

Item No. 9.	Classification: Open	Date: 14 June 2022	Meeting Name: Cabinet
Report title:		Aylesbury Estate Phase 2B CPO	
Ward(s) or groups affected:		Faraday	
Cabinet Member:		Councillor Darren Merrill, Council Homes and Homelessness	

FOREWORD - COUNCILLOR MERRILL, CABINET MEMBER FOR COUNCIL HOMES AND HOMELESSNESS

This Cabinet report gives if required the authority for the council to use CPO powers to acquire the last of the leasehold properties on Phase 2B of the Aylesbury Estate. This will be done as a last resort to secure vacant possession so that the continuation of the delivery of 614 new homes can be achieved.

The blocks on this site are in need of significant investment in order to provide the high quality of housing we would want for our residents. The development requires vacant possession to enable the implementation of the plans agreed. The council will continue to work with the remaining leaseholders to come to a satisfactory outcome including making offers as set out in the report and giving the option of moving to the new council homes built on the footprint of the Estate which will be ready later this year, but as a last resort the council needs the powers to CPO to make sure this landmark regeneration continues in a timely manner and we get value for our residents.

RECOMMENDATIONS

1. That Cabinet notes the current position in relation to the delivery of new homes at Phase 2B of the Aylesbury Estate regeneration programme:
 - A planning application for the redevelopment of the site to provide 614 homes has been submitted by Notting Hill Genesis
 - Vacant possession of 297 properties has been achieved
 - The council has successfully acquired 46 leasehold properties by agreement and successfully rehoused 293 households on a secure tenancy.
2. That Cabinet notes that officers are continuing to negotiate with all 11 remaining leaseholders at Phase 2B with the intention to acquire these remaining interests by agreement.
3. That Cabinet notes that there is a compelling case for a Compulsory Purchase Order and resolves to make a Compulsory Purchase Order under Section 226 (1)(a) of the Town & Country Planning Act 1990 (“the 1990 Act”)

for all land and rights within the area of land identified within the plan at Appendix 2 for the purposes of securing the delivery of new homes on the site in line with the proposed planning consent (“the Scheme) and thereby securing the continuation of the regeneration of the Aylesbury Estate in line with the adopted Aylesbury Area Action Plan.

4. The Director of Planning and Growth, in consultation with the Director of Housing, be authorised on behalf of the Council to :
 - Take all necessary steps to secure the making, confirmation and implementation of the CPO, including the publication and service of all notices and the presentation of the Council’s case at public inquiry should one be called
 - Acquire for planning purposes all interests in land and new rights within the CPO area as may be necessary to facilitate the Scheme, either by agreement or compulsorily, including entering into negotiations with any third parties for the acquisition of the land interests and/or for new rights over their land (as appropriate), the payment of compensation and dealing with any blight notices served in connection with the CPO
 - Approve agreements with land owners setting out the terms for the withdrawal of objections to the CPO, including where appropriate seeking the exclusion of land or new rights from the CPO or giving undertakings as to the enforcement of the terms of the CPO
 - Make any minor additions, deletions or amendments to the extent of the land to be included in the CPO as shown in Appendix 1 should the need arise, so as to include all interests in land and rights required to facilitate the construction, maintenance and use of the Scheme
 - Take all necessary actions in relation to any legal proceedings relating to the CPO, including defending or settling (as appropriate) any compensation claims referred to the Lands Chamber of the Upper Tribunal due to the making or implementation of the CPO, and to take all necessary steps in respect of any other legal proceedings that relate to the making, confirmation or implementation of the CPO
 - Appoint and/or retain such external professional advisors and consultants as are necessary to assist the Council in facilitating the Scheme, including in the promotion of the CPO and the settlement of any compensation claims.

5. That Cabinet notes the progress on acquiring leasehold interests as part of the Aylesbury regeneration programme.

BACKGROUND INFORMATION

6. The background to the redevelopment of the Aylesbury Estate has been covered extensively in previous reports but is summarised here for context.

7. Having spent a number of years investigating plans for refurbishing the estate, it became apparent that the extent and cost of works required to refurbish the estate to an acceptable standard would be prohibitive and would not overcome the fundamental design flaws of the layout of the

estate. The Council took the decision in 2005 to redevelop the estate.

