



**Inquiry into
The London Borough of Southwark (Heygate)
Compulsory Purchase Order 2012**

**Proof of Evidence of
Jon Abbot – BA [Hons], MA, MRTPI
For the London Borough of Southwark**

PINS Reference NPCU/CPO/APP/NPCU/CPO/A5840/70937

11 January 2013

1 Introduction

1.1 My name is Jon Abbott and I am employed as the Elephant and Castle Project Director within the Acquiring Authorities Chief Executive's Department. I was appointed to the role of Project Director in 2007. I have a BA Honours degree in Sociology and an MA in Environmental Planning and am a chartered member of the RTPI. I have worked on E&C regeneration project since 1999. Prior to my involvement in this scheme I have worked for the Acquiring Authority since 1989 in a number of regeneration and planning roles including the "5 Estates" regeneration project in Peckham [1993-1999] which involved the regeneration of five post war housing estates. The scheme resulted in the construction of 2500 new homes which were delivered by a consortium of housing associations and private developers with funding from central Government. In total I have over 20 years experience in Local Government in a variety of planning and regeneration roles at a senior level including some experience of the use of compulsory purchase powers.

1.2 In my capacity as Elephant and Castle Project Director I am tasked with the implementation of the Acquiring Authority regeneration programme at the Elephant and Castle. I have worked on all aspects of the project since its inception including the preparation of the original 2004 SPG (although this was before I was appointed as Project Director), the Heygate relocation strategy, the process to select a commercial partner which resulted in the Acquiring Authority identifying Lend Lease as it's preferred partner and the subsequent negotiations to conclude the RA. My current responsibilities include the day to day management of the Acquiring Authority's obligations as detailed in the RA. In this capacity I attend the Management Board that has been established by the Acquiring Authority and Lend Lease to oversee the implementation of the agreement. My evidence is contained in this main proof and a separate volume of appendices comprising:

- Appendix JA1; Plan showing E&C opportunity area in relation to central London.
- Appendix JA2; Plan showing E&C transport connections.

- Appendix JA3; Plan showing sites developed within E&C Core Area.
 - Appendix JA4; Summary of proposals for new leisure centre and St Mary's tower.
 - Appendix JA5; Copy of report regarding closure of access from New Kent Road dated November 2011.
 - Appendix JA6; Copy of letter to Mr Glasspool dated 19th December 2012 regarding Heygate Estate management.
 - Appendix JA7; Photographs of examples of unauthorised activity on Heygate Estate.
 - Appendix JA8; Copy of e-mail dated 4th January 2013 from Fire Brigade regarding incident at Ashenden Block.
- 1.3 The evidence refers to a numbers of terms that are *Common Terms* and reference should be made to that document. Likewise it refers to *Core Documents* and reference should be made to that document as well.
- 1.4 My proof of evidence comprises the following sections;
- 1.4.1 In section 1 an introduction which includes details of my professional background and a summary of the other witnesses who will provide evidence on behalf of the Acquiring Authority. In addition, I also provide a summary of the objections that have been received to the proposed CPO.
- 1.4.2 Section 2 a description of the Order Land including a summary of the relevant planning applications.
- 1.4.3 Section 3 the background to the E&C regeneration including

- The history of the early phase of the project from 1997-2002.
- Information on the Option Appraisal [P] (CD30).

1.4.4 Section 4 Commencement of current phase of regeneration. In this section I address the following;

- The Acquiring Authority's 23 July 2002 Executive Report (CD22) in respect of a decision to pursue a Fresh Start for the E&C
- A summary of the Emerging Framework Principles (CD18) endorsed by the Acquiring Authority which has underpinned the subsequent approach taken to the regeneration of the area.
- The design of the Heygate Estate and why it conflicts with the Emerging Framework Principles
- Summarise the progress that the Acquiring Authority has made towards the regeneration of the E&C

1.4.5 Section 5 - Implementation – In this section, I provide a summary of the three key work streams that the Acquiring Authority has pursued in order to take forward the regeneration of the area in the period since 2002.

- In paragraph's 5.2 - 5.3 I provide information on the second of these strands concerning the commercial partner selection process culminating in the completion of the RA in July 2010.
- In paragraphs 5.6 - 5.11 I provide information on the third work stream concerning the Heygate Estate relocation strategy which includes the Acquiring Authorities approach for replacing affordable housing lost through the demolition¹.
- In paragraph's 5.12 - 5.14 I provide information on the delivery of replacement affordable homes.

¹ In this section I make reference to opinion testing work undertaken by Marketlink research on behalf of the Acquiring Authority. The SoC [paragraph 2.9] and SoR [paragraph 2.8] refer to MORI opinion testing. The marketlink work replaces these references which were incorrect.

- In paragraph's 5.15 - 5.17 I provide information on the Heygate Action Plan and the Acquiring Authority's decision to accelerate the re-housing of residents in 2007.
- In paragraph's 5.18 - 5.25 I provide a summary of the steps taken by the Acquiring Authority to manage the Heygate Estate in the post Heygate Action Plan phase including progress towards demolition.
- In paragraph's 5.26 – 5.33 I provide information on the current condition of the Heygate Estate, public safety issues and why the accommodation is no longer fit for purpose.
- In paragraphs 5.34 - 5.36 I provide a summary of the Acquiring Authority's capital and revenue costs arising from the implementation of the Heygate Estate regeneration.

1.4.6 Part 6 – In this section, I provide evidence on the contribution of the Estate currently to the well being of the area compared with the contribution that could be made if the CPO were confirmed so as to enable the Proposals to proceed.

1.4.7 Part 7 – In this section, I provide my response to relevant Statutory and non statutory Objections.

1.4.8 Part 8 – Conclusion. In this section my evidence will;

- Demonstrate the compelling case for the CPO to be confirmed and the lack of any alternative use that the land can feasibly be used for given the current state of it; and
- Demonstrate by reference to the three elements of wellbeing under section 226 (1) (A) of the 1990 Act that there is a compelling case in the public interest for the Compulsory Purchase of the Heygate land.

1.5 My evidence on behalf of the Acquiring Authority will be supplemented by and should be read in conjunction with the evidence from the following witnesses;

1.5.1 Mr Simon Bevan the Acquiring Authority's Acting Director of Planning will cover whether the purpose for which the land is being acquired fits

with the adopted planning framework for the area. He will explain where the Council, as LPA, has progressed in the determination of the Planning Application submitted by Lend Lease. Finally his evidence will show that there are no fundamental planning impediments.

1.5.2 Mr Patrick McGreal the Principal Surveyor within the Acquiring Authority's Regeneration division will provide evidence as to the steps the Acquiring Authority has taken to acquire the remaining interests on the estate by way of negotiation.

1.5.3 Ms Katherine Reed the Specialist Regeneration Lawyer within the Acquiring Authority's Legal Services will provide evidence regarding the conditionality of the RA and will also provide evidence regarding land ownership and arrangements to transfer land to Lend Lease.

1.5.4 Mr Rob Heasman – Director of Lend Lease will be providing evidence on behalf of the Acquiring Authority in respect of Lend Lease's background and financial standing in the UK and their commitment to the E&C regeneration, its plans for the E&C long-term and the deliverability and viability of the Proposals.

1.5.5 Mr Ken Shuttleworth – The founder of MAKE Architects will be providing evidence on behalf of the Acquiring Authority on the design weaknesses of the Heygate Estate, a summary of the proposals for the site, and the key benefits of the Proposals. In addition he will provide evidence to demonstrate why the Crossway Church site needs to be included in the masterplan and the impact of omitting this site from the Proposals.

