acquired.

8.14 In engaging with property owners, the Council has also taken account of Paragraph 17 of the Guidance:

'Talking to landowners will also assist the acquiring authority to understand more about the land it seeks to acquire and any physical or legal impediments to development that may exist. It may also help in identifying what measures can be taken to mitigate the effects of the scheme on landowners and neighbours, thereby reducing the cost of a scheme. Acquiring Authorities are expected to provide evidence that meaningful attempts at negotiation have been pursued or at least genuinely attempted'

8.15 In consideration of the guidance, the Council, through NHG, has taken the following steps:

- All freehold landowners have been contacted and at least one offer, reflecting their entitlement to compulsory purchase compensation, has been made for their interest, with the exception of two freehold interests. A flexible approach has been adopted to the offers, so that property owners have the choice of an immediate purchase, a subject to contract purchase, or an option agreement. The freehold sites where offers have not been made involve:

i) a small area of land to which access had been prevented and which could not be viewed other than from adjacent land in private ownership. While an inspection had been arranged for 19 March 2020, this had to be cancelled as a consequence of the COVID-19 crisis. The inspection was subsequently carried out in 12th June 2020 and further survey access was granted on 8th July 2020 in order to assess the extent of land required and the potential impact on retained land. A valuation and offer will be issued shortly once the extent of land to be acquired has been finally confirmed.

ii) four small CPO plots forming part of a larger residential site where the Council was originally unable to identify the owner. The owner has recently been identified and engagement has commenced. The owner initially asked whether consideration could be given to acquiring their whole land interest, but it has been decided that negotiations will proceed in relation to the 4 small plots only. An offer will be made shortly.

- Where agreement on values cannot be reached, having regard to Paragraph 18 of the Guidance, landowners have been offered the option of an Independent Valuation process as a form of Alternative Dispute Resolution.
- Property inspections were not possible during full lock down as a consequence of the COVID-19, which meant that valuation activity became more difficult. The full economic effects of Covid-19 and the impact it may have on property values are not yet clear. The Council therefore took the view that it is in the interest of both the Council and those affected by the project to wait and to undertake value discussions in a more settled market. Property owners have been offered option agreements which would provide for a valuation of their property at some point in the future, after any short-term market uncertainty caused by the pandemic has passed.
- All identified tenants and other occupiers have been contacted so that the impact of the CPO and their relocation requirements can be discussed. All leaseholders have been offered option agreements which provide them with 'not before dates' for acquisition and set out the basis on which compensation will be paid. The Council has also made clear that it is willing to agree minimum compensation sums where appropriate.
- Relocation pro-forma allowing the full details of relocation requirements to be set out have been provided to occupiers, for return to the Council. 14 occupiers have returned

relocation proformas allowing bespoke relocation plans to be prepared in order to assist in searching for suitable alternative relocation premises.

- An acquisition strategy has been prepared and is being implemented
- A business relocation strategy has been prepared and is being implemented. This includes the Council investigating the potential acquisition of land for the purposes of business relocation. A number of potential sites are currently under investigation and feasibility studies are being undertaken.
- A programme has been put in place to deal with the relocation and compensation of residential tenant occupiers. All of the residential tenants have been offered a housing needs assessment, (7 housing needs assessments have been completed so far) as well as assistance in identifying alternative relocation properties and 9 tenants have been offered discretionary compensation. This exercise has been delayed as a result of restrictions imposed following the Covid-19 pandemic but will be progressed.
- Offers to pay reasonably incurred professional fees have been made to landowners and occupiers.

8.16 As a result of taking these steps, NHG has now completed the purchase of 16 freehold properties (comprising 19 CPO Plots) and solicitors have also been instructed on the acquisition of a further 4 freehold properties (5 CPO Plots) and option agreements for 3 leasehold interests. NHG are also in the advanced stages of negotiating a land swap agreement with the owners of CPO Plot 43 which will secure the acquisition of this plot on a Rule 5, equivalent re-instatement basis. A further, in principle, agreement has been reached with TfL which involves the acquisition of 7 land parcels (15 CPO Plots). In total the completed purchases, the Council's prior ownership of 2 properties (3 CPO Plots) and the agreements to purchase in solicitors' hands account for 42 of the 95 CPO Plots.

	Properties	CPO Plots
Total Order Land	65	95
Total Number Acquired by NHG or in LBH Ownership	18	22
Total Number Where Terms Have Been Agreed	4	5
Total Number TfL Agreement	7	15

9 Human Rights and Equality

9.1 Human Rights Considerations

- 9.2 The Human Rights Act 1998 incorporated into domestic law the European Convention on Human Rights (“ECHR”). The ECHR includes provisions in the form of Articles, which aim to protect the rights of the individual.
- 9.3 Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way, which is incompatible with rights protected by the ECHR.
- 9.4 As is clear from the CPO Guidance, a compulsory purchase order should only be made where there is a “compelling case in the public interest”, and that a public authority pursuing a compulsory purchase order should be sure that the purposes for which it is making that order sufficiently justify interfering with the human rights of those with an interest in the land affected. In making this assessment, the authority should have regard, in particular, to the provisions of Article 1 of the First Protocol and Articles 6 and 8 to the ECHR.
- 9.5 Article 1 of the First Protocol of the ECHR states that “every natural or legal person is entitled to peaceful enjoyment of his possessions” and that “no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by the law and by the general principles of international law....”.
- 9.6 Whilst the owners of the land comprised in the Order Land would be deprived of their property if the Order is confirmed and thereafter implemented, this will be done in accordance with the law. The public benefits associated with the Order are set out in this statement, and the Council considers that the Order strikes a fair balance between the public interest in seeing the regeneration proceed (which is unlikely to happen in the absence of the Order), and the private rights which will be affected by the Order.
- 9.7 In this case, despite efforts being made, the Council has not been able to secure agreements with the owners of the Order Land nor has it been possible to locate the owners of the land in “unknown” ownership. Such parties will be entitled to compensation calculated under the CPO Compensation Code in respect of land acquired by the Council pursuant to the Order through the Upper Tribunal (Lands Chamber).

- 9.8 Article 6 of the ECHR provides that: "in determining his civil rights and obligations everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law". The Article 6 rights are met by the procedures for objection and confirmation, the right to bring a legal challenge in the High Court under the Acquisition of Land Act 1981 and the right to have any claim for compensation determined by the Upper Tribunal.
- 9.9 The regeneration of the Order Land has been comprehensively consulted upon. There has been an opportunity to make representations regarding the planning policies that promote development of the Order Land. The Council has further entered into extensive discussions and negotiations with the affected landowners regarding the future of the area and the regeneration proposals.
- 9.10 Where parties object to the Order, the Secretary of State for Housing, Communities and Local Government shall arrange either for written representations, or, as is more likely, for a public hearing or local inquiry to be held to provide those parties with an opportunity to be heard. Should the Order be confirmed, a person aggrieved may challenge the Order in the High Court if they consider that there are sufficient grounds for doing so. In relation to compensation disputes, affected persons have the right to apply to the Upper Tribunal (Lands Chamber), an independent judicial body. It is considered that this process is compliant with Article 6.
- 9.11 Article 8 of the ECHR provides that: "everyone has the right to respect for his private and family life, his home and his correspondence" and that "there shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of.... the economic wellbeing of the country..."
- 9.12 If the Secretary of State confirms the Order, the compulsory acquisition of the interests in the Order Schedule will be necessary only if these have not already been acquired by agreement within the timescales required to deliver the next phase of the Development. As explained in Section 7 below, efforts to acquire the relevant interests are ongoing. Further, all those whose interests are compulsorily acquired will be entitled to fair compensation, such compensation to be determined independently by the Upper Tribunal (Lands Chamber) if it cannot be agreed.
- 9.13 Whilst there may be some interference with the rights of the owners of the land comprised in the Order, this will be done in accordance with the law. The Council is

therefore of the view that there is a compelling case in the public interest for the compulsory acquisition of each and every parcel of land comprised in the Order Schedule. It is also satisfied that that the public interest that is to be served by the Development and the wider social, environmental and economic benefits to be realised as a result of the regeneration proposals outweigh the necessary interference with the private rights and interests that exist in the Order Land. The Council therefore, considers that the benefits associated with the Development as set out in this report, strike a fair balance between the public interest in seeing the Development proceed (which is unlikely to happen in the absence of the Order), and the private rights which will be affected by the Order.

9.14 The Council has carefully considered the matters it has to balance in resolving to make the Order, and has decided that there is a compelling case in the public interest to proceed with making it, so as to enable the regeneration of the Site to proceed.

9.15 Equality Considerations

9.16 The Council's Community Cohesion and Equality Objective is to nurture and promote a cohesive, healthy and optimistic borough underpinned by mainstream inclusive British Values, where everyone experiences dignity and equal life chances, and where neighbours, colleagues and different community groups interact, respect and value each other regardless of age, class, colour, disability, education, ethnicity/race, gender, health status, marital status, nationality, political perspective, religion, sexuality or socio-economic status.¹

9.17 The above objective articulates the Council's mainstream approach to promoting community cohesion and advancing equality for all residents.

9.18 Prior to passing a resolution to facilitate the CPO the Council had due regard to its equalities duty, and an initial Equality and Health Impact Assessment (EqHIA) was undertaken in July 2018.

9.19 In addition, in considering the Development planning application the Local Planning Authority gave consideration to its equality's obligations.

9.20 The Council undertook a further Equality Assessment in September 2019. This was subsequently updated up to December 2019. The EqIA was undertaken pursuant to the

¹ Annual Report: Member Champion for Equality and Diversity 2018-2019

Equality Act 2010 (Specific Duties) Regulations 2011, which came into force on 10 September 2011.

9.21 The Public Sector Equality Duty (PSED), section 149 of the Act, came into force across Great Britain on 5 April 2011 and requires the Council to have due regard to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; and
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- c) Foster good relations between persons who share a relevant protected characteristic and person who do not share it.

9.22 The “protected characteristics” are age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex; and sexual orientation.

9.23 The Council is committed to improving the quality of life and wider participation for all in the economic, educational, cultural, social and community life of the Borough. The development will provide a much-needed mix of affordable and private sale properties, along with new community amenities and transport infrastructure to support the new properties and wider Borough. The new mixed tenure housing will improve the community cohesion in the area. It will provide increased choice and opportunity for Havering residents. This supports the overall aim of the Council’s Equalities Policy and the Council’s duties under the Equalities Act 2010.

