

## **Appendix 2 - Merton Cabinet 21<sup>st</sup> March 2022**

### **Draft Statement of Reasons for Compulsory Purchase Orders**

- Eastfields
- High Path
- Ravensbury

**The London Borough of Merton**  
**(Eastfields No 1)**  
**Compulsory Purchase Order 2022**

**STATEMENT OF REASONS**

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## THE LONDON BOROUGH OF MERTON

### (EASTFIELDS NO. 1) COMPULSORY PURCHASE ORDER 2022

#### STATEMENT OF REASONS FOR THE MAKING OF THE ORDER

#### 1 Introduction and Background

- 1.1 This document is the Statement of Reasons prepared by the London Borough of Merton (the **Council**) which sets out the background to, and reasons for, the making of the London Borough of Merton (Eastfields No.1) Compulsory Purchase Order 2022 (the **Order**) which is to be submitted to the Secretary of State for Housing Communities and Local Government for confirmation.
- 1.2 The Council has made the Order pursuant to Section 226 (1)(a) of the Town and Country Planning Act 1990 (the **1990 Act**) and the Acquisition of Land Act 1981 and section 203 of the Housing Planning Act 2016. This Statement of Reasons is provided in compliance with paragraph 186 of the Department for Levelling Up, Housing and Communities "Guidance on Compulsory Purchase Process and The Crichton Down Rules" July 2019 (the **CPO Guidance**).
- 1.3 The Council's purpose in making the Order and seeking its confirmation by the Secretary of State for Housing Communities and Local Government, is to enable the Council to acquire compulsorily the land and the new rights over land included in the Order (the **Order Land**) to facilitate the regeneration and construction of Eastfields Estate Phase 1 (**Eastfields Phase 1**).
- 1.4 The Eastfields Estate regeneration forms part of the wider Estates Regeneration Programme (the **Scheme**) proposed by the Council in the borough. The Scheme seeks to deliver the regeneration of three residential housing estates in the London Borough of Merton, those being the Ravensbury Estate, the High Path Estate and the Eastfields Estate (together to be known as **the Estates** for the purpose of this document).
- 1.5 In order to secure the delivery of the Scheme, the Council intends to make a number of Compulsory Purchase Orders (**CPOs**) for the acquisition of third party property and rights on the Estates. The CPOs will be phased to reflect the Developer's proposed construction programme for the Scheme from 2022 – 2034.
- 1.6 In conjunction with this Order, the Council is also bringing forward the London Borough of Merton (Ravensbury No.1) Compulsory Purchase Order 2022 (the **Ravensbury Order**) and The London Borough of Merton (High Path No. 1) Compulsory Purchase Order 2022

(the **High Path Order**) (together with this Order, the **2022 CPOs**) as part of the next phase of redevelopment across the three Estates.

### **The Developer**

- 1.7 The Scheme will be delivered and financed by Clarion Housing Group (the **Developer**). Although the term 'Developer' is used at all times in this Statement of Reasons, many of the actions attributed to Clarion/the Developer will in practice have been undertaken by former manifestations of the organisation which is now known as Clarion, in particular Merton Priory Homes or Circle Housing Merton Priory.
- 1.8 Merton Priory Homes (also known as Circle Housing Merton Priory) was formed in 2010 as a result of the transfer of the Council's social housing stock to Merton Priory Homes, which became a subsidiary within the Circle Housing Group. In November 2016, the Circle Housing Group (the parent company of Merton Priory Homes) merged with the Affinity Sutton Group to form a new parent company, Clarion Housing Group Ltd (this is a charitable housing association). Clarion Housing Group is comprised of various companies, which together form the largest housing group in the country, holding over 125,000 homes.

### **Evolution of the Scheme**

- 1.9 Pursuant to an agreement dated 22 March 2010, the Council's social housing stock was transferred to the Developer (the **Stock Transfer Agreement**). The Stock Transfer Agreement between the Council and the Developer included a legal obligation requiring the Developer to undertake a programme of property improvements known as Decent Homes; these are well underway across the transferred housing stock.
- 1.10 Whilst considering the programme of improvement that needed to be undertaken, stock condition surveys undertaken on behalf of the Developer gave rise to concerns as to whether refurbishment was actually a viable option or whether, in some circumstances it might be more beneficial and sustainable to replace homes in the poorest condition with new properties. In 2013 the Developer began exploring regeneration-based alternatives for the housing stock on the Estates.
- 1.11 Since 2014, the Council has been exploring the regeneration of the Estates in consultation with residents, the Mayor of London's office, Transport for London and other interested parties as well as with the Developer. The Developer has also been actively consulting and engaging with residents and homeowners on the Estates about the possibility of regeneration. As well as active engagement, the Council have analysed the evidence provided by the Developer to support the case for regeneration. The Council and the

Developer signed the 10 Commitments in September 2014 (Appendix 2) which have provided the backbone of the project to ensure that residents remain at the heart of decision-making.

1.12 In order to take the Scheme forward, the Council took the in-principle decision to explore the production of an 'Estates Local Plan'. In January 2016, the Council resolved to consult on the draft Estates Local Plan and also resolved to finalise a revised delivery timetable for the implementation of the Decent Homes Programme on the Estates with the Developer. The Council then undertook to prepare and consult on the Estates Local Plan to guide and support the regeneration of the Estates. The Estates Local Plan was formally adopted by the Council as part of the Development Plan in February 2018.

### **The Scheme**

1.13 The Scheme is an ambitious regeneration project that is supported by the Council. It represents a significant long-term investment which sees the existing residents being at the heart of the regeneration project. The Scheme will provide sustainable communities through the creation of new, well designed high quality neighbourhoods aimed at fundamentally improving the quality of life and life-chances for existing and future generations living in the Estates. The Council believes that the Scheme will provide significant social, economic and environmental improvements for existing residents.

1.14 The Scheme envisages the provision of up to 2,704 new homes. The breakdown of these new homes is as follows:

- High Path Phase 1 (Kickstart): 134 homes;
- High Path Phases 2 –7: up to 1570 homes;
- Ravensbury Phase 1 (Kickstart) 21 homes;
- Ravensbury Phases 2-4: up to 179 homes; and
- Eastfields Phases 1-3: up to 800 homes.

1.15 In respect of Eastfields Phase 1, a revised outline planning permission for this element of the Scheme was obtained on [ ] March 2022.

1.16 Reserved matters for Eastfields Phase 1 was submitted on 14 December 2021 to which the Order relates, for the construction of 201 new homes. A decision is expected in March/April 2022.

- 1.17 Phase 1 of the Ravensbury Estate has already been carried out, and no compulsory purchase order was required. Reserved matters for Ravensbury Phases 2-4 and the current detailed design plans for 179 new homes in Phases 2-4 were approved on 9 December 2019. Phase 2 is being carried out but a small parcel of unregistered land is required to be acquired for access purposes. Phases 2-4 are therefore the subject of the Ravensbury Order being progressed in tandem with this Order.
- 1.18 Reserved matters were also approved on 3 October 2019 for the majority of High Path Phase 2, to which the Order relates, for the construction of 113 new homes. Reserved matters for the Nelson Grove Road Garages, which will form part of a separate construction Phase 2A and therefore does not form part of the Order as no CPO is required to deliver this sub-Phase, have been submitted and were validated on 16 February 2022 (ref: 22/P0085).
- 1.19 In respect of High Path Phase 3, revised outline planning permission for this element of the Scheme was obtained on 21 January 2022 and reserved matters for High Path Phase 3 is due to be submitted in Summer 2022.
- 1.20 Throughout the Scheme there will be no loss of social/affordable housing, indeed, the number of social/affordable bed-spaces provided will increase as the Developer addresses historic overcrowding in the three Estates, when rehousing the existing social/affordable tenants.
- 1.21 All of the Developer's existing social/affordable tenure tenants and resident homeowners have been given the opportunity to stay in new homes in the newly regenerated Estates. This is the case on all three Estates. This 'offer' is consistent with the Developer's Residents' Offer published in May 2015 and updated in 2018, a copy of which is attached at Appendix 3.
- 1.22 The Council supports the Scheme and is convinced that it will contribute significantly to improving the economic, social and environmental well-being of the area.
- 1.23 The Developer is in discussions with residents and the Council about amended the Scheme in respect of Phases 4-7 of High Path. However, the Developer has confirmed its commitment to delivering redevelopment pursuant to the 2022 CPOs and delivery of such is not contingent on any new or revised planning permission being granted for Phases 4-7.

### **The Order**

- 1.24 The Order forms parts of the first CPOs brought forward in respect of the Scheme, in conjunction with the Ravensbury Order and the High Path Order and relates to land comprising part of the Eastfields Estate (the **Order Land**). The Order Land comprises

Phase 1 of the Eastfields Estate. The Order Land includes all of the new homes being proposed as part of the construction of Eastfields Phase 1.

- 1.25 In addition to the land interests that need to be acquired within the relevant phases, there are properties within the wider Eastfields Estate which may have rights over the Order Land which may need to be acquired and/or over which new rights are required to undertake the development
- 1.26 The Council supports the Order; the acquisition of the Order Land will facilitate delivery of new and significantly improved housing for existing tenants and homeowners on part of the Eastfields Estate and will also allow enable regeneration of other parts of the Eastfields Estate to come forward, since the homes provided on the Order Land will enable the relocation of existing residents in subsequent phases of the Eastfields Estate regeneration.
- 1.27 Eastfields Phase 1 (which comprises the Order Land), will facilitate delivery of 201 new homes on the Eastfields Estate of which 143 (71%) new homes will be affordable rented/social rented and 58 new homes will be private homes to replace existing private homes for resident homeowners. All of these homes are part of the Order Land. Please note all 201 homes being provided as part of Phase 1 are 100% replacement homes. None of these new homes will be for sale.
- 1.28 The overall forecasted break down of Phases in the Eastfields Estate is:
- Phase 1: 201 Homes (the breakdown is set out at paragraph 1.27 above)
  - Phase 2: 125 Homes (122 affordable homes and 3 private homes); and
  - Phase 3 474 Homes (467 private homes and 7 replacement homes);
- 1.29 On 15 January 2018, the Council's Cabinet resolved 'in-principle' for the Council to use its compulsory purchase powers, if necessary, to bring forward the Scheme. This resolution was ratified by full Council on 7 February 2018, although full Council subsequently acknowledged on 2 February 2022, that their further ratification was not required in order to make future orders to carry out the Scheme, in line with the statutory framework governing the making of CPOs under section 226 of the Town and Country Planning Act 1990 and the Council's constitution. The Cabinet then passed a resolution on [21 March 2022] for the Council to make the Order as described in this Statement in respect of the Order Land specifically.

## 2 **Eastfields Estate – Existing and Proposed Regeneration**

### **The Estate – Existing**

- 2.1 The Eastfields Estate covers a total area of approximately 6.87 hectares and is located in the Figges Marsh ward. The perimeter of the Eastfields Estate is bound by Acacia Road to the north, Long Bolstead Recreation Ground to the east, Streatham Park Cemetery to the south and by residential dwellings fronting onto the adjacent Hammond Avenue to the west. Further north is St Mark's Church of England Academy, along with a purpose built BMX track. The nearest town centre to the Estate is Mitcham district centre located approximately 800m west of the site. No part of the Eastfields Estate comprises a Conservation Area although a small proportion of the site along the southern and eastern boundaries is designated as open space. There are no statutory or locally listed buildings falling within the Eastfields Estate, although the locally listed crematorium is within proximity of the Eastfields Estate. No other designated heritage assets are within the vicinity of the Estate.
- 2.2 The Eastfields Estate is self-contained and comprises identical 3 storey building containing flats and houses (with integral garages) with flat roofs located around the perimeter of the Estate which surround a central open space and consists of 466 existing residential units with an inward layout. Several of the blocks have fenced private gardens. The central open space is primarily amenity grassland with scattered mature trees. There is also an existing ball court within the Estate measuring approximately 550 sqm adjacent to the south eastern boundary. Approximately 53% (245 of the 466 existing dwellings) of the properties within the area of the Eastfields Estate that is being redeveloped are tenanted and the rest privately owned.
- 2.3 The Eastfields Estate was historically located in semi-rural land and was not developed until the 1870s when a fireworks factory occupied most of the site. The Estate was re-developed in the mid-1970s and has remained largely unchanged. The Developer has advised that all 466 existing dwellings on the Eastfields Estate have UPVC windows. Works to replace the old communal heating system with individual boilers for each unit was completed in 2010. No other major works have been carried out.
- 2.4 The Estate is in the Mitcham Eastfields area of the Borough and is approximately 300m from the relatively new Mitcham Eastfields Railway Station, located on the Thameslink Sutton branch line. Local bus services 152 and 463 run from Tamworth Lane and Grove Road to Coulsdon, Mitcham and New Malden. The Eastfields Estate has a Public Transport Accessibility Level rating 3 which is expected to improve as a result of the Scheme which would improve the frequency and capacity of the Thameslink service operating from Mitcham Eastfields.

2.5 The Eastfields Estate is accessed via Acacia Road to the northwest and Woodstock Way, via Clay Avenue to the northeast of the Estate. Clay Avenue also forms a vehicular route around the internal perimeter of the Estate. Access for vehicles around the internal perimeter of the Estate is broken along both the northern and southern sides of the site: on the southern part of the site by a gate for emergency vehicles which is sometimes open for through traffic.

### **Proposed Regeneration**

2.6 Redevelopment of the Eastfields Estate has not yet commenced. Unlike both Ravensbury Estate and High Path Estate, there is no kick-start element to the proposed regeneration of Eastfields Estate and Phase 1 is subject to the Order.

2.7 The whole of the proposed regeneration of the Eastfields Estate was granted outline planning permission on 29 April 2019 (ref: 17/P1717) (the **Outline Permission**), along with the remaining Phases (2-7) of the High Path Estate (ref 17/P1721) and the remaining phases of the Ravensbury Estate (ref 17/P1718). The planning position is set out in more detail at section 5 to this Statement.

2.8 All 466 existing dwellings (comprising 221 private and 245 affordable units) on the Eastfields Estate are proposed to be demolished and redeveloped in accordance with the Outline Permission. Homes to be demolished as part of the outline proposal for Phase 1 include 78 affordable/tenanted units and 74 private units.

2.9 The core elements of the Eastfields Estate's regeneration are as follows:

2.9.1 As mentioned above, demolition of all existing buildings and structures within the red line boundary of the outline planning application site, which equates to the demolition of 466 existing homes.

2.9.2 Construction of up to 800 residential units (use class C3);

2.9.3 A minimum total of 262 affordable units are to be delivered in Phases 1-3 as required by the S106 agreement related to the Outline Permission.

2.9.4 a maximum of 275 sqm of commercial and/or community floor space (use classes A1, A2, A3, A4, B1, D1 and/or D2) with 201 residential dwellings and construction of 3 blocks in Eastfields Phase 1 all of which will be on the Order Land and 143 of the dwellings shall be delivered as affordable housing in Eastfields Phase 1 pursuant to the relevant reserved matters consent;

- 2.9.5 The creation of new public open space and communal amenity spaces will be created including children's play space;
- 2.9.6 The creation of new public realm space along with landscaping works and lighting;
- 2.9.7 Car parking spaces including within ground level podiums;
- 2.9.8 Cycle parking spaces for all land uses, including visitor cycle parking; and
- 2.9.9 Associated highways and utilities works.

2.10 The redevelopment of the Eastfields Estate will come forward in three phases. The phases have been designed to ensure minimum disruption to existing residents. The phasing proposed is:

- 2.10.1 Phase 1            201 Units
- 2.10.2 Phase 2            125 Units
- 2.10.3 Phase 3            474 Units

2.11 A Phasing Plan in respect of the Eastfields Estate is appended at Appendix 4 to this Statement.

### 3 **Order Land and Rights to be acquired**

3.1 The interests identified below remain outstanding and need to be acquired by the Council to facilitate the delivery of Phase 1 of the Eastfields Estate regeneration. The Developer has successfully negotiated the purchase of all other interests in the Order Land to facilitate the delivery of Eastfields Phase 1. Full details of the owners and their outstanding interests, together with the new rights that need to be acquired, are contained in the Schedule to the Order and shown on the Order Map.

#### **Order Land**

3.2 The land proposed to be acquired is shown coloured pink on the Order Map. The Order Land is required to deliver Phase 1 of the Eastfields Estate regeneration. Details of those interests that have not been acquired by private treaty negotiations are contained in Table 1 of the Schedule to the Order attached at Appendix 1.

3.3 The Order Land includes small areas of unregistered land. The Council has been unable to trace the owners despite making diligent enquiries. None of the unregistered land is occupied by any residents or businesses.

#### **Rights of Light and new Rights**

3.4 The land over which new rights are sought as part of the regeneration of the Eastfields Estate are shown coloured blue on the Order Map (the **Blue Land**). Details of the interests in the Blue Land to be compulsory acquired and those properties that may benefit from rights of light over the Order Land that will need to be acquired are contained in Table 2 of the Schedule to the Order attached at Appendix 1.

3.5 The rights in respect of the Blue Land are proposed to be acquired to allow cranes to over sail that land during the construction process. The affected in respect of any new rights or rights to light will not be redeveloped pursuant to the Order and there is no need to acquire the physical land itself. As with the property acquisitions, negotiations to secure these rights by private treaty agreement are ongoing and will continue in parallel with the formal CPO process.

3.6 St. Mark's Church of England Academy benefits from rights of light over the Order Land that will need to be acquired as part of the regeneration of the Eastfields Estate but this will not affect Phase 1.

#### **The Order Map**

3.7 The Order Map identifies the Order Land and the Blue Land. Individual plot boundaries and numbers on the CPO Map correspond with the Schedule. In addition, the Schedule lists other parties who may have a qualifying interest in the Order Land where known after reasonable enquiry. The Schedule has been based on information gathered through site inspections and enquiries, responses to notices issued under section 16 of the 1976 Act and inspection of Land Registry documents. There has been an extensive enquiry to identify land interests, but it is recognised that currently unknown interests may emerge in the course of proceeding with the compulsory purchase process.

## 4 The Need for Development and Regeneration

4.1 There is a real and present need for new housing, both in London generally and also specifically in the London Borough of Merton. Indeed, the Estates Local Plan expressly recognises the position in the following terms (at Paragraph 1.20):

*'There is a **substantial demand** for new homes in London and the south east. Increasing the supply of new homes to meet housing needs is a longstanding and well documented policy driver for successive governments'* (emphasis added).

4.2 It is against this backdrop that the Council has resolved to pursue the Scheme, with the intention being that the Estates Local Plan 'will help deliver new homes for existing and future residents, helping Merton to meet its share of London's new homes of all types, sizes and tenures' (Paragraph 1.20).

4.3 In this regard the London Plan identifies a level of housing need of 52,300 new homes per annum across London, with a need of 918 homes per annum within Merton.

4.4 As such, it is evident that the need for more and better housing in Merton is pressing.

4.5 Both the Scheme more generally, and the regeneration of the Eastfields Estate specifically, will increase housing provision and so materially contribute towards meeting this housing need.

### **Condition of Estates**

4.6 As already noted earlier in this Statement, when the Developer acquired responsibility for all of the Council's housing stock, they committed to improve the accommodation as well as the quality of life for residents. However, as explained, in working towards this goal, stock condition surveys undertaken identified that significant refurbishment and maintenance was required. The Developer therefore began a comprehensive review across all the various housing estates for which it was responsible which included the three Estates, to determine whether refurbishment was viable or whether it might be more beneficial and sustainable to replace homes in the poorest condition with new properties.

4.7 The Developer has undertaken technical surveys and financial planning work, which concluded that not only significant refurbishment, but also significant ongoing maintenance work and financial investment would be needed to raise – and keep – the housing stock to the required standard. Whilst incremental refurbishment works would improve the internal housing quality in the short to medium term, comprehensive regeneration and redevelopment was determined to be the most effective way of delivering long term sustainable Decent Homes.

4.8 As already noted, on 7 February 2018, the Council adopted Estates Local Plan, which now forms part of the Council's Local Plan alongside its Core Planning Strategy and Sites and Policies Plan. The Estates Local Plan was adopted with the intention that it would guide redevelopment proposals for the Estates that come forward in the next 10-15 years, in order to ensure that development proposals create well designed, high quality neighbourhoods aimed at fundamentally improving the quality of life for existing and future generations living in the area. At the heart of the Estates Local Plan is an acknowledgment that the existing housing stock on the Estates is largely sub-standard and that regeneration is the most viable option for delivering housing to Decent Homes Standards.

#### **Case for regeneration at the Eastfields Estate**

4.9 The Eastfields Estate was constructed in the early to mid 1970s using Wimpey No Fines concrete and clad in Escol steel panels. This was a form of pre-fabricated construction replacing the traditional brick or block walls and were then clad by pebble dash render. The life span of much of the existing building stock on the Eastfields Estate is limited. Continual repair and upgrade work is required to meet habitable standards of living. Specific housing stock issues include the following:

- 4.9.1 The principle areas of concern highlighted in an structural engineers report from October 2010 (Ellis and Moore Consulting Engineers Ltd) are the longevity of the windows and the corrosion and poorly sealed joints of the cladding system of the properties. Condition surveys also highlighted issues including internal water damage from roof areas and heat loss through thermal bridging at various points around the buildings.
- 4.9.2 Baily Garner LLP conducted internal surveys in December 2014 which further identified that 20% of kitchens and 38% of bathrooms were deemed old and in poor condition. 46% of electrical installations were both old and inadequate and a further 54% of boilers contained within units were deemed old and at the end of their life.
- 4.9.3 Baily Garner stated that from their experience of similar building types, it is likely that the infill between the steel cladding and the structure may have been filled and insulated with asbestos containing board material. Defective areas of asphalt to balconies and poor condition rear garden boundaries were also issues highlighted. Upgrade works, including new kitchens and bathrooms, and potentially boilers, are required for these buildings to meet Decent Home standards.

4.9.4 A 2015 Housing Needs Survey noted that the affordable accommodation is notably smaller on average than the market housing within Eastfields Estate: while 71.2% of the market properties are 3 bedrooms in size, 75.8% of the affordable accommodation is 1 bedroom in size.

4.10 The urban design of the Eastfields Estate is also a key issue. A 2015 urban design review study into the urban structure of the area found that the Estate is considered to be somewhat separated from its surroundings. While this accessibility is improved by the opening of Mitcham Eastfields Station in 2008, the railway line, the school grounds to the north and the extensive cemetery to the south and east act as barriers to movement to and from the existing Estate in a number of directions (notwithstanding the bus routes mentioned above). This increases the likelihood of more trips to be taken by car.

4.11 This separation is exacerbated by the distinct perimeter building layout of the Estate. The survey also reveals a clear separation between public space of the street outside the Estate, and the more private internal space despite numerous routes through the centre of the Estate. An intervisibility analysis also highlights that a large number of journeys through the area are made through areas where people are likely to feel unsafe, particularly the alleys into the areas which are not well overlooked. This is compounded by the fact that there are no non-residential land uses on the site at present to meet the needs of the residents of the Estate.

### **Alternatives Considered**

4.12 In deciding on a full regeneration of the Eastfields Estate, two alternative options were considered:

4.12.1 Option 1 - Refurbishment to Decent Homes (Merton Standard) which would comprise predominantly internal works, such as new kitchens, bathrooms, plumbing, electrics and insulation to improve the quality of the existing accommodation;

4.12.2 Option 2 - Refurbishment an Enhanced Standard which would comprise the refurbishment of all existing properties owned and managed by Clarion to a standard above Decent Homes. This would involve a programme of works including both internal improvements (such as new kitchens and bathrooms) and external works (such as new building cladding and roofs to improve thermal performance).

4.13 No consideration was given to a "do nothing" approach.

4.14 The decision was also made not to consider an option for the partial regeneration of Eastfields Estate for a number of site specific factors:

4.14.1 The existing stock was built at the same time and is all broadly of the same condition and so no part of the existing Estate would require less investment to keep as refurbished properties; and

4.14.2 The layout and urban design of the Estate is considered as being poor and so retaining any of the existing properties would not offer the best opportunity to deliver a high quality residential development which optimises the use of the land within the Estate.

4.15 Neither Option 1 nor 2 were considered to offer a reasonable alternative because:

4.15.1 They would not deliver significant increases in the quality and quantity of residential accommodation, or diversification of the housing mix, type and size of dwelling, or improvements to the general environment of the Eastfields Estate in accordance with key policy objectives at national, regional and local levels;

4.15.2 The jobs created by refurbishment of the Estate, while having a positive impact on residents in the local area, predominantly in trades and services, would be of shorter duration than those created if the Estate is fully regenerated and so the benefits are much more significant and wide-ranging;

4.15.3 Neither option would include the creation of any new non-residential land uses such as the introduction of any community space, nor would they present any ability to alter the layout and urban design of the existing Estate - both highlighted as being major concerns;

4.15.4 Neither option allows for the integration of parking and navigation throughout the Estate or the definition of streets or the creation of stronger connections from the Estate; and

4.15.5 There is limited or no potential for increasing the sustainability of the Estate through the introduction of sustainable drainage systems, green and brown roofs and ecological enhancements. Further, while options 1 and 2 would both offer energy performance benefits, financial analysis demonstrates that the upgrades required would have significant payback periods, making these options less attractive.

- 4.16 Therefore, the positive benefits do not outweigh the potential drawbacks of both options in the long term, particularly in comparison with a full regeneration of the Estate.
- 4.17 Refurbishment was also discounted due to the significantly high cost, estimated to be over £79,828,810 as detailed in a Condition Survey Report & Life Cycle Cost Analysis Feb 2016 by Bailey Garner. Whilst refurbishment would improve the quality of the existing stock, the longevity of the improvements would be limited before the condition began to decline again (so that significant further investment would be required). Refurbishment works alone offer very limited potential to optimise the housing potential of the Eastfields Estate as a whole.
- 4.18 The Developer has decided that full regeneration is the most cost effective way of delivering longer term sustainable Decent Homes through the provision of new, well designed, energy-efficient homes that will meet the needs of residents now and in the future.
- 4.19 An assessment carried out for the Developer by Savills dated October 2016 concluded that full regeneration of the Eastfields Estate was considered to be the most appropriate in terms of delivering key planning policy objectives at national, regional and local levels as it is the only option that is able to deliver significant increases in the quality and quantity of residential accommodation as well as improvements to the general environment of the Eastfields Estate.

#### **Improvements delivered by the Eastfields Estate Regeneration**

- 4.20 The Eastfields Estate regeneration is consistent with the Estates Local Plan. The Estates Local Plan sets out that regeneration will be expected to provide a range of choices and benefits including:
- 4.20.1 high quality well designed neighbourhoods;
  - 4.20.2 wider housing mix;
  - 4.20.3 private outdoor space for all residents;
  - 4.20.4 better quality green spaces and community facilities; and
  - 4.20.5 job creation opportunities.
- 4.21 The proposed redevelopment will also be an opportunity to provide much needed new homes by making more efficient use of brownfield land, improving the quantity, quality and mix of new homes on the Eastfields Estate.