1.6 The table below provides a summary of the list of the objections that have been received to the Heygate CPO 2012 by plot number. In addition non statutory objections have been received from Better Elephant, Elephant Amenity Network and Mr Jerry Flynn.

Objector ID	Plot Number on CPO map	Objection withdrawn ?
<u>STATUTORY OBJECTIONS</u>		
1. United Reformed Church	8	
2. Institute of Traditional Karate & Performing Arts	20	Yes by letter on 5 December 2012
3. London Power Networks plc	6, 7, 11, 12	No but negotiations ongoing
4. Adrian Glasspool	2	
5. Mr Frantzis Joseph and Mrs Elizabeth Joseph	3	
6. Mr R Mehmet Tilki, Mrs Mahpeyker Tilki and Ms Semra Tilki	4	Due to be withdrawn on or before 14.01.2013
7. Mrs Mojisola Ojeikere	5	
<u>NON-QUALIFYING OBJECTIONS</u>		
1. Better Elephant	N/A	
2. Elephant Amenity Network	N/A	
3. Jerry Flynn	N/A	

2 Description of the Order Land

2.1 The Order Land is located within the Heygate Estate [see plan at CD3a]. The Heygate Estate, which was completed in 1974, is a system built estate which occupies a 9 hectare site shown edged green on [SB1]. It comprises 1194 units of which 1015 were let under secure tenancies and 179 were subject to right to buy. The RA that the Acquiring Authority has entered into with Lend Lease refers to the Heygate Estate as forming two phases [the Rodney Road phase and the Heygate Phase]. This terminology was also used by the Acquiring Authority in paragraph 1.7 of its SoC and to ensure consistency I have followed the same approach in my proof of evidence. It should be noted however that

these phases should not be confused with the phasing plan contained within the outline planning application for the Heygate Phase as the word phase is being used in the context of describing an area of land rather than a phase of a planning application. It should be further noted that the CPO is concerned only with the Heygate Phase as I describe it in 2.1.2 below.

2.1.1 The RR Phase – This phase comprises land bounded by Rodney Road, Balfour Street and Victory Place. A detailed planning application for the RR Phase reference 12-AP-2797 was submitted by the Acquiring Authority's chosen Development Partner, Lend Lease, on 24th August 2012 and validated on 3rd September 2012 for a predominantly residential scheme of 235 residential units. The RR Phase has been cleared of residential buildings that were demolished by the Acquiring Authority at the end of 2011 without the need for a compulsory purchase order. These works included the removal of the pedestrian walkway over Rodney Road which connected the RR phase with the Heygate Phase.

2.1.2 The Heygate Phase comprises land bounded by New Kent Road to the north, Walworth Road/Elephant Road to the west, Wansey Street to the south and Rodney Place/Rodney Road/ to the east. Heygate Street which links Rodney Place/Rodney Road in the east with Walworth Road in the west runs through the phase but does not form part of the order land. All of the Heygate Phase north of Heygate Street is within the Order Land including Crossway Church which fronts onto New Kent Road. The housing blocks north of Heygate Street comprise 750 units in 13 blocks shown on the Block Plan [CD 36]. The blocks include Claydon and Ashenden which are 12 stories in height [including garages] and Marsdon which is 9 stories [including garages]. The remaining blocks are 4 stories in height. The Order Land also extends south beyond Heygate street and includes Centre Building, the neighbourhood housing office, and the boiler house which was designed to supply heat and hot water to the Heygate Estate. Centre Building which fronts onto Rodney Road provided retail outlets at first floor level with a community centre and a medical surgery above [see PM2 and PM3].

- 2.1.3 The Heygate Phase south of Heygate Street also includes the housing blocks known as Swanbourne, Kingshill and Wansey. In addition while it is not part of the Heygate Estate it also includes the former Shell Petrol station site which fronts onto Walworth Road and is now vacant. These blocks and the former petrol station site are outside of the Order Land.
- 2.2 An outline Planning Application for the Heygate Phase was submitted by Lend Lease, validated by the LPA on the 2nd April 2012, and given reference 12-AP-1092 [CD20]. This application included the demolition of all structures, bridges and associated works. Subsequently a separate application was submitted for the demolition of the estate [12-AP-3203 – CD 21]. The application in respect of the Heygate Phase was revised on the 28th September and this amended the description of development to “Redevelopment to provide a mixed use development comprising a number of buildings ranging between 13.13m (AOD) and 104.8m (AOD) in height with capacity for between 2,300 (min) and 2,469 (max) residential units together with retail (Class A1-A5), business (Class B1), leisure and community (Class D2 and D1), energy centre (sui generis) uses. New landscaping, park and public realm, car parking, means of access and other associated works.
- 2.3 The redline plan for the amended outline application is shown on [CD 20]. The boundary of the outline application extends beyond the Order Land. I confirm that the Acquiring Authority owns the remaining land within the outline application boundary and considers that the CPO does not need to include this additional land. As is explained by Katharine Reed in her proof of evidence part of this additional land will be appropriated and the remainder that I have referred to in 2.2.3 is already vacated and therefore is within the control of the Acquiring Authority. The CPO therefore only extends as far as is necessary and I confirm that both the Acquiring Authority and Lend Lease are content that this is so.

3 Background to the E&C Regeneration

- 3.1 The Acquiring Authority has been pursuing an ambitious plan to regenerate the E&C since 1997. In essence this plan seeks to overcome the barriers that have constrained growth and release the areas potential. That potential rests on the areas close proximity to central London and its strong public transport connections. I have attached a plan that shows the E&C Opportunity Area Plan

in relation to central London (Appendix JA1). The curve of the river coupled with long standing negative perceptions about the area has resulted in the E&C being considered to be more remote from the centre of London than is actually the case. In fact the E&C is located further to the north than Victoria which is located on the northern side of the Thames. The E&C is located on the southern edge of the Central Activities Zone as designated in the London Plan (CD11) and is bisected by London's Inner Ring Road which forms the congestion charge boundary.

- 3.2 Historically the E&C has been the point at which a number of key routes from the south into central London have met. From the heart of the E&C a number of routes fan out towards the city and west end. In all there are 12 river crossings within a 1k of the heart of the E&C (Appendix JA2). The plan in Appendix JA2 also shows that the area is well served by public transport. There are two underground stations [Bakerloo and Northern Line], an overground station providing access to Thameslink services and 33 bus routes pass through the area. At peak periods there are over 300 buses an hour making E&C the busiest bus interchange in Western Europe. The E&C is a highly accessible place with a Public Transport Accessibility Level (Ptal) rating of 6b.
- 3.3 The area between the E&C and the riverside has seen considerable investment since the 1990's. Despite the advantages of its location and strong public transport connections the E&C has not benefitted from these changes. As a consequence the area has not made the contribution to London's housing and employment needs which its location should support.

Early Phase

- 3.4 The origins of the Acquiring Authority's decision to pursue a wider programme of regeneration at the E&C go back to the period 1997-2002. The approach taken at the time was informed by a postcard survey conducted in 1998 which found that 96% of almost 500 responses were in favour of a major regeneration scheme. This finding informed a subsequent successful bid for Single Regeneration Budget funding in 1999 which provided £25m of funding to help support a programme to transform social, economic and environmental conditions in the area.

- 3.5 In addition it led to the Acquiring Authority launching an EU procurement process to identify a commercial partner to work with it to bring forward plans for the regeneration of the area. A private development company known as Southwark Land Regeneration were eventually selected as a preferred partner. However in March 2002 the Acquiring Authority determined not to proceed with proposals they had put forward.