8. In March 2007 the council undertook the preparation of the Aylesbury Area Action Plan to establish the policy framework for the redevelopment of the estate. The Aylesbury Area Action Plan (AAP) was adopted by the council in January 2010 following extensive public consultation and an Examination in Public in 2009. It is part of the statutory development plan and deals directly with the redevelopment of the Aylesbury Estate therefore its policies have significant weight in any decisions on applications in this area. As referred to in paragraph 41, the AAP has now been incorporated into the Southwark Plan. The Council has been successful in securing Compulsory Purchase Powers for three sites on Aylesbury Estate namely Phase 1a, Site 7 (developed by L&Q) and the First Development Site.
9. Having undertaken a competitive procurement process to secure a development partner for the delivery of the regeneration of the estate, the council appointed Notting Hill Housing Trust (now Notting Hill Genesis (NHG)) to bring forward the phased regeneration of the Aylesbury Estate, and a Development Partnership Agreement (DPA) between the Council and NHG was signed on 28 April 2014. Since that date a number of variations to the Development Partnership Agreement have been agreed in order to respond to changes in requirements or the condition of the Estate.
10. Following further consultation on the masterplan for the estate, applications were submitted by NHG for detailed planning permission (reference no. 14/AP/3843) for the redevelopment of the First Development Site (FDS) within the south west corner of the estate and for outline planning permission (reference no. 14/AP/3844) for the redevelopment of the wider estate, both in line with the requirements of the development plan and the aspirations of the AAP, and both were granted consent on 5th August 2015.
11. To date 408 homes have been completed by L&Q in Phase 1A and Site 7 developments on the former Aylesbury Estate. Works are on site to complete a further 581 Council homes on contracts A and B on the First Development Site together with a further 122 homes, a new Library, Health Centre and Early Years Centre on Plot 18. These new homes are scheduled to complete between Autumn 2022 and 2025.
12. The AAP showed that the next phase for development was Phase 2. This Phase covered the following blocks

Padbury
Ravenstone
241-471 Wendover
Winslow
Brockley House
Wolverton
1-240 Wendover

Since 2014, tenants and leaseholders from these blocks have had the opportunity to move to Site 7 and off estate developments and express an interest in moving to FDS A.

13. Due to changes in external funding for housing re-provision by the GLA and the Council view on the timescales for achieving vacant possession, the Council and Notting Hill Genesis agreed that it was practical to take forward the following blocks as Phase 2B as a sub phase.

Padbury
Ravenstone
241-471 Wendover
Winslow

In addition to these blocks, the development site includes the property of the former Foxcote House and 140 Albany Road which have both been acquired through negotiation and demolished.

14. Due to the physical condition of these blocks, it is not considered to be value for money to refurbish them, and redevelopment to provide modern efficient homes is the preferred option. Demolition of the blocks over the next five years is estimated to save the council £5.4m of investment.
15. Notting Hill Genesis have funding in place to redevelop the site subject to planning permission for 614 homes of which in accordance with the AAP 50% of the homes on a habitable room basis will be affordable. In addition the development will include two substantial areas of open space, a MUGA and commercial premises. A reserved matters planning application has been submitted with a start on site, subject to vacant possession, in Spring 2023.
16. Notting Hill Genesis will procure a contractor for this development through their contractor framework.
17. It is considered that this phase will bring about significant economic, social and environmental benefits, including improvements in the quality of homes on the Estate. The space standards and access to private space, which are in accordance with the New Southwark Plan, would significantly increase the amenity for local residents. A variety of housing types: houses, flats and maisonettes will be constructed to make an inter-generational neighbourhood that meet people's needs over time. Homes are designed to give views onto green open spaces to reduce opportunities for crime and antisocial behaviour. New homes will be built to zero carbon targets.
18. A condition of GLA grant funding for estate regeneration schemes is that a policy compliant resident ballot has taken place. Under the terms of the GLA guidance exemption from a ballot can be granted by the GLA in circumstances where planning permission was in place before the guidance was issued and there has been a programme of extensive community consultation. In 2018, the GLA granted this exemption to Notting Hill

Genesis for the Aylesbury regeneration programme. The Aylesbury Estate regeneration programme has been developed in accordance with the National Estate Regeneration Strategy.

