

Cabinet 17th December 2018

Report title Investing in better neighbourhoods and building the homes we need to house the people of Lambeth – South Lambeth – Proposed Compulsory Purchase Order

Wards: Stockwell

Portfolio: Cllr Matthew Bennett, Cabinet Member for Planning, Investment and New Homes

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Report summary

Cabinet is asked to authorise the making of a Compulsory Purchase Order (CPO) in respect of South Lambeth Estate (the “Estate”) to acquire all outstanding property interests necessary to deliver the South Lambeth Regeneration Scheme (the “Scheme”). Authority to make a CPO is sought to ensure that vacant possession of land required for the Scheme can be obtained should the council fail to reach a negotiated settlement for the purchase of the outstanding land interests. This report sets out a number of decisions required by the council in order to progress with the preparation for making a CPO.

Cabinet are advised that the Key Guarantees (as approved by Cabinet in March 2017) will not be changed as part of this process. Importantly for residents of this estate, commencing a Compulsory Purchase (CP) process does not require residents to be relocated immediately; rather they would need to move in due course according to phasing of development and after new homes have been built. The current programme of dialogue and negotiations to agree relocation arrangements with all affected interests will continue and fits with the planned delivery programme.

Adoption of the recommendations in this report does not necessarily mean that a CPO will be used to enable delivery of the South Lambeth Scheme. As per Government Guidance on the use of compulsory purchase (CP) powers, the council has been and will continue to seek to reach negotiated settlement with all those land interests that are required to deliver the Scheme and implementation of a CPO will be a last resort. The authority given in this report assists the council by making it clear to all outstanding land interests that the council intends to deliver this Scheme and is willing to use a CPO, if required. The report also clarifies what known land interests will be affected by the Scheme.

This report, including the appendices, contains the relevant information required to justify the making of a CPO, in due course as proposed. The information on which these decisions are being requested is in a draft format as preparatory work on the information required for the

proposed CPO is an iterative process. Detailed information will be confirmed closer to the point at which the council formally commences the CP process, if required.

Finance summary

As part of the CP process the Council will need to demonstrate that funding is in place to deliver the proposed scheme. As the Council has previously agreed to provide funding to Homes for Lambeth this condition is capable of being satisfied, although the exact conditions of the funding will need to be agreed at the appropriate time.

If the Council needs to purchase all identified properties via the CP process, the cost is estimated at £25m, it is likely that the actual expenditure will be much less. The costs of undertaking the CP process can be contained with existing approved budgets.

Recommendations

- (1) That Cabinet hereby authorises the making of a CPO in respect of South Lambeth Estate and delegates authority to the Cabinet Member for Planning, Investment and New Homes after consultation with the Strategic Director, Neighbourhoods and Growth and the Head of Legal Services to take all necessary steps to make the CPO, pursue its confirmation by the Secretary of State (or the council), to implement the CPO and to secure land assembly for the Scheme. These steps are set out in Section 2 of this report.

- (2) To authorise amendment to the red-line boundary previously provided to Cabinet on 12th October 2015 to include the acquisition of:
 - 124 Clapham Road (Plot 15 on the CPO plan at Appendix 3), and
 - land owned by Notting Hill Housing Trust (Plot 6b on the CPO plan at Appendix 3),as the Scheme has been extended to incorporate these sites where acquisition of these sites is required to deliver the Scheme and will provide additional homes and improve the qualitative design of the Scheme (see Appendix 8).

- (3) To note the appendices to this report, including the indicative red-line boundary for the South Lambeth Compulsory Purchase Order (i.e. the proposed Order Lands) (Appendix 3), the draft Statement of Reasons (Appendix 6) which sets out the justification for the proposed CPO and the Equalities Impact Assessment (Appendix 5).

- (4) To delegate authority to the Cabinet Member for Planning, Investment and New Homes to agree a localised Lettings Plan for the Scheme as defined in paragraphs 2.18 and 2.19.

1 Context

Appropriate Use of Compulsory Purchase Powers

- 1.1 Local authorities are able to make use of statutory compulsory purchase powers in order to acquire land and land interests in order to progress projects within their area where there is a compelling case in the public interest for doing so. The Government's "Guidance on Compulsory purchase process and The Crichel Down Rules" (Department for Communities and Local Government CPO Guidance February 2018) (the "CP Guidance") includes the following words:

"Acquiring authorities should use compulsory purchase powers where it is expedient to do so. However, a compulsory purchase order should only be made where there is a compelling case in the public interest for doing so".