Heygate Option Appraisal

- 3.6 During this early phase the Acquiring Authority, in its role as Landlord, was also considering the investment requirements of the Heygate Estate. Residents had aspirations for improvements which required a response from the Acquiring Authority in its capacity as landlord. Against this background in 1997 the Acquiring Authority's Housing Department appointed Allot and Lomax to undertake an Options Appraisal as part of the Southwark Estates initiative. At the time additional capital investment had been made available by the new government and the initiative was established to take advantage of this.
- 3.7 In the background section of the report it was noted that the Heygate Estate "fails to match up to the standards expected by tenants, and many inherent design and construction defects are now emerging" [4.1.2 P8 CD 30]. For example the report draws attention to the problems associated with the pedestrian walkways [4.3.3.5 p9 CD30], that there are security issues and that the design results in an area which is difficult to police [[4.11-4.11.6 p25 CD30]. The consultants also note the problems associated with the barrier blocks which "encircle the site". They note that these lack a human scale, that they have no defensible space and that the design creates privacy issues for the occupants [p16-17 CD30]. As a consequence the consultants comment that it is not surprising that while the residents of the maisonettes were happy the residents of the flats in the barrier blocks were not so satisfied [4.7.2.9 p16 CD30]]. Based on their interviews with residents at the time they found that 82% disliked the layout of the Heygate Estate and particularly the high rise blocks and walkways [Volume 2 4.15 p9 CD30] .The consultants concluded that while the buildings were structurally sound they were in need of complete refurbishment [4.9.4 p20 CD 30].

- 3.8 The consultant's conclusions and recommendations are set out in part 12 of the report [p63-66 CD30]. In summary the do nothing option was considered not viable as the Heygate Estate was showing signs of deterioration due to lack of maintenance which would only be exacerbated if nothing was done. The option to repair and refurbish was the minimum option and had the lowest capital cost but it did not represent best value for money when taken into account whole life costs and social viability. The external appearance of the buildings remained the same as did the high density and it did nothing to address the wider issues of layout and security. The consultants identified partial demolition and refurbishment as the preferred option but noted that "much work is needed to develop it further before it can be seen as a firm proposal". [12.18 p65 CD 30].
- 3.9 The consultants were aware of the emerging regeneration proposals for the E&C. In the conclusions to the report they note that the demolition and redevelopment option would allow the Acquiring Authority to realise the value of this strategically placed site [12.12 p64] and that the Heygate Estate land could be central to the wider regeneration plans that were emerging at the time [12.13 p64 CD30]. While they noted that there were rehousing and programme challenges they commented that this option could be an attractive proposal [12.15 p64]
- 3.10 In January 2000, the Acquiring Authority's Strategic Committee agreed to remove the Heygate Estate from the Southwark Estates Initiative and from that point the Heygate Estate became a key component of the wider vision for the E&C area. Subsequently the Acquiring Authority's Housing Committee agreed to cease re-letting tenanted properties on the Heygate Estate on a permanent basis in the early part of 2001. At this point vacant properties were let on a temporary basis and this policy continued until July 2007.

4 Commencement of current phase in 2002

- 4.1 In May 2002 the Acquiring Authority's Executive Committee renewed its commitment to the regeneration of E&C. In July of that year, the Executive re-launched the E&C regeneration scheme under the banner 'Fresh Start for the Elephant and Castle' [CD 22]. Officers were instructed to prepare a framework

for the regeneration programme that was informed by a detailed analysis of the strengths and weaknesses of the area supported by independent opinion testing.

Emerging Framework Principles (EFP)

- 4.2 The first stage of this work was set out in the EFP which was endorsed in the 17 December 2002 Executive Report [CD22A]. This initial work was informed by an independent survey of residents perceptions of the area undertaken by Marketlink research. The EFP was prepared within the context of the Mayor's draft spatial development strategy which identified a 23 hectare at the centre of the E&C as one of six opportunity areas where there was to be an emphasis on the creation of significant new homes and jobs. The EFP noted that landownership within the area was concentrated in public ownership and that this should be the focus of activity although land in private ownership would also need to be brought forward for development by negotiation or compulsion if necessary.
- 4.3 The EFP identified that the core site had a number of problems and weaknesses. Of relevance to my proof of evidence are the following;
 - 4.3.1 A fragmented and disconnected urban form comprising a confused, disjointed and often inhospitable network of streets, routes and spaces that actively discourage and prevent through movement and use by pedestrians.
 - 4.3.2 A poor quality image and identity defined by the shopping centre, E&C Road and its associated roundabouts and the brutalist building styles adopted by much of the redevelopment of the 1960s.
 - 4.3.3 A lack of good quality and accessible public open spaces.
 - 4.3.4 Outdated building forms which no longer fulfil the requirements of 21st century living.
 - 4.3.5 Fragmented and single use districts and neighbourhoods which are inward looking and operate independently from one another.

- 4.3.6 Crime and a fear of crime.
 - 4.3.7 A lack of identity and a poor sense of place.
 - 4.3.8 Limited housing choice.
 - 4.3.9 High levels of deprivation and social exclusion.
 - 4.3.10 A lack of variety, choice and quality in terms of shopping and leisure.
- 4.4 This analysis provided the basis for a set of aims and objectives for the redevelopment of a core 20 hectare area focused on the Heygate Estate, Shopping centre, and transport interchange. While all the objectives are of relevance to this inquiry I would draw particular attention to the following ;” *provides a balanced and integrated mix of residential accommodation, across the full range of private as well as social, key worker and other affordable housing*”.
- 4.5 The EFP noted that in order for the E&C to achieve these objectives “*and transform itself into a successful and sustainable new urban quarter*” it would need to achieve a number of requirements. Of particular relevance to my appeal are the following;
- 4.5.1 Attract significant levels of new investment.
 - 4.5.2 Improve the existing outmoded housing stock and increase the supply and range of new housing.
 - 4.5.3 Replace a fragmented, outdated and poor quality built form with a more rational, cohesive and complementary pattern of built development, combining mixed-use building blocks arranged around a network of high quality new streets and spaces;
 - 4.5.4 Create a safe and welcoming network of pedestrian orientated streets and spaces that link key destinations and districts;

- 4.6 In pursuit of these challenges the EFP identified a series of key development principles which were intended to inform subsequent decisions on the re-planning and development of the area. Of particular relevance to my evidence is Principle 1: To remove the obstacles and unlock the potential. Under this heading it is noted that *“The key to unlocking the area’s potential and overcoming many of its problems and constraints lies within an area of some 20 hectares situated at the heart of the area. This is the area where all the main problems converge.”* The EFP identifies the Heygate Estate as being one of the elements within this site that constrain the areas ability to change.

Heygate Estate Design issues

- 4.7 A striking feature of the layout of the Heygate Estate is the 5 “barrier blocks” [Claydon, Ashenden, Marsdon, Kingshill and Swanbourne] which house around 1000 of the units. These blocks front onto a network of very busy perimeter roads. The individual flats within the barrier blocks are accessed by 60-185m access balconies from stairwells and lifts. A fundamental organising principal of the design of the Heygate Estate is the separation of pedestrians from vehicles. A network of high level pedestrian walkways link individual blocks and provide routes across main roads via pedestrian bridges. The ground plane around the base of the barrier blocks is dominated by vehicle access routes which provide a servicing corridor and access to the garages at the base of the blocks. This has resulted in an unattractive public realm.
- 4.8 The remaining units are located in four 4 storey low-rise maisonette blocks [Chearsley, Risborough, Cuddington and Wansey] which are located behind the barrier blocks. This feature of the design of the Heygate Estate meant that the maisonette blocks were shielded by the barrier blocks form the noise and pollution of the surrounding road system. There are areas of green space and trees between the low rise blocks and the lower maisonettes have there own small amenity areas.
- 4.9 Mr Ken Shuttleworth in his proof of evidence has illustrated some of the issues that the design of the Heygate Estate has given arise to. The Option Appraisal also identified some of these issues and I referred to this in paragraph 3.7 of my proof. In particular I would highlight the following as key issues which informed the Acquiring Authority’s decision to pursue the full redevelopment of the Heygate Estate.