9.24 At present the CPO Red Line area does not reflect a mixed and balanced community, with a heavy bias towards commercial and low-density privately tenanted housing stock. The development proposals seek to address this imbalance through the delivery of a range of residential tenures across the site e.g. private housing, a new range of intermediate housing, a wider range of unit sizes across all tenures and 10% of all residential units meeting accessible standards.

9.25 The Council has had due regard to the need to eliminate discrimination, harassment and victimisation in proceeding with above Scheme under the 2010 Act. It has proactively negotiated with interested parties from inception and continues to do so and is only employing the use of CPO as a last resort.

9.26 All landowners, commercial and residential occupiers who are located within the CPO Red Line area will be affected by the implementation of the Compulsory Purchase Order(s). The Council and NHG will continue to endeavour to reduce adverse impacts through engaging those affected by the CPO on an ongoing basis and through the relocation strategies. Consultation has and will continue to be undertaken with the commercial and residential owners and wider community to ensure that the development reflects local and Borough needs.

9.27 Having had due regard to its duty under the Equality Act 2010, the Council is confident that the delivery of the development will contribute towards the improvement of the social, economic, educational and cultural improvements for existing and future residents.

10 Well-being considerations

10.1 Acquisition of the Order Land by the Council will allow the direct regeneration of the Order Land and will also contribute to social, economic and environmental well-being in the wider area.

10.2 Social well-being

10.3 More than 850 new high-quality homes would be delivered on the Order Land, including 35% affordable rented and shared ownership units.

10.4 Improved living accommodation for local residents, and creation of a cohesive community through designs, tenure placements, staffing and resident involvement strategies to avoid what can often become a 'them and us' mentality with the new and existing residents.

10.5 In line with current London Plan policy, 10% of the homes will be built to meet Building Regulations requirement M4 (3) 'wheelchair user dwellings' and the remaining 90% will meet Building Regulations requirement M4 (2) 'accessible and adaptable dwellings', thereby increasing the choice of housing types across the area and addressing inequalities.

10.6 Regeneration will deliver a vibrant mixed tenure community with high quality homes, community facilities, open spaces and public realm.

10.7 All homes will be built to a high standard with high quality architecture. There will be no outward distinction between different tenures.

10.8 Homes will be delivered in a range of sizes from 1-bedroom apartments to 3-bedroom houses providing a range of choice to meet local need. Internal layouts will be well distributed incorporating well sized and proportioned rooms, with good circulation and storage, meeting nationally prescribed space standards.

10.9 A high percentage of homes will be dual aspect and each home will have access to private amenity space and well-designed communal amenity facilities, landscaped communal gardens and playable space for 0-4 year olds, 5-11 year olds and 12+ year olds.

10.10 NHG will own the freehold of the developed sites following redevelopment and provide the housing and estate management services to residents of affordable and other

homes and therefore have a long-term invested interest in the success of the Development. NHG's housing management approach gives every resident a single point of contact, whatever question they have or help they need.

10.11 A mix of tenures: The council aims to meet the aspirations for mixed communities by providing a range of accommodation that allows people to move between tenures and property size as their household and economic circumstances change. The Council's Housing Strategy seeks to employ the use of more affordable housing options such as low-cost home ownership to assist working people on low wages into their own home. It is considered that this will help stabilise communities and reduce churn, resulting in improved community cohesion.

10.12 Economic well-being

10.13 The regeneration of the Housing Zone will attract investment to the area and deliver significant benefits to the local community in the medium and long term.

10.14 Significant investment is already being realised including £12.5m into the Beam Parkway scheme. The Beam Parkway scheme has an excellent strategic case, supporting borough, sub-regional and London-wide place-making and transport goals.

10.15 The scheme will reduce the impact of high traffic volumes by encouraging greater use of sustainable transport modes, enhance the urban realm and provide new green space, reduce severance and improve links between communities and unlock major regeneration. It will complement the housing developments that make up the Rainham and Beam Park Housing Zone and transform the road that runs through them, improving the environment for people already living in the area as well as for new residents.

10.16 The scheme is designed to create a number of benefits, including for road safety, ambience and health benefits which have been quantified and monetised.

10.17 The scheme proposals have been strongly supported by the local stakeholders, residents and businesses. The project team has undertaken robust technical studies and early engagement with the relevant partners to ensure that the Beam Parkway scheme implementation can be completed in early 2021 within the budget. A thorough and comprehensive risk analysis has been carried out by the council and adequate mitigation measures in place.

10.18 The community facilities including the new station, health centre, community centre and

school will generate significant footfall. Along with the associate public realm improvements, this will significantly enhance the local environment in line with the Council's ambitions for the regeneration of the area, thereby also improving environmental well-being.

10.19 RBPR supply chain initiatives will seek to maximise social value and embed procurement opportunities to increase local employment. A hugely successful scheme that NHG started over two decades ago is its Construction Training Initiative (CTI). Set up in 1995, CTI supports trainees through college to achieve fully accredited level 2/3 trade qualifications, construction management traineeships and provide sufficient work experience to allow them to become employed after two to three years with the initiative. RBPR would look to use the CTI scheme to target the creation of at least 37 apprenticeships or 79 traineeships (or a combination of both) over the course of the development programme.

10.20 RBPR will seek to ensure the homes are cost effective for residents. In determining the preferred energy strategy for the new homes, RBPR will carry out an options appraisal of suitable technology with the view to balance sustainability and residents against long term running costs (including energy bills for residents and long term maintenance and management of technologies to ensure affordable service charges).

10.21 Household spending by the new residents and spending by employee will have a beneficial economic effect that could be of major significance at a local level.

10.22 Whilst some loss of trade might be experienced by some businesses in the local area in the short-term, the increased footfall that will result from the Development is likely to represent a long-term benefit for businesses, strengthening the vitality and viability of the area as a whole.

10.23 Environmental well-being

10.24 Planting strategies developed for the Order Land will seek to ensure a net gain in biodiversity with a presumption in favour of native species.

10.25 The Development will be built to high standards of energy efficiency. An energy strategy has been prepared for the Development and will be refined on a site by site basis. The energy strategy seeks to balance sustainability and residents against long term running costs and will deliver at least 35% CO₂ reduction beyond the 2013 Building Regulations on site.

10.26 Traffic emissions would be restrained through measures encouraging sustainable transport choice as part of a Travel Plan.

10.27 Associated highways work along the A1306 as part of the Beam Parkway project currently underway are designed specifically to fulfil TfL scheme benefits including unlocking major regeneration and exploiting opportunities to work with developers.

10.28 Enable and encourage the use of sustainable transport.

10.29 Reduce severance, strengthen social cohesion and improve links between communities.

10.30 Enhance urban realm and provide new green space.

10.31 Reduce the negative impacts of transport on the environment and amenity.

10.32 Contribute to improved health.

10.33 Improved access to employment and education opportunities.

10.34 The Development and the Housing Zone Scheme as a whole are, through CIL and S106, contributing to the creation and maintenance of Controlled Parking Zones, improvements to the local bus network and Carbon Offsetting.

10.35 For example, site NR09 alone will make below contributions.

- Carbon offset Contribution of £310,440.
- Bus contribution of 242,250.
- CPZ contribution of £29,008; and
- Linear Park contribution of £229,991.

10.36 Highways works

10.37 The Development will be built to high standards of design, thereby contributing to the quality of townscape.

10.38 Transport. The Development is in close proximity to the proposed new Beam Park Train Station. The development will generate a substantial number of additional public transport trips, which will generally benefit the network, especially buses (which are most responsive to changes in demand). It will also significantly benefit pedestrian and cycle

access through a combination of features such as cycle parking, and a high degree of internal accessibility via shared-surface streets and public spaces.

10.39 In combination therefore the Development will contribute significantly to economic, social and environmental well-being directly on the Order Land themselves and also in the wider area.

11 Related Orders and Special Considerations

- 11.1 The Council has consulted on stopping-up Orders to facilitate the closure of lengths of public highway on the Order land. Three objections were received from utilities these have since been withdrawn and the orders are being confirmed.
- 11.2 There are no listed buildings, or ancient monuments within the Order Land. The Order land is not within a conservation area and there are no issues concerning consecrated land, renewal area or open space.
- 11.3 The sites are within an Archaeological Priority Zone. All applications have had associated archaeological desk-based assessments (DBA) conducted as part of the outline applications. No risks have been identified through these assessments that cannot be addressed during the normal conduct of development.
- 11.4 There are no issues concerning consecrated land, renewal area etc.

12 Known Obstacles to the development

- 12.1 There are no likely material or irresolvable obstacles to the redevelopment of the Order Land if the Order is confirmed.
- 12.2 Of the nine outline planning applications which have been submitted to the Local Planning Authority eight have been approved by the Council's Strategic Planning Committee. Resolution to grant approval for the final application was made by Strategic Planning Committee on the 16th July. This application is subject to GLA stage 2 referral by the Planning Authority and this is now underway. A holding direction has also been issued by the Ministry of Housing Communities and Local Government with respect to this application. It is anticipated that this would be resolved shortly allowing the London Borough of Havering Planning Authority to formally issue consent before the Public Inquiry. The proposals have been developed in accordance with the National Planning Policy Framework, London Plan, Havering Local Plan, the Submitted Local Plan, the Masterplan and Planning Framework and taking into consideration the GLA's Stage 1 design comments. It has also been the subject of full and constructive pre-application engagement with officers and the Planning Committee of the Local Planning Authority. As such it is judged that the proposals accord with the relevant policies of the adopted and emerging development plan and all other material considerations support the grant of planning permission. It is therefore considered that there is no identifiable planning impediment to the CPO.
- 12.3 Part of the development site, currently within the ownership of Transport for London and mainly on the A1306, is adopted public highway, over which highway rights need to be extinguished in order to facilitate the development. Stopping up orders have been consulted upon and no objections are outstanding; the orders are being confirmed. The London Borough of Havering is the Highways Authority for the relevant public highways. On 13th February 2020 and 12th March 2020 respectively the Local Planning Committee resolved that the five highway closures required can be facilitated after carrying out the statutory consultation. The Council has completed the statutory 28-day consultation in relation to the five stopping-up orders that it is facilitating in relation to the Order Land. Three objections were raised - 2 by Cadent and 1 by Openreach. All three have been withdrawn and there is no impediment to the Highway Authority confirming the orders. The relevant lengths of the highway are not currently used as public highway but are being stopped up in view of their historic use.
- 12.4 Arrangements are now underway with a view to finalising the stopping up Orders under

section 247 of the Town and Country Planning Act 1990 pursuant to the outline consent already in place.

