

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

**THE TOWN AND COUNTRY PLANNING ACT 1990**

**THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

**AND**

**THE ACQUISITION OF LAND ACT 1981**

**THE LONDON BOROUGH OF HAVERING  
STATEMENT OF REASONS**

**October 2019**

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## 1 Introduction

- 1.1 The London Borough of Havering (“the **Council**”) has 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**”). This Statement of Reasons (“this **Statement**”) is a non-statutory statement provided in compliance with paragraph 154 of the Department of Communities and Local Government (“the **DCLG**”) “Guidance on Compulsory Purchase Process and The Critchel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion” published 29th October 2015 and last updated on 28<sup>th</sup> February 2018 (“the **CPO Guidance**”) and it is made in accordance with Cabinet resolution of 10<sup>th</sup> October, 2018.
- 1.2 The Council’s purpose in making the Order, and seeking, if necessary, its confirmation by the Secretary of State, is to enable the Council to acquire all property and other proprietary interests of the land, including where appropriate new rights, included in the Order (“the **Order Land**”), for the purposes of securing the 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 three of this Statement (“the **Scheme**”).
- 1.3 The Scheme forms part of the wider Mayor of London’s Housing Strategy, which introduced Housing Zones 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.
- 1.4 The Housing Zone programme will deliver 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 3 FE Primary School, social and physical infrastructure and access to open spaces.

- 1.5 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 the principles of the Masterplan and Planning Framework.
- 1.6 The Council consider the Scheme and the Order to fully accord with and further the objectives of the Masterplan and Planning Framework.
- 1.7 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 (a subsidiary of NHG) in which the Council became a Member on 29<sup>th</sup> March 2018.
- 1.8 To secure the delivery and hence full implementation of the Scheme RBPR requires the acquisition of various land and property interests within the Order Land. 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 and acquisition by agreement of all required land parcels is considered to be unlikely.

- 1.9 Between April and July 2017, nine outline planning applications were submitted to the Local Planning Authority to bring forward comprehensive sites for development as part of the Scheme. These are nine sites intended 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. One of these is currently subject to stage 2 review by the GLA following a resolution to grant by the Local Planning Authority. There is one outline planning application to be determined. This is due to be considered by the Strategic Planning Committee in October 2019. The development with which the application is concerned is considered to be consistent with the adopted and emerging development plan and all other material considerations support the grant of consent. Planning permission is expected to be forthcoming therefore.
- 1.10 The Scheme is to be delivered through a phased programme of development. The Council has consequently made the Order in order to secure the outstanding interests required for the purpose of implementing the Scheme.
- 1.11 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 Location and Description of the Order Land**

- 2.1 The Order Land, comprising some 61,141 square metres of land, is located along New Road in Rainham and flanks the A1306, which runs east to west connecting Rainham with Barking and Dagenham. To the south of the Order Land lies the high speed railway line that connects Stratford International with Ebbsfleet International 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.
- 2.2 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.
- 2.3 The A1306 corridor, which was formerly the A13 trunk road from Central London to Southend, forms part of a post-industrial landscape and has a mix of uses including B Class uses, intermingled with residential properties. Employment sites to the south of New Road are mixed but several are vacant and under-used including the Beam Park site (currently used to store road salt) and the adjacent Somerfield site. Both sites are subject to residential planning applications. The Somerfield Site permission is extant and is sought to be revised (including to deliver affordable homes) and the Beam Park proposals being brought forward by Countryside were approved by the Mayor of London (subject to completion of a s106 Agreement).
- 2.4 The Order Land comprises nine target acquisition sites that are located to the north and south of the A1306 and are characterised largely by low value, low density commercial and light industrial uses (B class 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 also 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. The Order Land also includes 32 dwelling houses.

### **3 The Scheme**

- 3.1 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 extension providing much needed new housing including affordable and family homes, social, physical and green infrastructure with good access to public transport and employment opportunities. The regeneration proposals include the construction of a new railway station, with direct transit to central London, significant works to remodel the A1306 to a residential scale street, and the creation of a new linear park within the Housing Zone.
- 3.2 Within the Housing Zone Scheme there are some major sites that will be brought forward for development by house builders in accordance with the Housing Zone objectives notably by Countryside at Beam Park and by Clarion at Somerfield. However, there are also sites that will require direct intervention from the Council as they are currently in fragmented ownership and cannot deliver the scale of new housing (including affordable housing) 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.
- 3.3 The Order Land comprises the first phases of housing delivery within the Housing Zone Scheme. Nine sites have been identified which are able to deliver at least 866 new homes of which subject to viability a minimum of 35% will be affordable tenure. The disposition of some sites suggests these are more effectively combined for the purposes of delivery, giving an overall number of eight strategic housing development sites.
- 3.4 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 alone to deliver the the Order Land development proposals. An experienced development partner was required and in December 2017 the Council agreed to appoint NHG as its development partner to implement the Housing Zone Strategy, to assemble key sites along the A1306 corridor and to undertake the first phases of housing development on the Order Land. The Council and NHG entered into a formal Joint Venture vehicle known as Rainham and Beam Park Regeneration LLP in March 2018.