19. The council policies for acquisition of leasehold properties in estate regeneration schemes has developed over the last 25 years. The current policies have been compared favourably with those of other London boroughs by an external expert at a public inquiry. Officers seek to secure vacant possession through negotiation over the market value of the property and pay compensation for homelessness and disturbance in line with legislation. Rehousing options available for resident leaseholders include a bespoke shared equity offer through a choice based system of properties across the Borough, as well as opportunities to purchase new homes on similar shared equity terms on new homes being delivered on the footprint of estate. Where affordability may prevent a leaseholder being able to afford the ongoing cost of ownership it may be that some leaseholders are able to be rehoused as a council tenant and rehousing as a council tenant. The use of CPO powers is a last resort in this process.
20. In January 2022, Cabinet agreed additional funding for leaseholder acquisition on the Aylesbury Estate. The cost of acquiring the existing leasehold homes in Phase 2B can be accommodated within that budget.
21. This report sets out the current position in relation to the delivery of the scheme.

KEY ISSUES FOR CONSIDERATION

The legislative framework for Compulsory Purchase Orders and the Crichel Down Rules

22. Under Section 226 of the Town and Country Planning Act 1990 a council can acquire land compulsorily for development and other planning purposes. An application for compulsory purchase is assessed against a series of criteria contained in the Guidance on Compulsory Purchase Process and the Crichel Down Rules published by the Department for Levelling Up, Housing and Communities (“the Guidance”). In relation to this application, in summary the Rules are satisfied as follows
 - a) There is a compelling case in the public interest

The regeneration of the Aylesbury Estate has been the focus of consultation and council strategy for over 20 years. The case has been examined at public at both planning and CPO inquiries. The redevelopment of this site will provide high quality housing, open spaces and commercial facilities which meet local and Borough needs.
 - b) The purposes of the CPO justify interfering with the human rights of those affected

It is acknowledged that compulsory purchase will interfere with the human rights of those affected. The council is seeking to mitigate the impact on human rights of those affected through the rehousing and acquisition policies which apply to tenants and leaseholders. These policies were reviewed and amended based on the experience of rehousing tenants and leaseholders in previous phases of the Aylesbury Estate regeneration.

- c) The acquiring authority must have a clear idea of how it intends to use the land which it is proposing to acquire

Outline planning permission for redeveloping the site is in place. Notting Hill Genesis have submitted a planning application to redevelop the order land.

- d) The acquiring authority must show that all the necessary resources are likely to be available to achieve that end within a reasonable time-scale

The development of the site is the next phase following on from the construction already underway on the First Development Site and Plot 18. Notting Hill Genesis have funding in place from internal resources and GLA grant to implement the scheme. It is anticipated that works on the site will complete by 2026.

- e) The scheme is unlikely to be blocked by any physical or legal impediments to implementation.

Subject to planning permission and securing vacant possession, the scheme is not impacted by any physical or legal impediments to implementation. The scheme is in accordance with local and regional planning policy.

The Scheme

- 23. In summary, the proposed development comprises the demolition of the existing buildings on site and construction of five buildings (known as Blocks 4A, 4B, 4C, 5A and 5C). The proposed building heights range from between five to 25 storeys, with the tallest element located on the corner of Albany Road and Thurlow Street, as a gateway building next to Burgess Park. Two new public spaces are proposed (Thurlow Square and Bagshot Park). The site will be connected through a network of tree-lined streets and the existing public realm will be enhanced through detailed landscaping proposals. A total of 4,030sqm of public realm is proposed.

24. A total of 614 residential units (1927 habitable rooms) is proposed within the unit mix below:

Proposed Accommodation Schedule

	Private		Social		Intermediate		Total	
	Unit No.	HR	Unit No.	HR	Unit No.	HR	Units	HR
1 Bed	159	318	28	56	31	62	218	436
2 Bed	199	597	47	180	46	138	292	915
3 bed	9	45	37	185	5	25	51	255
4 bed	-	-	50	300	-	-	50	300
5 bed	-	-	3	21	-	-	3	21
Total	367	960	165	742	82	225	614	1927

The residential accommodation provides:

- 49.8% private and 50.2% affordable units (by habitable room) with an affordable split of 76.7% social and 23.3% intermediate.
- 33.5% 1-bedroom units, 47.6% 2-bedroom units, 8.3% 3-bedroom units, 8.1% 4-bedroom units and 0.5% 5-bedroom units.
- 10.1% of units are wheelchair accessible (62 units).
- 74% of units are dual aspect and there are no single aspect north facing units.