12.5 The Council has been engaging with UKPN in relation to the Compulsory Purchase Order and has now reached agreement over the terms of an Asset Protection Agreement. The agreement will be finalised shortly.

13 Objections

- 13.1 Paragraph 100 of the CPO Guidance references section 245(1) of the Town and Country Planning Act 1990 which provides that the Secretary of State has the right to disregard objections to orders made under section 226 of the TCPA which, in his opinion, amount to an objection to the provisions of the Local Plan.
- 13.2 A number of the grounds of objections to the CPO set out below, amount to an objection to the Council's Local Development Framework, Site Specific Allocations which identify the Order Land for residential use and the designation of the Rainham and Beam Park Housing Zone.
- 13.3 At the close of the objection period there were twenty-eight (28) objections to the Order and one objection to the planning application. Twenty-three objections were sent directly to the Secretary of State. Two freehold owners made two objections each, so in total there are twenty-six (26) objectors.
- 13.4 The Council has met with 19 of the 26 objectors (or their advisors on their behalf) in order to discuss their objections and has made attempts to meet (where necessary), with all other objectors. Meetings with 3 further objectors or their advisors are being arranged but have been delayed by the objectors because of concerns over COVID-19 infection. Where meetings have not taken place, or been arranged, this is because the objectors have declined an invitation to meet (2 objectors), or because an in principle agreement has already been reached with the objector, so that no meeting is necessary (3 objectors).
- 13.5 The Council has set out its Statement of Case for the acquisition of the Order Land above and also, in particular, responds to each remaining objector as follows. A schedule and reference plan are both attached at Appendix 23.

13.6 Beam MOT Test Centre, 21 New Road, Rainham, Plot 3

13.6.1 Relocation

Objection: A large number of properties used for commercial, mainly vehicle related purposes will be demolished. Vehicle related use tends to be unacceptable to landlords of modern rental properties. Freehold properties are rare, and it can be difficult to obtain planning permission. Redevelopment/acquisition in Havering and Barking is reducing the number of available relocation properties. Low values in New

Road may make relocation difficult. The order is likely to result in the loss of local employment.

Response: Despite its objection, the objector has successfully identified suitable alternative premises and obtained planning permission for its vehicle related use. Provided the Objector is now able to agree final terms for the new premises, it will be able to successfully relocate. The Council has an operational Relocation Strategy and is currently considering further ways in which it can provide relocation support to all businesses in New Road. The Council is also prepared to enter into an option agreement that will provide the Objector with the certainty it needs over funding and the timing of its relocation. The option agreement will include the making of a payment equivalent to statutory compensation and an agreed minimum initial payment. There is no evidence that local employment will be affected. The objector has been issued heads of terms for an option agreement, which it is currently considering. As a result of the Covid-19 pandemic, the Objector has suggested that it may withdraw from pursuing the relocation premises it had previously identified.

13.7 Shelfside (Holdings) Limited and Best Commercial Properties Limited, 35-39 (odds) New Road, Rainham, Plot 9/12

13.7.1 Independent redevelopment

Objection: No compelling case in the public interest. NR10 is not required to deliver infrastructure for the wider scheme and could be redeveloped without the public sector by 2023. There is no planning impediment to the objector bringing forward area NR10 for residential development. Development of NR10 in isolation would not be piecemeal development.

Response: No evidence has been provided to demonstrate that the Objectors have the experience or capability to deliver the quality of development necessary to meet the aspirations of the Masterplan. The Objectors have not obtained planning permission for development, have not demonstrated that they could secure vacant possession and have provided no assurances as to when or how NR10 could be brought forward for development in the absence of a CPO.

The suggestion that the Objectors are able to develop all of NR10 is misleading. Order Plots 10, 11 and 13 which also form part of area NR10 are not owned by the Objectors and need to be acquired to ensure comprehensive development of the whole area. There is no evidence that the Objectors are able to acquire Order Plots 10, 11 and 13

or have made any attempts to do so. Developing the Objector's land (Plots 9 and 12) and other land in NR10 (plots 10, 11 and 13) separately would be inefficient, more costly and would almost certainly prejudice the masterplan objectives. Despite the assertion that that the Development would not appear piecemeal, it clearly would.

13.7.2 No commercial use

Objection: Prominent location and opportunity for ground floor business use. Occupants in the vicinity could also be relocated to this site.

Response: The Local Planning Authority has considered and approved an outline planning application for a purely residential development on NR10. The planning Officers' Committee report addressed the issue of land use on the site, concluding that a residential scheme is appropriate and that the existing businesses are not protected by planning policy. New employment space is being provided to the south of the Order Land as part of the wider masterplan for the Rainham and Beam Park area.

13.7.3 CPO Premature

Objection: The Order is premature given the scheme delivery timetable and phased development.

Response: It is proposed to commence development on NR10 in June 2023. The inclusion of the Objector's land at Plots 9/10 within the Order is therefore not premature and the date by which vacant possession will be required will fall within the three-year life of the Order. Failing to include the Objector's land (and NR10 as a whole) in the Order is likely to result in the Development being delayed.

13.7.4 Financial viability

Objection: The financial strategy is not defined.

Response: RBPR has undertaken a thorough viability assessment of both NR09 in isolation and the development on the Order Land as a whole. RBPR is confident that the Development is viable.

13.7.5 General

NHG has been in discussions with the Objectors over an extended period and has made a number of offers for Plots 9 and 10. The failure to reach agreement with the Objectors has been a result of being unable to successfully negotiate a price and a

mechanism for securing vacant possession, rather than any other matter of principle. NHG believes that the offers it has made represent market value.

13.8 Mr Ahmed Raja, 41 New Road, Rainham, Plot 11

13.8.1 Relocation

Objection: A large number of properties used for commercial, mainly vehicle related, purposes will be demolished. Vehicle related use tends to be unacceptable to landlords of modern rental properties. Freehold properties are rare and it can be difficult to obtain planning permission. Redevelopment/acquisition in Havering and Barking is reducing the number of available relocation properties. Low values in New Road may make relocation difficult. The Order is likely to result in the loss of local employment.

Response: The objector is an investment property owner. As a freehold property investor the Objector has no relocation requirements as such and would be in a position to acquire a replacement investment property over a relatively wide geographical area should he choose to do so. This property would not need to be vehicle use related. There is no evidence that local employment will be affected.

NHG has made offers to the Objector, but these have not been accepted. NHG believes that its offers have been equivalent to the compensation the Objector would receive in the event of compulsory acquisition.

13.8.2 Removal of housing stock

Objection: The Objector's property contains 2 residential units for low income tenants and the occupants likely to be made homeless.

Response: The Council is carrying out housing needs assessments and the tenants will be provided with replacement housing if it is deemed appropriate. Otherwise, provided the tenants have a qualifying interest, they will receive statutory compensation to assist with moving costs.

13.9 Mr James Mason, 43 New Road, Rainham, Plot 13

13.9.1 Loss of Investment

Objection: Substantial loss of rental income and the tenants have occupied for 15 years and so do not want to leave.

Response: The Objector is an investment property owner. In the event of compulsory acquisition, the Objector will be entitled to compensation, including for the market value of his freehold interest. He will be able to purchase an alternative investment with these funds. NHG has made attempts to acquire the Objector's property by negotiation and has made an offer for the property which it believes to be consistent with his entitlement to compensation in the event of compulsory acquisition. Discussions are ongoing with the Objector's tenants and heads of terms for an option agreement have been sent to them for consideration.

13.10 Mary B Jennings - 6 Queens Gardens - Plot 14

13.10.1 Land should not be included within the scheme – private loss outweighs public benefit

Objection: The land that will be acquired should not be included in the CPO, as it will only be used for parking and gardens, while the impact and financial loss to the Objector will be significant and traumatic.

Response: The land, while not an area on which a building will be constructed still forms an important part of the proposed Development. By excluding this area of land, the Development will not properly meet the parking and landscaping requirements of the approved planning application. It is therefore necessary for the land to remain within the Development.

The land is also not currently in the legal ownership of the Objector, but within Title EX35322 forming part of 49 New Road. The Objector has advised that she is pursuing an adverse possession claim for the land but no evidence to that effect has yet been provided.

13.10.2 The Objector will have land and rights acquired

Objection: As a result of the proposed acquisition, the objector will lose her garage/access to the garage.

Response: As noted above, the land on which the garage is situated is not in the ownership of the Objector. It would appear that the objector only uses the garage for storage of personal items, including wheelchairs. While the Objector's son states that the Objector's house is too small to store this within the dwelling, there will still be space for replacement storage to be erected within the property boundary. The

Council has offered to undertake an assessment of the impact the proposed acquisition may have on the Objector.

While there is a right of access that runs to the south of Queens Gardens, this lies outside of the Order Land. The alternative method of access the Objector refers to appears to be overgrown and unused. There is no evidence that a prescriptive right of way has been established.

13.10.3 Increased demand for parking

Objection: The new train station will lead to a dramatic increase in the demand for parking in the area.

Response: The proposed new train station is not part of the CPO scheme and will be developed irrespective of whether the land the Objector is concerned about is acquired. There are proposals to create a Controlled Parking Zone across the area to limit the effects of commuter parking and will be implemented prior to the new Beam Park Station becoming operational. Directly outside 6 Queens Gardens there is a space allocation for Disabled Parking, which it is assumed has been provided for the Objector.

13.11 Shelfside (Holdings) Limited and Best Commercial Holdings, 49, 49a, 49b and 49c New Road, Rainham, Plot 14/17

13.11.1 Independent redevelopment

Objection: No compelling case in the public interest. NR09 is not required to deliver infrastructure for the wider scheme and could be redeveloped without the public sector by 2022. There is no planning impediment to Shelfside bringing forward NR09 for residential development. Development of NR09 in isolation would not be piecemeal development.