- 4.9.1 Movement for pedestrians through and around the Heygate Estate is confusing and this has contributed to the perception that the E&C is unsafe. For example the Heygate Estate is separated from the New Kent Road and Rodney Road by a high wall which impedes visibility into the Heygate Estate and discourages movement through it at surface level. Pedestrians were expected to use the walkways and therefore perimeter roads such as Heygate Street and Rodney Road were designed without pavements.
- 4.9.2 The form of development is inherently inward looking, impermeable and lacking in legibility. It is generally perceived as unsafe and the evidence for this can be found in the surveys undertaken by Marketlink on behalf of the Acquiring Authority during 2002 [See CD31]. The layout has resulted in established residential neighbourhoods to the south-east being disconnected from the transport interchange and retail area at the heart of the E&C. The design has a poor relationship with Walworth Road and this has contributed to this important local commercial area becoming disconnected from the E&C.
- 4.9.3 The form and layout has resulted in the maisonette blocks being more popular than the high-rise barrier blocks [see paragraph 3.7 above].
- 4.9.4 The combination of continuous high-rise barrier blocks and low - rise maisonettes has resulted in an inefficient use of a highly accessible site and one which precludes organic development that can take advantage of the areas locational advantages.
- 4.10 These features which are inherent to the design of the Heygate Estate have meant that the Acquiring Authority in its role as landlord has found it challenging to meet resident's aspirations for the management of the Heygate Estate. Residents views on these issues are documented in the 2002 Marketlink research report [CD 31].

Progress towards the Regeneration of the E&C

4.11 The Acquiring Authority has had considerable success in attracting private sector investment into the area.

- In total 2845 homes have been completed, or consented within the opportunity area. Of these;
- 1789 are new private homes and
- 1056 new affordable homes.
- Over 10,000 sqm of commercial space has been consented.
- Planning consent has been granted for a New Theatre and new cinema.
- A new public leisure centre is on site
- Circa £25m investment has been secured for environmental and leisure improvements.

4.12 There have been significant developments within the core area which have contributed to the advancement of the regeneration of the area [see plan at Appendix JA3]. Significant residential private led developments include the 43 storey Strata Tower [site 5], South central [site 7], O Central [site 9] and Printworks [site 8] alongside the rail viaduct.

4.13 Progress has also been made towards the delivery of community, transport and social infrastructure needed to support the growth in population. Within site 6 the southern roundabout and subways have been removed at a cost of £2.9m. A £1.3m scheme to refurbish St Mary's Churchyard was completed in 2009. A £1.1m environmental improvement scheme funded from the Strata development has also been completed.

4.14 The Acquiring Authority has recently secured planning permission [Nov 2012] for a new public leisure centre [site 12 Appendix JA3]. The demolition of the old leisure centre is underway and will be completed by the end of January 2013 and the new facility is programmed to open to the public in autumn 2014. This £20m project is in part being funded from the disposal of the front part of the Leisure centre site to Lend Lease. I have provided a summary of these proposals in Appendix JA4.

4.15 Improving the transport Interchange at the heart of the E&C and increasing capacity to handle the additional journeys generated from new development

remains a key objective. Mr Simon Bevan in his proof of evidence provides more information on how these proposals are being brought forward.

5 Implementation

5.1 Following the decision to endorse the EPF the Acquiring Authority's regeneration strategy developed along three principal strands of activity.

5.1.1 Firstly, the development of planning policy to facilitate the comprehensive redevelopment of the core site 39P and encourage investment by the private sector. Mr Simon Bevan in his evidence will provide further information regarding the development of this aspect of the strategy.

5.1.2 Secondly a selection processes to identify a commercial partner to work in partnership with the Acquiring Authority's to regenerate the area. I explain why a commercial partner was necessary in paragraph 5.2.

5.1.3 Thirdly, a re-housing strategy to bring forward the vacant possession of the Heygate Estate and replace the affordable housing which would be lost as a result of its demolition. This work stream included a programme to identify RSL's to develop homes to help replace those lost through the demolition of the Heygate Estate.

Commercial Partner Selection Process

5.2 In November 2004 the Acquiring Authority's Executive approved the commencement of a process to identify a commercial partner to regenerate the area including the Heygate Estate [CD 23B]. The report noted that the Acquiring Authority required a commercial partner for a number of practical purposes:

5.2.1 To develop a commercial strategy based upon the adopted framework.

- 5.2.2 To provide and or help secure funding for the infrastructure changes necessary to implement the overall programme.
 - 5.2.3 To underwrite CPO based land acquisitions needed to fully assemble the development area.
 - 5.2.4 Co-fund the operation of a project team that will undertake detailed design and commercial viability testing of the project.
 - 5.2.5 To promote the scheme in financial and commercial markets in order to establish investor and potential occupier confidence, and to market the development in order to create a new mixed use destination for London.
 - 5.2.6 To prepare a detailed programme for overall development including strategies for land disposal and sub partner selection.
 - 5.2.7 To support a continuous programme of consultation and involvement.
 - 5.2.8 To define a programme of provision of public facilities through the life of the development.
- 5.3 The selection process comprised three stages and concluded in July 2007 when the Acquiring Authority's Executive agreed to select Lend Lease as its preferred partner in the 24 July 2007 Executive Report [CD 24]. The Acquiring Authority considered that Lend Lease had particular strengths in delivery of complex development projects. This was borne out by their experience of working on the Greenwich Millennium village, the new retail development at Bluewater, and the Olympic Village scheme. Through these projects they were able to demonstrate experience in handling complex transport and infrastructure works in tandem with high density mixed use development. These schemes were accompanied by economic development, employment and training initiatives in relation to both initial construction phases and subsequent business occupations. This commitment to deliver programmes to ensure residents benefitted from the regeneration process were considered to be a particular strength of their offer.

RA

- 5.4 The subsequent severe economic downturn delayed completion of the full RA until July 2010. Ms Katharine Reed on behalf of the Acquiring Authority provides a summary of the content of the RA and the obligations that it places on both parties.
- 5.5 As is common with such agreements there are a number of conditions precedent that have to be discharged by the respective parties before the agreement can become unconditional. Relevant to my evidence are the site assembly condition which obliges the Acquiring Authority to provide Lend Lease with a site free from encumbrances which may adversely affect the timing or cost or delivery or value of the development. Having persuaded all but a few of the leaseholders on the Heygate Estate to leave the Acquiring Authority has concluded that it needs to use compulsory purchase powers to achieve vacant possession. The Acquiring Authority's efforts to acquire the remaining interests are explained in Mr McGreal's evidence.