25. The residential units will be supported by the following:

Private and Communal Amenity:

Private amenity is provided through private rear gardens for ground floor homes and balconies for those at upper floors. A total of 3112.35 sqm of private amenity space will be provided throughout the site. Each proposed residential building will be served by a communal garden. Blocks 4B and 5C will also have a roof terrace and Block 5A will have an area of amenity on a podium. The total communal amenity provision is 4,275sqm.

Play Space:

A total of 3,205 sqm of play space is proposed in the form of three public play spaces (including a new Multi Use Games Area in Bagshot Park) as well as doorstep play in communal areas.

Car and Cycle Parking:

Car parking for wheelchair users and existing residents is provided on-street, within the Block 5A podium and within the Block 4A/D basement. A total of 79 spaces are provided, six of which are car club spaces.

1,092 cycle spaces are provided across the site, including 70 visitor cycle parking spaces. The cycle parking stands comprise a combination of sheffield stands, two-tier stands and spaces for cargo bikes.

Servicing:

Loading bays are located throughout the development, with five bays in total.

Refuse:

Each block will accommodate its own refuse storage within communal stores, which will include food storage and bulky waste storage. All refuse storage accords with the Southwark Waste Management Guidance Note for Residential Developments (2014).

26. The proposed development proposes circa 400 sqm (GIA) of flexible floorspace for commercial business and service uses (Class E) and local community and learning uses (Class F1/F2(a)(b)). This is located at the ground floor of Block 5A. Two non-residential units are proposed, one facing onto Thurlow Square and one wrapping around the corner onto Mina Road.
27. The delivery of Phase 2B Site within the programme is a key priority for the council as it will deliver key rehousing options for tenants and leaseholders on the later phases of the scheme thereby enabling vacant possession to be secured.
28. As set out above resident consultation took place on the AAAP and the masterplan for the Estate. Since July 2021, Notting Hill Genesis have been consulting on the detailed proposals for the site. The methods used include a Commonplace website, in person events at the market and on the Estate, youth workshops and consultation with groups such as the TRAs and Friends of Burgess Park. Over 3000 comments were received on the Commonplace site and over 60 surveys have been completed. There is considerable support for the proposals in particular the new open spaces and community facilities.
29. In accordance with the relevant legislation governing CPOs, the development proposal has the following benefits for the area
 - a) Economic

The proposals will provide a level of flexible commercial space. This will be available for local businesses and will therefore benefit the local economy. The building contract to implement these proposals will create a series of construction jobs and training opportunities targeted at the local community.
 - b) Social

The proposals will provide a large number of high quality homes for rent, sale and shared ownership. This will significantly improve the quality of housing accommodation available in the area. The proposals also create spaces for community and learning opportunities.

c) Environmental

The proposals will be serviced by a modern, efficient energy and heating system including the use of air source heat pumps and photo voltaic panels. The proposals provide amenity space, play space and landscaped open space.

Tenure Mix

- 30. The currently proposed scheme for the Phase 2B site includes a total of 614 mixed-tenure housing units comprising units for social rent, units for intermediate shared ownership and units for private sale. The tenure split is consistent with that required by the AAAP and NSP (50% affordable by habitable room).
- 31. Once completed, these units would provide further opportunities to rehouse existing secure tenants and resident leaseholders from later phases within the estate.