Response: No evidence has been provided to demonstrate that the Objectors have the experience or capability to deliver the quality of development necessary to meet the aspirations of the Masterplan. The Objectors have not obtained planning permission for development, have not demonstrated that they could secure vacant possession and have provided no assurances as to when or how NR09 could be brought forward for development in the absence of a CPO.

The suggestion that the Objectors are able to develop all of NR09 is misleading. Order Plots 15, 16 and 18 which also form part of area NR09 are not owned by the Objectors and need to be acquired to ensure comprehensive development of the whole area. There is no evidence that the Objectors are able to acquire Order Plots 15, 16 and 18 or have made any attempts to do so. Developing the Objector's land (Plots 14 and 17) and other land in NR09 (Plots 15, 16 and 18) separately would be inefficient, more costly and would almost certainly prejudice the masterplan objectives. Despite the assertion that the development would not appear piecemeal, it clearly would.

13.11.2 **No commercial use**

Objection: Prominent location and opportunity for ground floor business use. Occupants in the vicinity could also be relocated to this site.

Response: The Local Planning Authority has considered and approved an outline planning application for a residential development on NR09. The planning Officers' Committee report addressed the issue of land use on the site, concluding that a residential scheme is appropriate and that the existing businesses are not protected by planning policy. New employment space is being provided to the south of the Order Land as part of the wider masterplan for the Rainham and Beam Park area.

13.11.3 **CPO Premature**

Objection: The Order is premature given the scheme delivery timetable and phased development.

Response: It is proposed to commence development on NR09 in September 2021. The inclusion of the Objector's land within the Order is therefore not premature and the date by which vacant possession will be required will fall within the three-year life of the Order. Failing to include Plots 14/17, the Objector's land (and NR09 as a whole) in the Order is likely to result in the Development being delayed.

13.11.4 **Financial viability**

Objection: The financial strategy is not defined.

Response: RBPR has undertaken a thorough viability assessment of both NR09 in isolation and the Development on the Order Land as a whole. RBPR is confident that the Development is viable.

13.11.5 **General**

NHG has been in discussions with the Objectors over an extended period and has made a number of offers for Plots 14 and 17. The failure to reach agreement with the Objectors has been a result of being unable to successfully negotiate a price and a mechanism for securing vacant possession, rather than any other matter of principle. NHG believes that the offers it has made represent market value

13.12 **Rainham HCW Ltd – 49 New Road, Rainham - Plot 14**

13.12.1 **Relocation**

Objection: A large number of properties used for commercial, mainly vehicle related, purposes will be demolished. Vehicle related use tends to be unacceptable to landlords of modern rental properties. Freehold properties are rare, and it can be difficult to obtain planning permission. Redevelopment/acquisition in Havering and Barking is reducing the number of available relocation properties. Low values in New Road may make relocation difficult. The Order is likely to result in the loss of local employment.

Response: The Objector is a hand car wash business which has a greater range of relocation options available to it than many other types of vehicle related use (e.g. petrol filling station forecourts, supermarket car parks and industrial premises). The Council has an operational Relocation Strategy and is currently considering further ways in which it can provide relocation support to all businesses in New Road. The Council is also prepared to enter into an option agreement that will provide the Objector with the certainty it needs over funding and the timing of its relocation. The option agreement will include the making of a payment equivalent to statutory compensation. and an agreed minimum initial payment. There is no evidence that local employment will be affected. The objector was sent heads of terms for an option agreement in June 2020.

13.13 **Manbat Limited, 87 New Road, Rainham, Plot 18**

13.13.1 **Relocation**

Objection: A large number of properties used for commercial, mainly vehicle related, purposes will be demolished. Vehicle related use tends to be unacceptable to landlords of modern rental properties. Freehold properties are rare, and it can be difficult to obtain planning permission. Redevelopment/acquisition in Havering and Barking are

reducing the number of available relocation properties. Low values in New Road may make relocation difficult. The Order is likely to result in the loss of local employment.

Response: The Objector does not have a vehicle related use and is instead a battery supplier occupying premises that have a B1/B8 use, for which a greater range of relocation options are available. The Council has an operational Relocation Strategy and is currently considering further ways in which it can provide relocation support to all businesses in New Road. The Council and the Objector have agreed heads of terms for an option agreement that will provide the Objector with the certainty it needs over funding and the timing of its relocation. The option agreement will include the making of a payment equivalent to statutory compensation and an agreed minimum initial payment. There is no evidence that local employment will be affected.

13.14 Ash Properties Limited, 89-101 New Road, Rainham, Plot 19/20/21/22

The Council has agreed terms with the Objector which will result in withdrawal of its objection once a legal agreement has been completed.

13.15 Inserco House, 143 New Road, Rainham, Plot 27

NHG has recently completed the purchase of Inserco House, which has resulted in the withdrawal of this objection.

13.16 Silver Hall Social Club Limited - 165 New Road, Rainham - Plot 43

NHG and the Council has agreed terms with the Objector which will result in withdrawal of its objection once a legal agreement has been completed.

13.17 Mr Gedu Meah (TA Perfect Fried Chicken) - 169 New Road, Rainham - Plot 45

13.17.1 Relocation

Objection: There has been no effort to assist Mr Meah in sourcing suitable relocation premises.

Response: The Council has been in contact with the Objector since October 2018, at which time he confirmed that he was considering life changes and was unlikely to relocate his business. This remained his position until September 2019 when he confirmed for the first time that he wished to relocate his business. Since that time the Council has been working with the objector to find alternative premises and understands that replacement premises have been identified. The Council has an

operational Relocation Strategy and is currently considering further ways in which it can provide relocation support to all businesses in New Road. The Council is also prepared to enter into an option agreement that will provide the Objector with the certainty he needs over funding and the timing of his relocation. The option agreement will include the making of a payment equivalent to statutory compensation and an agreed minimum initial payment. The objector was sent heads of terms for an option agreement in June 2020.

13.18 Mr Kazhan Singh Judge and Mrs Palbinder Kaur Judge - 167-169 New Road, Rainham - Plot 45

13.18.1 Loss of Investment

Objection: Not possible for the Objectors to find a similar replacement property. Other commercial properties elsewhere in Havering are being acquired for residential development, depleting available replacement stock.

Response: The Objectors are investment property owners. As freehold property investors the Objectors have no relocation requirements as such and would be in a position to acquire a replacement investment property over a relatively wide geographical area should they choose to do so. In the event of compulsory acquisition, the Objectors will be entitled to compensation, including the market value of their freehold interest. They will be able to purchase an alternative investment with these funds. NHG has made attempts to acquire the Objectors' property by negotiation and has made offers for the property. The objector was sent heads of terms for an option agreement in June 2020.

13.19 Kenson Contractors Limited - 189 New Road, Rainham - Plot 61

13.19.1 Insufficient Attempts to Acquire

Objection: Limited negotiation success suggests unlikely to deliver scheme within predicted timescales. No contact or attempts made to discuss or negotiate the acquisition of the Objector's leasehold interest.

Response: The Council and NHG have made extensive attempts to negotiate with landowners and 16 property interests have now been acquired, while terms have also been agreed to acquire a further 4 freeholds and 3 leasehold interests. The inability to acquire all of the land required for the Development within a reasonable timescale through negotiation provides justification for the use of compulsory purchase powers.

13.19.2 No compelling case in the public interest

Objection: Not demonstrated that the overall scheme will deliver public benefits that will outweigh the rights of those affected by the Order.

Response: The purpose of the CPO scheme is to facilitate regeneration of part of the Rainham and Beam Park Housing Zone, in line with the Mayor of London's housing strategy to deliver a significant number of new homes in areas of London with high development potential. Much of the land included within the CPO redline boundary comprises low grade, low value industrial units. Without the Council's intervention the existing low value commercial land uses would remain in place and infrastructure would not be improved. It would also not be possible to facilitate comprehensive residential development and any residential development that is brought forward is likely to be poor quality and piecemeal.

13.19.3 Property could be retained

Objection: Property's use would not detract from residential development and so the Order should be amended to remove the Property.

Response: The Objector's use is known to conflict with the existing residential uses to the north and has been the subject of complaints in relation to parking on residential streets. Retaining the Property in the midst of new residential development would clearly be inappropriate and would limit the development of much needed housing, both on the Property and on surrounding land.

13.19.4 Insufficient Information

Objection: The Objector has received little or no contact regarding the acquisition of its lease and the relocation of its business.

Response: NHG has been in discussions with the Objectors agent, since November 2018 and a fee undertaking has been agreed to ensure that the Objector is properly advised. The Council is willing to work with the Objector both to give it certainty over the period of its occupation and to assist it find suitable relocation premises. It will not look to secure vacant possession of Plot 61 before December 2021, shortly before the Objector's lease is due to expire in any event. The Objector has been sent heads of terms for an option agreement. The Council has an operational Relocation Strategy

and is currently considering further ways in which it can provide relocation support to all businesses in New Road.

13.19.5 Affordable Housing

Objection: The proposed scheme does not provide substantial social housing.

Response: In compliance with the draft London Plan, draft Havering Local Plan and Rainham and Beam Park Planning Framework the Council is committed to delivering 35% affordable housing across the Development.

13.19.6 No commercial uses

Objection: Does not appear to be any re-provision of commercial premises.

Response: The Local Planning Authority has considered and approved an outline planning application for a purely residential development. The planning Officers' Committee report addressed the issue of land use on the site, concluding that a residential scheme is appropriate and that the existing businesses are not protected by planning policy. New employment space is being provided to the south of the Order Land as part of the wider masterplan for the Rainham and Beam Park area.

13.19.7 Alternative Options

Objection: No case studies provided to demonstrate alternative options have been considered.

Response: The proposed scheme flows directly from the adopted and emerging Havering and London planning policy framework, which encourages comprehensive residential-led development in the area to meet the identified needs for new housing in the Borough.

13.20 Mr L D Watkinson, Mrs J M Watkinson and Mrs L J Dennis - 189 New Road, Rainham - Plot 61

13.20.1 Loss of Investment

Objection: In current market conditions similar property investments are not widely available. Potential tax implications.

Response: The Objectors are investment property owners. As freehold property investors the Objectors have no relocation requirements as such and would be in a position to acquire a replacement investment property over a relatively wide geographical area should they choose to do so. Investment properties are available on the market. In the event of compulsory acquisition, the Objectors will be entitled to compensation, including for the market value of their freehold interest. They will be able to purchase an alternative investment with these funds. NHG has made attempts to acquire the Objectors' property by negotiation and has made a number of offers for the property. The Objectors should obviously seek independent advice in relation to their personal tax liabilities. However, properties acquired under compulsory acquisition are usually eligible for Capital Gains Tax roll over relief for a period of up to three years after acquisition, which should enable the Objectors to mitigate their tax position.