- 3.5 NHG is one of the foremost providers of social housing in London. 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.
- 3.6 NHG is a financially robust developer and housing association with expertise far beyond traditional affordable housing provision, including residential development for sale, market rent, student accommodation and commercial premises.
- 3.7 RBPR has been established to ensure a strong team of in-house experts dealing with development, finance, project management and construction and will also have access to a number of frameworks from which to source consultants and contractors to provide advice including design, planning, community engagement, site assembly, construction and facilities management.
- 3.8 Accordingly, RBPR will be well placed to undertake the delivery of a scheme of this nature and scale.
- 3.9 RBPR has agreed a Business Case and a Business Plan that demonstrates how each site in the Order Lands can be assembled and brought forward as part of a viable development to secure the regeneration of the wider area as part of the Scheme. The Business Plan and Business Case identify that the necessary funding and other necessary resources that will be available.
- 3.10 Development of the Order Lands 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 exhaustive land referencing.
- 3.11 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 31<sup>st</sup> 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.
- 3.12 Ardent have 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.

- 3.13 The land referencing undertaken by Persona has identified approximately 96 freehold interests and 17 leasehold interests within the Order Land which are affected by the CPO, and these include 85 premises in business use (office and light industrial) and approximately 32 residential properties. As at September 2019 approximately 43 offers have been made for the acquisition of properties within the Order Land and the acquisition of 11 properties has been successfully concluded by NHG.
- 3.14 There is a Strategic Land Agreement in place between RBPR, NHG and the Council, which regulates the flow of land in to the Joint Venture vehicle and establishes timeframes for deliverability and procedures to ensure viability in accordance with the planning framework.
- 3.15 If the Order is confirmed, the Council intend 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.
- 3.16 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.
- 3.17 RBPR will use a combination of equity funding provided by the Council and NHG, non-recourse debt and GLA grant and loan funding (through Housing Zone funding agreements with NHG) to fund the costs of the development including land transfers from NHG and the Council. The Council's and NHG'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 NHG.
- 3.18 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
- 3.19 The following table sets out the date each application was validated by the Council and planning permission was approved.

Site	Application Validated	Application Approved
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NR11	May 2017	October 2017
NR02/03	June 2017	October 2017
NR06a	June 2017	August 2018
NR04/05	June 2017	Sept 2019
NR09	June 2017	Aug 2019 (subject of Stage 2 referral to GLA)
NR06b	July 2017	November 2017
NR08	July 2017	August 2018
NR10	July 2017	September 2018
RW04b	September 2017	Expected Oct 2019

3.20 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. One of these (NR09) has been resolved to be granted planning permission by the Local Planning Authority and is now the subject of a Stage 2 referral to the GLA. Following completion of that referral process, which is not expected to lead to a Mayoral intervention, planning permission will be granted. The proposals for the one remaining outline planning application which has not yet been determined 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 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 grant of permission pursuant to this application and it is expected that planning permission will be resolved to be granted by the Council's Strategic Planning Committee at its October meeting.

3.21 As would be expected with such a project, the development will be delivered in phases. The strategic phasing of the development has been derived according to the number of units required to support development viability.

3.22 It is anticipated that the Order Lands will be developed in a total of eight phases in keeping with the timetable envisaged by the Housing Zone proposals and the Business Plan and Business Case as relevant to the development. Earlier phases of

development of the Order Land may be able to commence in 2020, prior to confirmation of the Order through private treaty land assembly. Subsequent phases of development on comprehensive sites requiring the completion of land assembly using CPO powers will commence following confirmation of the Order by the Secretary of State.