The Site

- 32. The extent of the Phase 2B Site is shown in the plan at Appendix 1. The Phase 2B Site comprises the residential blocks at Padbury, Ravenstone, Winslow and 241 -471 Wendover. The current occupation is as follows

Block	Total number of units	Number of secure tenants	Number of leaseholders	Number of temporary accommodation units	Void
Padbury	25	1	3	3	18
Ravenstone	81	3	2	16	60
241-471 Wendover	237	17	4	12	204
Winslow	30	2	2	11	15
Total	373	23	11	42	297

- 33. The council has already rehoused 293 secure tenants from these blocks and negotiated to acquire 46 leasehold properties in these blocks. Agreement is in place with a further 3 leasehold interests although 2 of these are held in probate which is delaying sale. Of the 46 leaseholders who have already moved, 18 were resident leaseholders of whom 1 moved to a council home, 3 moved to Notting Hill Genesis property off estate and 1 moved to Site 7.
- 34. The secure tenants and those in temporary accommodation in these blocks are prioritised under the Local Lettings Scheme for the new Council homes at FDS Contract A which are scheduled to complete between August and December 2022. Resident leaseholders in these blocks are being offered the opportunity of a new shared equity home in FDS Contract A.

Vacant Possession

35. While construction of the Phase 2B scheme can commence on land already within the council's control, full implementation of the scheme will require the council to achieve vacant possession of the blocks listed above to enable these buildings to be demolished and this land to be redeveloped as part of the scheme in line with the proposed planning application.
36. To date, the council has successfully rehoused a total of 293 of the 316 households on secure tenancies on the same basis and the council's Area Housing Office is continuing to work with the remaining households on a secure tenancy to facilitate their move to a new property. As with all tenants relocated from the Aylesbury Estate, all tenants relocated retain the option to return to new homes on the estate should they wish to do so.
37. The council has reached agreement with 3 of the remaining leaseholders and is continuing to seek to negotiate with all 8 remaining leaseholders where agreements have not been reached with the intention to acquire the remaining interests by agreement. The council's aspiration is to acquire all outstanding interests by agreement and thereby secure vacant possession of the block and complete the redevelopment of the site without the need to utilise its statutory compulsory purchase powers.
38. As further properties become vacant within the block, following successful rehousing of the remaining secure tenant households, or buy back of outstanding leaseholds, these properties will no longer be utilised for further lettings and will be held void until the block is fully vacant prior to its demolition. A total of 297 properties within the blocks are currently held void in this way.
39. The council has been seeking to acquire the leasehold interests since 2014 and a number of offers have been made to the majority of the leaseholders over this time. Three of the leaseholders have instructed lawyers to complete the negotiations with the Council. One of the leaseholders has accepted the Council's offer but is yet to instruct solicitors as they are still looking for a replacement property. Of the remaining 7 leaseholders, 5 have appointed surveyors to act on their behalf and discussions are ongoing, 1 is undertaking negotiations themselves, whilst 1 leaseholder, who is non-resident, has not engaged with the Council to date although an offer has been made.
40. The council is continuing to negotiate with the remaining leaseholders, however it is now considered necessary to promote a compulsory purchase order for the blocks comprising Padbury, Ravenstone, Winslow and 241-471 Wendover and associated land as identified in Appendix 1 in parallel with negotiations, as provided for in the Guidance on the use of Compulsory Purchase powers issued by the Department for Levelling Up, Housing and Communities. This will give further impetus to stalled negotiations and ultimately to provide certainty of acquiring all remaining interests required to ensure full vacant possession of these blocks within the timescale required by the construction programme for Aylesbury Estate regeneration

programme. It will ensure the redevelopment of the Phase 2B Site fully in line with the proposed scheme and thereby ensure delivery of new homes on the site to support the existing and incoming residents.

Policy framework implications

41. The local plan for the borough, the Southwark Plan 2022, was adopted in February 2022 and fully replaced the Aylesbury Area Action Plan 2010. The Southwark Plan 2022 includes policies specific to the Aylesbury Estate including the site allocation NSP01 for the Aylesbury Action Area Core. The site allocation sets out the site requirements, a minimum residential capacity of 4,200 homes (gross), the phasing plan for the site and reports on the delivery of homes and new community facilities so far.
42. The outline masterplan for the regeneration of the estate provides for new housing, open space and commercial properties in this location, within the site now referred to as Phase 2B. In determining the application for outline planning permission, the masterplan was assessed against the relevant development plan policies and guidance at that time, among which significant weight was attached to the policies of the Aylesbury Area Action Plan, and the principles of the masterplan were found to conform to the policy framework.
43. The outline planning permission was granted subject to a range of parameter plans in relation to the height, layout, open space provision, land use, basement area, access /circulation and phasing. In determining the reserved matters application, the detailed proposals for Phase 2B will again be assessed against the statutory development plan policies and guidance as well as against the parameters and specifications within the outline planning permission to ensure compliance with the policy framework and outline consent.
44. In developing proposals for the site, both Notting Hill Genesis and the council have had regard to policy H8C of the London Plan in determining the approach to retention of the existing buildings on the site.