Relocation Strategy

- 5.6 The Acquiring Authority's Executive considered a report concerning the rehousing of Heygate Estate residents in the 11 February 2003 Executive Report [CD22B]. This report set out an approach based on the replacement of the housing capacity currently provided by the Heygate Estate through a two phased approach as follows;
- 5.6.1 re-house Heygate Estate households into new homes in the E&C. area and;
- 5.6.2 Secondly to re-house Heygate Estate tenants into new homes developed within the Heygate Estate footprint as land becomes available following decant, demolition, and site preparation.
- 5.7 The Acquiring Authority agreed that the first phase of the rehousing programme would therefore comprise;

- 5.7.1 The development of the Acquiring Authority's own sites: and
 - 5.7.2 The availability of social housing on privately developed residential schemes secured through the planning process.
- 5.8 In order to implement the first phase of the rehousing programme referred to at 5.7.1 above the Acquiring Authority instructed officers to consult on a list of 27 potential sites [via the emerging SPG process] and prepare procurement proposals to establish a Partnership [or Partnerships] to implement the development on the final agreed sites. Following consultation the potential list of sites was reduced to 15 which are identified in the E&C SPG [CD15].
- 5.9 On 17th June 2003 the Acquiring Authority Executive considered a further report concerning the Procurement arrangements for development of Early Housing Sites and approved a sequence of actions intended to give certainty of scheme implementation to Heygate Estate residents, to the surrounding area and to the wider market of the Council's capacity to deliver the project's objectives [CD 22A]. Of particular relevance to my evidence are the following;
- 5.9.1 That the Acquiring Authority reconfirmed its decision to secure the demolition of the Heygate Estate.
 - 5.9.2 That the Acquiring Authority reaffirmed its existing commitment to replace the social housing capacity of the Heygate Estate i.e. 1100 net units.
 - 5.9.3 That the Acquiring Authority confirms its assurance that Heygate Estate tenants will be offered priority allocations of the new replacement housing.
 - 5.9.4 This development will be achieved through the formation of partnerships between the Acquiring Authority, RSL's and house builders supported by an active programme of tenant involvement.
 - 5.9.5 The Acquiring Authority will initiate a formal procurement exercise to create these partnerships. The scale of the work envisaged means that this process will have to be undertaken under EU procurement law.

5.10 During June - August 2003 the Acquiring Authority held a series of exhibitions to which all residents were invited to further explain the proposals for the Heygate Estate. Market Link Research was retained to carry out an independent evaluation of residents responses to the proposals. The key findings were that that 60% of all respondents either strongly liked or liked the plans for the E&C. Only 13% of respondents disliked or strongly disliked the proposals. 52% of all residents either strongly liked or liked the rehousing plans. Only 18% disliked or strongly disliked the proposals [see CD 31].

Early Housing Sites –Partner Selection process.

5.11 The decisions in 2003 led to the Acquiring Authority subsequently approving terms for the procurement of Early Housing sites development in July 2004. Following a competitive process the Acquiring Authority’s Executive in July 2005 agreed to select two consortia of Housing Associations to develop a package of 15 sites. These were;

5.11.1 Urban Choice (a consortium of Family Housing Associations and Affinity Housing Group).

5.11.2 A consortium of London and Quadrant Housing Group, Wandle Housing Association and Guinness Trust.

Delivery of Affordable Homes

5.12 The programme was impacted by planning and funding issues and as a consequence only 10 of the 15 original sites have been developed. A plan of the location of the sites can be found in CD 3 [Appendix 4]. The number of units which are either completed or under construction is shown in the table below.

Plan Ref	Scheme	Status	Total	Social Rent	Intermediate	Sale
A	Bolton Crescent	Completed	103	88	15	0
B	Brandon Street	Completed	18	18	0	0
C	Library Street	Completed	40	21	19	0
D	Arch Street	Completed	52	18	34	0

E	St Georges Road	Completed	15	15	0	0
F	Comus Place	Completed	37	37	0	0
G	Wansey Street	Completed	31	12	7	12
H	Symington Hse	Being built	72	50	22	0
I	Royal Road	Being built	96	76	20	
J	Stead Street	Planning Consent Granted	140	84	0	56
Totals			604	419	117	68

5.13 As noted in 5.7.2 the first phase of the rehousing programme also involved the provision of social housing on privately developed residential schemes secured through the planning process. The number of units secured through this route is shown in the table below;

Plan Ref	Scheme	Status	Total	Social Rent	Intermediate	Sale
K	Vantage Tower	Completed	68	0	20	48
L	Printworks	Completed	164	24	43	97
M	O-Central	Completed	182	18	26	138
N	Strata Tower	Completed	408	0	98	310
O	South Central	Completed	113	13	12	88
P	7 Muntun Road	Completed	29	25	4	0
Q	89-93 Newington Causeway	On Site	38	0	11	27
R	134 New Kent Road	Completed	21	10	11	0
S	360	Planning Consent	507	159	29	319
T	237 Walworth Road	Planning Consent	54	9	8	37
Totals			1584	258	262	1064

5.14 In total therefore 1056 affordable units [comprising 677 social rent and 379 intermediate] will have been developed in this phase of the programme. This demonstrates that the Acquiring Authority has made considerable progress towards the delivery of the 1100 replacement homes which were agreed in June 2003. As agreed in that report the second phase of the replacement programme comprises the provision of new homes within the Heygate Estate footprint as land becomes available following decant and demolition. Mr Bevan

in his evidence provides more information on proposals for affordable housing in the Planning Application.

Heygate Action Plan 2007

- 5.15 In June 2007 the Acquiring Authority's Executive considered a report titled the "Heygate Action Plan" which set out proposals to accelerate the rehousing of the remaining residents on the Heygate Estate by September 2009 [CD 23C]. This was considered necessary to both bring forward regeneration and was also considered desirable on community safety grounds. The report noted that the large number of void properties created the potential for crime and anti social behaviour and that the Acquiring Authority had a responsibility to mitigate this risk. The report further noted that "it has become apparent the deterioration in the fabric of some parts of the Heygate Estate were making the Acquiring Authority's obligations as landlord increasingly difficult to perform".
- 5.16 To facilitate the re-housing of secure tenants it was agreed that they would be priority allocation [band 1 status] for all properties that became available throughout the Borough. This designation meant that they could effectively compete for both new build RSL properties and existing properties managed by the Acquiring Authority. Tenants could therefore match their housing needs with their locational aspirations. In addition the Acquiring Authority agreed that tenants leaving from this point onwards were entitled to a right to return to new build affordable housing property built through the early sites programme or secured through a development within the core area [via a s106 agreement] for a period of up to seven years. Subsequently 250 tenants entered into such an agreement with the Acquiring Authority. To date 45 former Heygate Estate tenants have chosen to return to a new home made available through this process.
- 5.17 No such right to return was agreed for leaseholders as the compensation due to them would allow them to purchase alternative property in the area. The Acquiring Authority where possible did however seek to put in place innovative measures to help leaseholders to relocate within the area. Through negotiation the Acquiring Authority was able to secure 20 shared equity units in the Strata development and these were made available to leaseholders during 2009. In all 5 leaseholders took up this opportunity.

5.18 The accelerated process outlined above has been successful. The final tenant moved from the Heygate Estate in August 2011. The Heygate Action Plan also included measures to commence an active programme of leaseholder acquisitions. Mr Patrick McGreal will provide evidence on the process for acquiring leaseholder interests.

Management of Estate Post Heygate Action Plan.

5.19 The process of rehousing tenants and acquiring leaseholder properties has required active estate management by the Acquiring Authority as landlord to secure vacant properties and reduce the risks of squatting and other anti-social behaviour. The need for an intensive proactive approach to both meet the programme and to maintain safety was recognised in the 19 June 2007 Executive Report in respect of the Heygate Action plan [CD23C]. In order to minimise these risks the Acquiring Authority has undertaken works to decommission units. To make properties unattractive to squatters each property has had the bath and kitchen sink units taken out as well as the central heating system. The toilets were also removed to prevent use and pipes removed. Each unit has then been secured with metal grills which have been welded to the front of the property. Access to floors which have been fully vacated have similarly been secured. Where blocks have been fully emptied communal stairwells and entrances have been closed.