3.23 As at September 2019 it is expected that the eight phases of housing development will be developed in accordance with the following indicative key milestone schedule:

Site	Site Acquisition Completed	Construction Start on Site	Construction Completion
NR02/03	August 2021	September 2021	March 2023
NR04/05	March 2022	April 2022	November 2023
NR06	October 2020	November 2020	March 2022
NR08	October 2020	November 2020	April 2022
NR09	September 2020	October 2020	September 2022
NR10	May 2022	June 2022	January 2024
NR11	May 2022	June 2022	July 2023
RW4B	November 2023	February 2023	March 2025

3.24 Overall the Council is satisfied that the development is financially viable and deliverable.

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

- it ensures that the power to acquire all interests required to deliver the scheme is secured;
- It gives certainty to the joint venture LLP that the programme will not be halted or delayed by land acquisition issues, which in turn assists financial planning.
- It gives certainty to the occupants so that they have maximum time to plan relocations.
- The Council will exercise powers with care to ensure nobody is dispossessed prematurely.
- It will build up an experienced team to deal with relocation issues.

- The comprehensive approach is supported by the Masterplan and Planning Framework which seeks to avoid piecemeal development,

#### **4. Planning Policy Context**

4.1 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.

##### **National Policy**

4.2 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 the 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. The development of the Order land will meet the economic, social and environmental objectives and the relevant policies are:

- 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 paces and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.
- 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.

4.3 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".

- 4.4 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.

### **Regional Policy**

#### London Plan 2016 (Consolidated with Alterations since 2011)

- 4.5 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”.
- 4.6 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.
- 4.7 In 2013 the Mayor undertook a London-wide Strategic Housing Land Availability Assessment (“**SHLAA**”) and Strategic Housing Market Assessment (“**SHMA**”) as key evidence base documents to inform the further alterations to the London Plan published in 2015.
- 4.8 The London SHMA 2013 assesses London’s capacity for new residential development. It shows that over the period 2015 to 2025, London has capacity for at least 420,000 additional homes or 42,000 per annum. The SHLAA formed the foundation for the revised housing targets for each Borough set out in the London Plan.
- 4.9 Havering’s Housing target, as set out in the London Plan, is a minimum of 11,701 over the period 2015-2025, which equates to a minimum annual average housing target of 1,170.

### Draft London Plan 2017

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

- A focus on growth and change in East and Outer London with these areas expected to accommodate much faster population/housing growth than London as a whole;
- 66,000 new homes are needed each year and half of these must be affordable;
- Introduction of very significant increases in 10 year (and annual) housing targets for Boroughs. The pan-London annual target has increased from 423,887 to 649,350 (an increase of 53%) which is equivalent to more than 22,500 homes per year above the current target;
- Havering's 10 year housing target to be increased to 18,750 with an annualised target of 1,875 new homes per year compared to 1,170 new homes per year in the current London Plan;
- Rainham identified as a District Centre with growth potential for commercial and residential development; and
- Rainham identified as a Strategic Area for Regeneration reflecting the impacts of inequality and causes of deprivation.

### London Riverside Opportunity Area Planning Framework

4.11 In order to successfully regenerate London Riverside, the London Riverside Opportunity Area Planning Framework ("the **London Riverside Opportunity Area**") 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.

4.12 The Rainham and Beam Park Masterplan and Planning Framework area is located within the London Riverside Opportunity Area. The London Plan sets out the strategic policy direction for the London Riverside Opportunity Area.

4.13 The London Riverside Opportunity Area recognises that at Rainham along the A1306

corridor there is potential to deliver more compact, residential-led mixed urban communities.

- 4.14 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.
- 4.15 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.

### **Local Policy**

#### Havering Local Development Framework and Site Specific Allocations.

- 4.16 This Core Strategy and Development Control Policies Development Plan Document 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. The LDF pre-dates other planning policies including the London Plan and NPPF and is therefore relevant only in so far as these policies remain applicable.
- 4.17 This Site Specific Allocations Development Plan document 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. South of the A1306 is designated for residential with ancillary uses (67%) and compatible employment uses (33%). North of the A1306, comprehensive residential redevelopment of the blocks defined by the roads running perpendicular to the A1306 is encouraged. Where this is not possible development must not prejudice the development of adjoining sites. 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.

#### Rainham and Beam Park Planning Framework

- 4.18 The Rainham and Beam Park Planning Framework (“**the Masterplan and Planning Framework**”), adopted on 10 February 2016, provides a comprehensive development 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 of the development that comes forward.
- 4.19 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.
- 4.20 Policies within the Masterplan and Planning Framework that are considered most relevant to the Order include the following:

**PG 01 - Need for a Comprehensive Development**

- 4.21 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.

**PG 02 - Land Assembly and Compulsory Purchase Order**

- 4.22 The appearance, use and condition of a number of sites along New Road must deliver transformational change and to bring forward the new vision for the Rainham and Beam Park area.
- 4.23 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.

