

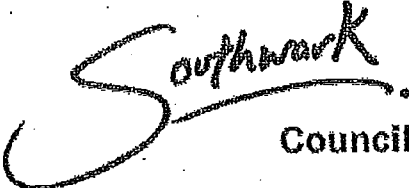
Inquiry into

**The London Borough of Southwark (Aylesbury Estate Wolverton 1-59) (No 2)
Compulsory Purchase Order 2012**

Proof of evidence of Ms Jane Seymour MRICS, BSc(Hons) MA

For the London Borough of Southwark

PINS Reference: NPCU/CPO/A5840/70807

The logo for Southwark Council, featuring the word "Southwark" in a stylized, cursive script font, with a large, sweeping underline that extends to the left. Below the script, the word "Council" is written in a simple, sans-serif font.

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1 Qualifications and Experience

- 1.1 My name is Jane Seymour and I am the Development Partnership Broker within the Aylesbury Team at the London Borough of Southwark (the "Council"), a position which I have held since December 2011. I am the officer leading on this CPO.
- 1.2 I have been qualified as a Chartered Surveyor since 1986 and have a Masters Degree in Urban Regeneration. Prior to working as part of the Aylesbury Team, I was the Principal Valuer managing the Bermondsey Spa regeneration programme for 3 years and in total have over 25 years experience of property development and management with a range of organisations in the private, public and not-for-profit sectors.
- 1.3 My experience in Bermondsey Spa included working with residents and traders alongside the local housing office to re-house both commercial and residential tenants and leaseholders. During this time, I dealt with two Compulsory Purchase procedures.
- 1.4 My day to day duties include managing the team, whose workload currently includes the procurement of a development partner for the Estate; ongoing matters relating to the sites currently under construction on site 1a; the non-residential properties strategy; the estate vacant possession strategy; and the development of the Order Land (as defined in the CPO).
- 1.5 The nature of my role means that I am aware of the background to the regeneration of the Aylesbury Estate as a whole and the Council's vision for that regeneration. I am also well-placed to understand how the development of the Order Land fits into that vision and the reasons why the Council has decided to proceed and make this CPO.

2 Scope of Evidence

- 2.1 My evidence provides some background on the history of the regeneration of the Aylesbury Estate and the Council's vision for this area, the proposed development of the Order Land and the reasons and justifications for the CPO. I also deal with the remaining objections where they relate to my area of expertise and knowledge.
- 2.2 The evidence of Tim Cutts explains that the land is sought to fulfil a planning purpose and that the scheme which is the subject of this CPO accords with planning policy. The evidence from Catherine Bates will address why the Council was right to

conclude as it did that regeneration and not refurbishment of the estate ought to be pursued and that the Order Land should be included. The evidence of Elaine Taylor explains the involvement of the Council's developer partner for the Order Land, London & Quadrant ("L&Q") and addresses the funding commitment by L&Q; and confirms that the scheme will be delivered within a reasonable time frame. The evidence of Mark Maginn and Jackie Fearon describes the steps taken by the Council to secure vacant possession of the Order Land by agreement within the Council's policies for re-housing and without the need for the use of the Council's CPO powers. Ms Fearon's sets out the actions taken specifically with respect to the re-housing of tenants and Mr Maginn describes the support provided to leaseholders.

2.3 This proof of evidence should be read alongside the Statement of Case (CD 8).

3 Background to the regeneration

The history of the regeneration of the Aylesbury Estate

3.1 The Aylesbury Estate ("The Estate") was built between 1966 and 1977 to replace Victorian houses and factories, many of which had been damaged during the second world war. It originally consisted of a total of 2,750 units distributed within blocks of differing sizes on 28.5 hectares of land. A map showing the location of the Estate is attached to this proof of evidence at Appendix 1 Map (i).