NHG has made offers to the Objectors, but these have not been accepted. NHG believes that its offers have been equivalent to the compensation the Objectors would receive in the event of compulsory acquisition.

13.20.2 Insufficient Attempts to Acquire

Objection: Limited negotiation success suggests unlikely to deliver scheme within predicted timescales.

Response: The Council and NHG have made extensive attempts to negotiate with landowners and 16 freehold property interests have now been acquired, while terms have also been agreed to acquire a further 4 freeholds and 3 leasehold interest. The inability to acquire all of the land required for the scheme within a reasonable timescale through negotiation provides justification for the use of compulsory purchase powers.

13.20.3 Property could be retained

Objection: Property's use would not detract from residential development and so the Order should be amended to remove the Property.

Response: The current use of the Property is known to conflict with the existing residential uses to the north and has been the subject of complaints in relation to parking on residential streets. Retaining the Property in the midst of new residential development would clearly be inappropriate and would limit the development of much needed housing, both on the Property and on surrounding land.

13.20.4 Affordable Housing

Objection: Scheme provides inadequate affordable housing. No maximum affordable housing is suggested.

Response: In compliance with the draft London Plan, draft Havering Local Plan and Rainham and Beam Park Planning Framework the Council is committed to delivering 35% affordable housing across the scheme.

13.20.5 No commercial use

Objection: Does not appear to be any re-provision of commercial premises.

Response: The Local Planning Authority has considered and approved an outline planning application for a purely residential development. The planning Officers' Committee report addressed the issue of land use on the site, concluding that a residential scheme is appropriate and that the existing businesses are not protected by planning policy. New employment space is being provided to the south of the Order Land as part of the wider masterplan for the Rainham and Beam Park area.

13.20.6 Alternative Options

Objection: No case studies provided to demonstrate alternative options have been considered.

Response: The proposed scheme flows directly from the adopted and emerging Havering and London planning policy framework, which encourages comprehensive residential-led development in the area to meet the identified needs for new housing in the Borough.

13.21 Fastback Motor Engineering - 1 Cherry Tree Lane, Rainham - Plot 75

13.21.1 Relocation

Objection: A large number of properties used for commercial, mainly vehicle related, purposes will be demolished. Vehicle related use tends to be unacceptable to landlords of modern rental properties. Freehold properties are rare and it can be difficult to obtain planning permission. Redevelopment/acquisition in Havering and Barking are reducing the number of available relocation properties. Low values in New Road may make relocation difficult. The order is likely to result in the loss of local employment.

Response: The freehold interest in Plot 75 has been acquired by the Acquiring Authority. The Objector occupies Plot 75 by way of an informal tenancy as a subtenant. The Council has been engaging with the Objector over relocation options since October 2018 and has provided details of available premises meeting its stated search criteria. The Council has an operational Relocation Strategy and is currently considering further ways in which it can provide relocation support to all businesses in New Road. The Objector has been offered a payment equivalent to its entitlement to statutory compensation but has refused to accept this to date. There is no evidence that local employment will be affected.

13.22 Ivy Rose Searle, Searle Management Limited, Canning Town Machinery Limited, CTM Hire Limited - 192 New Road, Rainham - Plot 76/77

13.22.1 No compelling case in the public interest

Objection: Not demonstrated that the overall scheme will deliver public benefits that will outweigh the rights of those affected by the Order.

Response: The purpose of the CPO scheme is to facilitate regeneration of part of the Rainham and Beam Park Housing Zone, in line with the Mayor of London's housing strategy to deliver high numbers of new homes in areas of London with high development potential. Much of the land included within the CPO redline boundary comprises low grade, low value industrial units. Without the Council's intervention the existing low value commercial land uses would remain in place and infrastructure would not be improved. It would also not be possible to facilitate comprehensive residential development and any residential development that is brought forward is likely to be poor quality and piecemeal.

13.22.2 Property could be retained

Objection: Property's use would not detract from residential development and so the Order should be amended to remove the Property.

Response: Retaining the Property in the midst of new residential development would clearly be inappropriate and would limit the development of much needed housing, both on the Property and on surrounding land.

13.22.3 Insufficient steps to acquire

Objection: No offer has been received. Offer would need to reflect freehold/head leasehold interests and relocation / extinguishment costs.

Response: Initial contact with the Objectors was established in August 2016 and following initial meetings and discussions an undertaking for professional advice was provided by the Council. The Council has remained in contact with the Objectors and continues to source suitable alternative relocation premises. An offer was made to the Objectors on 24 February 2020. The only reason an offer was not made prior to this is because the Objectors specifically asked for an offer not to be made. Heads of Terms for an option to acquire the property have also been issued in an effort to provide greater certainty to the objector. The heads of terms are the subject of ongoing discussions.

13.22.4 Compensation

Objection: Lack of success in Council's negotiations supports opinion that compensation offered is below expectations.

Response: The Council and NHG have made extensive attempts to negotiate with landowners and 16 freehold property interests have now been acquired, while terms have also been agreed to acquire a further 4 freehold and 3 leasehold interests. This demonstrates that offers have been accepted as being reasonable. In circumstances where compensation cannot be agreed the Council have offered independent valuations.

13.22.5 Relocation

Objection: Inadequate relocation strategy; The Searle family only became aware of relocation measures after Order was made. Objectors have found no suitable alternative premises and neither has the Council.

Response: The Council has an operational Relocation Strategy and is currently considering further ways in which it can provide relocation support to all businesses in New Road. Details of alternative properties have been presented on two occasions to the Objectors and their agents for consideration, without the Council receiving any form of feedback. To help the Objectors plan their relocation, the Council is willing to confirm that, unless otherwise agreed, it will not acquire the Property before November 2022. There is therefore ample time to identify a new site and if the Objectors are willing to properly engage, the Council will work with them to find new premises. The Council will also pay statutory compensation to facilitate the relocation.

13.22.6 Impediments to delivery

Objection: Planning permission not yet granted. Shared boundary with Rainham Steel which produces significant volumes of noise, inharmonious with residential use. RW4B will not be financially viable without first redeveloping Rainham Steel.

Response: The Havering Strategic Planning Committee have resolved to grant planning consent for site RW4b. The Noise and Air Quality Assessment submitted with the planning application concluded that the site is suitable for residential development, subject to appropriate mitigation measures to be secured at the reserved matters stage. Havering Officers reviewed the Noise and Air Quality Assessment and concurred that noise is not considered to be an impediment to the delivery of the scheme.

13.22.7 CPO Premature

Objection: Area RW4B is currently the last phase of the proposed development and so is unlikely to be required within 3 years. The Objector's property and RW4B should be excluded at this stage and included at a later stage through reasonable acquisition by agreement.

Response: It is proposed to commence development on RW4B in September 2023. The inclusion of Plots 76/77 within the Order is therefore clearly not premature and the date by which vacant possession will be required will fall within the three-year life of the Order. Failing to include Plots 76/77 (and RW4B as a whole) in the Order runs the risk of development being delayed.

13.22.8 Insufficient engagement

Objection: Limited and insufficient information available.

Response: The Council conducted several regeneration consultation events where all interest holders within the boundaries of the scheme were invited to provide their opinions and input. The Council also operates a website for the scheme where all relevant information can be found. In addition, the Council invited all land owners and occupiers potentially affected by the Order to a series of monthly drop in sessions from June 2019. These were planned to continue until at least June 2020 but had to be postponed as a result of the covid-19 outbreak. Neither the Objectors, nor its advisors, chose to attend any drop-in sessions or business support meetings.

13.22.9 Alternative Options

Objection: No case studies provided to demonstrate alternative options have been considered.

Response: The proposed scheme responds directly to the adopted and emerging Havering and London planning policy framework, which encourages comprehensive residential-led development in the area to meet the identified needs for new housing in the Borough.

13.23 Fawkes Properties Limited - 184 and 184a New Road - Rainham, Plot 78

13.23.1 Property could be retained

Objection: Property's use would not detract from residential development and so the Order should be amended to remove the Property.

Response: Retaining the Property in the midst of new residential development would clearly be inappropriate and would limit the development of much needed housing, both on the Property and on surrounding land.

13.23.2 Insufficient steps to acquire

Objection: Offer rejected due to site value being twice the sum offered. No mention of compensation/statutory payments implying that acquisition would not be under the Compensation Code.

Response: Negotiations with the Objector commenced in August 2016 and an offer to the purchase of the freehold interest was first made in February 2017. It was made very clear during the course of negotiations that this offer and any subsequent offer, made would reflect LBH's assessment of statutory compensation. The Objector has been offered Alternative Dispute Resolution in the form of a, non-binding, independent valuation. This proposal has not been accepted. Heads of terms for an option to purchase the property have been issued and in parallel further discussions with the owner's agent in relation to acquiring the property by agreement are continuing to be pursued.

13.23.3 Impediments to delivery

Objection: Planning permission not yet granted. Shared boundary with Rainham Steel which produces significant volumes of noise, inharmonious with residential use. RW4B will not be financially viable without first redeveloping Rainham Steel.

Response: The Havering Strategic Planning Committee have resolved to grant planning consent for site RW4b. The Noise and Air Quality Assessment submitted with the planning application concluded that the site is suitable for residential development, subject to appropriate mitigation measures to be secured at the reserved matters stage. Havering Officers reviewed the Noise and Air Quality Assessment and concurred that noise is not considered to be an impediment to the delivery of the scheme.

13.23.4 CPO Premature

Objection: RW4B is the last phase of the proposed development and so is unlikely to be required within 3 years. The Objector's property and RW4B should be excluded at this stage and included at a later stage through reasonable acquisition by agreement.

Response: It is proposed to commence development on RW4B in September 2023. The inclusion of Plot 78 within the Order is therefore clearly not premature and the date by which vacant possession will be required will fall within the three-year life of the Order. Failing to include Plots 78 (and RW4B as a whole) in the Order runs the risk of development being delayed.

13.23.5 Insufficient engagement

Objection: Limited and insufficient information available.