**PG 03 Urban Structure**

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

**PG 04 - Character**

- 4.25 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.

**PG 05 - Housing Priority and Mix**

- 4.26 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.

**PG 06 - Affordable Housing**

- 4.27 The Council seek to maximise affordable housing provision when negotiating on individual private residential and mixed-use schemes in accordance with adopted planning policies.
- 4.28 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.
- 4.29 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.

**PG 08 - Housing Density**

- 4.30 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.

**PG 09 - Local and District Centres**

- 4.31 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.

#### **PG 10 – Employment**

- 4.32 The Rainham and Beam Park area prioritises the delivery of new homes. 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 with the Beam Park local centre or along New Road and at Rainham House.
- 4.33 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.
- 4.34 The Council seeks to work with existing occupiers to assist their relocation to the London Riverside and wider area.

#### **PG 11 - Social Infrastructure**

- 4.35 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;
- Make provision for other community facilities via building provision / spaces on long leases.
  - 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
  - Contribute with developer contributions towards the provision of essential new community facilities.

#### **PG 17 - Building Height**

- 4.36 Building height and massing are important determinants of the character. The broad locations for higher density developments and building heights 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.

#### **PG 24 - Beam Parkway**

- 4.37 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.
- 4.38 Development within the Masterplan and Framework area is expected to enable delivery of the new Beam Park Way 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.

### **Submitted Havering Local Plan**

- 4.39 The Submitted Havering Local Plan (“the **Submitted Local Plan**”) sets out the Council’s ambitious vision and strategy for future growth and sustainable development over the next 15 years up to 2031. The Submitted Local Plan identifies that there is a need for new infrastructure, homes and jobs and Havering needs a spatial plan that will enable the Borough to rise to these challenges and address each of these needs.
- 4.40 The Submitted Local Plan indicates broad locations in Havering for future housing employment, retail, leisure, transport, community services and other types of development. The policies in the Submitted Local Plan will help ensure that the needs of the Borough over the next 15 years are sustainably met.
- 4.41 Rainham and Beam Park is included within the Submitted Local Plan as a Strategic Development Area as it is identified as a major growth and regeneration area and provides the opportunity to establish an exciting new residential neighbourhood linked to the delivery of a new railway station.
- 4.42 The Submitted Local plan recognises that the transformation of the Rainham and Beam Park 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 in finding solutions to ensure that the wider vision for the area is not prejudiced by any single development phase. Sites along the A1306 will be expected to be brought forward in a comprehensive manner avoiding ‘piecemeal’ development.
- 4.43 The Havering Employment Land Review (2015) which was undertaken as part of the preparation of the submitted Local Plan recommends a change away from industrial employment uses in this Rainham and Beam Park area (totalling 15.4ha) to assist in

meeting the housing and wider regeneration needs of the Borough.

- 4.44 As part of the preparation of the Submitted Local Plan a Housing Position Statement (“the **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 last two years 2015/16 and 2016/17 Havering under delivered on its London Plan housing target (1,170 homes per annum) by 207 homes and 585 homes respectively. The Housing Position Statement sets out the deliverable housing land supply position in Havering for the ten year period 2016/17 to 2026/27 which is the first ten years of the Submitted Havering Local Plan.
- 4.45 The Housing Position Statement assesses Havering’s five year housing land supply (2017 – 2022) based on the Borough’s London Plan housing target of 1,170 units per annum and includes a 20% buffer in addition to previous under delivery. This gives Havering’s 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 are unable to identify a sufficient supply of housing to meet the target in the first five years of the Submitted Local Plan.
- 4.46 Over the first ten years of the Submitted Local Plan the Council has identified capacity to deliver at least 11,917 new homes, which exceeds the minimum ten-year target set out in the London Plan. The Council is therefore adopting a stepped approach which will see an increase in housing delivery over the ten year period with the later years (5-10) seeing an increased housing delivery which will compensate for the lower levels of delivery in the first five years. This approach has been adopted as the majority of the deliverable sites in the Borough including the homes the Scheme will deliver on the Order Land come forward in the 2021 to 2026 period.
- 4.47 Regulation 18 and 19 consultation on the Submission Version of the proposed Havering Local Plan took place in mid 2017 and was submitted to the Secretary of State for examination on 27<sup>th</sup> March 2018 and examination commenced in early October 2018 with the Inspector’s Report expected end of 2019 with adoption during Spring 2020 .