3.2 The Estate's problems including the condition of the blocks and the quality of the environment are well known. In 1999 the Aylesbury New Deal for Communities (NDC), a government funded regeneration initiative, was launched by the then government with the aim of changing the lives of residents by improving educational attainment, employment prospects and reducing crime and the fear of crime. The NDC also sought to 'dramatically improve the quality of the physical environment of the area.' (AAP (CD 12) page 846 paragraph 1.2.2)

Decision to redevelop rather than refurbish

3.3 The Council resolved in principle to rebuild the Estate in September 2005 and a copy of the Executive resolution and accompanying report is attached at Appendix 2 to my proof. In that report, the Council's Executive was asked to reconsider a new strategy which would mean phased demolition of the existing estate and its replacement with a new mixed tenure development providing homes that were "decent homes compliant"

from the outset; would deliver "lifetime homes to higher eco standards than currently; secure the creation of a new mixed area to reduce the costs of managing a deprived estate in decline; provide options for a variety of new forms of housing including different tenures and offer opportunities for changes to the other social provision in the area including schools "(2005 report paragraph 4.2).

3.4 Various refurbishment options were also considered within that report but dismissed for a number of reasons including the cost. The blocks were constructed using a concrete panel system build which makes it very difficult to address some of the blocks' inherent problems. These include the upgrading and repair of services as these are often embedded in the structure. The details of these issues as well as the issues in respect of the possible danger of structural collapse in certain blocks are set out in the evidence from Ms Bates.

3.5 It should also be considered that the cost of any refurbishment works would have had to be recharged at least in part to leaseholders. This would have obviously involved significant expenditure for these residents if any of the refurbishment options had been pursued. Right to Buy (RTB) leases are granted under the Housing Act 1985. Schedule 6 part III of the 1985 Act sets out the terms on which the RTB lease will be granted, and this includes the service charge. The service charge covers inter alia the repair of common parts, external redecoration and internal redecoration of common parts; keeping in repair the structure and exterior of the flat and the building of which it forms part and making good any defect affecting that structure. There is also a requirement to contribute to "major expenditure", additional works over and above the usual annual charge, known as the "Capital Expenditure Reserve Fund" which would cover among other items the replacement or renewal of central heating or hot water supply, plant or equipment directly or indirectly serving the flat; periodic redecoration of the building and any other major repair or renewal of any part of the building. A standard Southwark RTB lease is appended as Appendix 3.

The Aylesbury Area Action Plan

3.6 As part of the process to progress the regeneration of the Estate, the Council began to prepare the planning framework for the regeneration, leading in 2010 to the adoption of the Aylesbury Area Action Plan ("AAAP" – CD 12). The AAAP was examined and found sound and adopted pursuant to the Inspector's binding recommendation as referred to in the evidence of Mr Cutts at paragraph 1.8. Mr Cutts

also explains in more detail the role of the AAAP in assisting in delivery of the Council's vision for the Estate (paragraph 5.23 of Mr Cutts's proof) .

- 3.7 As part of process of developing the AAAP the Council recognised that it would be important to have a group of local people and stakeholders to help champion and take ownership of the plan. A Charter was developed with local residents and businesses, setting out the objectives for the development of the Estate and this is more fully described in Mr Cutts' evidence.
- 3.8 Their vision was for a successful neighbourhood incorporating the highest design standards, a good mix of uses and a layout that will meet the needs of current and future generations.
- 3.9 The extent of the area included within the AAAP was carefully considered and a map showing same is included in Appendix 1 Map (ii).
- 3.10 The foreword to the AAAP sets out the Council's vision for the Estate, explaining that "it provides a blueprint for the ambitious regeneration of the Aylesbury Estate over the next 20 years. It will see the area transformed with new high quality homes, schools, roads, parks and open spaces." (CD12 page 835). The foreword goes on to say how the Council "will replace the existing 2,700 properties with around 4,200 brand new, mixed tenure homes." It talks of the need to create sustainable communities where families will choose to live. The proposal is for new homes to be built to at least level four of the Code for Sustainable Homes, to help to reduce individual energy costs and energy consumption. The homes will be built with a range of tenures and designs to suit people of differing incomes and housing needs. It says "we will respond, for example, to the needs of families, older residents, and those with specific housing needs such as disability." (AAAP CD 12 page 835)
- 3.11 As referred to by Mr Cutts, the vision in the AAAP was supported by 82% of people who visited the final exhibition.
- 3.12 In his evidence, Mr Cutts describes the environmental issues affecting the Aylesbury Estate. The absence of a hierarchy of streets creates an environment which lacks legibility and is difficult to navigate. Many of the historical streets and routes have been severed and although high level walkways were provided for pedestrians, in practice these are difficult to use. Figure 9 (CD 12 page 873) in the AAAP and included within Appendix 1 (iv) shows the extent of this severance.