5.20 I have noted in my evidence that the design of the Heygate Estate has given rise to safety and security issues. The reduction in the number of residents living on the Heygate Estate has exacerbated these problems. . The Acquiring Authority has therefore worked closely with the Police to minimise these risks. An example of this arose in connection with the access into the order area land from New Kent Road. Acting on advice from the Police the Acquiring Authority issued an Emergency Traffic Order to close this access. The background is set out in the attached report [see JA Appendix 5]. The report notes that the Acquiring Authority together with the police and emergency services reviewed the security measures on the Heygate Estate to identify how they could be improved and this resulted in the identification of the following priorities;

5.20.1 Demolition of walls within the Heygate Estate to improve sightlines and visibility for police patrols;

5.20.2 Improving security team effectiveness

5.20.3 Restricting access for potential victims unaware that the Heygate Estate is now nearly empty.

5.21 This programme has been implemented. All public access to the high level walkways across the Heygate Estate have now been sealed off with metal grills. Access to the centre of the Heygate Estate is now restricted to routes from Heygate Street and Walworth Road at ground level. Following a further serious incident in November 2011 the Acquiring Authority has concluded that it is necessary in the interest of public safety to bring forward a planning application to fence off the remaining parts of the Heygate Estate north of Heygate Street which are accessible to the public. In the event that vacant possession has not been achieved secure access will be provided for any remaining leaseholders. Resources are in place to fund these works.

Phase 1 Demolition and steps towards demolition of remaining parts of the Heygate Estate

5.22 To reduce the potential risks of anti social behaviour, crime and squatting the Acquiring Authority agreed to fund the demolition of the Rodney Road phase. The 95 units on this site have now been cleared and the area is fenced off pending redevelopment. In addition the area to the south of Heygate street comprising Swanbourne, Wansey and Kingshill [which is outside of the order land and therefore fully vacated] has been fenced off pending demolition

5.23 The Acquiring Authority's Cabinet on 22 November 2011 considered a report on variations to the Regeneration Agreement with Lend Lease [CD29A]. The report noted that it had become "apparent on financial, safety and reputational grounds that it will be beneficial to the council to bring forward the demolition of the Heygate Estate". Cabinet agreed in principle to provide funding for an early start on the demolition of the remaining parts of the Heygate Estate with Lend Lease project managing the work subject to the Finance Director agreeing a satisfactory business plan for the project

5.24 Subsequently the Acquiring Authority's Strategic Director of Finance and Corporate Services approved a Business Case for the demolition of the Heygate Phase on July 9th 2012 (CD 29). This decision confirms the Acquiring

Authority's commitment to provide grant funding of £15,250 million to forward fund Lend Lease to undertake the demolition of the remaining parts of the Heygate Estate including all the buildings within the order land. The full implementation of this decision is subject to planning consent for the demolition works and securing vacant possession of the site through the CPO. The Acquiring Authority and Lend Lease have recently signed a detailed Development Management Agreement [DMA] for these works [see summary CD32]. The DMA includes a programme which allows for the demolition of Crossways once VP has been secured [CD32A].

- 5.25 A first tranche of the expenditure totalling £1.1m to fund survey work to establish levels of asbestos and the structural condition of buildings has been released. This survey work is now underway and in addition utility companies have begun the process of removing meters from individual properties as part of the preparation for the demolition of blocks. The current timetable envisages a rolling programme of demolition across the Heygate Estate that will commence in June 2013 with the three vacant blocks south of Heygate Street which are outside of the order land. If the CPO is delayed it will frustrate the Acquiring Authority's ability to secure VP in accordance with its RA obligations and allow Lend Lease to proceed with development. In addition it would prevent the Acquiring Authority from addressing public safety issues which arise from the current condition of the Heygate Estate. Finally a delay would have financial implications for the Acquiring Authority as the contract for the works would have to be delayed

Current Management Issues on the Order Land

- 5.26 As two residential properties remain occupied and outside the Acquiring Authority ownership it is still necessary to keep the Order Land open to enable the two properties in occupation to be accessed by their residents. As I have explained above, the Acquiring Authority has taken the opportunity to close off a number of access points on security grounds. Despite these actions there have continued to be serious incidents on the Heygate Estate. The Acquiring Authority is therefore concerned about the safety of remaining occupants. The housing management team therefore recently wrote to the occupant of plot 2 regarding these issues inviting him to attend a meeting to discuss any concerns that he may have [see Appendix JA6. At the time of writing no response had been received.

5.27 Keeping access available does enable unauthorised persons to access the Heygate Estate and this has resulted in a proliferation of unsightly graffiti, fly tipping, substance abuse and persons risking their safety accessing dangerous areas of the Heygate Estate. In addition, persons have erected structures and cultivated areas of land without authorisation. I have attached photographs of examples of unauthorised activities [Appendix JA7].

5.28 The Acquiring Authority does not have the financial resources to control access to the Heygate Estate by providing security guards at the remaining access points and in any event such expenditure is unlikely to be cost productive. Whilst very concerned about the unauthorised activities taking place the Acquiring Authority has maintained a watching brief and exercised tolerance and only intervened when considered absolutely necessary.

5.29 With the vast majority of the Order Land being vacant it provides many opportunities for persons to hide awaiting anyone accessing the Heygate Estate for committing crimes against that person. The local housing manager has advised me that her staff are aware of the following activities on the Order Land:

5.29.1 Metal theft. For example utility pipes have been removed leaving residents with no water) down pipes that run water from the roofs of the big blocks have been stolen causing a large amount of flooding particularly in Marston and Claydon. Manhole covers have been stolen and the water pipes below them have also been stolen. This has resulted in the holes being filled with concrete and new covers put on top. Some of the electrical meters in the properties have unlawfully been removed. The effectiveness of lighting in communal areas has also been reduced by this illegal activity.

5.29.2 Rough sleeping

5.29.3 Garage break ins.

5.29.4 Unauthorised filming portraying a negative picture e.g. guns and gangs, that in itself leads to an unwanted interest in the Heygate Estate from more of these groups.

- 5.29.5 The Fire Brigade reported that they and the police were called out during the Christmas period to with a break in by between 60-80 persons who had removed welded panels in the Ashenden block to hold a roof top party [see report of the incident in Appendix JA8].
- 5.30 Having regard to its community safety responsibilities the Acquiring Authority is anxious to close the Order Land to public access ahead of the demolition of the building constructions thereon. However, whilst persons have the right to occupy properties thereon this cannot be done. The remaining leaseholders will not relinquish their interests by agreement so a confirmed CPO is essential to secure the closure of the Order Land for community safety and so as to enable the Acquiring Authority A to fulfil its obligations under the RA to enable LL to proceed with redevelopment.
- 5.31 Given the condition of buildings within the order land it would not be economically viable to bring the buildings back into residential use. As I have explained the management of the Heygate Estate in the period following the adoption of the Heygate Action Plan (CD 24) has resulted properties being decommissioned and the closure of communal walkways and entrances. Despite these measures to restrict access there has been significant levels of metal theft which has resulted in the removal of key infrastructure.
- 5.32 In April 2010 the small number of remaining residents resulted in a critical drop in pressure within the district heating system which necessitated the closure of the boiler house and the system has not been used since. Gas companies have turned off the supply going into the blocks and they have purged the pipes and capped them off. The lifts in the large barrier blocks are no longer working. Once the blocks became empty the lifts were cannibalised for spare parts for use in the maintenance of remaining lifts.
- 5.33 For all the reasons set out above the unoccupied units within the order land and Heygate Estate as a whole are no longer fit for purpose. It would now require substantial investment to bring the units within the order land back into a state suitable for occupation. Such a level of resources are not contained within the Acquiring Authority's capital programme and would run counter to

the regeneration of the area supported by the Mayor and the Acquiring Authority through the London and Southwark Plans. The sums involved would mean that other essential works to improve estates across the Borough which are part of the agreed warm, safe, dry programme would not progress. In addition such investment would in any case not be sufficient to address the inherent design weaknesses that I have identified in my proof.