## **5. The Justification for Compulsory Purchase**

### **Compulsory Purchase Powers**

- 5.1 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.
- 5.2 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.
- 5.3 It is immaterial that the development, re-development or improvement may be carried out by a third party.

### **Section 13 Local Government (Miscellaneous Provisions) Act 1976**

- 5.4 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.
- 5.5 Sections 5.7 to 5.8 below explains why the exercise of these powers is appropriate in order to facilitate the delivery of the Scheme.

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

- 5.6 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.
- 5.7 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."
- 5.8 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."
- 5.9 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 6 of this Statement.
- 5.10 The CPO Guidance provides certain general policy requirements, which apply to all CPO's. 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.

5.11 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 65 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."

5.12 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:

- e) 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;
- f) 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
- g) 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.

### **Justification for the Order**

- 5.13 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 at section 5.12) which encourages local authorities to exercise their compulsory purchase powers in such a way as to ensure that sites are brought forward for development.

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.

- 5.14 The Scheme is in accordance with national, regional and local planning policies as detailed within Section 4 above. The CPO Guidance states that where the Local Plan is out of date as is the case here 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 Rainham and Beam Park Masterplan and Planning Framework, as they relate to the Scheme, are incorporated in substantive terms in the Submitted Local Plan. The Rainham and Beam Park Masterplan and 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 80% of local stakeholders were in favour of the change proposed for the area. The Scheme accords with the policies and proposals set out in the Framework.
- 5.15 The need to regenerate this area has been consistently recognised by the Council and it's Strategic Partners over the past decade or more dating back to the strategic regeneration objectives of the Thames Gateway. The London Development Agency has acquired significant land in the area previously owned by the Ford Motor Co to facilitate residential led regeneration. 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. The Council's Local Development Framework, Site Specific Allocations identify the sites for residential led redevelopment.

- 5.16 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. The NPPF requires local planning authorities to identify and meet their full objectively assessed needs for housing.
- 5.17 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 490,000 new homes in London between 2015-2026 (or 49,000 new homes per annum). In comparison, the GLA Strategic Housing Land Availability Assessment 2013 found that London has capacity for at least 420,000 additional homes or 42,000 per annum. The London Plan sets out average annual minimum housing supply targets for each borough until 2025. In line with the requirements of the London Plan the Council will seek to deliver the minimum target set in the Plan. Over the 15 year lifetime of this Local Plan Havering's minimum housing target is therefore 17,550.
- 5.18 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 has worked with these authorities to prepare a sub regional SHMA. A subsequent update has been prepared for Havering taking into account updated GLA household projections. The 2016 SHMA Update for Havering indicates that Havering's full Objectively Assessed Need is for 30,052 new homes (of which 35% is for affordable housing) over the period, 2011-2033 or 1,366 homes per annum. Delivery of the Scheme on the Order Land will make a significant contribution towards the Council attaining these housing targets.

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

- 5.19 The Council believes that the Scheme is likely to contribute to the achievement of the promotion or improvement of the economic, social and environmental well-being of Rainham.
- 5.20 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.

- 5.21 The development has been designed to create high quality residential focussed buildings from a post industrial dilapidated landscape with fragmented ownership and bad neighbour use classes.
- 5.22 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
- 5.23 Economic benefits to Rainham and the wider area will continue to be achieved as a result of the development's implementation as part of the Housing Zone Scheme. The acquisition of the Order Land is required in order to secure the delivery of the development, anticipated for completion by the end of 2024 as set out in section 3.23 above. The wellbeing improvements achieved by the development and the Housing Zone Scheme as a whole are summarised as follows:
- the provision of high quality sustainable homes with an improved tenure mix of private and affordable housing units;
  - an increase in the overall quantum of housing to meet housing need;
  - improvements to pedestrian and cycle connections throughout the local area particularly with regard to accessing off-site leisure and recreation facilities;
  - an increase in the quantity and quality of on-site amenity space and substantial improvements to the quality of existing open space;
  - improvements to the overall townscape to provide clearly defined public realm and landscaped areas; and
  - all residential units built to comply with Part L of the Building Regulations

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

- 5.24 The vision for the 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 3FE 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 866 new homes including subject to viability a minimum of 35% affordable homes on 9 sites that the market is unlikely to be able to deliver comprehensively and to a high quality.

- 5.25 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 this far. Some of these developments such as the Coutryside and L&Q scheme at Beam Park are being brought forward in accordance with the Masterplan and 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.
- 5.26 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 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.
- 5.27 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.