- 3.13 As well the provision of new homes and a more legible street pattern, the AAAP addresses the other aspects of regeneration, including schools, parks, open spaces, social and community spaces, cycle paths and footpaths. Alongside the progress on the provision of new housing as described later in my report, as part of the Southwark Schools for the Future programme three new schools have now been built in the immediate vicinity of the Estate.
- 3.14 Paragraph 1.2.4 of the AAAP (page 847 CD 12) reiterates the conclusions of the 2005 Executive report and confirms that the decision was taken to demolish and rebuild the Estate as a whole rather than refurbish it. Paragraph 1.2.5 of the AAAP (page 847 CD 12) states that "it has now become imperative to redevelop the Estate" and explains how the AAAP was brought forward in advance of the Council's core strategy in recognition of the urgent need for change.
- 3.15 The Aylesbury Area Action Plan Proposals map included in Appendix 1 Map (ii) shows the four proposed phases for the regeneration of the Aylesbury Estate. The sites within Phase 1 are shown coloured green and they are numbered Sites 1a, 1b, 1c, 7 and 10. The Order Land is referred to in the AAAP and in some of the Executive and Cabinet reports annexed to this proof of evidence as Site 7, which is within Phase 1. Site 7 is in the north east corner of the Estate.

Approach to the redevelopment

- 3.16 Alongside the AAAP process, on 20 October 2009 the Council's Executive was asked to approve the joint procurement of development and housing association partners and the phased commencement of the re-housing of the proposed Phase 1 of the regeneration (copy 2009 report and resolution annexed at Appendix 4). The report set out the progress that had been made since the 2005 approval in principle to the redevelopment strategy.
- 3.17 The first site included in the procurement was Site 1a which is located in the south west corner of the Estate as shown in the map included in Appendix 1 Map (ii). The procurement was successful and contracts were entered into with L&Q enabling them to redevelop this site for the provision of new mixed tenure homes and a new community building. This development is described more fully in Ms Taylor's evidence but in summary will provide 261 homes, 3 commercial units and a community resource centre. 52 homes and the resource centre were completed early in 2012 – all these

homes were affordable. 149 mixed tenure homes will be completed early 2013 with the remaining 60 private homes due for completion summer 2013.

- 3.18 This scheme has been very successful providing new homes for Aylesbury residents and it has won or been nominated for a number of awards as more fully described in Ms Taylor's evidence.
- 3.19 Following the procurement of L&Q as the development partner for Site 1a, on 2 November 2010, Cabinet agreed that Aylesbury sites 7 and 10 should be offered on the open market with a view to securing one or more developers to progress their regeneration in accordance with the AAAP. A copy of the Cabinet report and minutes are attached at Appendix 5.
- 3.20 The development brief for Site 7 was agreed by an individual member decision (IDM) on 2 September 2011 (Appendix 6). This report noted that analysis of the feasibility and desirability of proceeding with the development of Site 10 through a land transfer at the same time had been carried out. However, this was not recommended for the following reasons:

Firstly, it would not be possible to deliver the right solution for health and community facilities by bringing forward Site 10 at this time. Progressing a development on Site 10 without these facilities would undermine a key part of the Council and community's shared aspiration for the regeneration. Secondly, there would be a risk of constraining long-term development if Site 10 were to be delivered separately to the remainder of the surrounding area and without due consideration to the development of the whole of the estate. Site 7, the Order Land, is therefore being brought forward for early development separately from the other Phase 1 sites.

- 3.21 The regeneration of the remainder of the Estate including Sites 1b, 1c and 10 within Phase 1 will be carried out by a developer partner or consortium to be procured through the public sector EU procurement process. This approach was agreed by Cabinet on 15 May 2012 and the minutes of that meeting are attached at Appendix 7. That process is underway with a notice having been published in the Official Journal of the EU on 10 September 2012. The procurement is progressing well and it is expected that a partner will be appointed in early 2014 according to the provisional procurement timetable annexed at Appendix 8. It is important to maintain momentum with the regeneration of the Estate between completion of site 1a and appointment of

the developer partner and so the Council wishes to proceed with the development of the Order Land without undue delay.