Acquiring Authority's Investment

5.34 I have set out in this section the positive steps the Acquiring Authority has taken to bring forward the regeneration of the area and to secure vacant possession of the Heygate Estate in accordance with its obligations under the terms of the RA. This programme has required substantial public investment and I have set out a summary of capital costs and forecast expenditure below;

Leaseholder Acquisitions.	£25.163m
Forecast expenditure for acquisition of remaining interests	£4.711m
Phase 1 Demolition works	£1.30m
Forecast expenditure	£0.654m
Other capital projects [Fence and Heygate St footway]	£0.425m
Forecast expenditure on Heygate phase demolition	£15,276m
Total capital expenditure	£47.529m

5.35 I have set out in the table below a summary of the revenue costs associated with the management of the Heygate Estate to date and forecast expenditure. These costs include those associated with decommissioning properties, leaseholder/tenant relocation costs, staff costs, professional fees, development costs and council tax. .

Revenue costs to date	£16.589m
Forecast revenue costs	£1.260m
Total revenue costs	£17.849m

5.36 As a consequence of the very low level of residence on the Heygate Estate a relatively low level of management is all that can be justified on cost grounds. This nevertheless still results in the Acquiring Authority incurring significant expenditure. The cost of keeping the Order Land open for access in the financial year 1 April 2011 to 31 March 2012 was in excess of £800,000.

6 Development of the Order Land –likely contribution to the promotion or improvement of the economic social or environmental well being of the area

6.1 In this part of my proof I provide evidence in support of the Acquiring Authority's case that the development of the Order Land will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area since I understand the power to enable the Acquiring Authority to exercise the compulsory acquisition under 226(1)(a) is subject to subsection 1A which provides that the Acquiring Authority must not exercise the power unless they think that the proposed development, redevelopment or improvement is likely to contribute to achieving the promotion or improvement of the economic, social or environmental well-being of the area. Section 2 of the Local Government Act 2000 also places a duty to promote such well being.

Order Land – current contribution to the well being.

6.2 Social

6.2.1 Given the current low levels of occupation in the buildings on the Order Land it is not making a positive contribution to the well being of the area despite being prime real estate. This is exacerbated by the condition of rest of the Heygate Estate which is no longer fit for purpose.

6.2.2 The design of the buildings on the Order Land contributes to the perception that the E&C is unsafe. This perception originates from the inherent design weaknesses and now that the Heygate Estate as a whole is largely vacant the risks of anti social behaviour and serious incidents of crime have increased.

6.2.3 The barrier blocks on the Order Land restrict access through the Heygate Estate for pedestrians and cyclists. This feature of the design has contributed to the fragmented character of the E&C.

6.2.4 The Heygate Estate design including the buildings within the order land has resulted in residents becoming disconnected from the centre of the E&C and the transport interchange.

6.2.5 The existing housing stock within the Order Land and the Heygate Estate as whole is predominantly social rented and this does not constitute a sustainable mixed tenure form of development.

6.3 Economic:

6.3.1 With the exception of a small number of commercial units in the Centre Building the Heygate Estate is very largely a single use area which severely limits this strategic sites contribution to job targets and the local economy. The design of the Heygate Estate precludes a significant increase in retail, employment and community space as required by the local and regional planning frameworks.

6.3.2 The relatively low density of the Heygate Estate for a site with has a Ptal level 6a results in an inefficient use of land and restricts the Heygate Estate's contribution to meeting agreed housing, retail and business floorspace targets.

6.4 Environmental

6.4.1 The Heygate Estate has very poor levels of energy insulation resulting in higher carbon omissions than would be the case with a contemporary development constructed to current standards.

6.4.2 The Heygate Estate design includes amenity space for the use of residents but this is not in the form of public open space which is needed at this highly accessible location. The amenity space does benefit from a number of mature trees however the restricted access to the site, safety concerns and the low levels of occupation mean that the public amenity benefits are restricted.

6.5 Proposed Development –contribution to the well being

6.6 Social;

- 6.6.1 The Proposals will make significant contribution to the provision of a sustainable inclusive community including the development plan requirement for new homes including affordable homes.
- 6.6.2 As a minimum the Proposals include at least 25% affordable homes and this will make a significant contribution towards the objective of increasing the amount and type of affordable housing at the E&C.
- 6.6.3 The Proposals include for a variety of residential typologies. At least including 10% of the units will be 3 bedroom and more and are therefore suitable for families.
- 6.6.4 Improve community safety by allowing the clearance of the site to commence. This will enable the crime and anti social behaviour risks arising from the layout and design of the current Heygate Estate to be finally addressed.
- 6.6.5 Improve community safety through the replacement of a poorly designed development with one based around an open network of public routes and public spaces.
- 6.6.6 The routes identified in the Proposals will provide priority for pedestrians and new crossings will be provided to ensure connections to improve accessibility to the site for residents in adjoining neighbourhoods.
- 6.6.7 The Proposal has benefits for cyclists. The routes through the Heygate Phase will generally be accessible to cyclists. The number of London cycle hire scheme bikes at the existing Wansey Street and Rodney Road sites will be increased and the Proposal includes 3136 cycle parking spaces are proposed for residents and visitors.

6.7 Economic;

- 6.7.1 The Proposal will increase density on the Heygate Estate and this represents a more efficient use of a brownfield site.
- 6.7.2 The Proposals have the potential to contribute up to £37.6m in additional expenditure for the local economy.

- 6.7.3 The Proposals will generate in the region of 1080 jobs during construction and up to 1,225 jobs in the completed development.
- 6.7.4 The s106 agreement will ensure the Proposal makes a substantial financial contribution towards the costs of improvements to the public transport interchange of around £14m. More detail on this can be found in Simon Bevan's proof of evidence.
- 6.7.5 The Proposals will make a significant contribution towards the establishment of a mixed use town centre at the E&C. The Proposals include for a substantial amount of new town centre uses including retail, leisure, health and community floorspace. The Proposals will therefore contribute significantly towards the development plan land use designations for site 39P.
- 6.7.6 The design of the Proposals will contribute towards the development of the E&C as a distinctive urban quarter and consolidate its position within central London. The Proposal includes for a number of tall buildings which will mark E&C on the London skyline.

6.8 Environmental;

- 6.8.1 The Proposals will provide in total 4.5 ha of new publically accessible space in the form of open space, public squares and new public routes. This figure includes a 0.8ha new public park which will be the largest in Central London for 70 years.
- 6.8.2 The Proposals will significantly increase the amount of floorspace on the site but is planned to be carbon neutral. The Proposals replace buildings with a very poor environmental performance with development that will achieve code for sustainable homes level 4.
- 6.8.3 The Proposal includes a decentralised energy centre which will provide heat to the development. This facility has the potential to

further improve the environmental performance of the Proposals to code 5 through the use of bio-methane.