Paragraph 106(4) of the CPO Guidance – the potential financial viability of the scheme for which the land is being acquired

- 5.28 The development of the Order Land is to be taken forward by RBPR whose partners have the experience and expertise to carry out the scheme. RBPR have undertaken financial modelling of the proposed developments based on a series of assumptions including the cost of land assembly, development costs and sales revenues. Each of these inputs has been subject to close review and it has been determined, following professional advice, that the Order Land is capable of achieving a positive return in accordance with RBPR's financial strategy. On this basis there is no viability constraint to the development proceeding and being delivered in its entirety.
- 5.29 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.
- 5.30 RBPR will use a combination of equity funding which the Council and NHG have agreed to provide, non-recourse debt and GLA grant (£12.01m has been approved) through Housing Zone funding agreements with NHG) to fund the costs of the Scheme including land transfers from NHG and the Council.

CPO Guidance general policy requirements, which apply to all CPO's.

- 5.31 The overarching principle is that the Council in seeking to exercise powers of compulsory acquisition are 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. There are no obvious reasons which are likely to impede the grant of the outstanding consent (sections 3.18 to 3.24 above);
  - (b) Financial and physical resources are available to acquire the land and to deliver that scheme .The Joint Venture is operating with governance, funding and development phasing already in place (sections 3.5 to 3.24 above);

- (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 Rainham and Beam Park Planning and Regeneration Framework, which the development of the land proposed and the acquisition required will facilitate (sections 4.18 to 4.38);
- (d) Negotiations have been undertaken with landowners and occupiers, with business and residential relocation strategies in place (section 7 below);
- (e) 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, (sections 4.39 to 4.47 above). The scheme seeks to avoid development in a piecemeal fashion and of a scale that can make meaningful contributions towards social infrastructure;
- (f) Through delivery of the Housing Zone Scheme the housing stock will be significantly improved with an increased supply of Affordable Housing located in the administrative area of the borough (section 3 above); and
- (g) Construction phases of the development will include training and employment opportunities for residents within the borough and contribute to social infrastructure.

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

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

Section 13 of the Local Government Act 1976

- 5.33 In order to ensure delivery of the Order Land development, the Council is seeking to exercise powers under section 13 of the 1976 Act for the compulsory purchase of new rights over part of the Order Land. Crane oversailing rights and rights of access for the purposes of erecting scaffolding and undertaking works are required to undertake and complete the redevelopment of the Order Land. At the time of making the Order no such rights were in existence over the relevant parts of the Order Land.
- 5.34 Rights for crane oversailing and rights of access for the erection of scaffolding are only required for a finite period during the construction phase. It is unlikely that the Council will be able to negotiate the acquisition of these rights with relevant third parties within the required timescale. Without these rights, it will not be possible to deliver the development.

### **Section 17 Housing Act 1985**

- 5.35 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.
- 5.36 This application for a compulsory purchase order is to achieve wider regeneration objectives set out in the Masterplan and Planning Framework. As such the application includes public realm improvements, and the delivery of an access way to the Beam Park Station. 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.
- 5.37 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.”
- 5.38 It is nonetheless considered that the justification for making of the Order conforms with the policy guidance which concerns the making of compulsory purchase orders made under Housing Act powers.

## **6 Human Rights and Equality**

### **Human Rights Considerations**

- 6.1 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.
- 6.2 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.
- 6.3 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.

- 6.4 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....*”.
- 6.5 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.
- 6.6 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).
- 6.7 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.
- 6.8 The regeneration of the 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.
- 6.9 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.

- 6.10 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..."*
- 6.11 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 Scheme. 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.
- 6.12 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 Scheme 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.
- 6.13 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.

### **Equality Considerations**

- 6.14 The Council undertook an Equality Assessment dated February 2019 pursuant to the Equality Act 2010 (Specific Duties) Regulations 2011, which came into force on 10

September 2011.

- 6.15 The public sector Equality Duty came into force across Great Britain on 5 April 2011.
- 6.16 The public sector equality duty under section 149 of the Equality Act 2010 ("PSED) requires the Council to have due regard to: (i) the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; and (ii) the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. "Protected characteristics" are gender, race and disability, sexual orientation, age, religion or belief, pregnancy and maternity and gender reassignment.
- 6.17 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. 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.
- 6.18 At present the CPO Red Line area does not reflect a mixed and balanced community, with a heavy bias towards commercial and inappropriate mainly private 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, wider range of unit sizes across all tenures and 10% of all residential units meeting Wheelchair standards.
- 6.19 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 this effect by extensive consultation 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.
- 6.20 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 improvement of the social, economic, educational and cultural improvements for existing and future residents.