Community, equalities (including socio-economic) and health impacts

Community impact statement

45. As set out in the detailed description of the scheme at paragraphs 23 to 26 the proposed redevelopment brings about significant benefits which together contribute to a significant increase in the social, economic and environmental well being of the site itself, the wider estate and the borough as a whole. The implementation of the scheme for Plot 18 will deliver a range of new community facilities which will support the new and existing residents.
46. The scheme will address the poor quality of existing physical environment. Existing buildings are of poor quality, using poor quality building materials,

employing outdated construction methods, severely in need of costly repair, and representing inefficient land use with a low density of residential accommodation. The site also comprises under-utilised spaces, reducing personal security and perceived safety, with the ground plane dominated by car-focussed uses, deterring the use of this space by local people.

47. The proposed redevelopment of the site will bring about a significant improvement of the physical environment within the site. It will deliver a broad range of open spaces, a MUGA and commercial space. The development will also provide new high-quality homes, contributing towards an increase in both the quantum and quality of residential accommodation on the site and contributing to corresponding improvements in the wider area. The homes that will be built will see significant improvement on the existing stock and will retain the spaciousness of the existing properties.
48. While these scheme benefits are significant and compelling they must however be weighed against any potential disbenefits. The council has given detailed consideration to the potential adverse impacts of bringing forward the proposed redevelopment and promoting the associated CPO. The primary potential area for direct adverse impacts arises from the requirement for households currently resident within the Site to be relocated outside of the Site in order to allow for the construction of the development in line with the existing planning consent. In the absence of council rehousing policies to enable affected residents to be able to stay in the local area this could give rise to a number of resulting adverse impacts such as disruption, unfamiliarity with a new area, difficulty maintaining access to local amenities, services and other social and cultural amenities. However, it is considered that the council's rehousing assistance and associated support and guidance enable these potential adverse impacts to be fully mitigated.
49. As outlined above, the land to be included in any CPO currently comprises blocks of 373 residential properties, of which 89 are presently occupied. It is considered that the adverse impacts on these households resulting from the scheme are mitigated as they would be rehoused through the council's regular rehousing processes by the time of implementation.
50. There are currently 23 households occupying a property on a secure tenancy. This tenants have priority rehousing status and the housing office are working with them to assist them with the rehousing process. Again it is considered that the adverse impact on these households resulting from the scheme are mitigated. They have been given priority status in bidding for alternative accommodation either within existing council stock or that of housing association partners. As this is a choice-based bidding system, tenants are able to exercise personal choice in the location of moves. This ensures the ability to remain within the local area should they wish to do so.
51. There are 11 leasehold interests remaining in the site. In line with Compulsory Purchase and Compensation guidelines set out by the Government, leaseholders receive market value for the purchase of their

property, plus a home loss payment of 10% for resident leaseholders, or 7.5% for non-resident leaseholders, as well as disturbance payment to cover the reasonable costs of moving, such as removals costs and fees. Even where purchasing properties by agreement, the council makes offers on this basis in recognition that this would be the basis for a purchase under a CPO.

52. While issues relating to the value of leasehold interests are not in themselves a consideration in promoting a CPO, it is acknowledged that there is a disparity in existing values on the estate and those in the surrounding areas which if unmitigated could present a barrier to resident leaseholders remaining in the area and continuing to access services, employment opportunities and community ties. The council has, therefore, put in place a range of rehousing options for resident leaseholders which, depending on the individuals' specific circumstances, can result in the offer of a council tenancy on a council-owned property, the purchase of a council property on either shared ownership (where rent is paid on the unowned portion) or shared equity (where no rent is paid on the unowned portion) terms, or the purchase of a housing association property on either shared ownership or shared equity terms. Such options provide the opportunity for existing residents to be able to choose to remain in the local area, should they wish to, and thereby mitigating any potential impacts on individuals' ability to continue to access local services and amenities resulting from the proposed CPO.
53. The council has sought to mitigate any disbenefits through a range of reasonable and proportionate measures focused on rehousing and compensation options, in order to realise the public benefits associated with the redevelopment. The council has given consideration to the potential disproportionate impacts that could potentially arise and has identified and implemented measures to mitigate such impacts as far as possible. It is therefore considered that there remains a compelling case in the public interest for the scheme to proceed and therefore for the council to promote a CPO for the site.