7 Response to Statutory Objections

- 7.1 The objections lodged by those with interests in Plot 2,3, 4 and 5 contend in their objections that the Proposal is not in the public interest.
- 7.2 Response: The Proposals for the Order land are rooted in the Development Plan as Mr Bevan demonstrates in his proof. In part 6 of my evidence, I have shown that the Proposals will deliver significant social, economic and environmental benefits. The buildings on the Order Land are largely unoccupied and the poor condition of the Heygate Estate as a whole means that it is no longer fit for purpose. As a consequence of these factors, the Acquiring Authority contends that there is a compelling case in the public interest for the CPO.
- 7.3 Plots 2, 3, 4 and 5 further contend that there is no need for the CPO as the buildings are structurally sound.
- 7.4 Response: the As Mr Bevan shows in his evidence the proposals for the order land are rooted in the Development Plan. The retention of the buildings on the Order Land would be incompatible with important development plan objectives such as the need to deliver new homes and jobs within the E&C opportunity area. In addition the buildings on the Order Land and the Heygate Estate as a whole are in a poor condition and are no longer fit for purpose. As a consequence, it would not be economically viable to bring the buildings back into residential use.
- 7.5 Plots 2, 3, 4 and 5 also contend that buildings on the Order Land have not been demolished thereby implying that the Acquiring Authority has no confidence in the scheme.

- 7.6 Response: Demolition cannot take place until Planning Permission has been granted. The Demolition Application has been submitted to the LPA for consideration. The Acquiring Authority has started to demolish parts of the Heygate Estate where possible but cannot undertake further works without an appropriate planning consent. There are currently 2 leaseholders occupying their properties, 9 commercial occupiers and the Church remaining who have an interest in the Order Land. The Acquiring Authority is unable to undertake the full demolition of all the buildings whilst these occupiers are still in situ and this is one of the reasons why the confirmation of the CPO is required now.
- 7.7 The fact that the buildings are still in place is therefore not a reflection of the Acquiring Authority's lack of confidence in the Proposals. As I have set out in my proof, the Acquiring Authority's Strategic Director Strategic Director of Finance and Corporate Services approved a business case for the demolition of the Heygate Estate in July of this year (CD29). This decision confirms the Acquiring Authority's commitment to provide grant funding of £15.25 million to forward fund Lend Lease in order for them to undertake the demolition of the Heygate Estate. The decision to forward fund the demolition is a commercially sensible decision for the Acquiring Authority to take as it ensures that demolition of vacant parts of the Heygate Estate will take place as soon as planning consents have been granted.
- 7.8 Plots 2, 3, 4 and 5 further contend also contend that there is a more suitable alternative scheme from Better Elephant for the development of the order land.
- 7.9 The Acquiring Authority is in a contractual arrangement with our chosen development Partner Lend Lease who were selected following a competitive tendering exercise that met both EU and domestic procurement requirements. As such the Acquiring Authority has no need to consider alternative schemes from other parties. Furthermore at the time of writing no alternative scheme to Lend Lease's Proposal has been submitted or discussed with the Acquiring Authority.

Non Statutory Objections

- 7.10 An objection has been received from Better Elephant on the grounds that the Proposals do not sufficiently satisfy the requirements to contribute to the improvement of the economic, environmental and social well being of the area.
- 7.11 Response: The proposals for the order land are rooted in the Development Plan as Mr Bevan demonstrates in his proof. In part 6 of my evidence, I have shown that the proposals will deliver significant social, economic and environmental benefits. The buildings on the order land are largely unoccupied and the poor condition of the Heygate Estate as a whole means that it is no longer fit for purpose. As a consequence of these factors, the Acquiring Authority argues that there is a compelling case in the public interest for the CPO.
- 7.12 The objection received from Better Elephant also contends that there is an alternative scheme, which does not involve large scale demolition of structurally sound dwellings and removal of trees which it is suggested will better contribute to the well being of the area.
- 7.13 Response: The Acquiring Authority is in a contractual arrangement with Lend Lease who were selected following a competitive tendering exercise that met both EU and domestic procurement requirements. At the time of writing no alternative scheme to Lend Lease's Proposals has been submitted or discussed with the Acquiring Authority.
- 7.14 The objection from Better Elephant also contends that the demolition of structurally sound dwellings and removal of trees should not be allowed.
- 7.15 Response: As Mr Bevan shows in his evidence the proposals for the Order Land are rooted in the Development Plan. The retention of the buildings on the Order Land would be incompatible with important development plan objectives such as the need to deliver new homes and jobs within the E&C Opportunity Area. In addition, the buildings on the Order Land and the Heygate Estate as a whole are in a poor condition and are no longer fit for purpose. As a consequence it would not be economically viable to bring the buildings back

into residential use. Mr Bevan in his proof addresses the issue of the retention of trees within the Order Land.

8 Conclusions

8.1 The Acquiring Authority has put in place a long-term strategy to regenerate the E&C as a sustainable mixed use mixed tenure town centre. This strategy was initially set out in the EFP (CD18) and as Mr Bevan has shown in his evidence it has been developed subsequently in the form of local and strategic planning policy. The approach is based on releasing the areas potential by removing barriers to growth to ensure that development plan targets for new homes and jobs are delivered. The Order Land has been identified as a key part of this strategy and its redevelopment is essential for the successful regeneration of the area. . The strategy has been informed by extensive public consultation which has shown that there is wide spread public and political support for them. Without the CPO the Acquiring Authority will be unable to continue the process of transformational change that it has successfully commenced at the E&C.

8.2 As I have set out in section 6, the buildings on the Order Land do not contribute to achieving the promotion or improvement of the economic, social or environmental well being of the area. A safe, sustainable mixed use mixed tenure development, which is successfully integrated with adjoining neighbourhoods is not possible if the buildings are retained. The relatively low density of the existing buildings precludes a more efficient use of a highly accessible strategic site which is needed to meet development plan housing and employment growth objectives. The buildings in the Order Land have been decommissioned and would require significant investment to bring them back into occupation. The level of resources needed to bring the units back into use is not contained within the Acquiring Authorities capital programme. The sums involved would mean that other essential works to improve estates across the Borough which are part of the agreed warm, safe, dry programme would not progress. In addition such investment would in any case not be sufficient to address the inherent design weaknesses of the Heygate Estate. The purposes for which the Acquiring Authority is proposing to acquire the Order Land could not therefore be achieved by any other means than the Proposals.

- 8.3 The Acquiring Authority has established a public/private partnership with Lend Lease to develop the Order Land and has invested considerable sums of public money in support of these Proposals. A delay in the CPO will frustrate the Acquiring Authority's plans to demolish the Heygate Estate which are needed to ensure public safety and to deliver VP to Lend Lease so that they can proceed to develop the site. The Proposals will provide new homes, jobs and result in a more efficient use of the site. The Proposals take the form of a mixed use mixed tenure development comprising a network of safe and attractive routes connected to adjoining neighbourhoods. The Proposals include for a significant increase in commercial, retail and community floorspace and a large new public space. The proposals for the Order Land will therefore contribute to achieving the promotion or improvement of the economic, social or environmental well being of the area and therefore satisfy the requirements of section 226 (1) (a) and (A) of the 1990 Act.
- 8.4 There are a limited number of objections to the Order. The Acquiring Authority has done everything reasonably possible to address these and assist their relocation. These objections should not be allowed to prevent the considerable number of new homes and jobs that this Proposal will provide. There is therefore a compelling public interest for the confirmation of the Order.

Jon Abbot