#### 4.22 The Eastfields regeneration:

- 4.22.1 optimises the housing potential of the Eastfields Estate and ensures that this large brownfield site is used effectively, delivering a net uplift of up to 334 homes (and no net loss of affordable housing) helping to meet the increased housing need in Merton, and London as a whole;
- 4.22.2 has a high quality design, with the overall proposed scale, massing and design of the proposed development being fully supported by the Council's Urban Design team. The proposal was also presented to the 'Design Review Panel' on 3 November 2021. A summary of the review revealed that the Eastfields Estate masterplan performed well against the 'Build For Life' 12 questions, which offer a tool kit aimed at assessing residential quality for new developments;
- 4.22.3 includes improvements in terms of access that will ensure improvements to pedestrian routes across the Eastfields Estate and to nearby parks, bus and tram stops, with routes being linked into the proposed and existing street networks.
- 4.22.4 provides a good level of community space and open space; and
- 4.22.5 includes a Design Code which sets key principles and design parameters that inform and control the design for future reference in the Reserved Matters applications and the detailed design of future phases. These include; landscape and public realm, built form, architectural quality and materials and building typologies.

4.23 The Estates Local Plan also makes it clear that any regeneration proposals that come forward should include a commitment to keeping the existing community together in each neighbourhood, as well as for existing residents to have a guaranteed right to return to a new home in their regenerated neighbourhood. The Eastfields Estate regeneration provides for precisely such a commitment.

## 5 **Planning considerations**

- 5.1 In making the Order, the Council has had regard to its statutory development plan and other relevant local policy and guidance, together with other material considerations as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the 1990 Act. A comprehensive appraisal of the Scheme and all relevant planning policy is set out in the Officer's report to the Council's Planning Committee on 8 March 2018.
- 5.2 Planning permission was granted for the Scheme through three outline planning permissions references 17/P1717, 17/P1718 and 17/P1721 on 29 April 2019. Two Kickstart planning permissions were granted for the Kickstart Area at Ravensbury and the Highpath Phase 1 site on 9 May 2017 and 5 October 2017 respectively.
- 5.3 As previously mentioned, the planning application for reserved matters of Phase 1 of the Eastfields Estate was submitted on 13 December 2021.
- 5.4 In respect of Eastfields Phase 1, revised outline planning permission for this element of the Scheme was obtained on [ ] March 2022.
- 5.5 Reserved matters for Eastfields Phase 1 was submitted on 13 December 2021 to which the Order relates, for the construction of 201 new homes. A decision is expected to be made by the Council in March/April 2022.
- 5.6 All outline planning permissions for the three Estates are linked with one overarching section 106 agreement which was completed on 26 April 2019. The effect of the joint section 106 agreement is to link the regeneration of the Estates in viability terms, which in-turn helps to ensure that the re-development of all Estates can be delivered through the Scheme.
- 5.7 Section 106 agreements were also entered into separately in relation to the Kickstart Area at Ravensbury and High Path Phase 1.
- 5.8 Given that outline planning permission has been granted for the Scheme, and for the development that underpins the Order on the Order Land in particular, the following paragraphs do not address planning issues at length, but instead summarise briefly the key planning policy objectives.

### **Estates Local Plan**

- 5.9 The Estates Local Plan forms part of the Council's Local Plan and sits alongside its Core Planning Strategy, Sites and Policies Plan and the South London Waste Plan.

- 5.10 The Estates Local Plan primarily guides how new homes will be delivered via a coordinated strategy considering the social, economic and environmental opportunities and provides the framework for sustainable development of these areas. The regeneration of the Estates as a single comprehensive programme has been presented to the Council as the basis of being able to deliver regeneration.
- 5.11 The Estates Local Plan sets out the overarching vision that underpins the whole Estates regeneration:
- 5.12 The Estates Local Plan also sets out an overarching "Case for regeneration" of the Estates, which makes it clear that the existing housing stock faces a multitude of shortcomings.
- 5.13 The Estates Local Plan goes on to identify a vision for each Estate and in particular with reference to the Eastfields Estate (Policy OEP1 (b) (i) page 28) states:

*Eastfields will be a contemporary compact neighbourhood. A new neighbourhood which demonstrates innovative design, reimagining suburban development by maintaining a distinctive character through the creation of a contemporary architectural style encompassing a variety of types, sizes and heights for new homes overlooking traditional streets and the improvement of links to the surrounding areas.*

#### **National Planning Policy Framework (NPPF)**

- 5.14 The revised NPPF was published in July 2021. As national policy, the document aims for sustainable development to strengthen and support the economy, communities and the environment (paragraphs 7 and 8).
- 5.15 Paragraph 8 of the NPPF defines the three over-arching objectives of the planning system to deliver sustainable development:
- 5.15.1 Economic – helping to build a strong economy by ensuring that enough of the right type of land is available in the right places;
  - 5.15.2 Social – supporting communities by ensuring that a sufficient number and range of homes can be provided and fostering a well-designed and safe built environment; and
  - 5.15.3 Environmental – protecting and enhancing the environment by making effective use of land, helping to improve biodiversity, using natural resources prudently and minimising waste and pollution.

5.16 The Scheme is consistent with sustainable development principles of the NPPF.

### **London Plan**

5.17 The Mayor of London's new London Plan was formally adopted in 2021. The current version was published in March 2015 (consolidated with amendments since 2011). It provides a strategic spatial strategy within Greater London and forms part of the Council's development plan. The London Plan sets out a number of objectives:

5.17.1 building strong and inclusive communities;

5.17.2 making the best use of land;

5.17.3 creating a healthy city;

5.17.4 delivering the homes Londoners need;

5.17.5 growing a good economy; and

5.17.6 increasing efficiency and resilience.

5.18 The Scheme will play a key role in achieving the objectives under the London Plan.

### **Core Planning Strategy**

5.19 The Core Planning Strategy forms part of the Council's Local Plan and sets out the spatial strategy for the borough and the key elements of the planning framework.

5.20 Strategic Objective 3 of the Core Planning Strategy is:

*"To provide new homes and infrastructure within Merton's town centres and residential areas, through physical regeneration and effective use of space. This will be achieved by a range of actions including through the delivery of higher density new homes that respect and enhance the local character of the area."*

5.21 The Scheme is not only consistent with Strategic Objective 3 but it is also supported by key Core Planning Strategy policies such as CS9 (Housing Provision), CS8 (Housing Choice) and DMH2 (Housing Mix).

5.22 Also of relevance to the Scheme is the Council's draft Local Plan which was submitted to the Secretary of State on 2 December 2021. The Examination in Public will take place in 2022.

5.23 The key strategic housing policies which support the Scheme in the draft Local Plan include H11.1 (Housing Choice) and H11.2 (Housing Provision). Once adopted, these strategic policies will replace the Council's Core Planning Strategy. The draft Local Plan will not supersede any policies in the Estates Local Plan.

#### **Other Relevant Policy and Guidance**

5.24 The Mayor of London's Housing Supplementary Planning Guidance (March 2016, updated August 2017) includes the guidance relevant to estate regeneration. The guidance states the overarching objectives for any estate regeneration scheme will usually be to:

5.24.1 deliver safe and better quality homes for local people;

5.24.2 increase the overall supply of new and affordable homes; and

5.24.3 improve the quality of the local environment through a better public realm and provision of social infrastructure (e.g. schools, parks, or community centres).

5.25 The Scheme and the Eastfields Estate regeneration comply with these objectives.

#### **Conclusions**

5.26 Both the Scheme, the proposed regeneration of the Eastfields Estate, and the regeneration of the Order Land in particular benefit from strong policy support at national, regional and local level. The development plan and other relevant local policy and guidance all support the Eastfields Estate regeneration as proposed and the Council is satisfied there is no viable alternative to deliver its benefits.

6 **Explanation of the use of the enabling powers**

- 6.1 Section 226 of the 1990 Act confers power on a local authority to acquire land compulsorily for development and other planning purposes.
- 6.2 Section 226(1)(a) of the 1990 Act allows a local authority to acquire compulsorily any land within its area if the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to that land.
- 6.3 The power to acquire land compulsorily conferred by Section 226(1)(a) of the 1990 Act is subject to subsection (1A), which provides that the acquiring authority must not exercise the power unless it thinks that the proposed development, redevelopment or improvement is likely to contribute to the achievement of any one or more of the following objectives:
- 6.3.1 the promotion or improvement of the economic well-being of its area;
  - 6.3.2 the promotion or improvement of the social well-being of its area;
  - 6.3.3 the promotion or improvement of the environmental well-being of its area.
- 6.4 The CPO Guidance states that a compulsory purchase order should only be made where there is a compelling case in the public interest.
- 6.5 The CPO Guidance provides recommendations to acquiring authorities on the use of compulsory purchase powers and the Council has taken full account of this guidance in making this Order.

## 7 Justification for the use of CPO powers

7.1 The purpose of the Order is to secure the acquisition of all relevant interests in the Order Land to facilitate the vital redevelopment of the Eastfields Estate.

7.2 If the relevant interests are not able to be acquired the redevelopment of the Eastfields Phase 1 element of the Scheme would be severely compromised as all of the units to be acquired lie within the main redevelopment area of this part of the Estate. Seeking to construct new development around these few outstanding interests would not only compromise the construction process but it would also compromise the Council's aims to deliver the wider regeneration benefits of the comprehensive redevelopment of the estate. It would severely impact on the place-making benefits, the wider social benefits, the delivery of affordable housing, the delivery of higher quality homes.

7.3 The Council is convinced that there is a compelling case in the public interest for the making of the Order and that, if confirmed, the Order would strike an appropriate balance between public and private interests in that the development will make a positive contribution to the promotion or achievement of the economic, social and environmental well-being of its area. For those private interests that will be the subject of the CPO, the Council is satisfied that the Residents' Offer and the Developer's 10 Commitments adequately addresses the loss of those interests.

7.4 The overarching consideration for the Secretary of State in deciding whether an Order should be confirmed is set out in paragraph 12 of the CPO Guidance:

7.4.1 *"A compulsory purchase order should only be made where there is a compelling case in the public interest.*

7.4.2 *An acquiring authority should be sure 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. Regard should be had, in particular, to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention."*

7.5 In the context of that overarching consideration, having regard to Paragraph 106 of the CPO Guidance, the following issues should be considered:

7.5.1 whether the purpose for which the land is being acquired fits with the adopted planning framework for the area;

- 7.5.2 the extent to which the proposed redevelopment of the Eastfields Estate would contribute to the achievement of the promotion and/or improvement of the economic, and/or social, and/or environmental well-being of the Council's area;
- 7.5.3 the potential financial viability of the proposal to redevelop the Eastfields Estate, general funding intentions and the timing of available funding;
- 7.5.4 impediments to implementation of the proposed regeneration and whether that regeneration has a reasonable prospect of going ahead; and
- 7.5.5 whether the purposes for which the proposed Order Land is to be acquired could reasonably be achieved by any other means within a reasonable timeframe.

7.6 The issues summarised above are addressed below.

**Whether the purpose for which the land is being acquired fits with the adopted planning framework for the area**

7.7 The Order will help deliver the Council's vision for the regeneration of the Eastfields Estate. That regeneration is supported in a variety of policy documents, namely the London Plan, the Estates Local Plan, the Core Planning Strategy, and the National Planning Policy Framework, as well as relevant guidance documents. The planning framework is set out in more detail in Section 5 of this Statement.

7.8 Once adopted, the regeneration of the Eastfields Estate will also be supported by the Council's draft Local Plan which was submitted to the Secretary of State in December 2021.

7.9 The Council is therefore satisfied that the promotion of the Order is in accordance with the strategic objectives of the adopted planning framework.

**Contribution to the social, economic and environmental well-being of the area**

7.10 Section 226(1)(a) of the Act directs that an acquiring authority may not exercise the powers under this section unless it thinks that the proposed development, redevelopment or improvement is likely to contribute to the economic, social or environmental well-being of the area for which the Authority has administrative responsibility.

7.11 As set out in section 4, Eastfields Estate – and indeed the Estates in general – face a number of major shortcomings. As detailed above, the Council has undertaken a comprehensive investigation of the options for the repair and/or redevelopment of the

Estates and it has determined that regeneration is the most viable means to achieve the Estates Local Plan objectives. The Eastfields Estate regeneration, as part of this wider Scheme, will make a very material contribution to the economic, social and environmental well-being of the area.

### **The Scheme Generally**

7.12 Promotion or improvement of *economic well-being* will occur through the increased vitality and viability of the Estates. The main economic benefits previously identified for the Scheme as a whole will be:

- 7.12.1 A total investment of c.£1 billion in the Estates and wider Merton area;
- 7.12.2 The creation of approximately 4,584 gross temporary construction jobs (equating to 459 permanent construction jobs) with opportunities for apprenticeships for local people in respect of Eastfields;
- 7.12.3 Increased economic activity by reason of increased employment and expenditure during the construction phase of the Scheme; and
- 7.12.4 Increased economic activity by reason of increased employment and expenditure during the operational phase of the Scheme and the introduction of expanded residential uses.

7.13 Promotion or improvement of *social well-being* will be delivered by:

- 7.13.1 provision of new, well-designed, energy-efficient homes that will meet the needs of residents now and in the future;
- 7.13.2 up to 2,704 new homes across all three Estates. With 1,175 existing homes being demolished across all three Estates, this results in a net uplift of up to 1,530 new homes;
- 7.13.3 the provision of c. 29% affordable housing overall across the Estates on a habitable rooms basis which includes no net loss of affordable housing;
- 7.13.4 an improved housing mix better suited to meet the needs of existing affordable housing tenants on the estates having regard to the Housing Needs studies undertaken for each estate; and
- 7.13.5 improved pedestrian, cycle and vehicular access links to improve permeability and to foster the creation of a healthy and safe community.

7.14 Promotion or improvement of *environmental well-being* will occur through the following main environmental benefits:

- 7.14.1 redevelopment of a brownfield site;
- 7.14.2 provision of new, well-designed, energy-efficient homes that will meet the needs of residents now and in the future;
- 7.14.3 enhancement of the townscape through the replacement of outdated buildings with a contemporary and well-designed residential development. The public realm will be improved and heritage assets appropriately and respectfully treated within the Scheme;
- 7.14.4 increased housing density appropriate to the suburban locations of the Estates and to national and local planning policy;
- 7.14.5 provision of efficient layouts and high quality public open space, community and recreational facilities
- 7.14.6 Replacement of poorly insulated properties by new, energy efficient homes.

#### **Eastfields Estate and the Order Land**

7.15 In respect of the Order Land, the proposed regeneration will improve the social, economic and physical environment of the Eastfields Estate specifically by developing a new mixed tenure neighbourhood where all homes are built to a high quality with their own outside space with well-designed and maintained public open space

7.16 The Eastfields Estate regeneration will help to address the socio-economic inequalities of the area. Eastfields Estate has a distinct socio-economic profile compared to the borough as a whole and generally contrasts with the socio-economic conditions of the borough as a whole. Specifically, the following characteristics have been identified as worsening in respect of Eastfields Phase 1:

- 7.16.1 Increased unemployment and a large proportion of residents in receipt of out-of-work benefits relating to poor health;
- 7.16.2 Low quality housing and residential environments which is likely to heighten concerns over child poverty; and
- 7.16.3 Levels of youth unemployment constraining the skills and occupation profile and long-term employability of the local population.

7.17 The economic consequences of the ongoing COVID-19 pandemic have not yet been fully captured by local statistics but it is likely that this will exacerbate the existing issues faced by the local community.

7.18 Promotion or improvement of *economic well-being* will occur through:

7.18.1 The creation of 60 gross temporary construction jobs on a three year annual basis throughout the construction period of Eastfields Phase 1 which would support five net additional jobs at a local level;

7.18.2 Investment in Eastfields Phase 1 is anticipated to generate £19 million in gross value added, of which £1.7 million will be net additional to the local area and £4.7 million to the Council;

7.18.3 The anticipated uplift of an additional 230 persons within the resident population of Eastfields Phase 1 which would unlock an additional:

(a) £135,000 in additional Council Tax revenue per annum once fully occupied; and

(b) £1.1 million of additional residential expenditure is anticipated of which £400,000 is likely to be in the retail and hospitality sectors, once Eastfields Phase 1 is fully occupied;

7.18.4 There is potential for on-site training in construction which could develop local skills which in turn will benefit the local economy;

7.18.5 The development will be liable to Community Infrastructure Levy (**CIL**) payments, and these monies can be utilised by the Council to fund improvements in social infrastructure, including to education, healthcare and community facilities, leisure and open space; and

7.18.6 The New Homes Bonus will enable the Council to retain a greater proportion of the Council tax revenue to be made available to spend in borough.

7.19 Promotion or improvement of *social well-being* will be delivered by the following:

7.19.1 Of the 201 homes being constructed in Eastfields Phase 1, 143 will be affordable homes all of which form part of the Order Land.

7.19.2 The proposed housing development will reinforce the attractiveness of Eastfields Estate as a vibrant and balanced community; and

7.19.3 The proposal will increase the supply of high quality housing, creating an attractive living environment in the area and providing better quality affordable housing.

7.20 Promotion of environmental *well-being* will occur through:

7.20.1 The redevelopment of a brownfield site;

7.20.2 The provision of new, well-designed, energy-efficient homes that will meet the needs of residents now and in the future;

7.20.3 The enhancement of the townscape through the replacement of outdated buildings with a contemporary and well-designed residential development;

7.20.4 Public realm improvements;

7.20.5 Provision of an efficient layout and a high quality public open space;

7.20.6 Provision of community and recreational facilities; and

7.20.7 Replacement of poorly insulated properties by new, energy efficient homes.

7.21 These benefits should be looked upon in tandem with the benefits of the regeneration of High Path Estate Phases 2 and 3 and the Ravensbury Estate Phases 2 to 4.

7.22 For the above reasons, the Council considers that the well-being tests set out in Section 226 are fully satisfied in respect of the Order as made and submitted for confirmation.

### **Viability of the regeneration and general indication of funding intentions**

7.23 The Developer has considerable experience and resources. It manages over 125,000 homes across 176 local authorities. It is the largest housing association in the UK and is one of the country's leading housebuilders, set to build a high volume of high quality homes of all tenures during the next ten years.

7.24 The Developer has an impressive track record of working on large regeneration schemes across the UK.

7.25 To support the Scheme as a whole, which as things stand is not viable, the Council and the Developer have entered into a legally binding contract to vary the existing Stock Transfer Agreement dated 22 March 2010, in particular the Development and Disposals Clawback Agreement also dated 22 March 2010, to suspend clawback payments unless the Scheme achieves a surplus.

- 7.26 The Developer has shared with the Council details of projected costs and revenues and its financial strategy for delivery of the Eastfields Estate regeneration pursuant to the planning permissions. The Developer has confirmed they have sufficient resources to carry out the development and do not anticipate requiring external, development-specific, funding. The Developer's Board resolved on 30 September 2021 to reaffirm its commitment to delivering the Scheme even though there is anticipated still to be a deficit between the costs of the Scheme and the income generated by the sale of the private units.
- 7.27 The Council does not consider there to be any funding impediment to acquiring the Order Land and the delivery of this element of the Eastfields Estate regeneration. The Developer is fully committed to delivering this element of the Estate's regeneration, (and indeed the wider regeneration of the Estate), having expended considerable resources to date on acquiring relevant interests, negotiating to acquire further interests by agreement, and in obtaining the main planning approvals required to authorise and deliver it.
- 7.28 The Developer has entered into an indemnity agreement with the Council dated 7 February 2019 which fully indemnifies and provides protection for the Council in relation to all costs associated and arising in the preparation and making of the Order, acquisition of Order Land and the payment of compensation arising from such acquisition.
- 7.29 The Council is satisfied, having regard to the Clarion's resources, its standing as the UK's largest housing association, its reaffirmed commitment to the Scheme and the requirements of the CPO Guidance, that the 2022 CPOs are deliverable and that, having regard to national guidance, there is sufficient probability that they will proceed.

**Reasonable prospect of Scheme proceeding: Implementation of the Scheme**

- 7.30 The Council is confident that there is no impediment to the successful delivery of the regeneration of Eastfields Estate.
- 7.31 As set out above, the Council has granted of outline planning permission for the regeneration of each of the Estates. The Council envisages that the related orders can successfully be obtained.
- 7.32 The Council's investigations have revealed no other legal, financial or physical impediment and the Council is confident that there is a more than reasonable prospect of the Scheme proceeding.

**Whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means.**

- 7.33 As discussed above in section 4, other options to meet the obligation to provide housing stock to Decent Homes standards were discounted as not being cost effective or delivering the significant benefits of the Scheme.
- 7.34 As regards the Eastfields Estate, in order to deliver its regeneration the Developer requires unencumbered ownership with vacant possession of all the property interests which will form part of the new development.
- 7.35 The Council and the Developer have made considerable efforts to acquire all land interests on the Eastfields Estate by agreement but the prospects of acquisition of all interests in the Order Land by agreement within a reasonable timescale are unlikely.

**Conclusions regarding the need for the Order at this time**

- 7.36 In pursuing the Order, the Council has carefully considered the balance to be struck between the effect of acquisition on individual rights and the wider public interest in the redevelopment of the Order Land. Interference with rights under the European Convention on Human Rights (as further set out in section 10 of this Statement of Reasons) is considered by the Council to be justified, in order to secure the economic regeneration and environmental and public benefits which the proposed regeneration will bring.
- 7.37 The Council is satisfied that the redevelopment of the Order Land will have a positive impact on the social, environmental and economic well-being of the area, as the redevelopment will provide an overall improvement in the quality of life for local residents. Compulsory acquisition of individuals' property situated within the Order Land is necessary to allow this comprehensive redevelopment to proceed, and for these benefits to be delivered.
- 7.38 Due to the substantial public benefit which would arise from the regeneration of the Eastfields Estate, it is considered that the use of compulsory purchase powers is both necessary and proportionate, and that there is a compelling case in the public interest for the making and confirmation of the Order. It is considered that the Order does not constitute any unlawful interference with individual property rights. The compulsory purchase process enables objections to be submitted and a Public Inquiry to be held to consider those objections. The parties directly affected by the Order will be entitled to compensation in accordance with the statutory compensation code.
- 7.39 All of the Order Land is required to deliver the comprehensive redevelopment of Phase 1 of the Estate's regeneration. There is no certainty that the necessary land and interests

can be assembled by agreement within a reasonable period and as such the Order is necessary, although efforts to acquire all interests by negotiation will continue in parallel.

## 8 Consultation and Engagement

8.1 The Council and the Developer have been firmly committed to understanding the aspirations of residents of the Estates and their views have helped shaped masterplan proposals. The Developer has engaged in a comprehensive consultation process with local residents and statutory consultees across each of the Estates, details of which are set out below:

8.1.1 The Developer started consultation with residents about the future of the Estates in the summer of 2013.

8.1.2 In 2013 feasibility studies and summer consultation events encouraged residents to join the conversation about the future of their homes and introduced the idea of replacing homes in the three neighbourhoods.

8.1.3 In winter 2013 the decision to explore regeneration was taken based on feedback from consultation events. The (then) Merton Priory Homes Board decided that regeneration would be the best way of delivering long-term improvements in the three neighbourhoods.

8.1.4 2014 - Design stage. Architects were selected to support the proposed regeneration of the three Estates.

8.1.5 In summer 2014 a series of consultation events were held including coffee mornings, drop-in events, design workshops, community events and one-to-one meetings. These events were held locally and focussed on:

- (a) Getting to know the architects and what their role would be;
- (b) Walkabouts so the architects could get a better understanding of the neighbourhood from the residents' point of view;
- (c) Visits to other regeneration schemes in London; and
- (d) Gathering and presenting feedback from residents on the design ideas.

8.1.6 Landlords, homeowners and tenants were provided with specific information about what regeneration would mean for them and the choices available to them.

- 8.1.7 September 2014 – Ten Commitments. The Council and the Developer signed up to Ten Commitments to the residents of the three neighbourhoods (discussed in detail below).
- 8.1.8 October 2014 - draft master plans were presented. Residents were shown potential layout for neighbourhoods and homes. Over 400 people attended these events to view the plans and look at the wide variety of housing types proposed. Three drop in events were held on each Estate (Saturdays and weekday evenings) and there were home visits to the elderly and vulnerable.
- 8.1.9 May 2015 - Master plans and Residents Offer. Revised master plans were presented to residents. The Residents' Offer (discussed below) was published setting out the guaranteed package of financial support that residents would be entitled to if regeneration were to go ahead. Three consultation events were held for residents of each Estate. Support was also provided by a dedicated member of staff from the Citizens Advice Bureau to provide residents with free, impartial and confidential advice.
- 8.1.10 June 2015 - Independent residents' survey. An independent survey was carried out by Membership Engagement Services. There was a 52.5% response rate achieved with the views of 634 residents collected. Overall 50.5% of respondents agreed that regeneration would be the best for their household and 58.4% agreed that the regeneration would be the best for their neighbourhood overall. The Developer's decision to retain some of the homes and replace others was a consequence of its consultation with residents.
- 8.1.11 October 2015 - decision to proceed with initial planning applications. The Developer's Management board gave its approval for the submission of initial planning applications. Leaflets and letters were issued to Eastfields' residents confirming planning applications were being prepared in October 2015.
- 8.1.12 October to December 2016 – master plan consultation. Consultation events in each Estate were held to discuss the latest master plan proposals. These included designs for the neighbourhoods, house types and phasing plans, ahead of outline planning applications being submitted. Newsletters and leaflets were issued to residents of Eastfields Estate throughout the spring and summer of 2016 with updates on next steps.

- 8.1.13 February 2017 - design training workshops took place in February 2017 to assist residents in understanding technical drawings and what makes good design and newsletters were issued in Winter 2017 to confirm that the outline planning application had been submitted to the Council along with a planning guide to the Eastfields outline planning application aimed at residents.
- 8.1.14 October 2018 – the updated residents offer was issued to residents of Eastfields Estate along with newsletter updates confirming outline planning permission was granted.
- 8.1.15 April and October 2019 – design consultations were held in respect of the detailed designs for phase 1 of the Eastfields Estate regeneration with architects available to answer residents' queries and to present options for landscaping, ball court facilities, a possible gardening project and opportunities to get more involved in the regeneration as part of a steering group.
- 8.1.16 July 2019 - a steering group was set up consisting of tenants and resident homeowners. This group monitors and reviews the progress of the project, including community engagement and community issues.
- 8.1.17 Summer 2020 – Eastfields regeneration newsletter was sent to residents to update them on Phase 1.
- 8.1.18 Autumn 2021 – Eastfields regeneration newsletter was sent to residents to update them on Phase 1.
- 8.1.19 November 2021 - a letter was issued to residents confirming that the section 73 application for Eastfields Estate was submitted to the Council and provided information about how to comment on the application.
- 8.1.20 January 2022 – a letter was issued to residents to explain the reasoning behind section 16 notices and the section 16 notices themselves were issued to residents.
- 8.1.21 January 2022 – a letter was issued to residents confirming that the reserved matters application for Eastfields Phase 1 was submitted to the Council and provided information about how to comment on the application.