- 1.2 The use of compulsory purchase powers should be a last resort to secure the assembly of land and a local authority considering the use of such powers is expected to seek acquisition of land by negotiated settlement prior to and concurrently with commencing the CP process. The CP Guidance states that:

'The confirming authority (Secretary of State) will expect the acquiring authority to demonstrate that they have taken reasonable steps to acquire all of the land and rights included in the Order by agreement.

Compulsory purchase is intended as a last resort to secure the assembly of all the land needed for the implementation of projects. However, if an acquiring authority waits for negotiations to break down before starting the compulsory purchase process, valuable time will be lost. Therefore, depending on when the land is required, it may often be sensible, given the amount of time required to complete the compulsory purchase process, for the acquiring authority to:

- *plan a compulsory purchase timetable as a contingency measure; and*
- *initiate formal procedures*

This will also help to make the seriousness of the authority's intentions clear from the outset, which in turn might encourage those whose land is affected to enter more readily into meaningful negotiations'.

More detail on the requirements of the CP Guidance is set out in the draft Statement of Reasons which is attached as Appendix 6.

- 1.3 The council is already putting considerable effort into engaging with all known owners of land or interests that will be directly affected by the Scheme (as set out in section 5 of this report). However, in making this authorisation for the use of CP powers at this time to enable the delivery of the Scheme, the council is demonstrating that it is willing to use a CPO as a means of last resort to deliver the Scheme; this in itself assists in the process of engaging with land interests and helps to ensure that negotiations are taken seriously by parties that would be directly affected by the Scheme.

- 1.4 The making of the CPO, as the first formal stage in this process, will facilitate the acquisition and/or extinguishment of all land interests to enable the delivery of the Scheme. In accordance with best practice, the council will continue to endeavour to reach a negotiated settlement on reasonable terms with all remaining owners of any property interest within the proposed Order Lands (see paragraph 1.6 and 1.7). CPO powers would only be used where a negotiated settlement on reasonable terms cannot be reached within a reasonable timescale with all land interests or there are unknown interests; only one land interest needs to remain outstanding to impede delivery of the Scheme and this would necessitate use of a CPO.
- 1.5 The appropriate legislation under which the CPO would be made is section 226(1) (a) of the Town and Country Planning Act 1990 (as amended by Section 99 of the Planning and Compulsory Purchase Act 2004) under which local planning authorities may compulsorily acquire land for planning purposes where the authority think that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land. However the power must not be exercised unless the authority thinks that this is likely to contribute to the achievement of the promotion or improvement of the economic, social or environmental well-being of their area. As set out in the Statement of Reasons (Appendix 6) officers believe that the proposed acquisition of the Order Lands and delivery of the Scheme will meet these tests and contribute to the promotion or improvement of the economic, social and environmental well-being of the Estate and for Lambeth.

Land which is proposed to be the subject of the proposed South Lambeth Compulsory Purchase Order 2019 (the Order Lands)

- 1.6 The land proposed to be included in the CPO includes:
- The known interests listed at Appendix 1
 - The known interests listed in Appendix 2
 - All land included in the red line plan at Appendix 3
- 1.7 A detailed referencing process will be required and undertaken prior to making any CPO to confirm all land interests within the Order Lands, including identifying any unknown interests.
- 1.8 The Statement of Reasons is a key document which sets out the reasons why the council is seeking to use CP Powers, the legislation that it intends to apply, details the efforts to acquire interests without necessitating the use of CP powers and that there are no impediments to the scheme progressing. This document, along with a copy of the Order, the CPO red-line boundary plan and schedule of interests will be submitted to the National Planning Casework Unit who will manage the confirming authority's response to the CP process.

Housing Need

- 1.9 Lambeth's foremost commitment is to ensure that every one of our residents has the opportunity to live in a good-quality home that is affordable and suitable for their

needs. However, there are simply not enough homes, particularly affordable homes, to meet the needs of people in Lambeth.

- 1.10 Lambeth, like all London boroughs, is facing a major housing crisis. In Lambeth almost 29,000 people are on the waiting list for a Council home; the number of homeless families in temporary accommodation has risen sharply to over 2,100 (April 2018), the vast majority of which are families with children. Every year between 3,000 and 4,000 people apply to be on the Council's housing waiting list. This equates to 60 to 80 households per week. Last year the Council was able to provide housing for fewer than 1,000 households each year. This equates to around 20 households per week and includes internal transfers from one Council property to another. In the context of these challenges, the Council is seeking to improve both the quality and quantity of the housing in Lambeth.
- 1.11 As a response to this compelling housing need, the council has made a commitment to seek to deliver by a variety of means 1,000 affordable homes over the five years from 2015. The estate regeneration programme is one of the initiatives that is being progressed by the council to seek to meet this ambition.
- 1.12 The council has a London Plan commitment to work to deliver an annual target of 1,559 new homes in the borough between 2015 and 2025. This Scheme will make a contribution to meeting this target.