Response: The Council conducted several regeneration consultation events where all interest holders within the boundaries of the scheme were invited to provide their opinions and input. The Council also operates a website for the scheme where all relevant information can be found. In addition, the Council invited all landowners and occupiers potentially affected by the Order to a series of drop in sessions and business support meetings throughout June 2019 to February 2020. These were planned to continue until at least June 2020 but had to be postponed as a result of the covid-19 outbreak. Neither the Objectors, nor its advisors, chose to attend any drop-in sessions or business support meetings.

13.23.6 Alternative Options

Objection: No case studies provided to demonstrate alternative options have been considered.

Response: The proposed scheme responds directly to the adopted and emerging Havering and London planning policy framework, which encourages comprehensive

residential-led development in the area to meet the identified needs for new housing in the Borough.

13.24 Brandon Hire Station - 184 New Road, Rainham - Plot 78

13.24.1 Loss of employment land

Objection: Displacement of 15.4ha of employment land will have a significant negative impact on the economic well-being of the immediate area and the Thames Gateway market. No attempt to measure these impacts against social and environmental benefits claimed to be delivered by the Scheme. No measures in place to mitigate employment land loss which is at odds with Draft London Plan policy E4(C). Planning policy decision to release employment land at Rainham West is now outdated. Draft London Plan suggests mixed-use co-location schemes to deliver housing and employment space (E7). Scarcity of employment land in Havering and other locations will not be able to accommodate such significant displacement.

Response: Planning policy clearly supports the redevelopment of the Order Land for residential use to meet the strategic objective of delivering much-needed new homes within the Housing Zone. There is no policy requirement to retain employment uses on the site and policy instead provides for such uses to be provided on other nearby protected employment land to the south of the Order Land.

Both GLA and Havering planning officers have reviewed the recent outline planning application and concluded that a purely residential redevelopment is appropriate.

13.24.2 Alternative Options

Objection: No alternatives to the scheme appear to have been considered, even with direction given in Draft London Plan.

Response: The proposed Development responds directly to the adopted and emerging Havering and London planning policy framework, which encourages comprehensive residential-led development in the area to meet the identified needs for new housing in the Borough.

13.24.3 Insufficient steps to acquire

Objection: The Council is not using the Order as a last resort. No reasonable steps to acquire by agreement; Brandon have had no contact other than requests for information and an inspection where no measurements, notes or photos were taken.

Response: Contact was first made with the Objector on 30 June 2016, at which time a full inspection of the Property was undertaken. Since the Objector has been under its current ownership, there has been phone, post and email communication from October 2018. Letters were sent to the Objector providing updates on the Development and making further requests for meetings on 25 February 2019, 27 June 2019 and 7 August 2019. No response to these letters was ever received. The Objector has also never attended any of LBH's consultation events. Since May 2020 Ardent has been in discussion with the Objector's agent regarding heads of terms for an option agreement.

13.24.4 Relocation

Objection: Impossible to find replacement site that will satisfy the business streams currently in place at the Property.

Response: The Council has an operational Relocation Strategy and is currently considering further ways in which it can provide relocation support to all businesses in New Road. Details of alternative properties have been presented to the Objectors and their agents for consideration, without the Council receiving any form of material feedback. The Council is also prepared to enter into an option agreement that will provide the Objector with the certainty it needs over funding and the timing of its relocation, which will not be before November 2022. The option agreement will include the making of a payment equivalent to statutory compensation. There is ample time to identify a new site and if the Objector is willing to properly engage, the Council will work with them to find new premises.

13.24.5 Property could be retained

Objection: Order should not be confirmed, or it should be modified to retain Property/employment land.

Response: Retaining the Property in the midst of new residential development would clearly be inappropriate and would limit the development of much needed housing, both on the Property and on surrounding land.

13.25 Atrium Access Limited - 182 New Road, Rainham - Plot 79

13.25.1 Relocation

Objection: A large number of properties used for commercial/industrial purposes will be demolished. Scaffolding erection business use tends to be unacceptable to landlords of modern rental properties. Freehold properties are rare, and it can be difficult to obtain planning permission. Redevelopment/acquisition in Havering and Barking are reducing the number of available relocation properties. Low values in New Road may make relocation difficult. The order is likely to result in the loss of local employment.

Response: Scaffolding erection is not a use that causes disruption to other nearby occupiers. There is no obvious reason why the use would be unacceptable to a landlord and many similar businesses occupy rental premises. The Council has an operational Relocation Strategy and is currently considering further ways in which it can provide relocation support to all businesses in New Road. NHG has made offers for the property and is also prepared to enter into an agreement that will provide the Objector with the certainty it needs over funding and the timing of its relocation, which will not be before November 2022. The option agreement will include the making of a payment equivalent to statutory compensation. There is ample time to identify a new site and if the Objector is willing to properly engage, the Council will work with it to find new premises. There is no evidence that local employment will be affected.

13.26 Mr Terry Mason - 168 and 178 New Road, Rainham - Plot 82

13.26.1 Loss of Investment

Objection: Substantial loss of rental income and the tenants have occupied for 15 years and so do not want to leave.

Response: The Objector is an investment property owner. In the event of compulsory acquisition, the Objector will be entitled to compensation, including for the market value of his freehold interest. He will be able to purchase an alternative investment with these funds. NHG has made attempts to acquire the Objector's property by negotiation and has made an offer for the property which it believes to be consistent with the compensation the Objector would receive in the event of a compulsory acquisition. Discussions are ongoing with the Objector's tenants.

13.27 Network Rail Infrastructure Limited - Kathryn House, Manor Way, Rainham - Plot

83

13.27.1 Railway Land

Objection: Operational railway land is adversely affected.

Response: Plot 83 is not operational railway land. It is instead 38 square metre of land isolated from the operational C2C line over which the Objector holds mineral rights which appear to have been retained as a result of a historic conveyancing oversight. Plot 38 is a narrow strip of land north of a retaining wall and outside of the operational area of the steel yard.

The Objector has accepted that no operational land is affected by the Development and template documents are awaited from Network Rail's solicitors to allow withdrawal of the objection to be confirmed.

13.28W J Ives Accumulation and Maintenance Trust, Richard John Carr and Rainham Steel Company - Kathryn House, Manor Way, Rainham - Plot 83

13.28.1 Disruption to adjoining business

Objection: CPO would seriously disrupt/curtail Rainham Steel's activities and jeopardise business. Business relies on travelling crane, parts of which are within the CPO boundary.

Response: The Noise and Air Quality Assessment submitted with the planning application for site RW4B concluded that the site is suitable for residential development, subject to appropriate mitigation measures to be secured at the reserved matters stage. Havering Officers reviewed the Noise and Air Quality Assessment and concurred that noise is not considered to be an impediment to the delivery of the Development. The Havering Strategic Planning Committee have resolved to grant planning consent for site RW04b. There is therefore no reason to believe that the CPO, or the development of land for residential use adjacent to the Objectors' land would disrupt or curtail its activities. The Council has no intention, or need, to disrupt use of the travelling crane.

The Council has met with the Objectors in order to discuss the practicalities of securing rights over part of their land to facilitate the development of area RW4B. The extent of the rights required over the Objectors' land is currently under consideration.

13.29 Rainham Sheds - 158-162 New Road, Rainham - Plot 89

13.29.1 CPO Premature

Objection: development is not scheduled to take place for more than two years.

Response: It is proposed to commence development on RW4B in September 2023. The inclusion of Plot 89 within the Order is therefore clearly not premature and the date by which vacant possession will be required will fall within the three-year life of the Order. Failing to include Plots 89 (and RW4B as a whole) in the Order runs the risk of development being delayed.

13.29.2 Relocation

Objection: The Council has made no provision for relocation of businesses.

Response: The Council has an operational Relocation Strategy and is currently considering further ways in which it can provide relocation support to all businesses in New Road. The Council is also prepared to enter into an option agreement that will provide the Objector with the certainty it needs over funding and the timing of its relocation, which will not be before November 2022. The option agreement will include the making of a payment equivalent to statutory compensation. There is ample time to identify a new site and if the Objector is willing to properly engage, the Council will work with them to find new premises. There is no evidence that local employment will be affected.

13.29.3 No regard to legal process

Objection: No regard by the Council ‘in connection to the legal process’ of property acquisition.

Response: The Council has followed due process and has made meaningful attempts to acquire the Property by agreement, in line with Government Guidance on the use of CPO powers. The Objector has been kept fully informed of the Council’s intentions and the use of CPO powers is now only being considered as a last resort.

13.29.4 Compensation

Objection: No offer of adequate compensation.

Response: Negotiations with the Objector commenced in June 2016 and an offer was first made on 7 March 2017. It was made very clear during the course of negotiations that this offer reflected LBH’s assessment of statutory compensation. The Objector has also been offered Alternative Dispute Resolution in the form of a, non-binding, independent valuation. However, this offer has not been accepted. Heads of Terms

for an Option Agreement were sent to the Objector's agent for consideration in May 2020.

13.30 Mr William Cook - 156 New Road, Rainham - Plot 90

13.30.1 Loss of Investment

Objection: Properties with vehicle-related use are unacceptable to landlords of modern properties available to rent. For freehold properties, it is difficult to obtain planning permission for this use. Not possible for the objector to find a similar replacement property. Other commercial properties elsewhere in Havering are being acquired for residential development, depleting available replacement stock.

Response: The Objector is an investment property owner. As a freehold property investor, the Objector has no relocation requirements as such and does not have to purchase a replacement investment with a vehicle related use. He is also in a position to acquire a replacement investment property over a relatively wide geographical area should he choose to do so. In the event of compulsory acquisition, the Objector will be entitled to compensation, including for the market value of his freehold interest. He will be able to purchase an alternative investment with these funds. NHG has made attempts to acquire the Objector's property by negotiation and has made an offer for the property. Heads of Terms for an Option Agreement were sent to the Objector's agent for consideration in June 2020.

13.31 Mr David Clarke - 148, 152 and 154 New Road, Rainham - Plot 91/92/94

13.31.1 CPO Premature

Objection: development is not scheduled to take place for more than two years.

Response: It is proposed to commence development on RW4B in September 2023. The inclusion of Plots 91/92/94 within the Order is therefore clearly not premature and the date by which vacant possession will be required will fall within the three-year life of the Order. Failing to include Plots 91/92/94 (and RW4B as a whole) in the Order runs the risk of development being delayed.