8.1.22 January 2022 - webinars for residents were held on 18 and 25 January 2022, giving residents a chance to raise questions regarding the compulsory purchase process; and

8.1.23 January 2022 – notices served under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 with online sessions held for residents.

8.1.24 In addition, statutory consultation has been carried out as part of the Estates Local Plan process and each outline and reserved matters planning application in accordance with the legislative requirements.

8.2 In addition, the Developer has broadened its level of community engagement by sending a quarterly newsletter to all existing residents, informing residents of the latest updates on regeneration proposal

8.3 The Developer has also been in consultation the Council as local planning authority throughout the planning application process as well as with statutory consultees. Feedback from this consultation has informed the planning applications.

8.4 Throughout the consultation exercise, all responses received have been thoroughly reviewed and considered and amendments to the proposals have been incorporated on an iterative basis. The result of this detailed exercise was the submission of three significant outline planning applications together with two Kickstart planning applications that ensured residents would only need to move once. All applications received very significant support and were the subject of positive recommendations by the Council to grant planning permission. All three Estates now have outline planning permission granted with reserved matters applications having been granted for the Ravensbury Estate Phases 2-4 and High Path Phase 2. The reserved matters application for Eastfields Estate Phase 1 was submitted on 13 December 2021.

### **Eastfields Estate**

8.5 Public consultation events have been held from July 2013 to January 2022 and will continue to be held. The design team consulted with existing residents, the local community and key stakeholders including the following groups:

8.5.1 Existing residents of Eastfields Estate;

8.5.2 Counsellors for Merton Council and Figges Marsh and Siobhain McDonagh MP (MP for Mitcham & Morden);

8.5.3 Neighbouring residents and businesses; and

8.5.4 Local amenity groups, including: Lonesome Primary School, St Mark's Church of England Academy, Figges Marsh Safer Neighbourhood Team, Mitcham Community Forum, Acacia Centre, St. Mark's Centre, BMX Track, Streatham Park Cemetery, Streatham Jewish Cemetery, L&Q Housing Trust, YMCA – London South West, Tamworth House Medical Centre, Streatham Vale Baptist Church, The Church of St. Olave, Pollards Hill Baptist Church, Figges Marsh Surgery.

9 **Efforts to acquire by agreement and residents' offer**

- 9.1 The Council is exercising its powers under section 226(1)(a) and section 226(3)(a) because it has not been possible for the Developer to acquire by agreement all interests that are required to deliver Phase 1 of the Eastfields Estate regeneration, and it is not certain that the Developer will be able to acquire the remaining land by agreement. Although the owners of the interests have been approached on a number of occasions by the Developer with a view to purchasing their interests, agreement for purchase has not been reached because the owners have either not yet decided which of the options available to them they wish to exercise or they are waiting for as long as possible before selling their interests to the Developer.
- 9.2 Single ownership and control of the Order Land is necessary to enable the Eastfields Estate regeneration to proceed. It is possible that the Developer will be able to acquire all the necessary interests by agreement within a reasonable period. The Council is therefore satisfied that the use of compulsory purchase powers is necessary and justifiable in the public interest.
- 9.3 As of the end of February 2022, Clarion has acquired 229 freeholds and long leases across the Scheme area through voluntary sales under the terms of the 2015 residents offer. Of these 130 are at the High Path Estate, 88 at the Eastfields Estate and 11 at the Ravensbury Estate.
- 9.4 In order for the 2022 CPOs to be delivered, as at the end of February 2022 the following interests will need to be acquired:
- 9.4.1 Within Eastfields Phase 1, 33 freeholds and 14 long leases will need to be acquired;
  - 9.4.2 Within High Path Phases 2 and 3, 18 freeholds and 29 long leases have yet to be acquired;
  - 9.4.3 Within Ravensbury Phases 2 to 4, 3 freeholds and 1 long leases have yet to be acquired.
- 9.5 In total across Eastfields Estate there are 94 freehold and 39 long lease interests yet to be acquired.
- 9.6 The Council considers that the use of its CPO powers to acquire both the outstanding interests in the Order Land and the new rights is necessary, since the Developer has not been able to achieve this by agreement and it is unlikely that it would be able to do so within an acceptable timescale without the Order. The Eastfields Estate regeneration

cannot proceed unless these interests are acquired. The Council is satisfied that the acquisition of these interests will facilitate the proposed regeneration, which will lead to the redevelopment and will contribute to economic, social and environmental improvements to the area.

- 9.7 In making its assessment of the justification for the Order, the Council has taken into account the rights of third parties protected by the European Convention on Human Rights which may be affected by the Order (as referred to in section 10 of this Statement). In addition, the Council has had full regard to its public sector equality duty under section 149 of the Equality Act 2010 (as referred to in section 11 of this Statement).

### **Commitments to Residents and Residents Offer**

- 9.8 The Council acknowledges that when proposing large scale regeneration, there are considerable uncertainties and challenges for residents. The Council and Developer have undertaken significant consultation with residents. The consultations undertaken are detailed fully in section 8 of this Statement. To support the Scheme and to ensure fairness for residents, the Council and Developer agreed a series of promises to residents, known as the Ten Commitments (Appendix 2) which are:

- 9.8.1 the Developer will consult with residents, consider their interests at all times, and address concerns fairly.
- 9.8.2 Current homeowners will be entitled to at least the market value of their home should they wish to take the option to sell their home to the Developer.
- 9.8.3 Existing tenants will keep all their rights, including tenancy conditions and the associated rent level, in the new neighbourhood as they do now.
- 9.8.4 Current tenants will be entitled to be rehoused in a new home of appropriate size considering the number of people in their household.
- 9.8.5 All new properties will be more energy efficient and easier to heat than existing properties, helping to keep down residents' fuel bills.
- 9.8.6 the Developer will keep disruption to a minimum, and will do all it can to ensure residents only move once if it is necessary to house them temporarily while their new home is being built
- 9.8.7 the Developer will offer extra help and support for older people and / or disabled residents throughout the regeneration works.

- 9.8.8 the Developer will continue to maintain the homes of residents across the three neighbourhoods throughout the planning process until regeneration starts, including ensuring a high quality responsive repairs service.
- 9.8.9 Any growth in the number of homes will be consistent with the Council's Development Plan so that it is considered, responsible and suitable for the area.
- 9.8.10 As a not for profit organisation, the Developer will not profit from any regeneration and will use any surplus to provide more housing or improve existing neighbourhoods.
- 9.9 The Developer has made a detailed Residents' Offer (Appendix 3). They have also made a series of commitments on repairs and maintenance. These service elements, while not directly relevant to the Scheme, are of considerable importance to residents.
- 9.10 The Residents' Offer details the Replacement Home Option which is offered to those resident homeowners who were living on one of the three Estates on the 27 May 2015 (when the Residents' Offer was published). The Replacement Home Option confirms:
- 9.10.1 If you are currently a freeholder you will be offered a freehold on your new property.
- 9.10.2 If you are a leaseholder you will be offered a new long lease on your new property.
- 9.10.3 The Replacement Home will be at least as large as the home it replaces, unless you choose to move to a smaller home.
- 9.10.4 Every Replacement Home will have private outdoor space (i.e. a garden, balcony or roof terrace) irrespective of whether the original home had this or not.
- 9.10.5 If you live in a house you will be offered a house, if a flat a new flat and a maisonette a new maisonette.
- 9.10.6 The new home will have the same number of bedrooms as the existing home had when it was first built.
- 9.10.7 There will be a Replacement Home for every resident homeowner who chooses to stay.
- 9.10.8 They will be entitled to a £3,000 disturbance allowance.

- 9.11 The Developer has committed, where possible, to moving resident homeowners straight into their new Replacement Home, i.e. without the need to be temporarily housed. The phasing plans for all three Estates' regenerations have been designed to accommodate this approach. For a small number of existing resident homeowners on the Eastfields Estate this may not be possible, as unlike both the Ravensbury Estate and the High Path Estate, it does not have a kick-start site to enable new homes to be built before the need to demolish the existing homes. The Developer may be able to offer a temporary home in their Estate or another part of Merton.
- 9.12 A disturbance payment of £3,000 will be available. Resident homeowners won't be charged rent in their temporary home as long as they agree to the terms set out in the Residents Offer regarding accepting the market value plus 10 per cent for their existing home, the value of the new home and the licence agreement for the temporary home.
- 9.13 The Council is satisfied that a strong Residents' Offer has been made that treats residents fairly and ensures communities within the Estates can remain consistent and cohesive after the regenerations.

10 **Human rights considerations**

10.1 Section 6 of the Human Rights Act 1998 prohibits a public authority from acting in a way which is incompatible with the rights and fundamental freedoms set out in specified provisions of the European Convention on Human Rights (the **Human Rights**).

10.2 The Human Rights likely to be engaged in the process of considering, making, confirming and implementing a compulsory purchase order include those under Article 6 (right to a fair and public hearing to determine a person's civil rights), Article 1 of the First Protocol (right to peaceful enjoyment of possessions) and Article 8 (right to respect for private and family life including a person's home).

10.3 Any interference with a Human Right must be necessary and proportionate. Compulsory purchase and overriding private rights must be justified by sufficiently compelling reasons in the public interest and must be a proportionate means of achieving the objectives of the Order. Similarly, any interference with rights under Article 8 (right to home life) must be "necessary in a democratic society" and proportionate. The requirements under the Convention are reflected in paragraphs 17 and 18 of the CPO Guidance:

*"17. A compulsory purchase order should only be made where there is a compelling case in the public interest. An acquiring authority should be sure 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. Regard should be had, in particular, to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention.*

*18. The confirming Minister has to be able to take a balanced view between the intentions of the acquiring authority and the concerns of those whose interest in land it is proposed to acquire compulsorily. The more comprehensive the justification which the acquiring authority can present, the stronger its case is likely to be. But each case has to be considered on its own merits and the advice in this Part is not intended to imply that the confirming Minister will require any particular degree of justification for any specific order. Nor will a confirming Minister make any general presumption that, in order to show that there is a compelling case in the public interest, an acquiring authority must be able to demonstrate that the land is required immediately in order to secure the purpose for which it is to be acquired."*

10.4 If a compelling case in the public interest can be demonstrated as the Council considers here, then this will meet the requirements of the Convention. In making this Order, the Council has carefully considered the balance to be struck between individual rights and the wider public interest. Having regard to the matters set out above a compelling case in

the public interest exists for the making and confirmation of the Order. Interference with Human Rights, to the extent that there is any, is considered to be justified in order to secure the economic, social and environmental benefits which the Scheme will bring, namely the creation of new, well designed, high quality neighbourhoods aimed at fundamentally improving the quality of life for existing and future generations living in the area. This coupled with the significant level of public consultation, and a robust, fair offer to residents in the Estates means the Scheme minimises the interference with the rights of those affected.

- 10.5 Appropriate compensation will be available to those entitled to claim it under the relevant statutory provisions.
- 10.6 In relation to the requirements of Article 6 (right to a fair and public hearing), these are satisfied by the statutory procedures which include rights to object and to be heard at any public inquiry and by the right to statutory challenge under the Acquisition of Land Act 1981.

## 11 Public Sector Equality Duty

- 11.1 In discharging its functions, the Council has a statutory duty under Section 149 of the Equality Act 2010 to have due regard to the need to;
- 11.1.1 eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  - 11.1.2 advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - 11.1.3 foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 11.2 The "relevant protected characteristics" are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.
- 11.3 A full Equality Impact Assessment (**EqlA**) was undertaken as part of the Estates Local Plan. EqlAs (dated March 2022) have also been undertaken to re-examine the equalities impacts of the Scheme as a whole, with specific assessments carried out for each Estate.
- 11.4 The EqlAs have considered the impact upon protected groups whose lives may be affected by the acquisition of land and rights, by the construction of the Scheme and/or by the completed Scheme. The categories that could potentially be affected are: age, disability and race/belief.
- 11.5 However the EqlA concludes broadly that the impacts of the Scheme will be positive through:
- 11.5.1 opportunity to reduce overcrowding amongst its tenanted households. Overcrowding is proportionately more likely to affect households from the BAME community and so the regeneration provides an opportunity to address inequality in this area. Significant amenity and size improvements will be provided for residents, with all new homes built to current space standards with private outdoor space.
  - 11.5.2 the regeneration is an opportunity to provide new lifetime homes for all tenants, this will enable older tenants (and homeowners) to remain independent in their own homes for longer. New homes can be adapted to meet the specific needs of disabled residents, 10% of all new homes will be fully accessible and adaptable for wheelchair users.

- 11.6 Steps are being taken to ensure that the acquisition and relocation processes are applied in a fair and non-discriminatory way. However, it is acknowledged that the process of redeveloping the Estates itself is likely to have a negative impact on older, disabled and vulnerable residents, due to the requirements to move house, potentially more than once, if temporary accommodation is necessary during the construction period. The greatest impact on equalities will be the mechanics of the Estates' regeneration including: the residents' offer; moving existing residents into new homes; addressing overcrowding; and minimising disruption during this extensive process.
- 11.7 The Developer has committed to designing the construction phases to minimise the need to "double decant" and where at all possible older, vulnerable or disabled tenants will only be asked to move once, straight into a new home. Help will be provided to assist with such moves.
- 11.8 In promoting the Order and delivering Phase 1 of the Eastfields Estate Scheme the Council and the Developer will seek to keep the existing community together with existing residents having a guaranteed right to return to a new home in their regeneration neighbourhood. The Ten Commitments and Residents Offer (discussed in section 9 above) provide a strong mechanism to achieve this.
- 11.9 The EqlA will continue to be monitored and reviewed throughout the progression of the proposals in order to ensure that any future impact can be measured and mitigated against as necessary.
- 11.10 To conclude, steps are being taken to ensure that the acquisition and relocation processes are applied in a fair and non-discriminatory manner. Steps will also be taken to minimise the adverse effects on protected groups during construction and any such effects suffered by surrounding ethnic minority businesses. The proposals will bring a range of benefits to disabled and other protected groups including in relation to enhanced access, housing provision, lifetime homes.

## 12 **Related Orders and Applications**

### **Road Closure Orders**

12.1 The Council envisages that Stopping Up Orders will be required to successfully deliver Phase 1 of the Eastfields Estate regeneration.

12.2 It is anticipated that Stopping Up orders will also be required in Phases 2 and 3 of the redevelopment of the Eastfields Estate. All of these areas are shown on the Stopping Up plan at Appendix 5 to this Statement.

### **Further Information**

12.3 Those parties affected by the Order who wish to discuss matters with a representative of the Council should contact:

[REDACTED]

### **Inspection of the Order and Order Documents**

12.4 A copy of the Order, the Order Map and other documents may be viewed at:

London Borough of Merton  
Civic Centre  
London Road  
Morden  
SM4 5DX

**Definitions used in this Statement of Reasons**

**1976 Act:** Local Government (Miscellaneous Provisions) Act 1976;

**1990 Act:** Town & Country Planning Act 1990 (as amended);

**2022 CPOs** means the Order, the High Path Order and the Ravensbury Order;

**Council:** the London Borough of Merton;

**CPO Guidance:** Guidance on Compulsory Purchase and the Crichel Down Rules for the Disposal of Land acquired by, or under the threat of, Compulsion published in July 2019 by the Ministry for Housing Communities and Local Government;

**Developer:** Clarion Housing Group, formerly Circle Merton Priory Homes and Merton Priory Homes;

**Eastfields Estate:** the Eastfields Estate, Mitcham as shown outlined in red on the Estates' Plan;

**Estates:** the Eastfields Estate, the High Path Estate and the Ravensbury Estate;

**Estates' Plan:** the plan showing all three Estates at Appendix 6;

**High Path Estate:** the High Path Estate, South Wimbledon as shown outlined in red on the Estates' Plan;

**High Path Order:** the London Borough of Merton (High Path No.1) Compulsory Purchase Order 2022;

**NPPF:** the National Planning Policy Framework, July 2021;

**Order:** The London Borough of Merton (Eastfields No 1) Compulsory Purchase Order 2022;

**Order Land:** the land included within the Order and is shown on the plan appended to this Statement at Appendix 1;

**Phase 1** means the first construction phase of the Eastfields Estate shown outlined in [ ] on the Phasing Plan;

**Phase 2** means the second construction phase of the Eastfields Estate shown outlined in [ ] on the Phasing Plan which includes the Order Land;

**Phase 3** means the third construction phase of the Eastfields Estate shown outlined in [ ] on the Phasing Plan;

**Ravensbury Estate:** the Ravensbury Estate, Morden as shown outlined in red on the Estates' Plan;

**Ravensbury Order:** the London Borough of Merton (Ravensbury No.1) Compulsory Purchase Order 2022;

**Scheme:** the Developer's proposals for regeneration of the Estates.

14      **Appendices**

Appendix 1 – Schedule and Order Map;

Appendix 2 - 10 Commitments in September 2014;

Appendix 3 - Developer's Residents' Offer published in May 2015;

Appendix 4 - Phasing Plan in respect of the Eastfields Estate;

Appendix 5 - Stopping Up plan(s); and

Appendix 6 – Estates' Location Plan.

**London Borough of Merton**  
**(High Path No 1)**  
**Compulsory Purchase Order 2022**

**STATEMENT OF REASONS**

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## THE LONDON BOROUGH OF MERTON

### (HIGH PATH NO. 1) COMPULSORY PURCHASE ORDER 2022

#### STATEMENT OF REASONS FOR THE MAKING OF THE ORDER

#### 1 Introduction and Background

- 1.1 This document is the Statement of Reasons prepared by the London Borough of Merton (the **Council**) which sets out the background to, and reasons for, the making of the London Borough of Merton (High Path No.1) Compulsory Purchase Order 2022 (the **Order**) which is to be submitted to the Secretary of State for Housing, Communities and Local Government for confirmation.
- 1.2 The Council has made the Order pursuant to Section 226 (1)(a) of the Town and Country Planning Act 1990 (the **1990 Act**) and the Acquisition of Land Act 1981 and section 203 of the Housing Planning Act 2016. This Statement of Reasons is provided in compliance with paragraph 186 of the Department for Levelling Up, Housing and Communities "Guidance on Compulsory Purchase Process and The Crichel Down Rules" July 2019 (the **CPO Guidance**).
- 1.3 The Council's purpose in making the Order, and seeking its confirmation by the Secretary of State for Communities and Local Government, is to enable the Council to acquire compulsorily the land and the new rights over land included in the Order (the **Order Land**) to facilitate the regeneration- and construction of the High Path Estate Phases 2 and 3.
- 1.4 The High Path Estate regeneration forms part of the wider Estates Regeneration Programme (the **Scheme**) proposed by the Council in the borough. The Scheme seeks to deliver the regeneration of three residential housing estates in the London Borough of Merton, those being the Ravensbury Estate, the High Path Estate and the Eastfields Estate (together to be known as **the Estates** for the purpose of this document).
- 1.5 In order to secure the delivery of the Scheme, the Council intends to make a number of Compulsory Purchase Orders (**CPOs**) for the acquisition of third party property and rights on the Estates. The CPOs will be phased to reflect the Developer's proposed construction programme for the Scheme from 2022– 2034.
- 1.6 In conjunction with this Order, the Council is also bringing forward the London Borough of Merton (Ravensbury No.1) Compulsory Purchase Order 2022 (the **Ravensbury Order**) and The London Borough of Merton (Eastfields No.1) Compulsory Purchase Order 2022 (the **Eastfields Order**) (together with this Order, the **2022 CPOs**) as part of the next phase of redevelopment across the three Estates.

## **The Developer**

- 1.7 The Scheme will be delivered and financed by Clarion Housing Group (the **Developer**). Although the term 'Developer' is used at all times in this Statement of Reasons, many of the actions attributed to Clarion/the Developer will in practice have been undertaken by former manifestations of the organisation which is now known as Clarion, in particular Merton Priory Homes or Circle Housing Merton Priory.
- 1.8 Merton Priory Homes (also known as Circle Housing Merton Priory) was formed in 2010 as a result of the transfer of the Council's social housing stock to Merton Priory Homes, which became a subsidiary within the Circle Housing Group. In November 2016, the Circle Housing Group (the parent company of Merton Priory Homes) merged with the Affinity Sutton Group to form a new parent company, Clarion Housing Group Ltd (this is a charitable housing association). Clarion Housing Group is comprised of various companies, which together form the largest housing group in the country, holding over 125,000 homes.

## **Evolution of the Scheme**

- 1.9 Pursuant to an agreement dated 22 March 2010, the Council's social housing stock was transferred to the Developer (the **Stock Transfer Agreement**). The Stock Transfer Agreement between the Council and the Developer included a legal obligation requiring the Developer to undertake a programme of property improvements known as Decent Homes; these are well underway across the transferred housing stock.
- 1.10 Whilst considering the programme of improvement that needed to be undertaken, stock condition surveys undertaken on behalf of the Developer gave rise to concerns as to whether refurbishment was actually a viable option or whether, in some circumstances it might be more beneficial and sustainable to replace homes in the poorest condition with new properties. In 2013 the Developer began exploring regeneration-based alternatives for the housing stock on the Estates.
- 1.11 Since 2014, the Council has been exploring the regeneration of the Estates in consultation with residents, the Mayor of London's office, Transport for London and other interested parties as well as with the Developer. The Developer has also been actively consulting and engaging with residents and homeowners on the Estates about the possibility of regeneration. As well as active engagement, the Council have analysed the evidence provided by the Developer to support the case for regeneration. The Council and the Developer signed the 10 Commitments in September 2014 (Appendix 2) which have provided the backbone of the project to ensure that residents remain at the heart of decision-making.

1.12 In order to take the Scheme forward, the Council took the in-principle decision to explore the production of an 'Estates Local Plan'. In January 2016, the Council resolved to consult on the draft Estates Local Plan and also resolved to finalise a revised delivery timetable for the implementation of the Decent Homes Programme on the Estates with the Developer. The Council then undertook to prepare and consult on the Estates Local Plan to guide and support the regeneration of the Estates. The Estates Local Plan was formally adopted by the Council as part of the Development Plan in February 2018.

### **The Scheme**

1.13 The Scheme is an ambitious regeneration project that is supported by the Council. It represents a significant long-term investment which sees the existing residents being at the heart of the regeneration project. The Scheme will provide sustainable communities through the creation of new, well designed high quality neighbourhoods aimed at fundamentally improving the quality of life and life-chances for existing and future generations living in the Estates. The Council believes that the Scheme will provide significant social, economic and environmental improvements for existing residents.

1.14 The Scheme envisages the provision of up to 2,704 new homes. The breakdown of these new homes is as follows:

- High Path Phase 1 (Kickstart): 134 homes;
- High Path Phases 2 –7: up to 1,570 homes;
- Ravensbury Phase 1 (Kickstart) 21 homes;
- Ravensbury Phases 2-4: up to 179 homes; and
- Eastfields Phases 1-4 up to 800 homes.

1.15 Phase 1 of Ravensbury has already been carried out, and no compulsory purchase order was required. Reserved matters for Ravensbury Phases 2-4 and the current detailed design plans for 179 new homes in Phases 2-4 were approved on 9 December 2019. Phase 2 is already being carried out and so far as Phase 2 itself is concerned, the Ravensbury Order is only required in respect of a parcel of unregistered land. Phases 2-4 are the subject of the Ravensbury Order being progressed in tandem.

1.16 Reserved matters were also approved on 03 October 2019 for the majority of High Path Phase 2, to which the Order relates, for the construction of 113 new homes. Reserved matters for the Nelson Grove Road Garages, which will form part of a separate construction Phase 2A and therefore does not form part of the Order as no CPO is required to deliver this sub-Phase, have been submitted and were validated on 16 February 2022 (ref: 22/P0085).

- 1.17 In respect of High Path Phase 3, revised outline planning permission for this element of the Scheme was obtained on 21 January 2022 and reserved matters are due to be submitted in the Summer of 2022.
- 1.18 Reserved matters for Eastfields Phase 1 was submitted on 14 December 2021 to which the Order relates, for the construction of 201 new homes. A decision is expected in March/April 2022.
- 1.19 Throughout the Scheme there will be no loss of social/affordable housing, indeed, the number of social/affordable bed-spaces provided will increase as the Developer addresses historic overcrowding in the three Estates, when rehousing the existing social/affordable tenants.
- 1.20 All of the Developer's existing social/affordable tenure tenants and resident homeowners have been given the opportunity to stay in new homes in the newly regenerated Estates. This is the case on all three Estates. This 'offer' is consistent with the Developer's Residents' Offer published in May 2015 and updated in 2018, a copy of which is attached at Appendix 3.
- 1.21 The Council supports the Scheme and is convinced that it will contribute significantly to improving the economic, social and environmental well-being of the area.
- 1.22 The Developer is in discussions with residents and the Council about amending the Scheme in respect of Phases 4-7 of High Path. However, the Developer has confirmed its commitment to delivering redevelopment pursuant to the 2022 CPOs and delivery of such is not contingent on any new or revised planning permission being granted for Phases 4-7.

### **The Order**

- 1.23 The Order forms parts of the first CPOs brought forward in respect of the Scheme, in conjunction with the Ravensbury Order and Eastfields Order, and relates to land comprising part of the High Path Estate (the **Order Land**). As noted above, the Order Land comprises Phase 2 and 3 of the High Path Estate - see the Phasing Plan at Appendix 4. The Order Land includes all of the new homes being proposed as part of Phase 2 and 3, together with the replacement ball-court and recreational facility agreement required pursuant to the section 106 agreement entered into in respect of the outline planning permissions.
- 1.24 In addition to the land interests that need to be acquired within the relevant phases, there are properties within the wider High Path Estate and around the perimeter of High Path which may have rights over the Order Land which may need to be acquired and/or over which new rights are required to undertake the development

- 1.25 The Council supports the Order; the acquisition of the Order Land will facilitate delivery of new and significantly improved housing for existing tenants and homeowners on part of the High Path Estate, and will also allow enable regeneration of other parts of the High Path Estate to come forward, since the homes provided on the Order Land will enable the relocation of existing residents in subsequent phases of the High Path Estate regeneration.
- 1.26 Phase 1 (the Kickstart Site) did not require a CPO and has already commenced, see later in this Statement of Reasons.
- 1.27 Phase 2 of which the Order Land forms part, will facilitate delivery of 113 new homes on the High Path Estate of which 95 (84%) new homes will be affordable rented/social rented and 18 new homes will be private homes to replace existing private homes for resident homeowners. All of these homes are part of the Order Land.
- 1.28 Phase 3 of which the Order Land also forms part, will facilitate delivery of 369 new market homes on the High Path Estate, the proceeds from which shall be used to help support the financial viability of Phase 2 of High Path and also Eastfields Phase 1 and Ravensbury Phases 2 to 4 which shall be delivered as part of the next phase of redevelopment across all three estates.
- 1.29 The overall break down of Phases in the High Path Estate (based on the consented Scheme) is:
- Phase 1: 134 Homes
  - Phase 2: 113 Homes;
  - Phase 3 369 Homes;
  - Phase 4 to 7 to be determined
- 1.30 There are currently two ball courts existing on the High Path Estate; one is located within Phase 3 and the other within Phase 5. The section 106 agreement for the outline planning permission, requires the provision of new permanent or temporary facilities prior to closure of these facilities. As noted above, Phase 3 shall also comprise the replacement ball court and a recreational facility pursuant to the section 106 agreement on land to the west of Pincott Road.
- 1.31 On 15 January 2018, the Council's Cabinet resolved 'in-principle' for the Council to use its compulsory purchase powers, if necessary, to bring forward the Scheme. This resolution was ratified by full council on 7 February 2018, although full Council subsequently acknowledged on 2 February 2022, that their further ratification was not required in order to make future orders to carry out the Scheme in line with the statutory framework governing

the making of CPOs under S.226 of the Town and Country Planning Act 1990 and the Council's constitution. The Cabinet then passed a resolution on [21 March 2022] for the Council to make the Order as described in this Statement in respect of the Order Land specifically.