Scheme Benefits

- 1.13 As outlined at paragraph 1.5 above, the Scheme will contribute to the promotion or improvement of the economic, social or environmental well-being of the Estate as:
- The Scheme will renew the economic vitality of the Estate by:
 - Increasing the supply and quality of homes, maximising the delivery of new affordable homes and meeting local needs, including housing for families. The new homes will be built to modern standards that will benefit residents in terms of accessibility, energy efficiency and choice of tenure;
 - Improving access to and the quality of the local environment with outstanding public spaces and housing that promotes low energy consumption and environmental sustainability;
 - Promoting mixed and sustainable communities which provide a high quality of life for people of all ages and backgrounds, in safe, cohesive and healthy neighbourhoods, supported by high quality housing and excellent community buildings; and
 - Enabling local people to take advantage of economic opportunity in Lambeth with support for training, employment and enterprise.
 - As well as a more attractive public realm being created by the Scheme, it also provides other environmental benefits including:
 - The new community hub
 - Further community space at Wimborne House
 - New retail provision

More detail on the planning application can be found on the Council's website at <https://planning.lambeth.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=P0T7CFBOIX100>

Estate Regeneration Programme

- 1.14 To help to address these challenges around housing supply and quality of housing, Lambeth has embarked upon an estate regeneration and housing delivery programme to provide more and better homes for the residents of Lambeth. The estate regeneration programme can deliver better homes for existing residents, additional new homes for those on the waiting list and additional homes generally. A detailed history of the genesis of the estate regeneration programme and the council's objectives for the programme were set out in the Cabinet report of March 2016.
- 1.15 The programme priorities (Programme Priorities) are as follows:
- A programme which is based on joint working with residents to develop proposals which they can support;
 - To increase the supply and quality of homes, maximising the delivery of new affordable homes and meeting local needs, including housing for families;
 - To improve access to and the quality of the local environment with outstanding public spaces and housing that promotes low energy consumption and environmental sustainability;
 - To promote mixed and sustainable communities which provide a high quality of life for people of all ages and backgrounds, in safe, cohesive and healthy neighbourhoods, supported by high quality housing and excellent community buildings;
 - To enable local people to take advantage of economic opportunity in Lambeth with support for training, employment and enterprise; and
 - To support the cultural heritage of the borough and to build on the distinct sense of place.
- 1.16 While the council has to tackle the housing crisis for future generations, it also has to do its best for its current residents. No one in the council underestimates the potential stress that regenerating an estate can cause. To reduce this as much as possible, the council has developed communication principles, which have been guiding the process by which the council engages with residents through the feasibility process and going forwards on the development of masterplans for each estate. These are:
- keep uncertainty for residents to a minimum;
 - ensure residents have an understanding of the bigger picture;
 - make it clear to residents that their voices have been heard by decision makers; and
 - ensure that residents have the information they need to make the best choices about their families' futures.
- 1.17 A key component of this strategy has been the formulation of a set of Key Guarantees (KGs), which are commitments designed to give residents confidence about their

future, despite the shorter term inherent uncertainties during an estate regeneration project. The reason for adopting the KGs are as follows:

- to provide those who will be affected by regeneration with as much certainty as possible to enable them to understand better how regeneration will affect them;
- to provide confidence to those who will be affected by regeneration that, as far as is possible, they will not be made homeless as a consequence of regeneration;
- to set out how tenants and homeowners will be compensated for being forced to move or have to sell their home as a consequence of regeneration;
- to enable the council to negotiate with homeowners either to acquire their properties or to enter into an agreement to purchase a shared ownership home; and
- because it is quite possible that CPOs may be required to facilitate the delivery of each estate and to make it clear that negotiations with leaseholders will be taking place in that context.

1.18 Key Guarantees to residents were originally drafted in July 2015. Between July 2015 and March 2017 extensive engagement took place with those residents who would be directly affected by estate regeneration leading to a formal consultation and final adoption of an improved set of KGs in March 2017 (see Cabinet report of March 2017). Part of the process of improving the KGs involved asking Tenant Participation Advisory Service to carry out a formal review of the original drafted commitments. This review concluded that the KGs met all statutory requirements. The KGs are attached at Appendix 7.