13.31.2 Relocation

Objection: The Council has made no provision for relocation of businesses.

Response: The Council has an operational Relocation Strategy and is currently considering further ways in which it can provide relocation support to all businesses in New Road. As an investment owner the Objector has no relocation requirements as such and would be in a position to acquire a replacement property investment over a relatively wide geographical area should he choose to do so. In the event of compulsory acquisition, the Objector will be entitled to compensation, including for the market value of his freehold interest. He will be able to purchase an alternative investment with these funds. NHG has made attempts to acquire the Objector's property by negotiation and has made an offer for the property. Heads of Terms for an Option Agreement were sent to the Objector's agent for consideration in June 2020.

13.31.3 No regard to legal process

Objection: No regard by the Council 'in connection to the legal process' of property acquisition.

Response: The Council has followed due process and has made meaningful attempts to acquire the Property by agreement, in line with Government Guidance on the use of CPO powers. The Objector has been kept fully informed of the Council's intentions and the use of CPO powers is now only being considered as a last resort.

13.31.4 Compensation

Objection: No offer of adequate compensation.

Response: Negotiations with the Objector commenced in October 2016 and a number of offers have been made, the most recent on 26 November 2019. It was made very clear during the course of negotiations that this offer reflected the Council's assessment of statutory compensation. The Objector has been offered Alternative Dispute Resolution in the form of a, non-binding, independent valuation. However, this offer has not been accepted.

13.32 Network Rail Infrastructure Limited - Land at New Road, Rainham - General Entries

13.32.1 Railway Land

Objection: Operational railway land is adversely affected.

Response: No operational railway land will be adversely affected. The Order Land are situated circa 50 metres from the railway line. The Objector has accepted that no

operational land is affected by the Development and template documents are awaited from Network Rail's solicitors to allow withdrawal of the objection to be confirmed.

13.33 Cadent Gas Limited - General Objection – General Entries

13.33.1 Asset Protection

Objection: Existing apparatus and interests within CPO limits will require appropriate protection to ensure continued safe operation of gas network. Asset Protection Agreement required.

Response: The Council is willing to enter into an Asset Protection Agreement and, has provided the Objector with GIS map data to enable an overlay of apparatus and infrastructure to be plotted. Once this has been returned the Acquiring Authority will be able to judge how the Development might impact on the Objector's apparatus and to agree the terms of an appropriate Asset Protection Agreement. The Council's solicitors are in contact with the Objector's solicitors, and negotiations regarding the terms of the Asset Protection Agreement remain ongoing.

14 Government Policy Statement

14.1 No government departments or agencies have expressed concerns about the proposed development.

14.2 The relevant statements concerning planning requirements have already been addressed in the previous sections of this Statement. There are no other relevant policy statements applicable to the Order.

15 Details of any related orders requiring a coordinated decision by the confirming Minister

15.1 As mentioned above, the Acquiring Authority is responsible for applying and securing highways stopping up orders for the relevant highways land. It is anticipated that a coordinated decision may be required to cover the highway closure.

16 Relocation Strategy

16.1 Acquisition of the interests will affect 9 freehold business owner occupiers, 14 leasehold business occupiers, 4 advertising hoarding operators, 53 other business occupiers and 38 residential occupiers.

16.2 Paragraph 19 of the CPO Guidance recommends that Acquiring Authorities should consider:

'offering advice and assistance to affected occupiers in respect of their relocation and providing details of available relocation properties where appropriate'

16.3 Taking account of the Guidance, the Council has contacted all registered freeholder and leaseholder occupiers, as well as all other occupiers it has been able to identify within the Order Land inviting them to discuss their relocation requirements and their ongoing occupation of their existing premises.

16.4 The Council's Business Relocation Strategy and Residential Relocation Strategy set out the Council's commitment to businesses and residents respectively affected by the Development and gives key guarantees. A copy of these documents can be viewed at the web link set out at section 18.3 below.

16.5 Business Relocation Strategy

16.6 The Business Relocation Strategy includes the following initiatives:

- a) Agreement of relocation requirements in the form of a relocation pro-forma; The pro-forma assists in setting parameters for alternative premises searches and can be used as a basis for discussion of relocation options. To date 14 relocation proforma have been completed.
- b) Development and maintenance of a bespoke relocation plan for each business that requests one. 14 have been prepared.
- c) As recommended at Paragraph 19 of the CPO Guidance, the Council is offering a 'not before date' to every business, prior to which possession will not be taken. Phased acquisitions will ensure that the relocation of businesses is staggered over as long a period as possible. This will improve the prospect of identifying suitable premises and will avoid the market becoming 'flooded' at a single point in time.

- d) Providing details of potentially suitable relocation sites that come to the market, or which might otherwise be available; Ardent maintains contact with local commercial property agents and provides details of properties meeting business occupier requirements when they become available.
- e) Providing access to Council's and neighbouring boroughs vacant sites databases. The Council maintains the Evolutive database which records all available freehold and leasehold commercial premises in the Borough.
- f) The Council has employed a business support advisor; Enterprise Nation to provide the 79 businesses with a diagnostic assessment and up to 12 hours of support.
- g) Financial assistance in the form of payment of pre-agreed site search fees. Undertakings have been agreed with a number of surveyors acting for occupiers to help fund alternative property searches.
- h) The agreement of options to purchase at an agreed price or using an agreed compensation assessment methodology once alternative premises have been secured. The use of options allows businesses to retain ownership and control of their property until an agreed not before date. They also provide them greater certainty in terms of the future acquisition process and compensation. Options also allow leasehold business to reach agreement with the Council in circumstances where the acquisition of their interest prior to a purchase of the freehold, or the confirmation of the CPO would simply not be practical.
- i) The Council will also enter into agreements (with both freeholders and leaseholders) to provide discretionary advance payments disturbance compensation, and/or agreed minimum compensation payments in advance of relocation costs being incurred. This assists in funding relocation costs that may be incurred prior to relocation and avoids, as far as possible, businesses having to incur relocation costs in the first instance before reclaiming them. It also provides businesses with certainty over the level of funding available. In the case of tenants with short term leases, or tenants at will, where the Council has agreed the acquisition of a freehold interest it will regularise tenancies to give tenants certainty over periods of occupation. It will also agree the payment of compensation where a statutory entitlement exists at the date possession is required.

16.7 Residential Relocation Strategy

16.8 There is one residential freehold owner occupier in the Order Land. All other occupiers

hold Assured Shorthold Tenancies or occupy on an informal basis. The Council's Residential Relocation Strategy reflects this and includes the following initiatives.

- a) The Council will develop and maintain a bespoke rehousing plan for every residential occupier. A number of housing plans have already successfully been put into effect.
- b) The Council will take an analysis of any special needs and/or requirements particularly for older residents, families with children, BAME residents, residents who are disabled and any other residents requiring extra assistance through the process. Protected characteristics for all residential occupiers have been identified through the EqIA.
- c) The Council will undertake housing needs assessments to identify whether Council Housing or other assistance should be provided.
- d) The Council and NHG is providing details of potentially suitable new homes in the Borough, or elsewhere.
- e) The Council and NHG is providing information on the types of new low-cost home ownership properties that will be available and the location of these new homes, whether within the Borough or elsewhere
- f) Financial help for affected residents to rent a property in an area of choice
- g) An opportunity is being provided for affected residents to find a property which is affordable and meets their needs
- h) A one-off cash incentive payment equal to two month's rent will be made directly to the agent/landlord of an identified new home on behalf of the resident
- i) The Council will also enter into agreements to provide discretionary advance payments of compensation and Home Loss Payments in advance of relocation costs being incurred

16.9 As a result of implementing the Commercial and Residential Relocation Strategies, 7 commercial occupiers and 9 residential occupiers have now been relocated or have entered into agreements which provide support for their relocation.

16.10 Case Studies

16.11 Set out below are summary details of how the Council's relocation strategy has been put into practical effect in a number of cases. The names of the organisations involved

are not included for data protection reasons.

16.12 Social Club

16.13 One of the freehold owners in the Order Land is a Social Club. Initial discussions with the club commenced in March 2016 and ongoing engagement highlighted the social support and benefits that the club provides both to its local membership group and the wider community. It was agreed that, given the club's particular circumstances, it should be reinstated in the new development to ensure continuation of the valuable role it plays.

16.14 Heads of terms for a disposal and reinstatement agreement were agreed in Spring 2019. The agreement provides for the Council and NHG to work closely with the club and their design team to agree plans and secure planning permission for bespoke new premises to accommodate up to 300 members. Solicitors are in the process of documenting and completing the agreement.

16.15 Freehold Owner Occupier

16.16 Negotiations with a freehold owner occupier business operating from office premises within the Order Land began in October 2016. Value negotiations took place between December 2016 and March 2019, but an agreement on value could not be reached. To overcome the impasse, NHG therefore invited the business to enter into an Independent Valuation ('IV') process as a form of Alternative Dispute Resolution. Following publication of the IV an agreement on value was reached and heads of terms for the acquisition of the business' freehold interest were settled on the 19th of December 2019. The agreement also provides for payment of an agreed sum of disturbance compensation and loss payments.

16.17 The business has now also been able to secure replacement premises at a nearby location. The new property is a short drive from the Order Land and offers a modern working space which meets the needs of the business. To facilitate the relocation NHG have also agreed to grant the business a 6 month rent free tenancy, so that it can remain in occupation while it transitions from its current premises to the new property.

16.18 Leasehold Motor Trade Occupier

16.19 Discussions with this leaseholder motor trade business began in October 2018. The business had started searching for new premises and, on behalf of NHG, Ardent offered its assistance. The business completed a relocation proforma, providing details of its

relocation requirements, which allowed Ardent to produce a bespoke relocation plan to help focus the business' search.

16.20 As it had acquired the freehold interest in the property the business occupied, NHG offered it an Option Agreement to provide it with certainty over the period of its future occupation and its entitlement to compensation. The agreement, which is now in place, provides the business with a new lease that gives it a guaranteed minimum period of occupancy, but the business can also terminate the lease at any time, once it secures new premises. The service of notice to terminate the lease will also trigger payment of the agreed compensation sum.