## 2 High Path Estate – Existing and Proposed Regeneration

### The Estate – Existing

- 2.1 The High Path Estate covers a total area of 6.91 hectares and is located in the Abbey ward. The perimeter of the High Path Estate is bound by Merton High Street (A238) to the north, Abbey Road to the east, High Path to the South and Morden Road (A219) to the west. The High Path Estate is in close proximity to the A24 Merantun Way, which forms part of the Transport for London Road Network (TLRN) and is a 'Red Route'. Access to/from the site via Merantun Way is via High Path to the south.
- 2.2 The Estate is located within an area characterised by a mix of uses, with Merton High Street predominantly formed of commercial/retail ground floor uses with residential above to the north, and terraced housing to the north and east.
- 2.3 To the south of the Estate on the opposite side of High Path is Merton Abbey Primary School and Harris Academy Wimbledon; further south is Merton Industrial Park with warehouse and industrial building's predominantly two storeys in height and to the east of the site is a Sainsbury's superstore and retail park.
- 2.4 No part of the High Path Estate comprises a Conservation Area although it falls within an Archaeological Priority Zone and the Wandle Valley Regional Park 400m Buffer. There are no statutory or locally listed buildings falling within the High Path Estate, although there are listed buildings within the vicinity.
- 2.5 Prior to Kick Start Phase 1, the High Path Estate, as a whole, consisted of 608 residential units. with a mix of tenures including approximately 93 private ownership units and 343 social rented units. The High Path Estate was constructed between 1950s and 1980s with no defined urban strategy and using different construction methods. The High Path Estate is in residential use with the exception of a local convenience store on the corner of Pincott Road and Nelson Grove Road, the St John's the Divine Church Hall along High Path, an accountancy office and space used by the South Wimbledon Community Association.
- 2.6 The typologies of housing are varied with a mix of tower blocks (up to 12 storeys in height), maisonettes, terraced houses and other blocks of flats predominantly all constructed of brick and concrete. No significant structural alterations have been carried since the original construction of the properties on the Estate. Decorative and maintenance works have been carried out. All properties owned by the Developer have double glazed windows and some have had replacement kitchens and bathrooms. Maintenance works have also been carried out to ensure that properties on the Estate meet fire and health and safety regulations, such works have included replacement of central heating systems, replacement of communal fire doors and front doors to individual properties.

- 2.7 There are nine vehicular access points to the High Path Estate from all surrounding roads on the perimeter of the Estate (one on Merton High Street, one on Morden Road (A219), five on High Path and two on Abbey Road) and more pedestrian access routes from these roads. There are also a number of existing internal roads including Hayward Close and Pincott Road which run in parallel to one another from Merton High Street to the north and High Path to the South (although there is no vehicular access on the junction of Haward Close and Merton High Street).
- 2.8 The High Path Estate is located adjacent to South Wimbledon London Underground station, a 650m walk from Colliers Wood London Underground Station and a 1.4km walk from Wimbledon station. These stations are served by the Northern and District Line respectively. The nearest mainline rail station to the site is Haydons Road, which is located approximately a 1.4km walk north of the High Path Estate. The Public Transport Accessibility Level (PTAL) rating varies across the Estate between “4” and “6a” indicating between a ‘Good’ and ‘Excellent’ level of public transport accessibility.

### **Proposed Regeneration**

- 2.9 Redevelopment of the High Path Estate has already commenced pursuant a planning permission granted on 5 October 2017 (ref: 16/P3738) which provides for delivery of Phase 1 of the High Path Estate regeneration programme (the **High Path Kickstart Phase**).
- 2.10 The High Path Kickstart Phase involves the demolition of Old Lamp Works, 74 garages and a play area on land to the north and east of Marsh Court, Pincott Road, Nelson Grove Road and Rodney Place (together the **Kickstart Area**). The redevelopment of the Kickstart Area will provide 134 new residential units (80 affordable) with associated vehicular access, parking, cycle and refuse storage and landscaping. The objective of the High Path Kickstart Phase is to provide housing for residents from the existing High Path Estate as later phases of the Estate’s redevelopment take place ensuring that, so far as possible, no resident has to move twice. The High Path Kick Start Phase has been commenced and is due to be completed in April 2022.
- 2.11 The remaining Phases (2-7) of the High Path Estate were granted outline planning permission on 29 April 2019 (ref: 17/P1721) varied on 21 January 2022 (ref: 21/P2806), along with the remaining Phases of the Ravensbury Estate (ref: 17/P1718) and the whole of the Eastfields Estate (ref 17/P1717) [varied on [ ] (ref: 21/P2802)]. The planning position is set out in more detail at section 5 to this Statement.
- 2.12 All of the 608 dwellings existing prior to the commencement of the Scheme on the High Path Estate are proposed to be demolished, with 78 units demolished as part of Phase 2 and 88 units as part of Phase 3.

2.13 The core elements of the High Path Estate's regeneration are as follows:

- 2.13.1 Demolition of all buildings within the red line boundary of the outline planning application site, which equates to the demolition of 608 existing homes. Homes to be demolished as part of the remainder of the outline proposal yet to be implemented include 343 affordable and 93 private homes;
- 2.13.2 Construction of 134 new homes in Phase 1 (the Kickstart Site) 80 of which are required by the relevant section 106 agreement to be affordable;
- 2.13.3 Construction of a 5 to 10 storey building with 187 sqm of commercial floorspace (use classes A1, A2, A3, B1 or D1) with 105 residential dwellings and construction of 8 three storey houses in Phases 2 all of which will be on the Order Land; 95 of the dwellings will be delivered as affordable housing pursuant to the relevant reserved matters consent;
- 2.13.4 In addition to High Path Kickstart Phase and Phase 2, a minimum of 184 affordable units are to be delivered in phases 3-7 as required by the S106 agreement related to the Outline Planning Permission;
- 2.13.5 A new neighbourhood park will be provided along with other amenity space and a children's play area;
- 2.13.6 Provision of up to 9,900 sqm of commercial and community floorspace (including replacement and new floorspace);
- 2.13.7 The creation of new public open space and communal amenity spaces including children's play space and replacement of existing recreational facilities;
- 2.13.8 The creation of new public realm space along with landscaping works and lighting;
- 2.13.9 Car parking spaces including within ground level podiums;
- 2.13.10 Cycle parking spaces for all land uses, including visitor cycle parking; and
- 2.13.11 Associated highways and utilities works.

2.14 The redevelopment of the High Path Estate will come forward in seven phases. The Phases have been designed to ensure minimum disruption to existing residents. The phasing proposed pursuant to the existing permission is:

- 2.14.1 Phase 1 134 Units 2018-2021/2022
- 2.14.2 Phase 2 113 Units 2023 - 2024

2.14.3 Phase 3 369 Units –2023-2025

2.14.4 Phases 4-7 2024 – 2036.

2.15 A Phasing Plan in respect of the High Path Estate is appended at Appendix [4] to this Statement.

### 3 **Order Land and Rights to be acquired**

3.1 The interests identified below remain outstanding and need to be acquired by the Council to facilitate the delivery of Phase 2 and Phase 3 of the High Path Estate regeneration. The Developer has successfully negotiated the purchase of all other interests in the Order Land to facilitate the delivery of Phase 2 and Phase 3. Full details of the owners and their outstanding interests, together with the new rights that need to be acquired, are contained in the Schedule to the Order and shown on the Order Map.

#### **Order Land**

3.2 The land proposed to be acquired is shown coloured pink on the Order Map. The Order Land is required to deliver Phases 2 and 3 of the High Path Estate regeneration. Details of those interests that have not been acquired by private treaty negotiations are contained in Table 1 of the Schedule to the Order attached at Appendix 1.

3.3 The Order Land includes small areas of unregistered land. The Council has been unable to trace the owners despite making diligent enquiries. None of the unregistered land is occupied by any residents or businesses.

#### **Rights of Light and new Rights**

3.4 The land over which new rights are sought as part of the regeneration of the High Path Estate are shown coloured blue on the Order Map (the **Blue Land**). Details of the interests in the Blue Land to be compulsory acquired and those properties that may benefit from rights of light over the Order Land that will need to be acquired are contained in Table 2 of the Schedule to the Order attached at Appendix 1.

3.5 The rights in respect of the Blue Land are proposed to be acquired to allow cranes to over sail that land during the construction process. The affected in respect of any new rights or rights to light will not be redeveloped pursuant to the Order and there is no need to acquire the physical land itself. As with the property acquisitions, negotiations to secure these rights by private treaty agreement are ongoing and will continue in parallel with the formal CPO process.

#### **The Order Map**

3.6 The Order Map identifies the Order Land and the Blue Land. Individual plot boundaries and numbers on the CPO Map correspond with the Schedule. In addition, the Schedule lists other parties who may have a qualifying interest in the Order Land where known after reasonable enquiry. The Schedule has been based on information gathered through site inspections and enquiries, responses to notices issued under section 16 of the 1976 Act

and inspection of Land Registry documents. There has been an extensive enquiry to identify land interests, but it is recognised that currently unknown interests may emerge in the course of proceeding with the compulsory purchase process.

## 4 The Need for Development and Regeneration

4.1 There is a real and present need for new housing, both in London generally and also specifically in the London Borough of Merton. Indeed, the Estates Local Plan expressly recognises the position in the following terms (at Paragraph 1.20):

*'There is a **substantial demand** for new homes in London and the south east. Increasing the supply of new homes to meet housing needs is a longstanding and well documented policy driver for successive governments'* (emphasis added).

4.2 It is against this backdrop that the Council has resolved to pursue the Scheme, with the intention being that the Estates Local Plan 'will help deliver new homes for existing and future residents, helping Merton to meet its share of London's new homes of all types, sizes and tenures' (Paragraph 1.20).

4.3 In this regard the London Plan identifies a level of housing need of 52,300 new homes per annum across London, with a need of 918 homes per annum within Merton.

4.4 As such, it is evident that the need for more and better housing in Merton is pressing.

4.5 Both the Scheme more generally, and the regeneration of the High Path Estate specifically, will increase housing provision and so materially contribute towards meeting this housing need.

### **Condition of Estates**

4.6 As already noted earlier in this Statement, when the Developer acquired responsibility for all of the Council's housing stock, they committed to improve the accommodation as well as the quality of life for residents. However, as explained, in working towards this goal, stock condition surveys undertaken identified that significant refurbishment and maintenance was required. The Developer therefore began a comprehensive review across all the various housing estates for which it was responsible which included the three Estates, to determine whether refurbishment was viable or whether it might be more beneficial and sustainable to replace homes in the poorest condition with new properties.

4.7 The Developer has undertaken technical surveys and financial planning work, which concluded that not only significant refurbishment, but also significant ongoing maintenance work and financial investment would be needed to raise – and keep – the housing stock to the required standard. Whilst incremental refurbishment works would improve the internal housing quality in the short to medium term, comprehensive regeneration and redevelopment was determined to be the most effective way of delivering long term sustainable Decent Homes.

4.8 As already noted, on 7 February 2018, the Council adopted ELP, which now forms part of the Council's Local Plan alongside its Core Planning Strategy and Sites and Policies Plan. The Estates Local Plan was adopted with the intention that it would guide redevelopment proposals for the Estates that come forward in the next 10-15 years, in order to ensure that development proposals create well designed, high quality neighbourhoods aimed at fundamentally improving the quality of life for existing and future generations living in the area. At the heart of the Estates Local Plan is an acknowledgment that the existing housing stock on the Estates is largely sub-standard and that regeneration is the most viable option for delivering housing to Decent Homes Standards.

#### **Case for regeneration at the High Path Estate**

4.9 As already noted, the High Path Estate was constructed between 1950s and 1980s and comprised 608 residential dwellings prior to the commencement of the Scheme. The life span of much of the existing building stock on the High Path Estate is limited. Continual repair and upgrade work is required to meet habitable standards of living. Specific housing stock issues include the following:

4.9.1 A report prepared by Ellis and Moore Consulting Engineers Ltd (November 2010) stated that whilst the majority of properties were in reasonable structural condition, there were still defects which required remedying, including: repairs to the concrete upstanding and render on tower blocks (including March Court); repairs on mansion blocks (including Gilbert and Becket Closes) to repair cracking and concrete edge beams and deck access slabs; repairs to concrete edge beams and lintels on blocks constructed in the 1960s; repairs and replacement of brickwork, including repointing and repair and replacements of beams, slabs and finishes of the blocks constructed in the 1970s; repointing of brickworks on blocks constructed in the 1980s; and, internally, the survey highlighted problems in a number of properties relating to damp, condensation, and rust;

4.9.2 Baily Garner LLP conducted internal dwelling conditions surveys in 2015 which identified that: 18% of kitchens and 29% of bathrooms were deemed old and in poor condition; 6% of heating installations and 23% of electrical installations were also identified as old and in poor condition. The general observations found damp and mould issues were present across many blocks, which indicates that units are potentially affected by inherent 'cold bridging' issues related to the fabric of the buildings. Residents also noted issues relating to the sound performance of the buildings, both from external sources and transfer between properties.

4.9.3 It also identified:

- (a) Roofs - The asphalt flat roof on Marsh Court is approaching the end of its life and will require replacement in the short to medium term. The thermal performance of this roof is considered to be low. The majority of the pitched roofs, based on typical lifespans, will need to be replaced in the medium term.
- (b) External doors and windows - Whilst the majority of properties on the Estate appear to have received major project works to replace windows at some point in the last 10 years, it is likely that they will require a major overhaul / replacement in the next 15 to 20 years. UPVC doors and screens are likely to need replacement in the next 10 to 15 years.
- (c) Internal common areas - Regular redecoration is required on a circa 5 to 7 year cycle.
- (d) Kitchens - Significant variation across the Estate.
- (e) Bathrooms - Again, quality and condition of bathrooms and their associated fixtures and fittings varies significantly across the Estate.

4.9.4 A 2015 Housing Needs Study found that 357 household within the High Path Estate lived within unsuitable housing, primarily because of overcrowding. There are a number of overcrowded households in Phases 2 and 3 at High Path. In Phase 2 thirteen households are overcrowded and need one additional bedroom, two further households need two additional bedrooms. These housing needs have been taken into account in planning the replacement homes and those households will move into a new home that is the right size for them. In Phase 3 six households will move into a new home that has one more bedroom. There are four households who will be rehoused in phase three who will be rehoused in two separate new homes thus allowing the Developer to deal with 'hidden households' and rehouse adult non-dependants separately;

4.9.5 The affordable housing mix and tenures on the Estate also do not meet housing needs, with 1 and 2 bed units comprising 78.3% of the affordable dwellings and there being no intermediate tenures;

- 4.9.6 Property Performance Services reported within their Dwelling Condition Assessment (November 2014) that, from their experience of similar buildings, it is likely that some asbestos bearing products may have been used in the construction of the some of the properties;
- 4.9.7 An accessibility audit and appraisal in October 2014, evaluated how well the existing properties on the Estate performed in terms of access and ease of use by a wide range of potential users, in particular but not limited to disabled people. Whilst parking provision was generally considered adequate, the design of the car parking and approaches did not meet the required level, with uneven access and a lack of basic features such as handrails and tactile paving. Many main entrances to blocks have heavy doors that lack assistance for opening and closing. Level access is only available on the tower blocks and to one single bungalow. In addition, only three of the tall tower blocks have lifts, and the low rise brick buildings have very small kitchens and bathrooms, poor circulation spaces and are not accessible to those with mobility problems – meaning they cannot achieve lifetime homes standards;
- 4.9.8 the majority of existing dwellings are below the Nationally Described Space Standards for new dwellings; and
- 4.9.9 Existing amenity space also falls short of policy. High Path has a large amount of green space but little of it is used or useable by residents. It consists largely of fenced grassed areas, mowing strips and some poor quality shrub beds adjacent to the blocks. Much of the open space is used as hardstanding and parking space.

4.10 A 2015 urban design review study noted issues relating to the layout of the High Path Estate. The study found that the geometry of the layout was prejudicial to pedestrian movement with maze-like routes with few good connections to the wider strategic network. The existing layout of the Estate was also found to lack consistency and does not exhibit a similar form to surrounding development. Whilst the Estate contains relatively high levels of open space, the lack of distinction between public and private space is unclear resulting in an inefficient use of land. The vast majority of properties on the Estate also have passive or dead frontages, which has a negative impact on safety and the social environment of the Estate and the quality of the external environment.

## Alternatives Considered

4.11 In deciding on a full regeneration of the High Path Estate, two alternative options were considered:

4.11.1 Option 1 – Refurbishment to Decent Homes (Merton Standard) which would comprise predominantly internal works, such as new kitchens, bathrooms, plumbing, electrics and insulation to improve the quality of the existing accommodation; and

4.11.2 Option 2 – Refurbishment to an Enhanced Standard which would comprise the refurbishment of all existing properties owned and managed by CHMP to a standard above Decent Homes. This would involve a programme of works both internal improvements (such as new kitchens and bathrooms) and external works (such as new building cladding and roofs to improve thermal performance).

4.12 No consideration was given to a "do nothing" approach.

4.13 Partial regeneration was not considered to be a reasonable alternative because:

4.13.1 as a result of construction of the estate over four decades, the arrangement of buildings makes any partial regeneration scheme proposing demolition of selected blocks very challenging logistically and would cause significant disruption to residents living elsewhere on the Estate from being in close proximity to noise, dust and the general disturbance of demolition and construction works;

4.13.2 the poor layout and urban design of the existing High Path Estate as identified could not be addressed through partial regeneration, which could not deliver a comprehensive well thought through high quality residential development that optimises the potential of the land within the Estate; and

4.13.3 partial regeneration would create a fragmentation of the Estate in terms of design and would not realise the significant place making potential that exists with a comprehensive redevelopment of this significant site within the local area.

4.14 Neither Option 1 nor 2 were considered to be a reasonable alternative:

4.14.1 They would not deliver significant increases in the quality and quantity of residential accommodation, or diversification of the housing mix, type and

size of dwelling, or improvements to the general environment of the High Path Estate in accordance with key policy objectives at national, regional and local levels;

- 4.14.2 The jobs created by refurbishment of the High Path Estate, while having a positive impact on residents in the local area, predominantly in trades and services, would be of shorter duration than those created if the Estate is fully regenerated and so the benefits are much more significant and wide-ranging;
- 4.14.3 Neither option would include the creation of any new non-residential land uses such as the introduction of any community space, nor would they present any ability to alter the layout and urban design;
- 4.14.4 Neither option offers significant opportunities to improve the integration and connectivity of pedestrian routes to the wider area through good redesign of the internal spatial structure and the creation of stronger connections from the Estate; and
- 4.14.5 There is limited or no potential for increasing the sustainability of the Estate through the introduction of sustainable drainage systems, green and brown roofs and ecological enhancements. Further, while options 1 and 2 would both offer energy performance benefits, financial analysis demonstrates that the upgrades required would have significant payback periods, making these options less attractive.

4.15 Therefore, the positive benefits do not outweigh the potential drawbacks of both options in the long term, particularly in comparison with a full regeneration of the High Path Estate.

4.16 Refurbishment was also discounted due to the significantly high cost, estimated to be over £99,662,006 as detailed in a Condition Survey Report & Life Cycle Cost Analysis Jan 2016 by Bailey Garner. Whilst refurbishment would improve the quality of the existing stock, the longevity of the improvements would be limited before the condition began to decline again (so that significant further investment would be required). Refurbishment works alone offer very limited potential to optimise the housing potential of the High Path Estate as a whole.

4.17 The Developer has decided that full regeneration is the most cost effective way of delivering longer term sustainable Decent Homes through the provision of new, well designed, energy-efficient homes that will meet the needs of residents now and in the future.

4.18 An assessment carried out for the Developer by Savills dated October 2016 concluded that full regeneration of the High Path Estate was considered to be the most appropriate in terms

of delivering key planning policy objectives at national, regional and local levels as it is the only option that is able to deliver significant increases in the quality and quantity of residential accommodation, as well as improvements to the general environment of the High Path Estate.

### **Improvements delivered by the High Path Estate Regeneration**

4.19 The High Path Estate regeneration is consistent with the Estates Local Plan. The Estates Local Plan sets out that regeneration will be expected to provide a range of choices and benefits including:

- 4.19.1 high quality well designed neighbourhoods;
- 4.19.2 wider housing mix;
- 4.19.3 private outdoor space for all residents;
- 4.19.4 better quality green spaces and community facilities; and
- 4.19.5 job creation opportunities.

4.20 The proposed redevelopment will also be an opportunity to provide much needed new homes by making more efficient use of brownfield land, improving the quantity, quality and mix of new homes on the High Path Estate.

4.21 The High Path regeneration:

- 4.21.1 optimises the housing potential of the High Path Estate and ensures that this large brownfield site is used effectively, delivering a net uplift of up to 764 homes (and no net loss of affordable housing), helping to meet the increased housing need in Merton, and London as a whole;
- 4.21.2 has a high quality design, with the overall proposed scale, massing and design of the proposed development being fully supported by the Council's Urban Design team. The proposal was also presented to the 'Design Review Panel' on in July 2016 and July 2017. A summary of the review revealed that the High Path Estate masterplan performed well against the 'Build For Life' 12 questions, which offers a tool kit aimed at assessing residential quality for new developments;
- 4.21.3 includes improvements in terms of access that will ensure improvements to pedestrian routes across the High Path Estate and to nearby parks, bus and tram stops, with routes being linked into the proposed and existing street networks;

4.21.4 provides a good level of community space and open space; and

4.21.5 includes a Design Code which sets key principles and design parameters that inform and control the design for future reference in the Reserved Matters applications and the detailed design of future phases. These include; landscape and public realm, built form, architectural quality and materials and building typologies.

4.22 The Estates Local Plan also makes it clear that any regeneration proposals that come forward should include a commitment to keeping the existing community together in each neighbourhood, as well as for existing residents to have a guaranteed right to return to a new home in their regenerated neighbourhood. The High Path Estate regeneration provides for precisely such a commitment.

## 5 **Planning considerations**

- 5.1 In making the Order, the Council has had regard to its statutory development plan and other relevant local policy and guidance, together with other material considerations as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the 1990 Act. A comprehensive appraisal of the Scheme and all relevant planning policy is set out in the Officer's report to the Council's Planning Committee on 8 March 2018.
- 5.2 Planning permission was granted for the MERP through three outline planning permissions References 17/P1717, 17/P1718 and 17/P1721 on 29 April 2019. Two Kickstart planning permissions were granted for the Kickstart Area at Ravensbury and the High Path Phase 1 site on 9 May 2017 and 5 October 2017 respectively
- 5.3 Furthermore, reserved matters in respect of outline consent 17/P1721 relating to High Path Phase 2, which relates to part of the Order Land, were approved on 03 October 2019 with Reference 19/P1852. Phase 2 therefore benefits from detailed planning consent.
- 5.4 In respect of High Path Phase 3, revised outline planning permission for this element of the Scheme was obtained on 21 January 2022 and reserved matters are due to be submitted in the summer of 2022.
- 5.5 All outline planning permissions for the three Estates are linked with one overarching Section 106 agreement which was completed on 26 April 2019. The effect of the joint Section 106 Agreement is to link the regeneration of the Estates in viability terms, which in turn helps to ensure that the redevelopment of all three Estates can be delivered through the Scheme.
- 5.6 Section 106 agreements were also entered into separately in relation to the Kickstart Area at Ravensbury and the High Path Phase 1.
- 5.7 Given that outline planning permission has been granted for the Scheme, and that reserved matters have also been approved for the development that underpins the Order on the Order Land in particular, the following paragraphs do not address planning issues at length, but instead summarise briefly the key planning policy objectives.

### **Estates Local Plan**

- 5.8 The Estates Local Plan forms part of the Council's Local Plan and sits alongside its Core Planning Strategy, Sites and Policies Plan and the South London Waste Plan.
- 5.9 The Estates Local Plan primarily guides how new homes will be delivered via a coordinated strategy considering the social, economic and environmental opportunities and provides the

framework for sustainable development of these areas. The regeneration of the Estates as a single comprehensive programme has been presented to the Council as the basis of being able to deliver regeneration.

5.10 The Estates Local Plan sets out the overarching vision that underpins the whole Estates regeneration:

5.11 The Estates Local Plan also sets out an overarching "Case for regeneration" of the Estates, which makes it clear that the existing housing stock faces a multitude of shortcomings.

5.12 The Estates Local Plan goes on to identify a vision for each Estate and in particular with reference to the High Path Estate (Policy OEP1 (b) (ii) page 28) states:

*High Path will be a New London Vernacular The creation of a new neighbourhood with traditional streets and improved links to its surroundings, that supports the existing local economy while drawing on the surrounding area's diverse heritage and strong sense of community. Buildings will be of a high quality internally and externally, have a consistency in design with a strongly urban form and character, optimising the most efficient use of land that makes the most of the excellent public transport services, and has access to quality amenity space.*

#### **National Planning Policy Framework (NPPF)**

5.13 The revised NPPF was published in July 2021. As national policy, the document aims for sustainable development to strengthen and support the economy, communities and the environment (paragraphs 7 and 8).

5.14 Paragraph 8 of the NPPF defines the three over-arching objectives of the planning system to deliver sustainable development:

5.14.1 Economic – helping to build a strong economy by ensuring that enough of the right type of land is available in the right places;

5.14.2 Social – supporting communities by ensuring that a sufficient number and range of homes can be provided and fostering a well-designed and safe built environment; and

5.14.3 Environmental – protecting and enhancing the environment by making effective use of land, helping to improve biodiversity, using natural resources prudently and minimising waste and pollution.

5.15 The Scheme is consistent with sustainable development principles of the NPPF.

## **London Plan**

5.16 The Mayor of London's new London Plan was formally adopted in March 2021. It provides a strategic spatial strategy within Greater London and forms part of the Council's development plan. The London Plan sets out a number of objectives:

5.16.1 building strong and inclusive communities;

5.16.2 making the best use of land;

5.16.3 creating a healthy city;

5.16.4 delivering the homes Londoners need;

5.16.5 growing a good economy; and

5.16.6 increasing efficiency and resilience.

5.17 The Scheme will play a key role in achieving the objectives under new London Plan.

## **Core Planning Strategy**

5.18 The Core Planning Strategy forms part of the Council's Local Plan and sets out the spatial strategy for the borough and the key elements of the planning framework.