## **7 Consultations and Negotiations**

7.1 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:

- Member group briefings and meetings with local Ward Councillors and presentations to the Rainham Wennington and South Hornchurch Working Group.
- Meetings with stakeholders
- 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
- Creating a dedicated website ([www.rainhamandbeampark.co.uk](http://www.rainhamandbeampark.co.uk)) with information about the proposals with the ability to raise questions and provide comments on the proposals.
- Displaying posters at local shops and community buildings, such as the Rainham Library

7.2 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.

- 7.3 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.
- 7.4 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.
- 7.5 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 found in the Appendix of this Statement.
- 7.6 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.
- 7.7 In Paragraph 2 of the Guidance on Compulsory purchase process and the Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion ('the CPO Guidance') states 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.

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.'

7.8 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.

7.9 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 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.

7.10 In engaging with property owners, the Council has also taken account of Paragraph 16 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'*

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

- All freehold land owners have been contacted and at least one offer has been made for all freehold property interests with the exception of five 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. Where offers have not been made this has been due to a number of reasons in particular non-engagement from freehold land owners and failure to gain access for valuation purposes.

- Where agreement on values cannot be reached, landowners have been offered the option of an Independent Valuation process as a form of Alternative Dispute Resolution.
- All tenants and other occupiers have been contacted so that the impact of the CPO and their relocation requirements can be discussed. Tenants and occupiers are being offered option agreements which provide them with 'not before dates' for acquisition and set out the basis on which compensation will be paid.
- Relocation pro-forma allowing the full details of relocation requirements to be set out have been provided to occupiers, for return to the Council. 11 occupiers have returned relocation proformas and bespoke relocation plans prepared 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 programme has been put in place to deal with the relocation and compensation of residential tenant occupiers. 5 tenants have been provided with housing needs assessments as well as assistance in identifying alternative relocation properties and 8 tenants offered discretionary compensation.
- Offers to pay reasonably incurred professional fees have been made to landowners and occupiers.

7.11 As a result of taking these steps, NHG has now completed the purchase of 8 freehold and long leasehold interests and solicitors have been instructed on the acquisition of a further 11. Negotiations likely to lead to a purchase within the near future an ongoing in relation to a further 11 freehold interests and NHG will continue to make all reasonable attempts to acquire further property interests until confirmation of the CPO.

## **8 Related Orders and Special Considerations affecting the Order Land**

- 8.1 There are no related orders.
- 8.2 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.
- 8.3 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.

## **9 Known Obstacles to the development**

- 9.1 There are no likely material or irresolvable obstacles to the redevelopment of the Order Lands if the Order is confirmed.
- 9.2 The Council anticipates securing the one outstanding planning permission being granted shortly. 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. One of these (NR09) has been resolved to be granted planning permission by the Local Planning Authority and is now the subject of a Stage 2 referral to the GLA. Following completion of that referral process, which is not expected to lead to a Mayoral intervention, planning permission will be granted. The proposals for the one remaining outline planning application which has not yet been determined 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 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 grant of permission pursuant to this application and it is expected that planning permission will be resolved to be granted by the Council's Strategic Planning Committee at its October meeting.
- 9.3 Approximately 1,275sq m 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 would need to be extinguished in order to facilitate the development. The London Borough of Havering is the Highways Authority for the relevant public highways

- 9.4 Section 247 of the Town and Country Planning Act 1990 (“the Act”) empowers the Council to by order authorise the stopping up of any highway in accordance with planning permission granted under part III of the Act, if it is satisfied that it is necessary to do so.
- 9.5 Arrangements are now underway with a view to stopping up the public highway within the development site under section 247 of the Town and Country Planning Act 1990 pursuant to the outline consent already in place.
- 9.6 As the relevant highway is not currently used as public highway but is being stopped up in view of its historic use as such, opposition to the proposal is not anticipated.

## **10 CONCLUSION**

- 10.1 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 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.
- 10.2 Without the Order the Joint venture will be unable to 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.
- 10.3 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.

- 10.4 The benefits of the 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.
- 10.5 The Council considers that the Scheme will bring about the transformation of a Housing Zone Area 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.
- 10.6 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 Scheme. 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.
- 10.7 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.

- 10.8 The Council is satisfied that there are no planning or other insurmountable 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.
- 10.9 The Council, therefore, requests the Secretary of State to confirm the Order to facilitate the regeneration of the Order Land.