- 3.22 Following the commencement of the redevelopment of the Order Land it is proposed that Sites 1b\1c (shown in the map at Appendix 1 Map (ii) and adjoining Site 1a in the south west corner of the Estate) are the first sites to be bought forward under the development agreement that will be put in place between the Council and the preferred development partner.

4 The Land included in the Order

The Order Land

- 4.1 The extent and ownership of the Order Land is described in detail in the Council's Statement of Case (CD 8) at paragraphs 2.1 – 2.5.
- 4.2 The Order Land comprises two residential blocks (one four and one five storey) with a total of 59 residential units and ground floor garages. In the centre of the site is a hard surfaced games court which, along with the grassed areas surrounding the residential blocks, is housing amenity land. The area immediately surrounding the Order Land is predominantly residential consisting of housing blocks ranging between 3 and 14 storeys, some of which include commercial units. To the north of the Order Land, on East Street, is a two storey terrace with retail uses to the ground floor and residential above.
- 4.3 The boundaries of the Order Land broadly follow the indicative boundary for site 7 as set out in the AAAP, and the plan on page 27 of the AAAP (CD 12 page 857) shows that this site was included within Phase 1. The table on page 165 of the AAAP (CD 12 page 1001) also gives details of the anticipated phasing programme.
- 4.4 The Order Land was included as part of Phase 1 as it formed a self-contained site. The location of this land within the AAAP is shown for indicative purposes edged red in map (iii) and at a larger scale shaded pink in map (v) Appendix 1). It is located at the end of the run of the district heating system (see district heating layout map – Appendix 9 and Ms Bates proof) and has comparatively low density housing compared to the rest of the Estate. The density on the Order Land is approximately 65 residential units per hectare compared to an average of approximately 100 residential units per hectare on the rest of the Estate. This meant that a comparatively

large number of homes could be built there compared with existing. In terms of potential new homes, 165 homes were identified in the AAAP to replace the 59 existing (table A5.1, page 936 CD 12).

- 4.5 Some of the land included in the Order is outside the planning application boundary because one of the blocks on the land (28-59 Wolverton) will need to be demolished in its entirety. This land is not being built on, and forms part of a subsequent site, but will be landscaped as part of the development of Site 7. A licence will be granted to enable the developer to have access to the land outside their planning application boundary for the purposes of landscaping. As described below in paragraphs 5.7 onwards contracts have now been exchanged with L&Q for the disposal and redevelopment of the Order Land and a copy of the licence is included at Schedule 2 of the agreement made between the Council and L&Q for the redevelopment of the Order Land dated 6 July 2012 ("the L&Q Agreement") a redacted copy of which is included as CD 21.
- 4.6 The Council resolved to grant planning consent for the redevelopment of the Order Land on 6 November 2012 and planning permission was granted and a s106 Agreement signed on 19 February 2013. Details are at CD 17, CD 18, CD 19 and CD 20, and further details of the planning application and the Council's resolution are provided in the evidence of Mr Cutts and Ms Taylor.
- 4.7 Images showing the existing layout of the buildings on the Order Land and the proposed layout following implementation of the consent are annexed at Appendix 10.

Occupation of the Order Land

- 4.8 Of the 59 residential units on the Order land, as at 6 March 2013, six are occupied by leaseholders who acquired their properties under the Right to Buy legislation (or bought them from leaseholders who had so acquired them), one property is vacant and subject to probate following the death of the leaseholder and one property is owned by an investor. There is also one secure Council tenant. The remainder are now vacant. A schedule of the current leaseholders and tenants is attached at Appendix 11.
- 4.9 The Council has already acquired, by agreement, ten of the dwellings previously held by leaseholders on the Order Land on the following dates :