5.19 Strategic Objective 3 of the Core Planning Strategy is:

*"To provide new homes and infrastructure within Merton's town centres and residential areas, through physical regeneration and effective use of space. This will be achieved by a range of actions including through the delivery of higher density new homes that respect and enhance the local character of the area."*

5.20 The Scheme is not only consistent with Strategic Objective 3 but it is also supported by key Core Planning Strategy policies such as CS9 (Housing Provision), CS8 (Housing Choice) and DMH2 (Housing Mix).

5.21 Also of relevance to the Scheme is the Council's draft Local Plan which was submitted to the Secretary of State on 2 December 2021. The Examination in Public will take place in 2022.

5.22 The key strategic housing policies which support the Scheme in the draft Local Plan include H11.1 (Housing Choice) and H11.2 (Housing Provision). Once adopted, these strategic policies will replace the Council's Core Planning Strategy. The draft Local Plan will not supersede any policies in the Estates Local Plan.

## **Other Relevant Policy and Guidance**

5.23 The Mayor of London's Housing Supplementary Planning Guidance (March 2016, updated August 2017) includes the guidance relevant to estate regeneration. The guidance states the overarching objectives for any estate regeneration scheme will usually be to:

5.23.1 deliver safe and better quality homes for local people;

5.23.2 increase the overall supply of new and affordable homes; and

5.23.3 improve the quality of the local environment through a better public realm and provision of social infrastructure (e.g. schools, parks, or community centres).

5.24 The Scheme and the High Path Estate regeneration comply with these objectives.

## **Conclusions**

5.25 Both the Scheme, the proposed regeneration of the High Path Estate, and the regeneration of the Order Land (part of Phase 2 and Phase 3 of the High Path Estate) in particular benefit from strong policy support at national, regional and local level. The development plan and other relevant local policy and guidance all support the High Path Estate regeneration as proposed and the Council is satisfied there is no viable alternative to deliver its benefits.

6 **Explanation of the use of the enabling powers**

- 6.1 Section 226 of the 1990 Act confers power on a local authority to acquire land compulsorily for development and other planning purposes.
- 6.2 Section 226(1)(a) of the 1990 Act allows a local authority to acquire compulsorily any land within its area if the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to that land.
- 6.3 The power to acquire land compulsorily conferred by Section 226(1)(a) of the 1990 Act is subject to subsection (1A), which provides that the acquiring authority must not exercise the power unless it thinks that the proposed development, redevelopment or improvement is likely to contribute to the achievement of any one or more of the following objectives:
- 6.3.1 the promotion or improvement of the economic well-being of its area;
  - 6.3.2 the promotion or improvement of the social well-being of its area;
  - 6.3.3 the promotion or improvement of the environmental well-being of its area.
- 6.4 The CPO Guidance states that a compulsory purchase order should only be made where there is a compelling case in the public interest.
- 6.5 The CPO Guidance provides recommendations to acquiring authorities on the use of compulsory purchase powers and the Council has taken full account of this guidance in making this Order.

## 7 Justification for the use of CPO powers

7.1 The purpose of the Order is to secure the acquisition of all relevant interests in the Order Land to facilitate the vital redevelopment of the High Path Estate.

7.2 If the relevant interests are not able to be acquired the redevelopment of the Phase 2 element of the Scheme would be severely compromised as all of the units to be acquired lie within the main redevelopment area of this part of the Estate. Seeking to construct new development around these few outstanding interests would not only compromise the construction process but it would also compromise the Council's aims to deliver the wider regeneration benefits of the comprehensive redevelopment of the estate. It would severely impact on the place-making benefits, the wider social benefits, the delivery of affordable housing, the delivery of higher quality homes.

7.3 The Council is convinced that there is a compelling case in the public interest for the making of the Order and that, if confirmed, the Order would strike an appropriate balance between public and private interests in that the development will make a positive contribution to the promotion or achievement of the economic, social and environmental well-being of its area. For those private interests that will be the subject of the CPO, the Council is satisfied that the Residents' Offer and the Developer's 10 Commitments (Appendix 2) adequately addresses the loss of those interests.

7.4 The overarching consideration for the Secretary of State in deciding whether an Order should be confirmed is set out in paragraph 12 of the CPO Guidance:

7.4.1 *"A compulsory purchase order should only be made where there is a compelling case in the public interest."*

7.4.2 *"An acquiring authority should be sure 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. Regard should be had, in particular, to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention."*

7.5 In the context of that overarching consideration, having regard to Paragraph 106 of the CPO Guidance, the following issues should be considered:

7.5.1 whether the purpose for which the land is being acquired fits with the adopted planning framework for the area;

- 7.5.2 the extent to which the proposed redevelopment of the High Path Estate would contribute to the achievement of the promotion and/or improvement of the economic, and/or social, and/or environmental well-being of the Council's area;
- 7.5.3 the potential financial viability of the proposal to redevelop the High Path Estate, general funding intentions and the timing of available funding;
- 7.5.4 impediments to implementation of the proposed regeneration and whether that regeneration has a reasonable prospect of going ahead; and
- 7.5.5 whether the purposes for which the proposed Order Land is to be acquired could reasonably be achieved by any other means within a reasonable timeframe.

7.6 The issues summarised above are addressed below.

**Whether the purpose for which the land is being acquired fits with the adopted planning framework for the area**

7.7 The Order will help deliver the Council's vision for the regeneration of the High Path Estate. That regeneration is supported in a variety of policy documents, namely the London Plan, the Estates Local Plan, the Core Planning Strategy, and the National Planning Policy Framework, as well as relevant guidance documents. The planning framework is set out in more detail in Section 5 of this Statement.

7.8 Once adopted, the regeneration of the Eastfields Estate will also be supported by the Council's draft Local Plan which was submitted to the Secretary of State in December 2021.

7.9 The Council is therefore satisfied that the promotion of the Order is in accordance with the strategic objectives of the adopted planning framework.

**Contribution to the social, economic and environmental well-being of the area**

7.10 Section 226(1)(a) of the Act directs that an acquiring authority may not exercise the powers under this section unless it thinks that the proposed development, redevelopment or improvement is likely to contribute to the economic, social or environmental well-being of the area for which the Authority has administrative responsibility.

7.11 As set out in section 4, High Path Estate – and indeed the Estates in general – face a number of major shortcomings. As detailed above, the Council has undertaken a comprehensive investigation of the options for the repair and/or redevelopment of the Estates and it has determined that regeneration is the most viable means to achieve the

Estates Local Plan objectives. The High Path Estate regeneration, as part of this wider Scheme, will make a very material contribution to the economic, social and environmental well-being of the area.

### **The Scheme Generally**

7.12 Promotion or improvement of *economic well-being* will occur through the increased vitality and viability of the Estates. The main economic benefits previously identified for the MERP as a whole will be:

7.12.1 A total investment of c.£1 billion in the Estates and wider Merton area;

7.12.2 The creation of approximately 4,584 gross temporary construction jobs (equating to 459 permanent construction jobs);

7.12.3 Increased economic activity by reason of increased employment and expenditure during each Phase of the Scheme; and

7.12.4 Increased economic activity by reason of increased employment and expenditure during the operational phase of the Scheme and the introduction of expanded residential uses.

7.13 Promotion or improvement of *social well-being* will be delivered by:

7.13.1 provision of new, well-designed, energy-efficient homes that will meet the needs of residents now and in the future;

7.13.2 up to 2,704 new homes across all three Estates. With 1,175 existing homes being demolished across all three Estates, this results in a net uplift of up to 1,530 new homes;

7.13.3 the provision of c. 29% affordable housing overall across the Estates on a habitable rooms basis which includes no net loss of affordable housing;

7.13.4 an improved housing mix better suited to meet the needs of existing affordable housing tenants on the estates having regard to the Housing Needs studies undertaken for each estate; and

7.13.5 improved pedestrian, cycle and vehicular access links to improve permeability and to foster the creation of a healthy and safe community.

7.14 Promotion or improvement of *environmental well-being* will occur through the following main environmental benefits:

- 7.14.1 redevelopment of a brownfield site;
- 7.14.2 provision of new, well-designed, energy-efficient homes that will meet the needs of residents now and in the future;
- 7.14.3 enhancement of the townscape through the replacement of outdated buildings with a contemporary and well-designed residential development. The public realm will be improved and heritage assets appropriately and respectfully treated within the Scheme;
- 7.14.4 increased housing density appropriate to the suburban locations of the Estates and to national and local planning policy;
- 7.14.5 provision of efficient layouts and high quality public open space, community and recreational facilities
- 7.14.6 Replacement of poorly insulated properties by new, energy efficient homes.

#### **High Path Estate and the Order Land**

- 7.15 In respect of the Order Land, the proposed regeneration will improve the social, economic and physical environment of the High Path Estate specifically by developing a new mixed tenure neighbourhood where all homes are built to a high quality with their own outside space with well-designed and maintained public open space
- 7.16 The High Path Estate regeneration will help to address the socio-economic inequalities of the area. High Path has a distinct socio-economic profile compared to the borough as a whole and generally contrasts with the socio-economic conditions of the borough as a whole. Specifically, the following characteristics have been identified as worsening in respect of High Path Phases 2 and 3 without redevelopment:
  - (a) The projected increase in the child population, alongside low levels of income and high unemployment in the area will heighten concerns over child poverty;
  - (b) High levels of youth unemployment constrain the skills and occupational profile of the local population which will impede access to higher value employment opportunities. This constrains the spending power of residents, contributes to further inequalities in skills in the Borough and local area, reducing residents' economic prosperity and social well-being; and

- (c) The poor quality living environment, limited housing opportunities and affordability issues will also adversely affect economic and social prospects contributing to poor levels of health; higher levels of deprivation; further health risks associated with overcrowded dwellings; an unattractive living environment; and reduce social cohesion.

7.17 The economic consequences of the ongoing COVID-19 pandemic have not yet been fully captured by local statistics but it is likely that this will exacerbate the existing issues faced by the local community.

7.18 Promotion or improvement of *economic well-being* will occur in respect of High Path Phases 2 and 3 through:

- 7.18.1 The creation of 130 construction jobs annually over a three-year construction period;
- 7.18.2 The construction will provide a one off boost the economy of £42.5 million gross added value, £10.2 million of which is likely to be retained in the local area;
- 7.18.3 Once operational, it is estimated that the mixed use elements of Phase 3 will support 115 jobs, generating £5.3 million in gross value every year, of which £800,000 is likely to be retained in the local area;
- 7.18.4 The estimated increase of 805 people living within High Path Phases 2 and 3, which would unlock an additional:
  - (a) £880,000 in additional council tax revenue per annum once fully occupied; and
  - (b) An estimated net expenditure increase in the local area of £7.5 million annually;
- 7.18.5 There is potential for on-site training in construction which could develop local skills which in turn will benefit the local economy;
- 7.18.6 The development will be liable to Community Infrastructure Levy (CIL) payments, and these monies can be utilised by the Council to fund improvements in social infrastructure, including to education, healthcare and community facilities, leisure and open space; and
- 7.18.7 The New Homes Bonus will enable the Council to retain a greater proportion of the Council tax revenue to be made available to spend in borough.

7.19 Promotion or improvement of *social well-being* will be delivered by:

- 7.19.1 477 new homes, with a net uplift of 311 homes;

- 7.19.2 The redevelopment of Phases 2-3 of the High Path Estate will provide 93 affordable homes (all within Phase 2). This is in addition to the 80 affordable homes delivered in Kick Start Phase 1;
- 7.19.3 The proposed housing development will reinforce the attractiveness of High Path as a vibrant and balanced community; and
- 7.19.4 The proposal will increase the supply of high quality housing, creating an attractive living environment in the area and providing better quality affordable housing.

7.20 Promotion of environmental *well-being* will occur through:

- 7.20.1 The redevelopment of a brownfield site;
- 7.20.2 The provision of new, well-designed, energy-efficient homes that will meet the needs of residents now and in the future;
- 7.20.3 The enhancement of the townscape through the replacement of outdated buildings with a contemporary and well-designed residential development;
- 7.20.4 Public realm improvements;
- 7.20.5 Provision of an efficient layout and a high quality public open space;
- 7.20.6 Provision of community, recreational and gym facilities; and
- 7.20.7 Replacement of poorly insulated properties by new, energy efficient homes.

7.21 These benefits should be looked upon in tandem with the benefits of the regeneration of Eastfields Phase 1 and Ravensbury Phase 2 to 4.

7.22 For the above reasons, the Council considers that the well-being tests set out in Section 226 are fully satisfied in respect of the Order as made and submitted for confirmation.

### **Viability of the regeneration and general indication of funding intentions**

7.23 The Developer has considerable experience and resources. It manages over 125,000 homes across 176 local authorities. It is the largest housing association in the UK and is one of the country's leading housebuilders, set to build a high volume of high quality homes of all tenures during the next ten years.

7.24 The Developer has an impressive track record of working on large regeneration schemes across the UK.

- 7.25 [To support the MERP as a whole, which as things stand is not viable, the Council and the Developer have entered into a legally binding contract to vary the existing Stock Transfer Agreement dated 22 March 2010, in particular the Development and Disposals Clawback Agreement also dated 22 March 2010, to suspend clawback payments unless the MERP achieves a surplus.]
- 7.26 The Developer has shared with the Council details of projected costs and revenues and its financial strategy for delivery of the High Path Estate regeneration pursuant to the planning permissions. The Developer has confirmed they have sufficient resources to carry out the development and do not anticipate requiring external, development-specific, funding. The Developer's Board resolved on 30 September 2021 to reaffirm its commitment to delivering the Scheme even though there is anticipated still to be a deficit between the costs of the Scheme and the income generated by the sale of the private units.
- 7.27 The Council does not consider there to be any funding impediment to acquiring the Order Land and the delivery of this element of the High Path Estate regeneration. The Developer is fully committed to delivering this element of the Estate's regeneration, (and indeed the wider regeneration of the Estate), having expended considerable resources to date on acquiring relevant interests, negotiating to acquire further interests by agreement, and in obtaining the main planning approvals required to authorise and deliver it.
- 7.28 The Developer has entered into an indemnity agreement with the Council dated 7 February 2019 which fully indemnifies and provides protection for the Council in relation to all costs associated and arising in the preparation and making of the Order, acquisition of Order Land and the payment of compensation arising from such acquisition.
- 7.29 The Council is satisfied, having regard to the Clarion's resources, its standing as the UK's largest housing association, its reaffirmed commitment to the Scheme and the requirements of the CPO Guidance, that the 2022 CPOs are deliverable and that, having regard to national guidance, there is sufficient probability that that they will proceed.

**Reasonable prospect of Scheme proceeding: Implementation of the Scheme**

- 7.30 The Council is confident that there is no impediment to the successful delivery of the regeneration of High Path Estate.
- 7.31 As set out above, the Council has granted of outline planning permission for the regeneration of each of the Estates. The Council envisages that the related orders can successfully be obtained.

7.32 Stopping Up orders will be required in respect of later Phases 4, 5 and 6 of the redevelopment of the High Path Estate. All of these areas are shown on the Stopping Up plan at Appendix 5 to this Statement.

7.33 The Council's investigations have revealed no other legal, financial or physical impediment and the Council is confident that there is a more than reasonable prospect of the Scheme proceeding.

**Whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means.**

7.34 As discussed above in section 4, other options to meet the obligation to provide housing stock to Decent Homes standards were discounted as not being cost effective or delivering the significant benefits of the Scheme.

7.35 As regards the High Path Estate, in order to deliver its regeneration the Developer requires unencumbered ownership with vacant possession of all the property interests which will form part of the new development.

7.36 The Council and the Developer have made considerable efforts to acquire all land interests on the High Path Estate by agreement but the prospects of acquisition of all interests in the Order Land by agreement within a reasonable timescale are unlikely.

**Conclusions regarding the need for the Order at this time**

7.37 In pursuing the Order, the Council has carefully considered the balance to be struck between the effect of acquisition on individual rights and the wider public interest in the redevelopment of the Order Land. Interference with rights under the European Convention on Human Rights (as further set out in section 10 of this Statement of Reasons) is considered by the Council to be justified, in order to secure the economic regeneration and environmental and public benefits which the proposed regeneration will bring.

7.38 The Council is satisfied that the redevelopment of the Order Land will have a positive impact on the social, environmental and economic well-being of the area, as the redevelopment will provide an overall improvement in the quality of life for local residents. Compulsory acquisition of individuals' property situated within the Order Land is necessary to allow this comprehensive redevelopment to proceed, and for these benefits to be delivered.

7.39 Due to the substantial public benefit which would arise from the regeneration of the High Path Estate, it is considered that the use of compulsory purchase powers is both necessary and proportionate, and that there is a compelling case in the public interest for the making and confirmation of the Order. It is considered that the Order does not constitute any

unlawful interference with individual property rights. The compulsory purchase process enables objections to be submitted and a Public Inquiry to be held to consider those objections. The parties directly affected by the Order will be entitled to compensation in accordance with the statutory compensation code.

7.40 All of the Order Land is required to deliver the comprehensive redevelopment of Phases 2 and 3 of the Estate's regeneration. There is no certainty that the necessary land and interests can be assembled by agreement within a reasonable period and as such the Order is necessary, although efforts to acquire all interests by negotiation will continue in parallel.

## 8 Consultation and Engagement

8.1 The Council and the Developer have been firmly committed to understanding the aspirations of residents of the Estates and their views have helped shaped masterplan proposals. The Developer has engaged in a comprehensive consultation process with local residents and statutory consultees across each of the Estates, details of which are set out below:

8.1.1 The Developer started consultation with residents about the future of the Estates in the summer of 2013.

8.1.2 In 2013 feasibility studies and summer consultation events encouraged residents to join the conversation about the future of their homes and introduced the idea of replacing homes in the three neighbourhoods.

8.1.3 In winter 2013 the decision to explore regeneration was taken based on feedback from consultation events. The (then) Merton Priory Homes Board decided that regeneration would be the best way of delivering long-term improvements in the three neighbourhoods.

8.1.4 2014 - Design stage. Architects were selected to support the proposed regeneration of the three Estates.

8.1.5 In summer 2014 a series of consultation events were held including coffee mornings, drop-in events, design workshops, community events and one-to-one meetings. These events were held locally and focussed on:

- (a) Getting to know the architects and what their role would be;
- (b) Walkabouts so the architects could get a better understanding of the neighbourhood from the residents' point of view;
- (c) Visits to other regeneration schemes in London; and
- (d) Gathering and presenting feedback from residents on the design ideas.

8.1.6 Landlords, homeowners and tenants were provided with specific information about what regeneration would mean for them and the choices available to them.

8.1.7 September 2014 – Ten Commitments. The Council and the Developer signed up to Ten Commitments to the residents of the three neighbourhoods (discussed in detail below).

- 8.1.8 October 2014 - draft master plans were presented. Residents were shown potential layout for neighbourhoods and homes. Over 400 people attended these events to view the plans and look at the wide variety of housing types proposed. Three drop in events were held on each Estate (Saturdays and weekday evenings) and there were home visits to the elderly and vulnerable.
- 8.1.9 May 2015 - Master plans and Residents Offer. Revised master plans were presented to residents. The Residents' Offer (discussed below) was published setting out the guaranteed package of financial support that residents would be entitled to if regeneration were to go ahead. Three consultation events were held for residents of each Estate. Support was also provided by a dedicated member of staff from the Citizens Advice Bureau to provide residents with free, impartial and confidential advice.
- 8.1.10 June 2015 - Independent residents' survey. An independent survey was carried out by Membership Engagement Services. There was a 52.5% response rate achieved with the views of 634 residents collected. Overall 50.5% of respondents agreed that regeneration would be the best for their household and 58.4% agreed that the regeneration would be the best for their neighbourhood overall. The Developer's decision to retain some of the homes and replace others was a consequence of its consultation with residents.
- 8.1.11 October 2015 - decision to proceed with initial planning applications. The Developer's Management board gave its approval for the submission of initial planning applications.
- 8.1.12 January 2016 - consultation on draft designs for first new homes. Residents of High Path and Ravensbury were invited to a series of events throughout January to view proposals for the first new homes on their neighbourhoods.
- 8.1.13 May 2016 – consultation on revised designs for first new homes. Residents of High Path were invited to a series of consultation events to view revised proposals for the first new homes.
- 8.1.14 July/August 2016 – scaled models of some of the proposed typologies as well as exhibition boards and 1:1 model of a 1 bedroom flat were displayed at a series of events.
- 8.1.15 October to December 2016 – master plan consultation. Consultation events in each Estate were held to discuss the latest master plan proposals. These

included designs for the neighbourhoods, house types and phasing plans, ahead of outline planning applications being submitted.

- 8.1.16 October 2017- revised indicative phasing consultation was undertaken on High Path.
- 8.1.17 October 2018 – consultation event on High Path Phase 2 proposals.
- 8.1.18 February 2019 – further consultation event on detailed design High Path Phase 2 proposals.
- 8.1.19 June 2019 – consultation events held on the design and layout of High Path Phase 2.
- 8.1.20 Summer 2020 – High Path regeneration newsletter was sent to residents to update them on Kickstart Phase and Phase 2.
- 8.1.21 January 2022 - Notices served under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 with online sessions held for residents.
- 8.1.22 In addition, statutory consultation has been carried out as part of the Estates Local Plan process and each outline and reserved matters planning application in accordance with the legislative requirements.

8.2 In addition, the Developer has broadened its level of community engagement by sending a quarterly newsletter to all existing residents, informing residents of the latest updates on regeneration proposal

8.3 The Developer has also been in consultation with the Council as local planning authority throughout the planning application process as well as with statutory consultees. Feedback from this consultation has informed the planning applications.

8.4 Throughout the consultation exercise, all responses received have been thoroughly reviewed and considered and amendments to the proposals have been incorporated on an iterative basis. The result of this detailed exercise was the submission of three significant outline planning applications together with two Kickstart planning applications that ensured residents would only need to move once. All applications received very significant support and were the subject of a positive recommendations by the Council to grant planning permission. All three Estates now have outline planning permission granted with reserved matters applications having been granted for the Ravensbury Estate Phases 2-4 and High Path Phase 2.

### **High Path Estate**

8.5 Public consultation events were held between July 2013 and November 2016. The design team consulted with existing residents, the local community and key stakeholders including the following groups:

8.5.1 Existing residents of High Path;

8.5.2 Neighbouring residents and businesses;

8.5.3 Local amenity groups, including: Merton Abbey Primary School; Battles Area Housing Association; South Wimbledon Community Association; Wimbledon Society; Uptown Youth Club; Merton Abbey Primary School; High Path Community Association; The Parish of St John the Divine & Merton Evangelical Baptist Church; and Polka Theatre; and

8.5.4 The local MP and local councillors.

9 **Efforts to acquire by agreement and residents' offer**

- 9.1 The Council is exercising its powers under section 226(1)(a) and section 226(3)(a) because it has not been possible for the Developer to acquire by agreement all interests that are required to deliver Phase 2 and Phase 3 of the High Path Estate regeneration, and it is not certain that the Developer will be able to acquire the remaining land by agreement. Although the owners of the interests have been approached on a number of occasions by the Developer with a view to purchasing their interests, agreement for purchase has not been reached because the owners have either not yet decided which of the options available to them they wish to exercise or they are waiting for as long as possible before selling their interests to the Developer.
- 9.2 Single ownership and control of the Order Land is necessary to enable the High Path Estate regeneration to proceed. It is possible that the Developer will be able to acquire all the necessary interests by agreement within a reasonable period. The Council is therefore satisfied that the use of compulsory purchase powers is necessary and justifiable in the public interest.
- 9.3 As of the end of February 2022, the Developer has acquired 229 freeholds and long leases across the MERP area through voluntary sales under the terms of the 2015 residents offer. Of these 130 freehold and leasehold interests are at High Path, 88 at Eastfields and 11 at Ravensbury.
- 9.4 In order for the 2022 Scheme to be delivered, as at the end of February 2022 the following interests will need to be acquired:
- 9.4.1 Within Eastfields Phase 1 33 freeholds and 14 long leases will need to be acquired;
  - 9.4.2 Within High Path Phases 2 and 3, 18 freeholds and 29 long leases have yet to be acquired;
  - 9.4.3 Within Ravensbury Phases 2 to 4, 3 freeholds and 1 long leases have yet to be acquired.
- 9.5 The Council considers that the use of its CPO powers to acquire both the outstanding interests in the Order Land and the new rights is necessary, since the Developer has not been able to achieve this by agreement and it is unlikely that it would be able to do so within an acceptable timescale without the Order. The High Path Estate regeneration cannot proceed unless these interests are acquired. The Council is satisfied that the acquisition of these interests will facilitate the proposed regeneration, which will lead to the redevelopment and will contribute to economic, social and environmental improvements to the area.

9.6 In making its assessment of the justification for the Order, the Council has taken into account the rights of third parties protected by the European Convention on Human Rights which may be affected by the Order (as referred to in section 10 of this Statement). In addition, the Council has had full regard to its public sector equality duty under section 149 of the Equality Act 2010 (as referred to in section 11 of this Statement).

### **Commitments to Residents and Residents Offer**

9.7 The Council acknowledges that when proposing large scale regeneration, there are considerable uncertainties and challenges for residents. The Council and Developer have undertaken significant consultation with residents. The consultations undertaken are detailed fully in section 8 of this Statement. To support the Scheme and to ensure fairness for residents, the Council and Developer agreed a series of promises to residents, known as the Ten Commitments (Appendix 2) which are:

- 9.7.1 the Developer will consult with residents, consider their interests at all times, and address concerns fairly.
- 9.7.2 Current homeowners will be entitled to at least the market value of their home should they wish to take the option to sell their home to the Developer.
- 9.7.3 Existing tenants will keep all their rights, including tenancy conditions and the associated rent level, in the new neighbourhood as they do now.
- 9.7.4 Current tenants will be entitled to be rehoused in a new home of appropriate size considering the number of people in their household.
- 9.7.5 All new properties will be more energy efficient and easier to heat than existing properties, helping to keep down residents' fuel bills.
- 9.7.6 the Developer will keep disruption to a minimum, and will do all it can to ensure residents only move once if it is necessary to house them temporarily while their new home is being built
- 9.7.7 the Developer will offer extra help and support for older people and / or disabled residents throughout the regeneration works.
- 9.7.8 the Developer will continue to maintain the homes of residents across the three neighbourhoods throughout the planning process until regeneration starts, including ensuring a high quality responsive repairs service.

