

**EXECUTIVE - TUESDAY 9 FEBRUARY 2010**  
**ITEM NO. 14 – HEYGATE REHOUSING – COMPULSORY PURCHASE ORDER**  
**(See main Agenda pages 196-213)**

**APPENDIX FOUR**

**Consideration of Public Benefits and Human Rights**

1. As is explained in Appendix 3, paragraphs 42-45, in deciding whether to proceed with a compulsory purchase order, the Council is required by law to balance the benefits that are likely to result from the proposed development against the interference with the human rights of those affected. In the proposed Order areas there are both business and residential occupiers.
2. As is explained in the Report, extremely good progress has been made in relocating residents out of the Heygate Estate, and relatively few remain. It is hoped that agreement will be reached with those parties, but as is explained compulsory purchase powers are needed to ensure that vacant possession can be secured.
3. Lend Lease are still in the process of working up their detailed proposals for the regeneration of the Elephant and Castle area, and for the land included in Sites 1 and 2. However, their proposals will be guided by, and will follow, the principles and approach contained in the 2004 Elephant and Castle Supplementary Planning Guidance (SPG).
4. Sites 1 and 2 form a vital part of the whole area's regeneration. The comprehensive regeneration proposals for the whole Elephant and Castle area will come forward in a planning application or applications by Lend Lease. These applications will include the proposals for the land which is included in the proposed orders for Sites 1 and 2, and will reflect the contents of the SPG and related Development Framework.
5. Whilst the proposals for the wider Elephant and Castle area and the public and regeneration benefits that will flow from them, are well known and can be considered in detail in the Development Framework and SPG, the proposals and benefits associated with the proposals for Sites 1 and 2 must be considered.
6. The Council's objectives for Sites 1 and 2 comprise a new residential quarter in a high-quality and green environment. Traffic will be controlled and access and permeability improved. The new residential development will provide a range of housing opportunities. The area will become a much more attractive place to live and should attract a wider range of residents.
7. Again, quality homes will be provided in an area which will be served by shops and services, and in an environment which is safe and attractive and in which traffic is properly controlled.
8. The proposals which will come forward in the areas including Sites 1 and 2 will be provide a hugely significant improvement in the area and, in conjunction with the regeneration proposals for the rest of Elephant and Castle, will totally transform the area. Whilst the transformation of the whole area will only be achieved with the comprehensive delivery of the redevelopment and regeneration proposals defined in the SPG and Development Framework, the delivery of the proposals in Sites 1 and 2 will start to achieve the long-standing aim of delivering a step-change in the area.

9. It is clear that the delivery of the regeneration proposals in the area of Sites 1 and 2 will in themselves significantly contribute to the achievement of environmental improvements of the area; will improve the social well-being and amenity of those living and working in the area and will provide new employment opportunities and opportunities for improving the economic well-being of the community. Not only will these proposals achieve this for the immediate area of the proposed orders but they will form a vital part of achieving, and will contribute to, the regeneration of the Elephant and Castle as a whole.
10. Against these benefits must be weighed the interference with the human rights of those who remain in the Estate, which will result from the pursuing of the Order. Having considered these matters, it is felt that the public benefits associated with the proposals underpinning the proposed orders outweigh the interference with individuals' rights. Given that the proposals cannot be advanced without securing the outstanding interests in the areas and the existing buildings being demolished, it is also considered that the use of CPO powers is proportionate.
11. In reaching this view, the officers have also had regard to the facts that those whose land is acquired by compulsory acquisition will be compensated on the basis of ensuring that they are not left out of pocket and that the Council is providing full assistance to those who remain so as to help with their relocation and re-housing needs.
12. In the event that objections are made to either or both of the proposed orders, a public inquiry will be arranged by the Secretary of State to enable those objectors to be given a fair hearing and in ensuring that any decision to confirm the orders is made with all material considerations having been taken into account.