51 Wolverton	06.09.2010
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30 Wolverton	17.12.2010
9 Wolverton	27.01.2011
59 Wolverton	05.03.2012
54 Wolverton	01.06.2012
26 Wolverton	15.06.2012
25 Wolverton	21.09.2012
24 Wolverton	18.12.2012
11 Wolverton	23.01.2013
22 Wolverton	28.02.2013

- 4.10 Two of the six leaseholders referred to above (paragraph 4.8) on the Order Land have exchanged contracts to surrender their leasehold interests and to purchase properties in Chislehurst on shared equity terms. These transactions are due to complete ~~as soon as~~ the relevant Chislehurst properties (currently under construction) have been completed.
- 4.11 Three further leaseholders intend to exchange contracts to surrender their leasehold interests and to purchase properties in L&Q's development at phase 1a of the Aylesbury Estate (described further by Ms Taylor) on shared ownership terms. These transactions are due to complete by the end of March, subject to contract. One further leaseholder intends to exchange contracts to surrender their leasehold interest and to purchase a property in warden assisted retirement accommodation.
- 4.12 Terms for the surrender of the leasehold interest in 36 Wolverton have been agreed with the executors and beneficiaries of the will of the deceased leaseholder and it expected that contracts will be exchanged, subject to the grant of probate, by the end of March 2013.
- 4.13 28 Wolverton is owned by Mrs Olubunmi John but this leaseholder does not live at this property as far as Council officers are aware. The property would appear to be occupied but officers are not aware of the name of the occupier. The Council's valuers have attempted to agree the purchase of Mrs John's interest and contact has been made by telephone on a number of occasions but it has not been possible to reach a settlement as at 6 March 2013.

4.14 The remaining secure tenant has agreed to take a new Council tenancy at a property elsewhere in the borough and is due to vacate the Wolverton property within the next two weeks.

5 The need for the use of compulsory purchase powers

Approach to vacant possession

5.1 As described in detail in the statements of Ms Fearon and Mr Maginn, Council officers have been supporting both leaseholders and tenants to offer re-housing options since 2009 in order to secure vacant possession of the dwellings on the Order Land.

5.2 On 9 February 2010, the Council's Executive agreed that the Council should make three or more compulsory purchase orders for the acquisition of land within Phase 1 (report and minutes are CD1). These orders were to be used in the event that vacant possession could not be secured through negotiation.

5.3 In order that the development of the Order Land can proceed the Council has made the CPO as it considered it would not otherwise be possible to obtain vacant possession of the remaining dwellings on the Order Land. The freehold title to all of the Order Land is vested in the Council so the Council needs only to acquire the outstanding leasehold interests and relocate the remaining tenants in order to achieve vacant possession of the Order Land and enable the redevelopment to commence. No other land needs to be acquired in order for L&Q to start on site.

Securing a development partner for the Order Land

5.4 In 2011 the Council undertook a competitive process to select a development partner for the Order Land. Expressions of interest were received from eight interested parties. Four of those were shortlisted and invited to submit formal proposals for the Order Land and three proposals were received on 9 March 2012. This process was designed to ensure that the selected partner had satisfied the Council of its bona fide intentions and financial ability to proceed quickly with and successfully deliver the development. The selection process evaluated proposals against a number of qualitative criteria such as the proposed scheme of development, specific design issues, planning matters and a history of successfully delivering similar schemes.

5.5 A detailed quantitative assessment of the commercial robustness of the potential development partners and their proposals was also undertaken. All bidders completed a scheme-specific financial model with supporting accommodation schedule. This has been used to assess the viability of the proposals and has allowed the Council to select a development partner and scheme which offers a high level of certainty in terms of delivery.

5.6 As referred to in paragraph 4.5 above, the redevelopment of the Order Land will be carried out by the Council's preferred development partner L&Q pursuant to the L&Q Agreement. The disposal of this site for redevelopment was approved by Executive on 17 April 2012 and minutes of that meeting are at Appendix 12.

The L&Q Agreement

5.7 The L&Q Agreement referred to at paragraphs 4.5 and 5.6 above (CD21) was signed on 6 July 2012. Details of the financial model and the terms of the agreement with L&Q are commercially confidential, but the main terms of the L&Q agreement can be summarised briefly as follows:

5.8 The transaction has been structured as a land sale whereby the Council will grant a long leasehold interest in the Order Land to L&Q to enable it to develop the land on satisfaction of certain conditions precedent. The main conditions precedent are that L&Q will obtain a planning consent for their scheme, and the Council will obtain vacant possession of the site.