- 9.7.9 Any growth in the number of homes will be consistent with the Council's Development Plan so that it is considered, responsible and suitable for the area.
- 9.7.10 As a not for profit organisation, the Developer will not profit from any regeneration and will use any surplus to provide more housing or improve existing neighbourhoods.
- 9.8 The Developer has made a detailed Residents' Offer (Appendix 3). They have also made a series of commitments on repairs and maintenance. These service elements, while not directly relevant to the Scheme, are of considerable importance to residents.
- 9.9 The Residents Offer details the Replacement Home Option which is offered to those resident homeowners who were living on one of the three Estates on the 27 May 2015 (when the Residents Offer was published). The Replacement Home Option confirms:
- 9.9.1 If you are currently a freeholder you will be offered a freehold on your new property.
- 9.9.2 If you are a leaseholder you will be offered a new long lease on your new property.
- 9.9.3 The Replacement Home will be at least as large as the home it replaces, unless you choose to move to a smaller home.
- 9.9.4 Every Replacement Home will have private outdoor space (i.e. a garden, balcony or roof terrace) irrespective of whether the original home had this or not.
- 9.9.5 If you live in a house you will be offered a house, if a flat a new flat and a maisonette a new maisonette.
- 9.9.6 The new home will have the same number of bedrooms as the existing home had when it was first built.
- 9.9.7 There will be a Replacement Home for every resident homeowner who chooses to stay.
- 9.9.8 They will be entitled to a £3,000 disturbance allowance.
- 9.10 The Developer has committed, where possible, to moving resident homeowners straight into their new Replacement Home, i.e. without the need to be temporarily housed. The phasing plans for all three Estates' regenerations have been designed to accommodate this

approach. For a small number of existing resident homeowners this may not be possible, for example as a consequence of their choice of location and its position in the phasing plan. The Developer may be able to offer a temporary home in their Estate or another part of Merton.

- 9.11 A disturbance payment of £3,000 will be available. Resident homeowners won't be charged rent in their temporary home as long as they agree to the terms set out in the Residents Offer regarding accepting the market value plus 10 per cent for their existing home, the value of the new home and the licence agreement for the temporary home.
- 9.12 The Council is satisfied that a strong Residents' Offer has been made that treats residents fairly and ensures communities within the Estates can remain consistent and cohesive after the regenerations.

10 **Human rights considerations**

10.1 Section 6 of the Human Rights Act 1998 prohibits a public authority from acting in a way which is incompatible with the rights and fundamental freedoms set out in specified provisions of the European Convention on Human Rights (the **Human Rights**).

10.2 The Human Rights likely to be engaged in the process of considering, making, confirming and implementing a compulsory purchase order include those under Article 6 (right to a fair and public hearing to determine a person's civil rights), Article 1 of the First Protocol (right to peaceful enjoyment of possessions) and Article 8 (right to respect for private and family life including a person's home).

10.3 Any interference with a Human Right must be necessary and proportionate. Compulsory purchase and overriding private rights must be justified by sufficiently compelling reasons in the public interest and must be a proportionate means of achieving the objectives of the Order. Similarly, any interference with rights under Article 8 (right to home life) must be "necessary in a democratic society" and proportionate. The requirements under the Convention are reflected in paragraphs 17 and 18 of the CPO Guidance:

*"17. A compulsory purchase order should only be made where there is a compelling case in the public interest. An acquiring authority should be sure 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. Regard should be had, in particular, to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention.*

*18. The confirming Minister has to be able to take a balanced view between the intentions of the acquiring authority and the concerns of those whose interest in land it is proposed to acquire compulsorily. The more comprehensive the justification which the acquiring authority can present, the stronger its case is likely to be. But each case has to be considered on its own merits and the advice in this Part is not intended to imply that the confirming Minister will require any particular degree of justification for any specific order. Nor will a confirming Minister make any general presumption that, in order to show that there is a compelling case in the public interest, an acquiring authority must be able to demonstrate that the land is required immediately in order to secure the purpose for which it is to be acquired."*

10.4 If a compelling case in the public interest can be demonstrated as the Council considers here, then this will meet the requirements of the Convention. In making this Order, the Council has carefully considered the balance to be struck between individual rights and the wider public interest. Having regard to the matters set out above a compelling case in the

public interest exists for the making and confirmation of the Order. Interference with Human Rights, to the extent that there is any, is considered to be justified in order to secure the economic, social and environmental benefits which the Scheme will bring, namely the creation of new, well designed, high quality neighbourhoods aimed at fundamentally improving the quality of life for existing and future generations living in the area. This coupled with the significant level of public consultation, and a robust, fair offer to residents in the Estates means the Scheme minimises the interference with the rights of those affected.

10.5 Appropriate compensation will be available to those entitled to claim it under the relevant statutory provisions.

10.6 In relation to the requirements of Article 6 (right to a fair and public hearing), these are satisfied by the statutory procedures which include rights to object and to be heard at any public inquiry and by the right to statutory challenge under the Acquisition of Land Act 1981.

## 11 Public Sector Equality Duty

- 11.1 In discharging its functions, the Council has a statutory duty under Section 149 of the Equality Act 2010 to have due regard to the need to;
- 11.1.1 eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  - 11.1.2 advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - 11.1.3 foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 11.2 The "relevant protected characteristics" are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.
- 11.3 A full Equality Impact Assessment (**EqIA**) was undertaken as part of the Estates Local Plan. EqIAs (dated March 2022) have also been undertaken to re-examine the equalities impacts of the Scheme as a whole, with specific assessments carried out for each Estate.
- 11.4 The EqIAs have considered the impact upon protected groups whose lives may be affected by the acquisition of land and rights, by the construction of the Scheme and/or by the completed Scheme. The categories that could potentially be affected are: age, disability and race/belief.
- 11.5 However the EqIA concludes broadly that the impacts of the Scheme will be positive through:
- 11.5.1 opportunity to reduce overcrowding amongst its tenanted households. Overcrowding is proportionately more likely to affect households from the BAME community and so the regeneration provides an opportunity to address inequality in this area. Significant amenity and size improvements will be provided for residents, with all new homes built to current space standards with private outdoor space.
  - 11.5.2 the regeneration is an opportunity to provide new lifetime homes for all tenants, this will enable older tenants (and homeowners) to remain independent in their own homes for longer. New homes can be adapted to meet the specific needs of disabled residents, 10% of all new homes will be fully accessible and adaptable for wheelchair users.

- 11.6 Steps are being taken to ensure that the acquisition and relocation processes are applied in a fair and non-discriminatory way. However, it is acknowledged that the process of redeveloping the Estates itself is likely to have a negative impact on older, disabled and vulnerable residents, due to the requirements to move house, potentially more than once, if temporary accommodation is necessary during the construction period. The greatest impact on equalities will be the mechanics of the Estates' regeneration including: the residents' offer; moving existing residents into new homes; addressing overcrowding; and minimising disruption during this extensive process.
- 11.7 The Developer has committed to designing the Phases to minimise the need to "double decant" and where at all possible older, vulnerable or disabled tenants will only be asked to move once, straight in to a new home. Help will be provided to assist with such moves.
- 11.8 In promoting the Order and delivering Phase 2 and Phase 3 of the High Path Estate Scheme the Council and the Developer will seek to keep the existing community together with existing residents having a guaranteed right to return to a new home in their regeneration neighbourhood. The Ten Commitments and Residents Offer (discussed in section 9 above) provide a strong mechanism to achieve this.
- 11.9 The EqlA will continue to be monitored and reviewed throughout the progression of the proposals in order to ensure that any future impact can be measured and mitigated against as necessary.
- 11.10 To conclude, steps are being taken to ensure that the acquisition and relocation processes are applied in a fair and non-discriminatory manner. Steps will also be taken to minimise the adverse effects on protected groups during construction and any such effects suffered by surrounding ethnic minority businesses. The proposals will bring a range of benefits to disabled and other protected groups including in relation to enhanced access, housing provision, lifetime homes.

## 12 **Related Orders and Applications**

### **Road Closure Orders**

12.1 The Council envisages Stopping Up Orders will be required to successfully deliver Phases 2 and 3 of the High Path Estate regeneration.

12.2 Stopping Up orders will also be required in respect of later Phases 4, 5 and 6 of the redevelopment of the High Path Estate. All of these areas are shown on the Stopping Up plan at Appendix 5 to this Statement.

### **Further Information**

12.3 Those parties affected by the Order who wish to discuss matters with a representative of the Council should contact:

[REDACTED]

### **Inspection of the Order and Order Documents**

12.4 A copy of the Order, the Order Map and other documents may be viewed at:

London Borough of Merton

Civic Centre

London Road

Morden

SM4 5DX

**Definitions used in this Statement of Reasons**

**1976 Act:** Local Government (Miscellaneous Provisions) Act 1976;

**1990 Act:** Town & Country Planning Act 1990 (as amended);

**2022 CPOs** means the Order, the Eastfields Order and the Ravensbury Order;

**CPO Guidance:** Guidance on Compulsory Purchase and the Crichel Down Rules for the Disposal of Land acquired by, or under the threat of, Compulsion published in July 2019 by the Department for Levelling Up, Housing and Communities;

**Council:** the London Borough of Merton;

**Developer:** Clarion Housing Group, formerly Circle Merton Priory Homes and Merton Priory Homes;

**Eastfields Estate:** the Eastfields Estate, Mitcham as shown outlined in [ ] on the Estates' Plan;

**Eastfields Order:** the London Borough of Merton, Merton Estates' Regeneration, (Eastfields No.1) Compulsory Purchase Order 2022;

**Estates:** the Eastfields Estate, the High Path Estate and the Ravensbury Estate;

**Estates' Plan:** the plan showing all three Estates at Appendix [ ];

**High Path Estate:** the High Path Estate, South Wimbledon as shown outlined in [ ] on the Estates' Plan;

**NPPF:** the National Planning Policy Framework, July 2021;

**Order:** the London Borough of Merton (High Path No 1) Compulsory Purchase Order 2022;

**Order Land:** the land included within the Order and is shown on the plans appended to this Statement at Appendix 1;

**Phase 1** means the first Phase of the High Path Estate shown outlined in [ ] on the Phasing Plan;

**Phase 2** means the second Phase of the High Path Estate shown outlined in [ ] on the Phasing Plan which includes the Order Land;

**Phase 3** means the third Phase of the High Path Estate shown outlined in [ ] on the Phasing Plan;

**Phase 4** means the fourth Phase of the High Path Estate shown outlined in [ ] on the Phasing Plan;

**Phase 5** means the fourth Phase of the High Path Estate shown outlined in [ ] on the Phasing Plan;

**Phase 6** means the fourth Phase of the High Path Estate shown outlined in [ ] on the Phasing Plan;

**Phase 7** means the fourth Phase of the High Path Estate shown outlined in [ ] on the Phasing Plan;

**Ravensbury Estate:** the Ravensbury Estate, Morden as shown outlined in [ ] on the Estates' Plan;

**Ravensbury Order:** the London Borough of Merton, Merton Estates' Regeneration, (Ravensbury No.1) Compulsory Purchase Order 2022; and

**Scheme:** the Developer's proposals for regeneration of the Estates.

14      **Appendices**

Appendix 1 – Schedule and Order Map;

Appendix 2 - 10 Commitments in September 2014;

Appendix 3 - Developer's Residents' Offer published in May 2015;

Appendix 4 - Phasing Plan in respect of the High Path Estate;

Appendix 5 - Stopping Up plan; and

Appendix 6 – Estates' location plan.

**London Borough of Merton  
(Ravensbury No 1)  
Compulsory Purchase Order 2022**

**STATEMENT OF REASONS**

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## THE LONDON BOROUGH OF MERTON

### (RAVENSBURY NO. 1) COMPULSORY PURCHASE ORDER 2022

#### STATEMENT OF REASONS FOR THE MAKING OF THE ORDER

#### 1 Introduction and Background

- 1.1 This document is the Statement of Reasons prepared by the London Borough of Merton (the **Council**) which sets out the background to, and reasons for, the making of the London Borough of Merton (Ravensbury No.1) Compulsory Purchase Order 2022 (the **Order**) which is to be submitted to the Secretary of State for Housing Communities and Local Government for confirmation.
- 1.2 The Council has made the Order pursuant to Section 226 (1)(a) of the Town and Country Planning Act 1990 (the **1990 Act**) Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 (the **1976 Act**) and the Acquisition of Land Act 1981. This Statement of Reasons is provided in compliance with paragraph 186 of the Department for Levelling Up, Housing and Communities "Guidance on Compulsory Purchase Process and The Crichton Down Rules" July 2019 (the **CPO Guidance**).
- 1.3 The Council's purpose in making the Order, and seeking its confirmation by the Secretary of State for Housing, Communities and Local Government, is to enable the Council to acquire compulsorily the land and the new rights over land included in the Order (the **Order Land**) to facilitate the regeneration of the Ravensbury Estate.
- 1.4 The Ravensbury Estate regeneration forms part of the wider Estates Regeneration Programme (the **Scheme**) proposed by the Clarion Housing Group (the **Developer**) in the borough. The Scheme seeks to deliver the regeneration of three residential housing estates in the London Borough of Merton, those being the Ravensbury Estate, the High Path Estate and the Eastfields Estate (together to be known as **the Estates** for the purpose of this document).
- 1.5 In order to secure the delivery of the Scheme, the Council intends to make a number of Compulsory Purchase Orders (**CPOs**) for the acquisition of third party property and rights on the Estates. The CPOs will be phased to reflect the Developer's proposed construction programme for the Scheme from 2022 – 2034.
- 1.6 In conjunction with this Order, the Council is also bringing forward the London Borough of Merton (Ravensbury No.1) Compulsory Purchase Order 2022 (the Ravensbury Order) and The London Borough of Merton (Eastfields No.1) Compulsory Purchase Order 2022 (the

Eastfields Order) (together with this Order, the 2022 CPOs) as part of the next phase of redevelopment across the three Estates.

### **The Developer**

- 1.7 The Scheme will be delivered and financed by the Developer. Although the term 'Developer' is used at all times in this Statement of Reasons, many of the actions attributed to Clarion/the Developer will in practice have been undertaken by former manifestations of the organisation which is now known as Clarion, in particular Merton Priory Homes or Circle Housing Merton Priory.
- 1.8 Merton Priory Homes (also known as Circle Housing Merton Priory) was formed in 2010 as a result of the transfer of the Council's social housing stock to Merton Priory Homes, which became a subsidiary within the Circle Housing Group. In November 2016, the Circle Housing Group (the parent company of Merton Priory Homes) merged with the Affinity Sutton Group to form a new parent company, Clarion Housing Group Ltd (this is a charitable housing association). Clarion Housing Group is comprised of various companies, which together form the largest housing group in the country, holding over 125,000 homes.

### **Evolution of the Scheme**

- 1.9 Pursuant to an agreement dated 22 March 2010, the Council's social housing stock was transferred to the Developer (the **Stock Transfer Agreement**). The Stock Transfer Agreement between the Council and the Developer included a legal obligation requiring the Developer to undertake a programme of property improvements known as Decent Homes; these are well underway across the transferred housing stock.
- 1.10 Whilst considering the programme of improvement that needed to be undertaken, stock condition surveys undertaken on behalf of the Developer gave rise to concerns as to whether refurbishment was actually a viable option or whether, in some circumstances it might be more beneficial and sustainable to replace homes in the poorest condition with new properties. In 2013 the Developer began exploring regeneration-based alternatives for the housing stock on the Estates.
- 1.11 Since 2014, the Council has been exploring the regeneration of the Estates in consultation with residents, the Mayor of London's office, Transport for London and other interested parties as well as with the Developer. The Developer has also been actively consulting and engaging with residents and homeowners on the Estates about the possibility of regeneration. As well as active engagement, the Council have analysed the evidence provided by the Developer to support the case for regeneration. The Council and the Developer signed the 10 Commitments in September 2014 (Appendix 2) which have

provided the backbone of the project to ensure that residents remain at the heart of decision-making.

- 1.12 In order to take the Scheme forward, the Council took the in-principle decision to explore the production of an 'Estates Local Plan'. In January 2016, the Council resolved to consult on the draft Estates Local Plan. The Council then undertook to prepare and consult on the Estates Local Plan to guide and support the regeneration of the Estates. The Estates Local Plan was formally adopted by the Council as part of the Development Plan in February 2018.

### **The Scheme**

- 1.13 The Scheme is an ambitious regeneration project that is supported by the Council. It represents a significant long-term investment which sees the existing residents being at the heart of the regeneration project. The Scheme will provide sustainable communities through the creation of new, well designed high quality neighbourhoods aimed at fundamentally improving the quality of life and life-chances for existing and future generations living in the Estates. The Council believes that the Scheme will provide significant social, economic and environmental improvements for existing residents.

- 1.14 The Scheme envisages the provision of up to 2,704 new homes. The breakdown of these new homes is as follows:

- High Path Phase 1 (Kickstart): 134 homes;
- High Path Phases 2 –7: up to 1570 homes;
- Ravensbury Phase 1 (Kickstart) 21 homes;
- Ravensbury Phases 2-4: 179 homes; and
- Eastfields: up to 800 homes.

- 1.15 Phase 1 of Ravensbury Estate has already been carried out and no compulsory purchase order was required. Reserved matters for Ravensbury Phases 2-4 and the current detailed design plans for 179 new homes in Phases 2-4 were approved on 9 December 2019. Ravensbury Phase 2 has commenced but a further small parcel of unregistered land is required (for access purposes) to be acquired in connection with that Phase. As such, Ravensbury Estate Phase 2 is therefore the subject of the Order, together with Phases 3 and 4. However when the Council refers to benefits of the Order in this Statement of Reasons, such reference is to Ravensbury Phases 3 and 4 only, as there is no impediment to the delivery of housing on Ravensbury Phase 2.

- 1.16 In respect of Eastfields Phase 1, a revised outline planning permission for this element of the Scheme was obtained on [ ] March 2022. Reserved matters for Eastfields Estate Phase 1 was submitted on 14 December 2021 to which the Order relates, for the construction of 201 new homes. A decision is expected in March/April 2022.
- 1.17 Reserved matters were also approved on 3 October 2019 for the majority of High Path Phase 2 for the construction of 113 new homes. Reserved matters for the Nelson Grove Road Garages, which form part of construction Phase 2 and is referred to a Phase 2A, have been submitted and were validated on 16 February 2022 (ref: 22/P0085).
- 1.18 In respect of High Path Phase 3, revised outline planning permission for this element of the Scheme was obtained on 21 January 2022 and reserved matters for High Path Phase 3 are due to be submitted in Summer 2022.
- 1.19 Throughout the Scheme there will be no loss of social/affordable housing, indeed, the number of social/affordable bed-spaces provided will increase as the Developer addresses historic overcrowding in the three Estates, when rehousing the existing social/affordable tenants.
- 1.20 All of the Developer's existing social/affordable tenure tenants and resident homeowners have been given the opportunity to stay in new homes in the newly regenerated Estates. This is the case on all three Estates. This 'offer' is consistent with the Developer's Residents' Offer published in May 2015 a copy of which is attached at Appendix 3.
- 1.21 The Council supports the Scheme and is convinced that it will contribute significantly to improving the economic, social and environmental well-being of the area.
- 1.22 The Developer is in discussions with residents and the Council about amended the Scheme in respect of Phases 4-7 of High Path. However, the Developer has confirmed its commitment to delivering redevelopment pursuant to the 2022 CPOs and delivery of such is not contingent on any new or revised planning permission being granted for Phases 4-7.

### **The Order**

- 1.23 The Order forms parts of the first CPOs brought forward in respect of the Scheme, in conjunction with the Eastfields Order and the High Path Order and relates to land comprising part of the Ravensbury Estate (the **Order Land**). The Order Land comprises part of Phases 2 to 4 of the Ravensbury Estate - see the Phasing Plan at Appendix 4. The Order Land includes all of the new homes being proposed as part of Phases 3 and 4.
- 1.24 The Council supports the Order; the acquisition of the Order Land will facilitate delivery of new and significantly improved housing for existing tenants and homeowners on part of

the Ravensbury Estate and will also allow enable regeneration of other parts of the Ravensbury Estate to come forward, since the homes provided on the Order Land will enable the relocation of existing residents in subsequent phases of the Ravensbury Estate regeneration.

1.25 Phases 2 to 4 of which the Order Land forms part, will facilitate delivery of 179 new homes on the Ravensbury Estate and on Phases 3 and 4 which are yet to commence, 51 new homes will be affordable rented/social rented and 74 new homes will be private homes. All of these homes are part of the Order Land. Phase 1 (the Kickstart Site).

1.26 The overall break down of Phases in the Ravensbury Estate is:

- Phase 1: 21 homes
- Phase 2: 54 Homes;
- Phase 3: 51 Homes; and
- Phase 4: 74 Homes

1.27 On 15 January 2018, the Council's Cabinet resolved 'in-principle' for the Council to use its compulsory purchase powers, if necessary, to bring forward the Scheme. This resolution was ratified by full Council on 7 February 2018, although full Council subsequently acknowledged on 2 February 2022, that their further ratification was not required in order to make futures orders to carry out the Scheme in line with the statutory framework governing the making of CPOs under section 226 of the Town and Country Planning Act 1990 and the Council's constitution. The Cabinet then passed a resolution on [21 March 2022] for the Council to make the Order as described in this Statement in respect of the Order Land specifically.

## 2 Ravensbury Estate – Existing and Proposed Regeneration

### The Estate – Existing

- 2.1 The Ravensbury Estate covers a total area of 4.58 hectares and is located in the Ravensbury ward. The perimeter of the Ravensbury Estate is bound by the curved alignment of the busy Morden Road to the north and west. Part of Ravensbury Park abuts the estate to the South and Morden Road Industrial Estate is located to the east. The Ravensbury Estate sits just to the north of the River Wandle and the Estate is a quiet residential area with no through road. The Ravensbury Estate is on a predominantly level site, with private gardens to houses and green spaces surrounding the flatted blocks. It is almost entirely enveloped by a skyline of large mature trees.
- 2.2 A small parcel of land within the Ravensbury Estate (along the northern and western part of the site) is identified as being within the Wandle Valley Conservation Area; and it is adjacent to Ravensbury Park, which also falls within the Wandle Valley Conservation Area. No existing buildings within the Ravensbury Estate are located on the small parcel of land that lies within the Wandle Valley Conservation Area, and therefore no buildings will be demolished within the Conservation Area boundary. Furthermore, no new buildings will be erected within the Conservation Area boundary. There are no statutory or locally listed buildings falling within the Ravensbury Estate, although there are listed buildings within the vicinity.
- 2.3 The Ravensbury Estate, as a whole, originally consisted of 192 existing residential units which were a mixture of two storey semi-detached and terraced family sized houses, two storey flats and Ravensbury Court a four storey block of flats and maisonettes. The flat blocks and terraced houses have a brick construction. The semi-detached houses are of Orlit construction. Orlit is a prefabricated reinforced concrete method of construction that was common after the Second World War. Approximately 85% of the properties within the area of the Ravensbury Estate that is being redeveloped are tenanted and the rest privately owned.
- 2.4 There is an existing community room on the Ravensbury Estate situated at ground floor level, along Ravensbury Grove (western side). The community room provides approximately 84.5 sqm of floor space. Surrounding the residential properties are areas of amenity grassland, informal planting beds, scattered semi-mature trees and hard standing consisting of pavements, roads and car parking.
- 2.5 Vehicular access to the Ravensbury Estate is from Ravensbury Grove, which runs north to south through the Ravensbury Estate. Ravensbury Grove is an internal road, which is connected at the north to Morden Road which is one of the main vehicular access roads

within the area. The Ravensbury Estate is accessible on foot either from along Morden Road or from the pedestrian footpath along the edge of the River Wandle. There is also an existing pedestrian bridge connecting the Ravensbury Estate to the footpath along the edge of the River Wandle.

- 2.6 The Ravensbury Estate was constructed quickly in two phases during the 1950s, using prefabricated building methods as a response to the Post-War housing shortage. The second phase of flats and houses reverted to a more traditional construction method. Cavity wall insulation and new UPVC windows were added in the 1980s and early 1990s but otherwise there have been no additions or changes to the buildings on the Ravensbury Estate since those original constructions.

### **Proposed Regeneration**

- 2.7 Redevelopment of the Ravensbury Estate has already commenced pursuant a planning permission granted on 9 May 2017 (ref: 16/P1968) which provides for delivery of Phase 1 of the Ravensbury Estate regeneration programme (the **Ravensbury Kickstart Phase**).
- 2.8 The Ravensbury Kickstart Phase involves the demolition of garages on Ravensbury Grove and the demolition of existing flats at 64-70 Ravensbury Grove (together the **Kickstart Area**). The redevelopment of the Kickstart Area provides 21 new residential units with associated vehicular access, parking, cycle and refuse storage and landscaping. The objective of the Ravensbury Kickstart Phase is to provide housing for residents from the existing Ravensbury Estate as later phases of the Estate's redevelopment take place ensuring that, so far as possible, no resident has to move twice.
- 2.9 The remaining Phases (2-4) of the Ravensbury Estate were granted outline planning permission on 29 April 2019 (ref: 17/P1718), along with the remaining phases of the High Path Estate (ref 17/P1721) and the whole of the Eastfields Estate (ref 17/P1717). The planning position is set out in more detail at section 5 to this Statement.
- 2.10 Of the 192 original dwellings on the Ravensbury Estate, 101 are proposed to be demolished and the land upon which they are situated will be redeveloped. 97 of these existing dwellings will be demolished as part of Phases 2-4 of the Ravensbury Estate regeneration. The remaining 4 properties have also been demolished as part of Phase 1 of the regeneration of Ravensbury Estate.
- 2.11 91 properties on the Ravensbury Estate will be retained. These comprise a three and four storey 'walk up' maisonette flat / block (known as Ravensbury Court) (59 properties), which lies on the eastern side of Ravensbury Grove, 22 properties on Hengelo Gardens and 10 properties Ravensbury Grove. All of these properties are built using brick and

traditional methods of construction and they are all in sufficiently good condition that redevelopment is not required.

2.12 The core elements of the Ravensbury Estate's regeneration are as follows:

2.12.1 Demolition of all buildings within the red line boundary of the outline planning application site, which equates to the demolition of 97 existing homes and the existing community room. Homes to be demolished as part of the outline proposal include 86 affordable and 11 private homes. It is anticipated that the community room will be demolished as part of Phase 4. An additional 4 homes have also been demolished as part of Phase 1 (resulting in the demolition of 101 existing homes across all Phases in total).

2.12.2 Homes along Hengelo Gardens, and 1-11 (odd) and 56-62 (even) Ravensbury Grove are to be retained, (91 homes in total). Homes to be retained include 42 affordable and 49 private homes.

2.12.3 Provision of 179 new homes in a mix of houses and flats in Phases 2-4 of which there will be 125 new homes in Phases 3 and 4 all of which will be on the Order Land.

2.12.4 Provision of 21 new homes in Phase 1 (the **Kickstart Site**).

2.12.5 A total of 92 of the 179 additional residential units in Phases 2-4 are required by the S106 agreement related to the Outline Planning Permission to be affordable units. However, the Developer will be providing 100 of these 179 new homes as affordable housing units which comprises 55.9% on a unit basis or 57.3% on a habitable room basis;

2.12.6 A community room will be constructed and will provide up to 159 sqm of D1 community floor space, almost double the size of the existing facility; and

2.12.7 A total of 22,681.2 sqm of public open space, private amenity space and semi-private amenity space will be provided.