Equalities (including socio-economic) impact statement

54. Section 149 of the Equality Act 2010 lays out the Public Sector Equality Duty (PSED) which requires public bodies when taking decisions, to have due regard to the need to:
 - a) Eliminate discrimination, harassment, victimisation or other prohibited conduct;
 - b) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it;
 - c) Foster good relations between those who share a relevant characteristic and those that do not share it.
55. The Council through a process of regular review has been considering the impact on all protected groups throughout the development of the Council's

proposals for all regeneration projects within the borough. This has led to the Council developing rehousing policies for leaseholders affected by regeneration proposals in the borough.

56. These have identified that the council has a range of measures in place to mitigate any potential impacts of regeneration proposals, including:
 - a) Rehousing policies through the Council which provide a range of local re-housing opportunities that enable residents to move locally (if they choose to do so) to a new home that meets the needs of their family and financial position.
 - b) A dedicated team of officers which supports both tenants and leaseholders through the rehousing process.
 - c) Providing support and guidance about a range of routes to all residents affected by regeneration but with particular focus on those that may be vulnerable or in need of additional support.
 - d) The development of new homes in the borough which will provide high quality homes to modern standards for residents in the borough to move to.
57. Therefore, the council considers that the potential impacts of the scheme are fully addressed through the operation of its rehousing policies and provision of dedicated support and guidance available through Council officers and local independent organisations that provide support and guidance to Aylesbury Estate residents.
58. Through the consultation process, the council has also sought to update its understanding of the makeup of individuals affected by the rehousing and process. The council will continue to monitor any resulting impacts. The council will also seek to update and expand upon this information throughout the ongoing process as it continues to discharge its public sector equality duty.
59. In addition, an Equality Health and Impact Assessment (EqIA) is being undertaken by the Council and completed by Mott McDonald to ensure the impacts of the re-development of the estate have been independently assessed.
60. It will identify differential or disproportionate effects, both positive and negative, on those with protected characteristics from the development proposals and sets out mitigation or enhancement measures that the council can put in place. It looks at these factors ahead of confirming decisions and policy. Relevant mitigation measures are identified and are embedded into the redevelopment programme.
61. The equalities impact assessment is being carried out in accordance with the Equality Act 2010 and the council's Public Sector Equality Duty and builds upon previous work already carried out by the Council.

62. The assessment will be shared with the consultants engaged to work on this programme to inform their resident engagement process alongside the council's.
63. The funding allocations proposed relate to the implementation of policies including leaseholder policy, local lettings policy and compulsory purchase activity for which separate Equality Health and Impact Assessments are completed.
64. The compulsory acquisition of land will interfere with Article 1 First Protocol Convention Rights. However Article 1 of the First Protocol allows such interference if it is in the public interest and in accordance with the law. The use of CPO powers as contemplated by this report is lawful in Article 1 terms provided that the Council strikes a fair balance between the public interest and the private rights of individuals which are protected by Article 1. It is also relevant that compensation is available to persons affected by compulsory acquisition in certain circumstances. It is considered that the compelling benefits of the Scheme in the public interest justify the interference with Article 1 rights in this case when weighed against the private rights of individuals.
65. As regards Article 6 Convention Rights, there are well established statutory procedures that will give all of those likely to be affected by a CPO the right to be notified and the opportunity to object. Any such objections may cause a public inquiry to be held where those objections can be heard. Compensation disputes can be referred for hearing by the Lands Chamber of the Upper Tribunal. For these reasons Article 6 is complied with.