16.21 Vulnerable Residential Tenant

16.22 NHG are currently negotiating the purchase of a house in the Order Land, but a settlement has not yet been reached. A residential tenant classed as a vulnerable person due to ill health was identified as living at the rear of the house. On becoming aware of these circumstances, the Council made it a priority to relocate the tenant into another property within the Borough as soon as practicable. A Housing Needs Assessment was undertaken and was followed up with a number of subsequent meetings to ensure the Council understood the tenant's needs and housing requirements. The tenant was successfully relocated to a new home in December 2019.

16.23 Family with Financial Constraints

16.24 Terms were agreed to acquire the freehold interest in another residential property in the Order Land, subject to vacant possession being provided. A family was identified as occupying part of the property and concerned about their circumstances, the Council undertook a Housing Needs Assessment and an Affordability Assessment to better understand their position. The results of the assessments determined that private sector accommodation was not be a feasible option for the family and an alternative had to be identified. Following the submission of a housing application in November 2019, a home owned by the Council in Harold Hill was identified as a suitable temporary relocation option. The family has now vacated its New Road flat for the property in Harold Hill and is currently in the process of bidding for another council property which will become a permanent home.

16.25 Owners and occupiers of properties affected by the Compulsory Purchase Order who wish to negotiate a sale or discuss matters of compensation should contact Mr Fahad Nakendo at fahadnakendo@ardent-management.com or call 07763 567342.

17 Conclusion

- 17.1 The implementation of the Development as part of the Housing Zone Scheme will result in a transformation of the Rainham and Beam Park and the wider area. The removal of blighted post-war housing and secondary dilapidated commercial/ retail/ office use and its replacement with a high quality mixed-use development will create a balanced, mixed and inclusive communities, subsequently, resulting in improved quality of life of existing and future residents and the wider community. In order to achieve this, the compulsory acquisition of interests in the Order Land specified in the Schedule to the Order will be required so that the development will be delivered within a reasonable timescale.
- 17.2 Without the Order, RBPR will not be in a position to acquire the land necessary to promote comprehensive residential development in the A1306 gateway. Without this intervention, the existing low value commercial land uses would remain in place and infrastructure would not be improved. It will also not be possible to facilitate comprehensive residential development and any residential development that is brought forward is likely to be poor quality and piecemeal, consequently failing to deliver the required mix, tenures or typology necessary to meet the objectives of the Housing Zone.
- 17.3 The target acquisition sites are predominantly located to the north of the A1306 and are characterised by low value, low density commercial and light industrial uses which do not enable the change in land use and transformation as envisaged in regional or local planning policy or facilitate the vision of the Council to create a vibrant new residential community in the area. Many of the businesses are considered to detract from the visual amenity and environmental quality of the area with operations often over spilling directly onto road frontages, in some cases creating a negative visual impact, as well as increasing levels of contamination.
- 17.4 The benefits of the Development, which is an integral part of the Housing Zone Scheme, include the creation of a new sustainable residential neighbourhood with supportive social and physical infrastructure adjacent to the London Riverside which would act also as catalyst for economic growth, with the economic multiplier effect impacting positively on the local community. The delivery of the Housing Zone objectives will also direct investment and development activity in the area. The social benefits include the creation of a mixed, balanced, community with its own identity in a well-designed space for living, working and leisure thereby promoting social cohesion and wellbeing. The environmental benefits include remediating and mitigating degraded, derelict, contaminated and unstable land, where appropriate, which will be one of the outcomes

of the land acquisition strategy given the nature and existing uses of many of the target sites.

- 17.5 The Council considers that the development of the Order Land will bring about the transformation in support of the Housing Zone Scheme which it has identified as a “priority housing estate for regeneration,” and is satisfied that there is a compelling case in the public interest for the Order to be confirmed so as to secure the redevelopment and improvement of the Order Land as part of the Housing Zone Scheme. This will result in significant improvement in the economic, social and environmental wellbeing of the Council’s area.
- 17.6 Confirmation of the Order will enable the regeneration of the Order Land to take place in accordance with a managed programme, providing certainty for land assembly and implementation of the Development. Such certainty will contribute towards the achievement of the Council’s regeneration objectives for the Order Land and the wider Rainham and Beam Park Housing Zone as set out in adopted policy.
- 17.7 The Council has contacted all freeholders, leaseholders and other occupiers within the Order Land inviting them to enter into negotiations with a view to securing acquisition of their interests by agreement. These negotiations will continue in parallel with the compulsory purchase process. However, it currently appears unlikely the Council will be able to acquire all the necessary interests by private agreement within a reasonable timescale. Compulsory powers are being sought so that, in the event that the Council is unable to acquire all the necessary interests by private agreement within a reasonable timescale, development of the Order Land can still proceed.
- 17.8 The Council is satisfied that there are no planning or other impediments to the implementation of the redevelopment of the Order Land. Having regard in particular to the benefits to be achieved from the regeneration proposals, the low density and the poor quality of existing accommodation and the built environment in which it currently exists, the Council considers the use of compulsory purchase powers to be necessary and justified, and that in all the circumstances there is a compelling case in the public interest to make the Order.
- 17.9 The Council, therefore, requests the Secretary of State to confirm the Order to facilitate the regeneration of the Order Land.

18 Additional Information

18.1 General Information

18.2 The documents listed in the Appendix to this Statement, form part of the Core Documents which the Council may also refer to at the public inquiry. It will be made available at a deposit location to be identified separate to this Statement and in a format consistent with government advice concerning Covid-19. The Council reserves the right to add or remove documents from this list in the light of any objections and representations made in respect of the Order.

18.3 The documents can also be viewed online at the link provided at the Appendix next to some of the documents and on the Council's dedicated website randbpark.gateleyhamer-pi.com

18.4 Persons requiring further information regarding the Order should contact Christopher Barter at the Council by email to regeneration@havering.gov.uk.

18.5 Owners and occupiers of the Order Land who wish to negotiate a sale or discuss matters of compensation should contact Mr Fahad Nakendo at fahadnakendo@ardent-management.com or by telephone on 07763 567342.

18.6 Statutory Procedures

18.6.1 Compensation

18.7 Provision is made by statute with regard to compensation for the compulsory purchase of land and the depreciation in the value of affected properties. More information is given in the series of booklets published by the Department for Communities and Local Government entitled 'Compulsory Purchase and Compensation' Listed below:

- Booklet No 1 – Compulsory Purchase Procedure.
- Booklet No 2 – Compensation to Business Owners and Occupiers.
- Booklet No 4 – Compensation to Residential Owners and Occupiers.

18.8 Copies of these booklets are available free of charge from the National Planning Casework Unit, 5 St Philips Place, Colmore Row, Birmingham B3 2PW or online at:

www.gov.uk/government/collections/compulsory-purchase-system-guidance.

19 Documents for the Public Inquiry

- 19.1 The letters of objection submitted in relation to the Order will be referred to at the Inquiry but for reasons of confidentiality they shall not be made available for inspection by the public until such time as they are released for such purposes by the Secretary of State or the respective objector.
- 19.2 The national and London planning policies are available online but copies can be made available on request by emailing regeneration@havering.gov.uk quoting Rainham and Beam Park CPO 2019.
- 19.3 The Council reserves the right to introduce such additional documents as may be relevant to the Inquiry in respect of the Order and will endeavour to notify the Inquiry and any statutory third parties of any such documents as soon as possible prior to its opening.

20 Appendices

1. Compulsory Purchase Order and Map dated 24th September 2019
2. Statement of Reasons (4th October 2019)
3. Copy Notice served on owners and occupiers of the Order Land
4. Copy newspaper advertisements as published in the Newham Recorder on (4th October 2019) and (11th October 2019)
5. National Planning Policy Framework National Planning Policy Framework:
www.gov.uk/government/publications/national-planning-policy-framework--2
6. London Plan: <https://www.london.gov.uk/what-we-do/planning/london-plan>
7. Havering Core Strategy (adopted in 2008) (link):
https://www.havering.gov.uk/info/20034/planning/183/planning_policy/2
8. Submitted Local Plan (link):
https://www.havering.gov.uk/info/20034/planning/183/planning_policy/2
9. Rainham and Beam Park Planning Framework (adopted 10 February 2016)
<https://www3.havering.gov.uk/Documents/Planning/Rainham-Beam-Park-Planning-Framework.pdf>
10. Decision notice dated 12th October 2017 in respect of outline planning for site
Application reference P0726.17.
<https://development.havering.gov.uk/OcellaWeb/planningSearch>
11. Decision notice dated 1st November 2017 in respect of outline planning for sites
Application reference P0782.17.
<https://development.havering.gov.uk/OcellaWeb/planningSearch>
12. Decision notice dated 31st October 2017 in respect of outline planning for site
Application reference P1058.17.
<https://development.havering.gov.uk/OcellaWeb/planningSearch>
13. Decision notice dated 28th August 2018 in respect of outline planning for site
Application reference P1229.17.
<https://development.havering.gov.uk/OcellaWeb/planningSearch>
14. Decision notice dated 17th August 2018 in respect of outline planning for site
Application reference P1239.17.
<https://development.havering.gov.uk/OcellaWeb/planningSearch>

15. Decision notice dated 8th October 2018 in respect of outline planning for site
Application reference P1241.17.
<https://development.havering.gov.uk/OcellaWeb/planningSearch>
16. Decision notice dated 18th September 2019 in respect of outline planning for site
Application reference P1057.17.
<https://development.havering.gov.uk/OcellaWeb/planningSearch>
17. Decision Notice Application Ref: P0947.17)
<https://development.havering.gov.uk/OcellaWeb/planningSearch>
18. Cabinet CPO Resolution Minute dated 10th October 2018 and Report of the same date
<http://democracy.havering.gov.uk/ieDecisionDetails.aspx?AllId=18908>
19. London Borough Havering, Statement of Community Involvement
https://www.havering.gov.uk/info/20034/planning/183/planning_policy/11
20. Rainham and Beam Park Land Assembly Equality Impact Assessment
<https://www.rainhamandbeampark.co.uk/>
21. Rainham and Beam Park Planning Framework. Statement of Community Involvement
(section 7.5) <https://www.rainhamandbeampark.co.uk/>
22. The National and London planning policies are available online, but copies can be
made available for inspection at the deposit location as set out at section 11.1 above
23. Plan and Schedule of Objectors
24. Rainham and Beam Park Acquisition Strategy
25. Rainham and Beam Park Business Relocation Strategy
26. Rainham and Beam Park Residential Relocation Strategy