2.13 The redevelopment of the Ravensbury Estate will come forward in four phases. The phases have been designed to ensure minimum disruption to existing residents. The phasing proposed is:

2.13.1 Phase 1            21 Units    2018-2020 (already completed)

- 2.13.2 Phase 2 54 Units 2020 – 2022 (underway)
- 2.13.3 Phase 3 51 Units 2022 - 2024
- 2.13.4 Phase 4 74 Units 2023 - 2025:

2.14 A Phasing Plan in respect of the Ravensbury Estate is appended at Appendix 4 to this Statement.

### 3 **Order Land and Rights to be acquired**

3.1 Full details of the owners and their outstanding interests to be acquired by the Council to facilitate the delivery of Phases 2 to 4 of the Ravensbury Estate regeneration, together with the new rights that need to be acquired, are contained in the Schedule to the Order and shown on the Order Map. The Developer has successfully negotiated the purchase of all other interests in the Order Land to facilitate the delivery of Phases 2 to 4.

#### **Order Land**

3.2 The land proposed to be acquired is shown coloured pink on the Order Map. The Order Land is required to deliver Phases 2 to 4 of the Ravensbury Estate regeneration. Details of those interests that have not been acquired by private treaty negotiations are contained in Table 1 of the Schedule to the Order attached at Appendix 1.

3.3 The Order Land includes small areas of unregistered land. The Council has been unable to trace the owners despite making diligent enquiries. None of the unregistered land is occupied by any residents or businesses.

#### **Rights of Light and new Rights**

3.4 The land over which new rights are sought as part of the regeneration of the Ravensbury Estate are shown coloured blue on the Order Map (the **Blue Land**). Details of the interests in the Blue Land to be compulsory acquired and those properties that may benefit from rights of light over the Order Land that will need to be acquired are contained in Table 2 of the Schedule to the Order attached at Appendix 1.

3.5 The rights in respect of the Blue Land are proposed to be acquired to allow cranes to over sail that land during the construction process. The affected in respect of any new rights or rights to light will not be redeveloped pursuant to the Order and there is no need to acquire the physical land itself. As with the property acquisitions, negotiations to secure these rights by private treaty agreement are ongoing and will continue in parallel with the formal CPO process.

#### **The Order Map**

3.6 The Order Map identifies the Order Land and the Blue Land. Individual plot boundaries and numbers on the Order Map correspond with the Schedule. In addition, the Schedule lists other parties who may have a qualifying interest in the Order Land where known after reasonable enquiry. The Schedule has been based on information gathered through site inspections and enquiries, responses to notices issued under section 16 of the 1976 Act and inspection of Land Registry documents. There has been an extensive enquiry to

identify land interests, but it is recognised that currently unknown interests may emerge in the course of proceeding with the compulsory purchase process.

## 4 The Need for Development and Regeneration

4.1 There is a real and present need for new housing, both in London generally and also specifically in the London Borough of Merton. Indeed, the Estates Local Plan expressly recognises the position in the following terms (at Paragraph 1.20):

*'There is a **substantial demand** for new homes in London and the south east. Increasing the supply of new homes to meet housing needs is a longstanding and well documented policy driver for successive governments'* (emphasis added).

4.2 It is against this backdrop that the Council has resolved to pursue the Scheme, with the intention being that the Estates Local Plan 'will help deliver new homes for existing and future residents, helping Merton to meet its share of London's new homes of all types, sizes and tenures' (Paragraph 1.20).

4.3 In this regard the London Plan identifies a level of housing need of 52,300 new homes per annum across London, with a need of 918 homes per annum within Merton.

4.4 As such, it is evident that the need for more and better housing in Merton is pressing.

4.5 Both the Scheme more generally, and the regeneration of the Ravensbury Estate specifically, will increase housing provision and so materially contribute towards meeting this housing need.

### **Condition of Estates**

4.6 As already noted earlier in this Statement, when the Developer acquired responsibility for all of the Council's housing stock, they committed to improve the accommodation as well as the quality of life for residents. However, as explained, in working towards this goal, stock condition surveys undertaken identified that significant refurbishment and maintenance was required. The Developer therefore began a comprehensive review across all the various housing estates for which it was responsible which included the three Estates, to determine whether refurbishment was viable or whether it might be more beneficial and sustainable to replace homes in the poorest condition with new properties.

4.7 The Developer has undertaken technical surveys and financial planning work, which concluded that not only significant refurbishment, but also significant ongoing maintenance work and financial investment would be needed to raise – and keep – the housing stock to the required standard. Whilst incremental refurbishment works would improve the internal housing quality in the short to medium term, comprehensive regeneration and redevelopment was determined to be the most effective way of delivering long term sustainable Decent Homes.

4.8 As already noted, on 7 February 2018, the Council adopted Estates Local Plan, which now forms part of the Council's Local Plan alongside its Core Planning Strategy and Sites and Policies Plan. The Estates Local Plan was adopted with the intention that it would guide redevelopment proposals for the Estates that come forward in the next 10-15 years, in order to ensure that development proposals create well designed, high quality neighbourhoods aimed at fundamentally improving the quality of life for existing and future generations living in the area. At the heart of the Estates Local Plan is an acknowledgment that the existing housing stock on the Estates is largely sub-standard and that regeneration is the most viable option for delivering housing to Decent Homes Standards.

#### **Case for regeneration at the Ravensbury Estate**

4.9 As already noted, the Ravensbury Estate was constructed in two phases in 1950s, and the life span of much of the existing building stock on the Ravensbury Estate is limited. Continual repair and upgrade work is required to meet habitable standards of living. Specific housing stock issues include the following:

- 4.9.1 There are a high number of Orlit homes on the western half of the Ravensbury Estate. Orlit is a prefabricated reinforced concrete method of construction that was common after the Second World War. Under the Housing Defects Act 1984, Orlit homes are classed as defective. This means that mortgage lenders will not offer security against them, similarly the developer face difficulties in obtaining securitisation on such properties. Orlit homes are no longer fit for meeting housing needs in the medium to long term.
- 4.9.2 Condition surveys completed identified a number of hazards within the units including damp, mould, excess cold, crowding, entry by intruders, provision of amenities, sanitation, falls on level surfaces and stairs. Defects were also noted to wall finishes, windows, boilers and external doors.
- 4.9.3 Baily Garner LLP conducted internal surveys in 2015 which identified that 16% of kitchens and 33% of bathrooms were deemed old and in poor condition. 66% of boilers were also deemed old and at the end of their life.
- 4.9.4 A 2015 Housing Needs Survey concluded that 85 existing households lived in "unsuitable" housing; overcrowding was cited as the principal cause, emphasising the need not only to improve, but also increase the amount of available housing stock.

- 4.10 Access at the Ravensbury Estate is also a fundamental issue. There are no direct pedestrian links between the Ravensbury Estate and Morden Road other than a narrow alley from Rutter Gardens or the much longer route via Ravensbury Grove. Access to Wandle Road, where the frequent 118 bus route can be accessed, requires a circuitous route through the park or using the back alley. The route from Morden Hall Park through or past the Ravensbury Estate to Ravensbury Park is also poorly defined, with the entrance to Ravensbury Park being narrow and unclear. Within the Ravensbury Estate it is not clear that there are pedestrian routes through it, connecting it with its surroundings.
- 4.11 As a result of the initial work conducted by the Developer to identify which Estates within their Merton portfolio were most in need of work, the Ravensbury Estate was determined to be of the utmost priority.

### **Alternatives Considered**

- 4.12 In deciding on a partial regeneration of the Ravensbury Estate, two alternative options were considered:
- 4.12.1 Full regeneration; and
  - 4.12.2 Refurbishment (to either decent Homes Standard or an 'enhanced standard').
- 4.13 No consideration was given to a "do nothing" approach.
- 4.14 Full regeneration was not considered to be a reasonable alternative because:
- 4.14.1 There are 72 Orlit houses on the Ravensbury Estate which are all located on the western portion of the Estate (to the west of Ravensbury Grove). The homes located on the eastern portion (to the east of Ravensbury Grove), which contains Ravensbury Court and Henglo Gardens, are not of Orlit construction, and are in good repair so that they do not need to be replaced. These form their own block with good separation distances between it and the other properties on the Ravensbury Estate. As such, the demolition and redevelopment of that part of the Estate which requires regeneration can take place, whilst leaving Ravensbury Court and Henglo Gardens unaffected from a structural and physical point of view.
  - 4.14.2 The western portion of the Ravensbury Estate comprises predominantly tenanted properties in the Developer's ownership. At the time of the original analysis there were only 11 leaseholders or freeholders. This

significantly reduces the number of third party interests that need to be acquired, helping to reduce associated site assembly costs.

4.14.3 Given specific housing needs requirements associated with re-providing homes to the leaseholders and freeholders that would be subject to acquisition, there are limitations on the quantum of residential accommodation that can be appropriately provided on the Ravensbury Estate. The results of this analysis indicated that a full regeneration would not be able to generate a significant further uplift in residential floorspace. The inability to deliver a significant increase in the number of homes means the site assembly costs associated with acquiring properties in Ravensbury Court and Hengelo Gardens become comparatively expensive. This, combined with the significantly higher costs of undertaking a full redevelopment, would mean that a full regeneration would not be viable, justified or effective.

4.15 Refurbishment was discounted due to the significantly high cost, over £36,000,000. Whilst refurbishment would improve the quality of the existing stock, the longevity of the improvements would be limited before the condition began to decline again (so that significant further investment would be required). Refurbishment works alone offer very limited potential to optimise the housing potential of the Ravensbury Estate as a whole.

4.16 The Developer has decided that partial regeneration is the most cost effective way of delivering longer term sustainable Decent Homes through the provision of new, well designed, energy-efficient homes that will meet the needs of residents now and in the future.

4.17 An assessment carried out for the Developer by Savills dated October 2016 concluded partial regeneration was considered to be the most appropriate in terms of delivering key planning policy objectives at national, regional and local levels as it is the only option that is able to deliver significant increases in the quality and quantity of residential accommodation, as well as improvements to the general environment of the Ravensbury Estate.

#### **Improvements delivered by the Ravensbury Estate Regeneration**

4.18 The Ravensbury Estate regeneration is consistent with the Estates Local Plan. The Estates Local Plan sets out that regeneration will be expected to provide a range of choices and benefits including:

4.18.1 high quality well designed neighbourhoods;

- 4.18.2 wider housing mix;
- 4.18.3 private outdoor space for all residents;
- 4.18.4 better quality green spaces and community facilities; and
- 4.18.5 job creation opportunities.

4.19 The proposed redevelopment will also be an opportunity to provide much needed new homes by making more efficient use of brownfield land, improving the quantity, quality and mix of new homes on the Ravensbury Estate.

4.20 The Ravensbury regeneration:

- 4.20.1 optimises the housing potential of the Ravensbury Estate and ensures that this large brownfield site is used effectively, delivering a net uplift of up to 100 homes (and no net loss of affordable housing) helping to meet the increased housing need in Merton, and London as a whole;
- 4.20.2 has a high quality design, with the overall proposed scale, massing and design of the proposed development being fully supported by the Council's Urban Design team. The proposal was also presented to the 'Design Review Panel' on September 2016. A summary of the review revealed that the Ravensbury Estate masterplan performed well against the 'Build For Life' 12 questions, which offer a tool kit aimed at assessing residential quality for new developments;
- 4.20.3 includes improvements in terms of access that will ensure improvements to pedestrian routes across the Ravensbury Estate and to nearby parks, bus and tram stops, with routes being linked into the proposed and existing street networks. The entrance into the Ravensbury Park has also been sensitively planned into the wider scheme to provide a positive contribution in terms of legibility and provide enhanced amenity, safety and overall biodiversity the surrounding open space;
- 4.20.4 provides a good level of community space and open space;
- 4.20.5 includes a Design Code which sets key principles and design parameters that inform and control the design for future reference in the Reserved Matters applications and the detailed design of future phases. These include; landscape and public realm, built form, architectural quality and materials and building typologies.

4.21 The Estates Local Plan also makes it clear that any regeneration proposals that come forward should include a commitment to keeping the existing community together in each neighbourhood, as well as for existing residents to have a guaranteed right to return to a new home in their regenerated neighbourhood. The Ravensbury Estate regeneration provides for precisely such a commitment.

## 5 **Planning considerations**

- 5.1 In making the Order, the Council has had regard to its statutory development plan and other relevant local policy and guidance, together with other material considerations as required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the 1990 Act. A comprehensive appraisal of the Scheme and all relevant planning policy is set out in the Officer's report to the Council's Planning Committee on 8 March 2018.
- 5.2 Planning permission was granted for the Scheme through three outline planning permissions: references 17/P1717, 17/P1718 and 17/P1721 on 29 April 2019. Two Kickstart planning permissions were granted for the Kickstart Area at Ravensbury and the High Path Phase 1 site on 9 May 2017 and 5 October 2017 respectively.
- 5.3 All planning permissions are linked with one overarching Section 106 agreement which was completed on 26 April 2019.
- 5.4 Given that outline planning permission has been granted for the Scheme, and for the development that underpins the Order on the Order Land in particular, the following paragraphs do not address planning issues at length, but instead summarise briefly the key planning policy objectives.

### **Estates Local Plan**

- 5.5 The Estates Local Plan forms part of the Council's Local Plan and sits alongside its Core Planning Strategy, Sites and Policies Plan and the South London Waste Plan.
- 5.6 The Estates Local Plan primarily guides how new homes will be delivered via a coordinated strategy considering the social, economic and environmental opportunities and provides the framework for sustainable development of these areas. The regeneration of the Estates as a single comprehensive programme has been presented to the Council as the basis of being able to deliver regeneration.
- 5.7 The Estates Local Plan sets out the overarching vision that underpins the whole Estates regeneration:
- 5.8 The Estates Local Plan also sets out an overarching "Case for regeneration" of the Estates, which makes it clear that the existing housing stock faces a multitude of shortcomings.
- 5.9 The Estates Local Plan goes on to identify a vision for each Estate and in particular with reference to the Ravensbury Estate (Policy OEP1 (b) (iii) page 28) states:

*Ravensbury will be a Suburban Parkland Setting. The creation of a new neighbourhood that relates well to the wider parkland and which protects and enhances local heritage, landscape quality and biodiversity. Characterised by buildings arranged as traditional streets and spaces that improve links to the surrounding area, allow for the landscape to penetrate the site whilst simultaneously improving flood mitigation and increasing the number of homes whilst retaining the character of its suburban parkland setting.*

### **National Planning Policy Framework**

- 5.10 The revised NPPF was published in July 2021. As national policy, the document aims for sustainable development to strengthen and support the economy, communities and the environment (paragraphs 7 and 8).
- 5.11 Paragraph 8 of the NPPF defines the three over-arching objectives of the planning system to deliver sustainable development:
- 5.11.1 Economic – helping to build a strong economy by ensuring that enough of the right type of land is available in the right places;
  - 5.11.2 Social – supporting communities by ensuring that a sufficient number and range of homes can be provided and fostering a well-designed and safe built environment; and
  - 5.11.3 Environmental – protecting and enhancing the environment by making effective use of land, helping to improve biodiversity, using natural resources prudently and minimising waste and pollution.
- 5.12 The Scheme is consistent with sustainable development principles of the NPPF.

### **London Plan**

- 5.13 The Mayor of London's new London Plan was formally adopted in 2021. The current version was published in March 2015 (consolidated with amendments since 2011). It provides a strategic spatial strategy within Greater London and forms part of the Council's development plan. The London Plan sets out a number of objectives:
- 5.13.1 building strong and inclusive communities;
  - 5.13.2 making the best use of land;
  - 5.13.3 creating a healthy city;

5.13.4 delivering the homes Londoners need;

5.13.5 growing a good economy; and

5.13.6 increasing efficiency and resilience.

5.14 The Scheme will play a key role in achieving the objectives under both the London Plan.

### **Core Planning Strategy**

5.15 The Core Planning Strategy forms part of the Council's Local Plan and sets out the spatial strategy for the borough and the key elements of the planning framework.

5.16 Strategic Objective 3 of the Core Planning Strategy is:

*"To provide new homes and infrastructure within Merton's town centres and residential areas, through physical regeneration and effective use of space. This will be achieved by a range of actions including through the delivery of higher density new homes that respect and enhance the local character of the area."*

5.17 The Scheme is not only consistent with Strategic Objective 3 but it is also supported by key Core Planning Strategy policies such as CS9 (Housing Provision), CS8 (Housing Choice) and DMH2 (Housing Mix).

5.18 Also of relevance to the Scheme is the Council's draft Local Plan which was submitted to the Secretary of State on 2 December 2021. The Examination in Public will take place in 2022.

5.19 The key strategic housing policies which support the Scheme in the draft Local Plan include H11.1 (Housing Choice) and H11.2 (Housing Provision). Once adopted, these strategic policies will replace the Council's Core Planning Strategy. The draft Local Plan will not supersede any policies in the Estates Local Plan.

### **Other Relevant Policy and Guidance**

5.20 The Mayor of London's Housing Supplementary Planning Guidance (March 2016, updated August 2017) includes the guidance relevant to estate regeneration. The guidance states the overarching objectives for any estate regeneration scheme will usually be to:

5.20.1 deliver safe and better quality homes for local people;

5.20.2 increase the overall supply of new and affordable homes; and

5.20.3 improve the quality of the local environment through a better public realm and provision of social infrastructure (e.g. schools, parks, or community centres).

5.21 The Scheme and the Ravensbury Estate regeneration comply with these objectives.

**Conclusions**

5.22 Both the Scheme, the proposed regeneration of the Ravensbury Estate, and the regeneration of the Order Land () in particular benefit from strong policy support at national, regional and local level. The development plan and other relevant local policy and guidance all support the Ravensbury Estate regeneration as proposed and the Council is satisfied there is no viable alternative to deliver its benefits.

6 **Explanation of the use of the enabling powers**

- 6.1 Section 226 of the 1990 Act confers power on a local authority to acquire land compulsorily for development and other planning purposes.
- 6.2 Section 226(1)(a) of the 1990 Act allows a local authority to acquire compulsorily any land within its area if the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to that land.
- 6.3 The power to acquire land compulsorily conferred by Section 226(1)(a) of the 1990 Act is subject to subsection (1A), which provides that the acquiring authority must not exercise the power unless it thinks that the proposed development, redevelopment or improvement is likely to contribute to the achievement of any one or more of the following objectives:
- 6.3.1 the promotion or improvement of the economic well-being of its area;
  - 6.3.2 the promotion or improvement of the social well-being of its area;
  - 6.3.3 the promotion or improvement of the environmental well-being of its area.
- 6.4 The CPO Guidance states that a compulsory purchase order should only be made where there is a compelling case in the public interest.
- 6.5 The CPO Guidance provides recommendations to acquiring authorities on the use of compulsory purchase powers and the Council has taken full account of this guidance in making this Order.

## 7 Justification for the use of CPO powers

7.1 The purpose of the Order is to secure the acquisition of all relevant interests in the Order Land to facilitate the vital redevelopment of the Ravensbury Estate.

7.2 If the relevant interests are not able to be acquired the redevelopment of the Phases 2 to 4 element of the Scheme would be severely compromised as the units to be acquired lie within the main redevelopment area of these parts of the Estate. Seeking to construct new development around these few outstanding interests would not only compromise the construction process but it would also compromise the Council's aims to deliver the wider regeneration benefits of the comprehensive redevelopment of the estate. It would severely impact on the place-making benefits, the wider social benefits, the delivery of affordable housing, the delivery of higher quality homes - the existing units are of Orlit construction and will remain unsuitable accommodation so the wider benefits for tenants would be lost.

7.3 The Council is convinced that there is a compelling case in the public interest for the making of the Order and that, if confirmed, the Order would strike an appropriate balance between public and private interests in that the development will make a positive contribution to the promotion or achievement of the economic, social and environmental well-being of its area. For those private interests that will be the subject of the CPO, the Council is satisfied that the Residents' Offer and the Developer's 10 Commitments adequately addresses the loss of those interests.

7.4 The overarching consideration for the Secretary of State in deciding whether an Order should be confirmed is set out in paragraph 12 of the CPO Guidance:

7.4.1 *"A compulsory purchase order should only be made where there is a compelling case in the public interest.*

7.4.2 *An acquiring authority should be sure 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. Regard should be had, in particular, to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention."*

7.5 In the context of that overarching consideration, having regard to Paragraph 106 of the CPO Guidance, the following issues should be considered:

7.5.1 whether the purpose for which the land is being acquired fits with the adopted planning framework for the area;

- 7.5.2 the extent to which the proposed redevelopment of the Ravensbury Estate would contribute to the achievement of the promotion and/or improvement of the economic, and/or social, and/or environmental well-being of the Council's area;
- 7.5.3 the potential financial viability of the proposal to redevelop the Ravensbury Estate, general funding intentions and the timing of available funding;
- 7.5.4 impediments to implementation of the proposed regeneration and whether that regeneration has a reasonable prospect of going ahead; and
- 7.5.5 whether the purposes for which the proposed Order Land is to be acquired could reasonably be achieved by any other means within a reasonable timeframe.

7.6 The issues summarised above are addressed below.

**Whether the purpose for which the land is being acquired fits with the adopted planning framework for the area**

7.7 The Order will help deliver the Council's vision for the regeneration of the Ravensbury Estate. That regeneration is supported in a variety of policy documents, namely the London Plan, the Estates Local Plan, the Core Planning Strategy, and the National Planning Policy Framework, as well as relevant guidance documents. The planning framework is set out in more detail in Section 5 of this Statement.

7.8 Once adopted, the regeneration of the Eastfields Estate will also be supported by the Council's draft Local Plan which was submitted to the Secretary of State in December 2021.

7.9 The Council is therefore satisfied that the promotion of the Order is in accordance with the strategic objectives of the adopted planning framework.

**Contribution to the social, economic and environmental well-being of the area**

7.10 Section 226(1)(a) of the Act directs that an acquiring authority may not exercise the powers under this section unless it thinks that the proposed development, redevelopment or improvement is likely to contribute to the economic, social or environmental well-being of the area for which the Authority has administrative responsibility.

7.11 As set out in section 4, Ravensbury Estate – and indeed the Estates in general – face a number of major shortcomings. As detailed above, the Developer has undertaken a comprehensive investigation of the options for the repair and/or redevelopment of the

Estates and supported by the Developer's evidence the Council has determined that regeneration is the most viable means to achieve the Estates Local Plan objectives. The Ravensbury Estate regeneration, as part of this wider Scheme, will make a very material contribution to the economic, social and environmental well-being of the area.

### **The Scheme Generally**

7.12 Promotion or improvement of *economic well-being* will occur through the increased vitality and viability of the Estates. The main economic benefits previously identified for the Scheme as a whole will be:

- 7.12.1 A total investment of c.£1 billion in the Estates and wider Merton area;
- 7.12.2 The creation of approximately 554 gross temporary construction jobs (equating to 55 permanent construction jobs) with opportunities for apprenticeships for local people in respect of the Ravensbury Estate;
- 7.12.3 Increased economic activity by reason of increased employment and expenditure during the construction phase of the Scheme; and
- 7.12.4 Increased economic activity by reason of increased employment and expenditure during the operational phase of the Scheme and the introduction of expanded residential uses.

7.13 Promotion or improvement of *social well-being* will be delivered by:

- 7.13.1 provision of new, well-designed, energy-efficient homes that will meet the needs of residents now and in the future;
- 7.13.2 up to 2,704 new homes across all three Estates. With 1,175 existing homes being demolished across all three Estates, this results in a net uplift of up to 1,530 new homes;
- 7.13.3 the provision of c. 29% affordable housing overall across the Estates on a habitable rooms basis which includes no net loss of affordable housing;
- 7.13.4 an improved housing mix better suited to meet the needs of existing affordable housing tenants on the estates having regard to the Housing Needs studies undertaken for each estate; and
- 7.13.5 improved pedestrian, cycle and vehicular access links to improve permeability and to foster the creation of a healthy and safe community.

7.14 Promotion or improvement of *environmental well-being* will occur through the following main environmental benefits:

- 7.14.1 redevelopment of a brownfield site;
- 7.14.2 provision of new, well-designed, energy-efficient homes that will meet the needs of residents now and in the future;
- 7.14.3 enhancement of the townscape through the replacement of outdated buildings with a contemporary and well-designed residential development. The public realm will be improved and heritage assets appropriately and respectfully treated within the Scheme;
- 7.14.4 increased housing density appropriate to the suburban locations of the Estates and to national and local planning policy;
- 7.14.5 provision of efficient layouts and high quality public open space, community and recreational facilities
- 7.14.6 Replacement of poorly insulated properties by new, energy efficient homes.

#### **Ravensbury Estate and the Order Land**

7.15 In respect of the Order Land, the proposed regeneration will improve the social, economic and physical environment of the Ravensbury Estate specifically by developing a new mixed tenure neighbourhood where all homes are built to a high quality with their own outside space with well-designed and maintained public open space.

7.16 The Ravensbury Estate regeneration will help to address the socio-economic inequalities of the area. It has been recognised that the immediate area of Ravensbury Estate has a distinct socio-economic profile compared to the borough as a whole and generally contrasts with the socio-economic conditions of the borough as a whole. Specifically, the following characteristics have been identified:

- 7.16.1 relatively low rates of economic activity;
- 7.16.2 a high rate of child poverty, particularly in families with no adult in employment; and
- 7.16.3 a lack of affordable housing opportunities.

7.17 The economic consequences of the ongoing COVID-19 pandemic have not yet been fully captured by local statistics but it is likely that this will exacerbate the existing issues faced by the local community.

7.18 Promotion or improvement of *economic well-being* will occur through:

7.18.1 The creation of 60 temporary constructions jobs on a two year annual basis throughout the construction period of Ravensbury Phases 3 and 4;

7.18.2 Investment in Ravensbury Phases 3 and 4 is anticipated to generate £12.4 million in gross value added, of which £1.1 million will be net additional to the local area and £3 million to the Council;

7.18.3 The addition of £1.1 million of gross value invested into the local area;

7.18.4 There is potential for on-site training in construction which could develop local skills which in turn will benefit the local economy;

7.18.5 The anticipated uplift of an additional 155 persons within the residential population which would unlock an additional:

(a) £175,000 additional Council Tax revenue per annum once Ravensbury Phases 3 and 4 are fully occupied; and

(b) £1.5 million of additional residential expenditure of which £900,000 is likely to be in the retail and hospitality sectors once Ravensbury Estate Phases 3 and 4 are fully occupied;

7.18.6 The development will be liable to Community Infrastructure Levy (CIL) payments, and these monies can be utilised by the Council to fund improvements in social infrastructure, including to education, healthcare and community facilities, leisure and open space; and

7.18.7 The New Homes Bonus will enable the Council to retain a greater proportion of the Council tax revenue to be made available to spend in borough.

7.19 These benefits should be viewed in tandem with the benefits of the regeneration of Phase 1 of the Eastfields Estate and Phases 2 and 3 of the High Path Estate.