Health impact statement

66. The health impacts of the policies that this funding relates to are addressed in the EqIAs referred to above.

Climate change implications

67. The redevelopment of the site will lead to the development of new homes which meet modern standards. The energy efficiency measures include:
 - Thermally efficient, well insulated building fabric meeting the London Plan's 'Be Lean' target.
 - Communal Air Source Heat Pump, provides low CO2 emission heating and hot water source. With backup communal gas boiler providing for peak demand.
 - PV panels to provide on-site green electricity generation.
 - The risk of overheating is being minimised in anticipation of warm weather events.
 - Large sustainable urban drainage (SUDs) features such as a rainwater attenuation basin reduces pressure on mains drains.
 - The potential for existing site materials to be reused, and the potential to reduce embodied carbon emissions in new buildings is being

reviewed as part of the GLA's Circular Economy and Whole Life Carbon assessment requirements.

- A net increase in the site's biodiversity is being targeted as part of the GLA's sustainability.

68. In accordance with GLA guidance, the planning application assesses the carbon impact of demolishing the existing buildings on the site taking into account the level of building materials that can be recycled.

Resource implications

69. The acquisition process continues to be met within existing resources within the council, supplemented with external professional advice as required. This was set out in the report to Cabinet in January 2022 which approved the budget for acquisitions. This includes compensation payable to those affected by compulsory purchase, which is paid whether their property is acquired by agreement prior to the making of an order, or as a result of the order.

Legal implications

70. The report recommends that a compulsory purchase order is made under Section 226(1)(a) of the 1990 Act. The report of the Director of Law and Governance below sets out further detail of the legal implications of that recommendation.

Financial implications

71. A budget has been approved as part of the council's Housing Investment Programme for the costs of acquiring properties in the CPO area, including any legal proceedings and the use of professional advisors and consultants.

Consultation

72. Consultation is ongoing with all affected leaseholders and tenants. In addition discussions have taken place with the wider estate TRAs and the RSG.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Governance

73. The purpose of this report is to recommend that the Council makes, and subject to confirmation, implements, a compulsory purchase order under section 226(1)(a) of the Town and Country Planning Act 1990.

74. Section 226(1)(a) of the 1990 Act gives local authorities the power to compulsorily acquire land in their area if the authority think that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land. The use of the power is limited by s226(1A) which provides that a local authority must not exercise the power unless they think that the development, redevelopment or improvement is likely to contribute to

the achievement of any one or more of three objects, namely the promotion or improvement of the economic, social or environmental well-being of their area.

75. Paragraph 29 sets out a summary of the economic, social and environmental well-being benefits the implementation of the scheme will bring to the area.
76. Appendix 2 provides further detail on the legal powers available to the Council in connection with the use of its CPO powers and the curbs on the use of those powers, further detail on the Human Rights and Equalities implications of the use of those powers, and detail of the CPO process, including the entitlement of affected parties to compensation.

Strategic Director of Finance and Governance (H&M 22/014)

77. The Strategic Director of Finance and Governance notes the current position in relation to the delivery of new homes at Phase 2B of the Aylesbury Estate regeneration programme and the recommendation to make a Compulsory Purchase Order to help secure the continuing redevelopment of the Aylesbury Estate as outlined in this report. As outlined in the financial implications section of this report, the estimated costs associated with the acquisition of properties in the CPO area are expected to be contained within the approved budget that exists for this scheme.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Aylesbury cabinet report January 2022	160 Tooley Street London SE1 2QH	Paula Thornton 020 7525 4395
Link (please copy and paste into browser): https://moderngov.southwark.gov.uk/documents/s104415/Report%20Future%20of%20Aylesbury%20Estate.pdf		

APPENDICES

No.	Title
Appendix 1	Site plan of Aylesbury Phase 2B
Appendix 2	Procedural and Legal Matters

AUDIT TRAIL

Cabinet Member	Councillor Darren Merrill, Council Housing and Homelessness		
Lead Officer	Michael Scorer, Strategic Director of Housing and Modernisation		
Report Author	Neil Kirby, Head of Regeneration South		
Version	Final		
Dated	1 June 2022		
Key Decision?	Yes		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer Title	Comments Sought	Comments Included	
Director of Law and Governance	Yes	Yes	
Strategic Director of Finance and Governance	Yes	Yes	
Cabinet Member	Yes	Yes	
Date final report sent to Constitutional Team	1 June 2022		