5.9 The agreement has been drafted to ensure that development proceeds in a timely fashion by imposing time limits on the parties to comply with their various obligations in the agreement.

5.10 One of the conditions precedent (clause 4 of the Agreement) is that L&Q should apply for planning permission for their scheme within a certain period of time. As mentioned above in paragraph 4.6, a planning application was submitted on 16 July 2012 and a resolution to grant planning permission subject to the completion of a satisfactory s.106 planning obligation was made at a meeting of the Council's planning committee held on 6 November 2012. Notice of grant of planning consent was issued on 19 February 2013 (CD19) and Mr Cutts's evidence deals with the planning position in more detail.

5.11 A further condition precedent in the Agreement (clause 5) is that the Council will obtain vacant possession of the Order Land to enable L&Q to demolish the buildings

on the Order Land and implement their planning permission. As set out elsewhere in this evidence, the Council has sought to achieve vacant possession by agreement and has already been successful in respect of 12 of the 18 dwellings held by leaseholders (including the two leaseholders who have exchanged contracts). The Agreement provides at clause 5.1 that the Council will use CPO powers if necessary to achieve vacant possession

5.12 Ms Taylor describes in her evidence how L&Q propose to fund this scheme. I can confirm that the Council has in place funding for the buy back of the remaining interests and the demolition of 1-59 Wolverton on the Order Land as part of the overall capital programme (copy extract annexed at Appendix 13). A budget of £7.697m is currently approved by the Council for land assembly to deliver the regeneration of the Estate and the costs of land assembly on the Order Land can be contained within this.

6 Justification for the CPO

6.1 The redevelopment of the Order Land represents a significant step in the process of achieving the Council's vision as set out in the AAAP.

6.2 It is important that the Order Land is redeveloped at this time. In his statement, Mr Cutts explains more fully in terms of planning policy why failure to deliver a redevelopment of the Order Land would compromise delivery of the overall AAAP master plan. The proposed development on the Order Land will deliver new homes that will be used to provide re-housing for tenants and leaseholder from the later phases of the regeneration identified in the AAAP. Those blocks can then be bought forward for redevelopment

6.3 The Council recognises that a compulsory purchase order can only be made where there is a compelling case in the public interest (Paragraph 17 of the Office of the Deputy Prime Minister Circular 06/04 (Compulsory Purchase and the Crichel Down Rules) ("the Circular") (CD 4).

6.4 Paragraph 19 of the Circular states that "if an acquiring authority does not have a clear idea of how it intends to use the land which it is proposing to acquire, and cannot show that all the necessary resources are likely to be available to achieve that end within a reasonable time-scale, it will be difficult to show conclusively that the compulsory acquisition of the land included in the order is justified in the public interest, at any rate at the time of its making". In the case of the Order Land, the

Council's position is far removed from that described by the Circular. The Council has a very clear idea, set out in the AAAP, of how the land should be used, and is able to demonstrate that resources are available to achieve that end within a reasonable time-scale.

- 6.5 The Order has been made pursuant to section 226 of the Town and Country Planning Act 1990 ("the Act"). Section 226 (1)(a) of the Act allows the use of compulsory purchase powers if the acquisition of the land will facilitate the carrying out of development, redevelopment or improvement on or in relation to that land.
- 6.6 Section 226 of the Act is subject to subsection 1A which provides that the Council as a acquiring authority must not exercise this power unless it thinks that the proposed development, redevelopment or improvement is likely to contribute to the achievement of the promotion or improvement of the economic and/or social and/or environmental well being of its area.
- 6.7 The Council is and remains committed to the regeneration of the Estate. The decision to use compulsory purchase powers has not been taken lightly. The decision to make a CPO was taken by the Council's Executive in order that the authority to proceed with a CPO would be in place if and when those measures were needed. However negotiations with leaseholders and tenants have continued since that date and will continue throughout this process to try to secure vacant possession by agreement where at all possible. It was not until 2012 that the initial steps in the CPO process were taken. The evidence of Mr Maginn and Ms Fearon sets out the steps the Council has taken to try to obtain vacant possession by agreement with leaseholders and tenants respectively.
- 6.8 As at 6 March 2013 one secure tenant remains and Ms Fearon's evidence sets out the position on the re-housing route for this resident and the re-housing that has been completed to date.
- 6.9 As at 6 March 2013, seven of the eight leaseholders remaining on the estate had agreed terms with the Council for the purchase of their properties. These matters are in solicitor's hands, and contracts have been exchanged in respect of two of the seven. Paragraph 4.13 above set out the position with regard to the remaining leaseholder.
- 6.10 In my role in the Aylesbury team I have personally met with all the leaseholders as a group on 2 occasions and arranged for them to meet with the Leader of the Council,