7.20 Promotion or improvement of *social well-being* will be delivered by:

- 7.20.1 The redevelopment of Phases 3 and 4 of the Ravensbury Estate will provide 51 affordable homes out of the 125 being constructed in these Phases.
- 7.20.2 The proposed housing development will reinforce the attractiveness of Ravensbury Estate as a vibrant and balanced community;
- 7.20.3 A new replacement community room facility is proposed which will be larger than the existing facility; new residents associated will bring an increase in disposable income of £4.4 million; and
- 7.20.4 The proposal will increase the supply of high quality housing, creating an attractive living environment in the area and providing better quality affordable housing.

7.21 Promotion of environmental *well-being* will occur through:

- 7.21.1 The redevelopment of a brownfield site;
- 7.21.2 The provision of new, well-designed, energy-efficient homes that will meet the needs of residents now and in the future;
- 7.21.3 The enhancement of the townscape through the replacement of outdated buildings with a contemporary and well-designed residential development;
- 7.21.4 Public realm improvements;
- 7.21.5 Provision of an efficient layout and a high quality public open space;
- 7.21.6 Provision of community and recreational facilities; and
- 7.21.7 Replacement of poorly insulated properties by new, energy efficient homes.

7.22 These benefits should be looked upon in tandem with the benefits of the regeneration of Eastfields Phase 1 and High Path Phases 2 and 3.

7.23 For the above reasons, the Council considers that the well-being tests set out in Section 226 are fully satisfied in respect of the Order as made and submitted for confirmation.

**Viability of the regeneration and general indication of funding intentions**

7.24 The Developer has considerable experience and resources. It manages over 125,000 homes across 176 local authorities. It is the largest housing association in the UK and is

one of the country's leading housebuilders, set to build a high volume of high quality homes of all tenures during the next ten years.

- 7.25 The Developer has an impressive track record of working on large regeneration schemes across the UK.
- 7.26 To support the Scheme as a whole, which as things stand is not viable, the Council and the Developer have entered into a legally binding contract to vary the existing Stock Transfer Agreement dated 22 March 2010, in particular the Development and Disposals Clawback Agreement also dated 22 March 2010, to suspend clawback payments unless the Scheme achieves a surplus.
- 7.27 The Developer has shared with the Council details of projected costs and revenues and its financial strategy for delivery of the Ravensbury Estate regeneration pursuant to the planning permissions. The Developer has confirmed they have sufficient resources to carry out the development and do not anticipate requiring external, development-specific, funding. The Developer's Board resolved on 30 September 2021 to reaffirm its commitment to delivering the Scheme even though there is anticipated still to be a deficit between the costs of the Scheme and the income generated by the sale of the private units.
- 7.28 The Council does not consider there to be any funding impediment to acquiring the Order Land and the delivery of this element of the Ravensbury Estate regeneration. The Developer is fully committed to delivering this element of the Estate's regeneration, (and indeed the wider regeneration of the Estate), having expended considerable resources to date on acquiring relevant interests, negotiating to acquire further interests by agreement, and in obtaining the main planning approvals required to authorise and deliver it.
- 7.29 The Developer has entered into an indemnity agreement with the Council dated 7 February 2019 which fully indemnifies and provides protection for the Council in relation to all costs associated and arising in the preparation and making of the Order, acquisition of Order Land and the payment of compensation arising from such acquisition.
- 7.30 The Council is satisfied, having regard to the Clarion's resources, its standing as the UK's largest housing association, its reaffirmed commitment to the Scheme and the requirements of the CPO Guidance, that the 2022 CPOs are deliverable and that, having regard to national guidance, there is sufficient probability that they will proceed.

**Reasonable prospect of Scheme proceeding: Implementation of the Scheme**

- 7.31 The Council is confident that there is no impediment to the successful delivery of the regeneration of Ravensbury Estate.

- 7.32 As set out above, the Council has granted of outline planning permission for the regeneration of each of the Estates. The Council envisages that the related orders can successfully be obtained.
- 7.33 Stopping Up orders will be required in Phases 2 to 4 of the redevelopment of the Ravensbury Estate. These will be along Hatfield Close and a small section of Ravensbury Grove. These areas are shown on the Stopping Up plan at Appendix 5 to this Statement.
- 7.34 The Council's investigations have revealed no other legal, financial or physical impediment and the Council is confident that there is a more than reasonable prospect of the Scheme proceeding.

**Whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means.**

- 7.35 As discussed above in section 4, other options to meet the obligation to provide housing stock to Decent Homes standards were discounted as not being cost effective or delivering the significant benefits of the Scheme.
- 7.36 As regards the Ravensbury Estate, in order to deliver its regeneration the Developer requires unencumbered ownership with vacant possession of all the property interests which will form part of the new development.
- 7.37 The Council and the Developer have made considerable efforts to acquire all land interests on the Ravensbury Estate by agreement but the prospects of acquisition of all interests in the Order Land by agreement within a reasonable timescale are unlikely.

**Conclusions regarding the need for the Order at this time**

- 7.38 In pursuing the Order, the Council has carefully considered the balance to be struck between the effect of acquisition on individual rights and the wider public interest in the redevelopment of the Order Land. Interference with rights under the European Convention on Human Rights (as further set out in section 10 of this Statement of Reasons) is considered by the Council to be justified, in order to secure the economic regeneration and environmental and public benefits which the proposed regeneration will bring.
- 7.39 The Council is satisfied that the redevelopment of the Order Land will have a positive impact on the social, environmental and economic well-being of the area, as the redevelopment will provide an overall improvement in the quality of life for local residents. Compulsory acquisition of individuals' property situated within the Order Land is necessary to allow this comprehensive redevelopment to proceed, and for these benefits to be delivered.

7.40 Due to the substantial public benefit which would arise from the regeneration of the Ravensbury Estate, it is considered that the use of compulsory purchase powers is both necessary and proportionate, and that there is a compelling case in the public interest for the making and confirmation of the Order. It is considered that the Order does not constitute any unlawful interference with individual property rights. The compulsory purchase process enables objections to be submitted and a Public Inquiry to be held to consider those objections. The parties directly affected by the Order will be entitled to compensation in accordance with the statutory compensation code.

7.41 All of the Order Land is required to deliver the comprehensive redevelopment of Phases 2 to 4 of the Estate's regeneration. There is no certainty that the necessary land and interests can be assembled by agreement within a reasonable period and as such the Order is necessary, although efforts to acquire all interests by negotiation will continue in parallel.

## 8 Consultation and Engagement

8.1 The Council and the Developer have been firmly committed to understanding the aspirations of residents of the Estates and their views have helped shaped masterplan proposals. The Developer has engaged in a comprehensive consultation process with local residents and statutory consultees across each of the Estates, details of which are set out below:

8.1.1 The Developer started consultation with residents about the future of the Estates in the summer of 2013.

8.1.2 In 2013 feasibility studies and summer consultation events encouraged residents to join the conversation about the future of their homes and introduced the idea of replacing homes in the three neighbourhoods.

8.1.3 In winter 2013 the decision to explore regeneration was taken based on feedback from consultation events. The (then) Merton Priory Homes Board decided that regeneration would be the best way of delivering long-term improvements in the three neighbourhoods.

8.1.4 2014 - Design stage. Architects were selected to support the proposed regeneration of the three Estates.

8.1.5 In summer 2014 a series of consultation events were held including coffee mornings, drop-in events, design workshops, community events and one-to-one meetings. These events were held locally and focussed on:

- (a) Getting to know the architects and what their role would be;
- (b) Walkabouts so the architects could get a better understanding of the neighbourhood from the residents' point of view;
- (c) Visits to other regeneration schemes in London; and
- (d) Gathering and presenting feedback from residents on the design ideas.

8.1.6 Landlords, homeowners and tenants were provided with specific information about what regeneration would mean for them and the choices available to them.

- 8.1.7 September 2014 – Ten Commitments. The Council and the Developer signed up to Ten Commitments to the residents of the three neighbourhoods (discussed in detail below).
- 8.1.8 October 2014 - draft master plans were presented. Residents were shown potential layout for neighbourhoods and homes. Over 400 people attended these events to view the plans and look at the wide variety of housing types proposed. Three drop in events were held on each Estate (Saturdays and weekday evenings) and there were home visits to the elderly and vulnerable.
- 8.1.9 May 2015 - Master plans and Residents Offer. Revised master plans were presented to residents. The Residents' Offer (discussed below) was published setting out the guaranteed package of financial support that residents would be entitled to if regeneration were to go ahead. Three consultation events were held for residents of each Estate. Support was also provided by a dedicated member of staff from the Citizens Advice Bureau to provide residents with free, impartial and confidential advice.
- 8.1.10 June 2015 - Independent residents' survey. An independent survey was carried out by Membership Engagement Services. There was a 52.5% response rate achieved with the views of 634 residents collected. Overall 50.5% of respondents agreed that regeneration would be the best for their household and 58.4% agreed that the regeneration would be the best for their neighbourhood overall. The Developer's decision to retain some of the homes and replace others was a consequence of its consultation with residents.
- 8.1.11 October 2015 - decision to proceed with initial planning applications. The Developer's Management board gave its approval for the submission of initial planning applications.
- 8.1.12 January 2016 - consultation on draft designs for first new homes. Residents of High Path and Ravensbury were invited to a series of events throughout January to view proposals for the first new homes on their neighbourhoods.
- 8.1.13 April/May 2016 – consultation on revised designs for first new homes. Residents of High Path and Ravensbury were invited to a series of consultation events to view revised proposals for the first new homes.

- 8.1.14 October to December 2016 – master plan consultation. Consultation events in each Estate were held to discuss the latest master plan proposals. These included designs for the neighbourhoods, house types and phasing plans, ahead of outline planning applications being submitted.
- 8.1.15 In addition, statutory consultation has been carried out as part of the Estates Local Plan process and each outline planning application in accordance with the legislative requirements.
- 8.1.16 In 2017, numerous letters were issued to residents concerning various topics such as: design workshops which were held across several evenings during the period from January to March, updates regarding the planning position of Ravensbury Estate and seeking residents views on their re-housing requirements/preferences, and a general newsletter was issued in Summer 2017 providing an updating on the regeneration.
- 8.1.17 In 2018, pre-demolition work began for the first 21 new homes and letters/newsletters were issued to keep residents informed of the same, an 'inside your home' workshop was held in September, and in Autumn a further newsletter was issued providing an update on the regeneration and setting out timescales for all four construction phases.
- 8.1.18 In Spring 2019, a newsletter was issued to residents confirming the first new homes were being constructed. In July, letters were issued to residents to confirm where possible residents had been matched to replacement homes in Phase 1.
- 8.1.19 In 2020, newsletters were issued to provide an update on the regeneration to residents in Summer and Winter.
- 8.1.20 In 2021, several newsletters were issued to residents with updates and timescales of the regeneration of all three estates. Clarion also offered a series of drop-ins to discuss resident queries, one to one discussions and website updates were undertaken.
- 8.1.21 In January 2022, an event was held to enable residents to meet the contractor for Phase 2 of the regeneration, Henry Construction. Residents were issued letters to inform them of this.
- 8.1.22 Also in January 2022, notices were served under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 with online sessions held for residents.

- 8.2 In addition, the Developer has broadened its level of community engagement by sending a quarterly newsletter to all existing residents, informing residents of the latest updates on regeneration proposal
- 8.3 The Developer has also been in consultation with the Council as local planning authority throughout the planning application process as well as with statutory consultees. Feedback from this consultation has informed the planning applications.
- 8.4 Throughout the consultation exercise, all responses received have been thoroughly reviewed and considered and amendments to the proposals have been incorporated on an iterative basis. The result of this detailed exercise was the submission of three significant outline planning applications together with two Kickstart planning applications that ensured residents would only need to move once. All applications received very significant support and were the subject of a positive recommendations by the Council to grant planning permission. All three Estates now have outline planning permission granted with reserved matters applications having been granted for the Ravensbury Estate Phase 2 – 4 and High Path Estate Phase 2.

#### **Ravensbury Estate**

- 8.5 Thirteen public consultation events were held between July 2013 and November 2016. The design team consulted with existing residents, the local community and key stakeholders including the following groups:
- 8.5.1 Existing residents of Ravensbury;
  - 8.5.2 Neighbouring residents and businesses; and
  - 8.5.3 Local amenity groups, including: Friends of Ravensbury Park, Morden Hall Park, Wandle Trust and Living Wandle, National Trust, London Wildlife Trust, Architectural Liaison Officer.

9 **Efforts to acquire by agreement and residents' offer**

9.1 The Council is exercising its powers under section 226(1)(a) and section 226(3)(a) because it has not been possible for the Developer to acquire by agreement all interests that are required to deliver Phases 2 to 4 of the Ravensbury Estate regeneration, and it is not certain that the Developer will be able to acquire the remaining land by agreement. Although the owners of the interests have been approached on a number of occasions by the Developer with a view to purchasing their interests, agreement for purchase has not been reached because the owners have either not yet decided which of the options available to them they wish to exercise or they are waiting for as long as possible before selling their interests to the Developer.

9.2 Single ownership and control of the Order Land is necessary to enable the Ravensbury Estate regeneration to proceed. It is possible that the Developer will be able to acquire all the necessary interests by agreement within a reasonable period. The Council is therefore satisfied that the use of compulsory purchase powers is necessary and justifiable in the public interest.

9.3 As of the end of February 2022, the Developer has acquired 229 freeholds and long leases across the MERP area through voluntary sales under the terms of the 2015 residents offer. Of these 130 freehold and leasehold interests are at High Path, 88 at Eastfields and 11 at Ravensbury.

9.4 In order for the 2022 Scheme to be delivered, as at the end of February 2022 the following interests will need to be acquired:

9.4.1 Within Eastfields Phase 1 33 freeholds and 14 long leases will need to be acquired;

9.4.2 Within High Path Phases 2 and 3, 18 freeholds and 29 long leases have yet to be acquired;

9.4.3 Within Ravensbury Phases 2 to 4, 3 freeholds and 1 long leases have yet to be acquired.

9.5 In total across Ravensbury Estate there are three freehold interests and one long lease interest yet to be acquired.

9.6 The Council considers that the use of its CPO powers to acquire both the outstanding interests in the Order Land and the new rights is necessary, since the Developer has not been able to achieve this by agreement and it is unlikely that it would be able to do so within an acceptable timescale without the Order. The Ravensbury Estate regeneration

cannot proceed unless these interests are acquired. The Council is satisfied that the acquisition of these interests will facilitate the proposed regeneration, which will lead to the redevelopment and will contribute to economic, social and environmental improvements to the area.

- 9.7 In making its assessment of the justification for the Order, the Council has taken into account the rights of third parties protected by the European Convention on Human Rights which may be affected by the Order (as referred to in section 10 of this Statement). In addition, the Council has had full regard to its public sector equality duty under section 149 of the Equality Act 2010 (as referred to in section 11 of this Statement).

### **Commitments to Residents and Residents Offer**

- 9.8 The Council acknowledges that when proposing large scale regeneration, there are considerable uncertainties and challenges for residents. The Council and Developer have undertaken significant consultation with residents. The consultations undertaken are detailed fully in section 8 of this Statement. To support the Scheme and to ensure fairness for residents, the Council and Developer agreed a series of promises to residents, known as the Ten Commitments which are:

- 9.8.1 the Developer will consult with residents, consider their interests at all times, and address concerns fairly.
- 9.8.2 Current homeowners will be entitled to at least the market value of their home should they wish to take the option to sell their home to the Developer.
- 9.8.3 Existing tenants will keep all their rights, including tenancy conditions and the associated rent level, in the new neighbourhood as they do now.
- 9.8.4 Current tenants will be entitled to be rehoused in a new home of appropriate size considering the number of people in their household.
- 9.8.5 All new properties will be more energy efficient and easier to heat than existing properties, helping to keep down residents' fuel bills.
- 9.8.6 the Developer will keep disruption to a minimum, and will do all it can to ensure residents only move once if it is necessary to house them temporarily while their new home is being built
- 9.8.7 the Developer will offer extra help and support for older people and / or disabled residents throughout the regeneration works.

- 9.8.8 the Developer will continue to maintain the homes of residents across the three neighbourhoods throughout the planning process until regeneration starts, including ensuring a high quality responsive repairs service.
- 9.8.9 Any growth in the number of homes will be consistent with the Council's Development Plan so that it is considered, responsible and suitable for the area.
- 9.8.10 As a not for profit organisation, the Developer will not profit from any regeneration and will use any surplus to provide more housing or improve existing neighbourhoods.
- 9.9 The Developer has made a detailed Residents' Offer. They have also made a series of commitments on repairs and maintenance. These service elements, while not directly relevant to the Scheme, are of considerable importance to residents.
- 9.10 The Residents Offer details the Replacement Home Option which is offered to those resident homeowners who were living on one of the three Estates on the 27 May 2015 (when the Residents Offer was published). The Replacement Home Option confirms:
- 9.10.1 If you are currently a freeholder you will be offered a freehold on your new property.
- 9.10.2 If you are a leaseholder you will be offered a new long lease on your new property.
- 9.10.3 The Replacement Home will be at least as large as the home it replaces, unless you choose to move to a smaller home.
- 9.10.4 Every Replacement Home will have private outdoor space (i.e. a garden, balcony or roof terrace) irrespective of whether the original home had this or not.
- 9.10.5 If you live in a house you will be offered a house, if a flat a new flat and a maisonette a new maisonette.
- 9.10.6 The new home will have the same number of bedrooms as the existing home had when it was first built.
- 9.10.7 There will be a Replacement Home for every resident homeowner who chooses to stay.
- 9.10.8 They will be entitled to a £3,000 disturbance allowance.

- 9.11 The Developer has committed, where possible, to moving resident homeowners straight into their new Replacement Home, i.e. without the need to be temporarily housed. The phasing plans for all three Estates' regenerations have been designed to accommodate this approach. For a small number of existing resident homeowners this may not be possible, for example as a consequence of their choice of location and its position in the phasing plan. The Developer may be able to offer a temporary home in their Estate or another part of Merton.
- 9.12 A disturbance payment of £3,000 will be available. Resident homeowners won't be charged rent in their temporary home as long as they agree to the terms set out in the Residents Offer regarding accepting the market value plus 10 per cent for their existing home, the value of the new home and the licence agreement for the temporary home.
- 9.13 The Council is satisfied that a strong Residents' Offer has been made that treats residents fairly and ensures communities within the Estates can remain consistent and cohesive after the regenerations.

10 **Human rights considerations**

10.1 Section 6 of the Human Rights Act 1998 prohibits a public authority from acting in a way which is incompatible with the rights and fundamental freedoms set out in specified provisions of the European Convention on Human Rights (the **Human Rights**).

10.2 The Human Rights likely to be engaged in the process of considering, making, confirming and implementing a compulsory purchase order include those under Article 6 (right to a fair and public hearing to determine a person's civil rights), Article 1 of the First Protocol (right to peaceful enjoyment of possessions) and Article 8 (right to respect for private and family life including a person's home).

10.3 Any interference with a Human Right must be necessary and proportionate. Compulsory purchase and overriding private rights must be justified by sufficiently compelling reasons in the public interest and must be a proportionate means of achieving the objectives of the Order. Similarly, any interference with rights under Article 8 (right to home life) must be "necessary in a democratic society" and proportionate. The requirements under the Convention are reflected in paragraphs 17 and 18 of the CPO Guidance:

*"17. A compulsory purchase order should only be made where there is a compelling case in the public interest. An acquiring authority should be sure 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. Regard should be had, in particular, to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention.*

*18. The confirming Minister has to be able to take a balanced view between the intentions of the acquiring authority and the concerns of those whose interest in land it is proposed to acquire compulsorily. The more comprehensive the justification which the acquiring authority can present, the stronger its case is likely to be. But each case has to be considered on its own merits and the advice in this Part is not intended to imply that the confirming Minister will require any particular degree of justification for any specific order. Nor will a confirming Minister make any general presumption that, in order to show that there is a compelling case in the public interest, an acquiring authority must be able to demonstrate that the land is required immediately in order to secure the purpose for which it is to be acquired."*

10.4 If a compelling case in the public interest can be demonstrated as the Council considers here, then this will meet the requirements of the Convention. In making this Order, the Council has carefully considered the balance to be struck between individual rights and the wider public interest. Having regard to the matters set out above a compelling case in

the public interest exists for the making and confirmation of the Order. Interference with Human Rights, to the extent that there is any, is considered to be justified in order to secure the economic, social and environmental benefits which the Scheme will bring, namely the creation of new, well designed, high quality neighbourhoods aimed at fundamentally improving the quality of life for existing and future generations living in the area. This coupled with the significant level of public consultation, and a robust, fair offer to residents in the Estates means the Scheme minimises the interference with the rights of those affected.

- 10.5 Appropriate compensation will be available to those entitled to claim it under the relevant statutory provisions.
- 10.6 In relation to the requirements of Article 6 (right to a fair and public hearing), these are satisfied by the statutory procedures which include rights to object and to be heard at any public inquiry and by the right to statutory challenge under the Acquisition of Land Act 1981.

11 **Public Sector Equality Duty**

11.1 In discharging its functions, the Council has a statutory duty under Section 149 of the Equality Act 2010 to have due regard to the need to;

11.1.1 eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;

11.1.2 advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

11.1.3 foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

11.2 The "relevant protected characteristics" are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

11.3 A full Equality Impact Assessment (**EqIA**) was undertaken as part of the Estates Local Plan. EqIAs (dated March 2022) have also been undertaken to re-examine the equalities impacts of the Scheme as a whole, with specific assessments carried out for each Estate.

11.4 The EqIAs have considered the impact upon protected groups whose lives may be affected by the acquisition of land and rights, by the construction of the Scheme and/or by the completed Scheme. The categories that could potentially be affected are: age, disability and race/belief.

11.5 However the EqIA concludes broadly that the impacts of the Scheme will be positive through:

11.5.1 opportunity to reduce overcrowding amongst its tenanted households. Overcrowding is proportionately more likely to affect households from the BAME community and so the regeneration provides an opportunity to address inequality in this area. Significant amenity and size improvements will be provided for residents, with all new homes built to current space standards with private outdoor space.

11.5.2 the regeneration is an opportunity to provide new lifetime homes for all tenants, this will enable older tenants (and homeowners) to remain independent in their own homes for longer. New homes can be adapted to meet the specific needs of disabled residents, 10% of all new homes will be fully accessible and adaptable for wheelchair users.

- 11.6 Steps are being taken to ensure that the acquisition and relocation processes are applied in a fair and non-discriminatory way. However, it is acknowledged that the process of redeveloping the Estates itself is likely to have a negative impact on older, disabled and vulnerable residents, due to the requirements to move house, potentially more than once, if temporary accommodation is necessary during the construction period. The greatest impact on equalities will be the mechanics of the Estates' regeneration including: the residents' offer; moving existing residents into new homes; addressing overcrowding; and minimising disruption during this extensive process.
- 11.7 The Developer has committed to designing the phases to minimise the need to "double decant" and where at all possible older, vulnerable or disabled tenants will only be asked to move once, straight in to a new home. Help will be provided to assist with such moves.
- 11.8 In promoting the Order and delivering Phases 2 to 4 of the Ravensbury Estate Scheme the Council and the Developer will seek to keep the existing community together with existing residents having a guaranteed right to return to a new home in their regeneration neighbourhood. The Ten Commitments and Residents Offer (discussed in section 9 above) provide a strong mechanism to achieve this.
- 11.9 The EqlA will continue to be monitored and reviewed throughout the progression of the proposals in order to ensure that any future impact can be measured and mitigated against as necessary.
- 11.10 To conclude, steps are being taken to ensure that the acquisition and relocation processes are applied in a fair and non-discriminatory manner. Steps will also be taken to minimise the adverse effects on protected groups during construction and any such effects suffered by surrounding ethnic minority businesses. The proposals will bring a range of benefits to disabled and other protected groups including in relation to enhanced access, housing provision, lifetime homes.

## 12 **Related Orders and Applications**

### **Road Closure Orders**

12.1 The Council envisages that Stopping Up Orders will be required to successfully deliver Phases 2 to 4 of the Ravensbury Estate regeneration.

12.2 All of these areas are shown on the Stopping Up plan at Appendix 5 to this Statement.

### **Further Information**

12.3 Those parties affected by the Order who wish to discuss matters with a representative of the Council should contact:

[REDACTED]

### **Inspection of the Order and Order Documents**

12.4 A copy of the Order, the Order Map and other documents may be viewed at:

London Borough of Merton  
Civic Centre  
London Road  
Morden  
SM4 5DX

**Definitions used in this Statement of Reasons**

**1976 Act:** Local Government (Miscellaneous Provisions) Act 1976;

**1990 Act:** Town & Country Planning Act 1990 (as amended);

**2022 CPOs** means the Order, the Eastfields Order and the High Path Order;

**Council:** the Mayor and Burgesses of the London Borough of Merton;

**CPO Guidance:** Guidance on Compulsory Purchase and the Crichel Down Rules for the Disposal of Land acquired by, or under the threat of, Compulsion published in July 2019 by the Ministry for Housing Communities and Local Government;

**Developer:** Clarion Housing Group, formerly Circle Merton Priory Homes and Merton Priory Homes;

**Eastfields Estate:** the Eastfields Estate, Mitcham as shown edged red on the Estates' Plan titled 'Eastfields Estate';

**Eastfields Order:** the London Borough of Merton (Eastfields No.1) Compulsory Purchase Order 2022;

**Estates:** the Eastfields Estate, the High Path Estate and the Ravensbury Estate;

**Estates' Plan:** the plans showing all three Estates at Appendix 6;

**High Path Estate:** the High Path Estate, South Wimbledon as shown edged red on the Estates' Plan titled 'High Path Estate';

**High Path Order:** the London Borough of Merton (High Path No.1) Compulsory Purchase Order 2022;

**NPPF:** the National Planning Policy Framework, June 2019;

**Order:** the London Borough of Merton (Ravensbury No 1) Compulsory Purchase Order 2022;

**Order Land:** the land included within the Order and is shown on the Order Map;

**Order Map:** the plan appended to this Statement at Appendix 1;

**Phase 1** means the first construction phase of the Ravensbury Estate shown outside of the redline area on the Phasing Plan and marked 'Phase 1';

**Phase 2** means the second construction phase of the Ravensbury Estate shown hatched purple on the Phasing Plan;

**Phase 3** means the third construction phase of the Ravensbury Estate shown hatched blue on the Phasing Plan which includes the Order Land;

**Phase 4** means the fourth construction phase of the Ravensbury Estate shown hatched green on the Phasing Plan which includes the Order Land;

**Ravensbury Estate:** the Ravensbury Estate, Morden as shown edged red on the Estates' Plan titled 'Ravensbury Estate'; and

**Scheme:** the Developer's proposals for regeneration of the Estates.

14      **Appendices**

Appendix 1 – Schedule and Order Map;

Appendix 2 - 10 Commitments in September 2014;

Appendix 3 - Developer's Residents' Offer published in May 2015;

Appendix 4 - Phasing Plan in respect of the Ravensbury Estate;

Appendix 5 - Stopping Up plan;

Appendix 6 – Estates' Location Plan.

## **Appendix 3 - Merton Cabinet 21<sup>st</sup> March 2022**

### **Equalities Impact Assessments**

- Overarching
- Eastfields
- High Path
- Ravensbury