## 11 **ADDITIONAL INFORMATION**

### General Information

- 11.1 The documents listed in the Appendix to this Statement, which the Council may also refer to at any public inquiry, can be inspected during normal office hours at Public Advice and Service Centre, Liberty Shopping Centre, 11 Mercury Gardens, Romford RM1 3RL. 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.
- 11.2 Most of the documents can also be viewed online at the link provided at the Appendix next to some of the documents.
- 11.3 Persons requiring further information regarding the Order should contact Christopher Barter at the Council by email to [regeneration@havering.gov.uk](mailto:regeneration@havering.gov.uk) .

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](mailto:fahadnakendo@ardent-management.com) or by telephone on 07763 567342.

### Statutory Procedures

- 11.4 Any objection or other representation concerning the Order must be made in writing to National Planning Casework Unit, 5 St Philips Place, Colmore Row, Birmingham B3 2PW by 25 October, 2019 and should state the title of the Order and the grounds of objection or representation.

- 11.5 If objections to the Order are received from any person who is an owner, lessee or occupier (except tenants for a month or a period less than a month) of the Order Land and such objections are not withdrawn, then an opportunity will be given by the Secretary of State for objectors to state their views at either a public inquiry or hearing before an independent inspector after the end of the objection period.
- 11.6 If a public inquiry or hearing is to be held, all objectors will be notified individually at least 6 weeks beforehand and those who have made representations or wish to support the proposals will be similarly informed. Notice of any public inquiry or hearing would also be published in the local press.
- 11.7 It should be noted that it might be necessary to communicate the substance of all comments received to other people. If a public inquiry or hearing is held, letters of objections and other representations would be passed to the inspector holding the public inquiry or hearing.

### **Compensation**

- 11.8 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.
- 11.9 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](http://www.gov.uk/government/collections/compulsory-purchase-system-guidance).

## **APPENDIX**

### **Documents referred to in this Statement of Reasons or to be put in evidence in the event of an Inquiry**

- 1 National Planning Policy Framework National Planning Policy Framework:  
[www.gov.uk/government/publications/national-planning-policy-framework--2](http://www.gov.uk/government/publications/national-planning-policy-framework--2)
- 2 London Plan: <https://www.london.gov.uk/what-we-do/planning/london-plan>
- 3 Havering Core Strategy (adopted in 2008) (link):  
[https://www.havering.gov.uk/info/20034/planning/183/planning\\_policy/2](https://www.havering.gov.uk/info/20034/planning/183/planning_policy/2)
- 4 Submitted Local Plan (link):  
[https://www.havering.gov.uk/info/20034/planning/183/planning\\_policy/2](https://www.havering.gov.uk/info/20034/planning/183/planning_policy/2)
- 5 Rainham and Beam Park Planning Framework (adopted 10 February 2016)  
<https://www3.havering.gov.uk/Documents/Planning/Rainham-Beam-Park-Planning-Framework.pdf>
- 6 Decision notice dated 12<sup>th</sup> October 2017 in respect of outline planning for site Application reference PO726.17.
- 7 Decision notice dated 1st November 2017 in respect of outline planning for sites Application reference P0782.17.
- 8 Decision notice dated 31st October 2017 in respect of outline planning for site Application reference P1058.17.
- 9 Decision notice dated 28th August 2018 in respect of outline planning for site Application reference P1229.17.
- 10 Decision notice dated 17th August 2018 in respect of outline planning for site Application reference P1239.17.

- 11 Decision notice dated 8th October 2018 in respect of outline planning for site Application reference P1241.17.
- 12 Decision notice dated 18th September 2019 in respect of outline planning for site Application reference P1057.17.
- 13 Minutes Strategic Planning Committee 15th August 2019 Application Ref: P0947.18
- 14 Cabinet CPO Resolution Minute dated 10th October 2018 and Report of the same date <http://democracy.havering.gov.uk/ieDecisionDetails.aspx?AllId=18908>
- 15 London Borough Havering, Statement of Community Involvement [https://www.havering.gov.uk/info/20034/planning/183/planning\\_policy/11](https://www.havering.gov.uk/info/20034/planning/183/planning_policy/11)
- 16 Rainham and Beam Park Land Assembly Equality Impact Assessment <https://www.rainhamandbeampark.co.uk/>
- 17 Rainham and Beam Park Planning Framework. Statement of Community Involvement (section 7.5) <https://www.rainhamandbeampark.co.uk/>
- 18 The National and London planning policies are available online but copies can be made available for inspection at the deposit venue as set out at section 11.1 above