the Head of Property and the Director of Regeneration. I have also met with them individually and accompanied leaseholders on a viewing to alternative premises. I have had further contact through telephone calls updating them on other options to view premises that have been organised by the Aylesbury team.

6.11 I have also negotiated with L&Q to provide the affordable option whereby the leaseholders could, if they wished, move to a property on Site 1a within the Estate or on two other sites at Bermondsey and Chislehurst that have been newly constructed by L&Q, on shared ownership terms. Seven leaseholders have pursued this option.

6.12 Despite these efforts Council does not think it is likely that it will be able to secure vacant possession of the Order Land by agreement on a timely basis thereby running the risk a) of a few remaining potentially vulnerable leaseholders remaining on the Order Land in isolation and b) of significant delay to the implementation of L&Q's planning permission and commencement of construction on the site.

6.13 The 2004 Circular makes clear that a CPO should only be made where there is a compelling case in the public interest and in Appendix A paragraph 16 identifies four factors that the Secretary of State is likely to consider in deciding whether to confirm a CPO :

i) "whether the purpose for which the land is being acquired fits in with the adopted planning framework for the area or... with the core strategy and any relevant Area Action Plans in the process of preparation...";

ii) "the extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental well being of the area";

iii) "the potential financial viability of the scheme for which the land is being acquired..."; and

iv) "whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means...".

6.14 With regard to factor i) above this is addressed in Mr Cutts' proof of evidence and I agree with his conclusions. The Council is satisfied that the planning application L&Q has made accords with the planning framework for the area, including the AAAP. That is clear from the Council's planning committee report (CD18), their resolution to grant

planning permission pursuant to that application and their decision to grant planning permission on 19 February 2013 (CD 19); it is also clear from Mr Cutts' analysis.

6.15 Factors iii and iv are dealt with in the proofs of evidence of Ms Taylor and Mr Maginn respectively and my evidence also addresses these factors .

6.16 With regard to factor ii the Council is of the view that regeneration of the Estate and of the Order land will significantly contribute to the achievement of the promotion or improvement of the economic, social or environmental well being of the area. The conclusion of the 2005 report and subsequent reports highlights this. The aim of redevelopment is and has always been the creation of:

- New, high quality homes that have a range of tenure and ownership options that are attractive and affordable for local residents and new people moving to the area
- A mixed community including families, elderly and vulnerable people
- Excellent schools, improved transport, community facilities and new businesses;
- A high quality public realm, including well designed streets, squares and parks; and an environment that is safe and sustainable.

The redevelopment of the Order Land is a key part of the Phase 1 of the overall regeneration of the Estate and the new residential units will provide new homes required for re-housing from later phases.

7. Human Rights

7.1 In exercising its powers of compulsory acquisition the Council is acting as public authority for the purposes of the Human Rights Act 1998. As such it is required to act in a manner which is compatible with the Convention for the Protection of Human Rights and Fundamental Freedoms, in particular Article 1 of the first Protocol and Article 8.

7.2 The Council has considered the order in the light of these provisions. In view of the facts as set out in my evidence and as presented to the Council's executive and cabinet throughout the decision making process, the Council considers that the exercise of its compulsory purchase powers in this case is justified by the reason that it is in the public interest, authorised by law and necessary and proportionate towards meeting the Council's objectives of regeneration.

8 Objections

- 8.1 I have seen the objection letters sent to the Secretary of State by or on behalf of the leaseholders. The Statement of Case (CD8) sets out the Council's response to the objections but I would comment as follows:
- 8.2 **Objections relating to the provision of, nature of and type of alternative accommodation** – The Council is under no obligation to re-house leaseholders but officers have been made available support to leaseholders and a number of alternative accommodation options have been provided. The Council's re-housing package and the steps it has taken to help the leaseholders in relocating in advance of the CPO are set out elsewhere in the Council's statement of case and in the evidence of Mr Maginn.
- 8.3 **Demolition is unnecessary and condition of the block is as a result of a failure to maintain the blocks** – Ms Bates sets out in her evidence the reasons why the Council believes that demolition is the only viable option for the estate as a whole including the Order Land.
- 8.4 **Objection from UKPN** – the Council and L&Q have been negotiating with UKPN with a view to agreeing the terms on which the electricity supply to the Estate can be re-provided, with a view to the UKPN objection being withdrawn prior to the Inquiry.

9 Summary and Conclusions

- 9.1 In summary I conclude that the Aylesbury Estate has been identified as in need of regeneration since the late 1990s. Over the years regeneration by way of demolition and reconstruction has been identified as the preferred way forward. Regeneration of the Estate is a Council priority and widely supported politically and by residents.
- 9.2 The planning framework supports regeneration and the planning application in respect of the Order Land is in accordance with that planning framework.
- 9.3 Regeneration of the Estate will significantly contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area. The objective of the scheme for the Order Land is to create a sustainable mixed tenure community, increasing the supply of housing and improving the public realm on the Estate.

- 9.4 The proposed scheme has planning permission and is financially viable and deliverable within a reasonable period of time.
- 9.5 Redevelopment of the Order Land which is key to the regeneration of the Estate requires vacant possession to be obtained. Despite the Council's efforts over the years the Council has been unable to obtain vacant possession by agreement and accordingly has used its compulsory purchase powers in order that regeneration can proceed. It considers that the use of these powers is lawful and proportionate. The decision to proceed with a regeneration of this nature is never taken lightly but the extent of the problems with the Estate is such that this is considered the best option not only by the Council but the Estate residents.
- 9.6 The Council has considered the human rights of the objectors to the CPO and has considered the human rights of all affected parties throughout the regeneration process. The Council considers that the benefits of the regeneration to the public as a whole outweigh the interference with the rights of the individuals living on the Order Land.
- 9.7 The tests for the justification for the making of a CPO as set out in the Circular have been carefully considered by the Council. The Council has a clear purpose and objective for the use of the Order Land, and resources are available to deliver that use within a reasonable time-scale. The Council considers that the relevant tests have been met.

LONDON BOROUGH OF SOUTHWARK

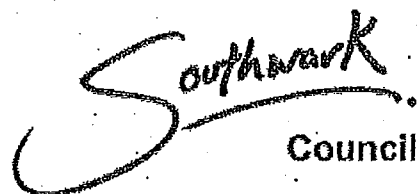
**THE LONDON BOROUGH OF SOUTHWARK (AYLESBURY ESTATE WOLVERTON 1-59)
(NO 2) COMPULSORY PURCHASE ORDER 2012**

Appendices to Proof of Evidence

by

Jane Seymour

PINS REF NPCU/CPO/A5840/70807

The logo for Southwark Council, featuring the word "Southwark" in a stylized, cursive script font, with a horizontal line underneath it. Below the line, the word "Council" is written in a simple, sans-serif font.

Appendices

1. Maps of the Estate and Order Land
2. 27 September 2005 Cabinet Report and Minutes
3. Council's standard Right to Buy Lease
4. 19 October 2009 Executive report and minutes
5. 2 November 2010 Cabinet report and minutes
6. IDM report 2 September 2011 re development brief for site 7
7. 15 May 2012 Cabinet minutes
8. Provisional procurement timetable
9. District Heating Layout map
10. Images of the Order Land as existing and as proposed
11. Schedule of occupiers on the Order Land
12. 17 April 2012 Site 7 disposal report and minutes
13. Southwark Council Capital Programme September 2012 Summary