The Estate

1.19 The South Lambeth Estate is located in Stockwell Ward in the north of the London Borough of Lambeth. It is situated on Clapham Road and is bound to the north by Dorset Road and to the south by Albert Square/Wilkinson Street. Property owned by Notting Hill Housing Trust form the western boundary. South Lambeth is a post-war designed estate.

1.20 South Lambeth Estate was included in the council's estate regeneration programme in December 2014 because it has considerable potential for intensification and provision of additional new homes. The current low density of the Estate is such that it offers considerable scope to increase the number of homes on the Estate, and they would be homes that would be readily accessible to public transport.

1.21 South Lambeth Estate comprises 206 residential properties in total, of which 105 are in a single large block (Wimborne House), and 101 are situated in a series of low-rise blocks. The Estate has open space comprising grassed areas, shrubbery, play space, estate roads and hard surfaced parking areas. There are also four shops (five retail units) on the Estate, situated on Dorset Road (within Broadstone House). Apart from Wimborne House, the density of the Estate is low, particularly given its central location and good accessibility to public transport. In the low-rise portion of the Estate, which is the majority of it in terms of area, there are 53 rented (tenanted) 7 void or let as temporary accommodation (previously secure tenanted) and 41 leasehold properties of which 22 are owner occupied leasehold properties which are required to be vacated

to facilitate the Scheme. It is intended that the Scheme will deliver a total of 362 new and replacement homes.

- 1.22 Within the proposed Scheme area there are 4 estate shops and a restaurant at 124 Clapham Road with residential accommodation, consisting of one 4-bedroom property above. The latter premises are now included within the Order lands (see paragraph 1.28) as their acquisition will provide land for additional homes in the Scheme and also improve the qualitative design of the Scheme.
- 1.23 In addition, there is an electricity substation let on a lease to UK Power Networks. The lease will need to be terminated and the substation relocated to an alternative site within the Scheme.

The Scheme

- 1.24 The Scheme involves demolishing all of the homes currently on the Estate except for Wimborne House (that is to say all of the homes on the low rise parts and comprising 101 properties), and building 362 new homes – an increase of 261 homes. The new homes will also be of higher quality than the existing ones. The regeneration will also include improving the public realm on the Estate and its design generally.
- 1.25 The Scheme will require compulsory acquisition of any land interests not acquired by agreement, new rights and temporary possession rights over various plots of land to ensure effective delivery of the Scheme.
- 1.26 The regeneration of the Estate would also bring other significant benefits including improved housing stock (given the age and condition of some of the existing homes), and improvements in public realm and general urban design, all contributing to improving significantly the character of the Estate.
- 1.27 To help build these homes the council is establishing Homes for Lambeth, a wholly council-owned company, so there is no loss of control to a private developer or external housing association. The preferred ownership and management model for the future homes is for the new homes to be developed and owned by Homes for Lambeth. The preferred model at this stage is for the new homes to be a mix of private sale and affordable tenures. The affordable tenures will be 43.47% of the total scheme calculated by habitable rooms.
- 1.28 A proposal has been made to include additional parcels within the CPO boundary, so as to deliver a more comprehensive development. The Order Lands plan attached (Appendix 3) shows all the land included within the CPO boundary as follows:

- 1.28.1 The inclusion of 124 Clapham Road (which can be identified from the plan at Appendix 3 as plot 15) will provide a further seven residential units to the Scheme. Three of the residential units will be partial refurb/new build units on the upper floors of the existing restaurant building, and four units will be in a new link building connecting the existing building with the Scheme's new build Block A. These residential units are in addition to the other benefits of including 124 Clapham Road in the Scheme, including urban/conservation design and the contribution of the proposed community hub which is to be located in the ground floor space.
- 1.28.2 Amenity land adjacent to Melcombe House (which can be identified from the plan at Appendix 3 as plot 6b) which is owned by Notting Hill Housing Trust. This land will facilitate delivery of the Scheme as:
- 1.28.2.1 part of the proposed scheme is to be built upon this land
 - 1.28.2.2 the land will be used for site facilities and storage during the construction period; and
 - 1.28.2.3 once construction is complete the land will be landscaped for use by Notting Hill and Homes for Lambeth residents.
- 1.29 The overall proposal for the South Lambeth Estate is to demolish 101 homes and provide 362 new and replacement homes. These will be provided in three phases (see phasing plan at Appendix 4):
- The first phase is to be delivered as a single block on Dorset Road and will provide 30 homes of which 18 will be at council level rent for existing tenants and five as shared ownership/equity for resident leaseholders relocating within the Estate from Broadstone and Sturminster Houses to facilitate securing vacant possession of buildings for phase 2 of the Scheme. The balance of the new homes will firstly be offered to tenants and leaseholders from later phases of the scheme and then to people registered on the council's waiting lists...
 - Phase 2 of the scheme will be developed on the part of the Estate currently occupied by Broadstone and Sturminster Houses. This phase will provide properties which will be the relocation option for tenants in Osmington, Swanage and Verwood Houses. The phase will provide a mix of affordable and private sale units and relocation options for resident leaseholders as shared ownership/equity units.
 - Phase 3 of the Scheme will be developed on the part of the Estate currently occupied by Osmington, Swanage and Verwood Houses. This phase will provide a mix of affordable and private sale units.
- 1.30 As explained at paragraphs 1.22 and 1.28 above it is now proposed to include additional land in the Scheme and the Order Lands. Officers have assessed that this inclusion is justified and meets the two part test set out in the Cabinet report of 12 October 2015, as its inclusion will qualitatively improve the masterplan and the delivery of additional new homes. Detailed information on the rationale for inclusion of these sites is set out in Appendix 8. The council will seek to reach agreement with the owners of the additional land, relying on CPO as a contingency measure.

- 1.31 The Cabinet report of 12 October 2015 authorised officers to progress the Scheme on the basis of a partial redevelopment of the Estate. That Cabinet report set out the justification for redeveloping part of the Estate and the objectives that the council sought to meet in carrying out such redevelopment.
- 1.32 The Cabinet report of 12 October 2015 noted that there was a strong likelihood that a CPO would be required to facilitate land assembly for the Scheme.

Scheme Delivery

- 1.33 Taking forward the council's Estate Regeneration Programme is a commercial endeavour for the council. The programme is not about selling off our estates to private developers, but investing in them for the future. Each estate regeneration project is a significant development project that will require commercial and financial acumen and understanding and management of development risk.
- 1.34 As set out in the Cabinet reports of 12 October 2015 and 15 May 2017 the council has agreed to establish the Homes for Lambeth group of companies to facilitate the delivery of the new homes. This group of companies has now been incorporated. This group is being supported by appropriate commercial advice and expertise. In due course, use of this group may enable a degree of cross-subsidy from one project to another. However, in the shorter term, projects that are being progressed as part of this programme are each being considered separately in terms of their individual financial merits and viability.

2 Proposal and Reasons

Proposal

- 2.1 The regeneration of the Estate is one of the council's key priorities and is a key element of the council's "Investing in better neighbourhoods and building the homes we need to house the people of Lambeth" programme.
- 2.2 Authorisation is sought to allow the use of CP powers to enable delivery of the Scheme together with the authority to take all necessary steps to make the CPO, pursue its confirmation by the Secretary of State (or the council) and to implement the CPO.
- 2.3 It is proposed that Cabinet authorises the making of a CPO in respect of South Lambeth Estate and delegates authority to the Cabinet Member for Planning, Investment and New Homes after consultation with the Strategic Director, Neighbourhoods and Growth and the Head of Legal Services to take all necessary steps to make the CPO, pursue its confirmation by the Secretary of State (or the council), to implement the CPO and to secure land assembly for the Scheme.
- 2.4 Without prejudice to the generality thereof this delegated authority to make the CPO and pursue its confirmation includes:
- a. authorising the making of the South Lambeth Compulsory Purchase Order 2019 under Section 226(1) (a) of the Town and Country Planning Act 1990 (as amended by Section 99 of the Planning and Compulsory Purchase Act 2004) and if required

for any new rights over the land pursuant to Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 and the Acquisition of Land Act 1981 in order to secure the regeneration of the Estate as described in this report;

- b. acquiring all known interests in land (Appendix 1) and any additional interests identified through the land referencing process within the CPO boundary either by private agreement or compulsorily, including those interests listed in Appendix 2. The proposed CPO boundary containing the Order Lands is shown on the plan at Appendix 3;
- c. acquiring any new interests in land necessary for the delivery of the Scheme either by private agreement or compulsorily;
- d. arranging for the publication and/or service of any notices required in respect of the CPO, including its implementation;
- e. ensuring on behalf of the council that appropriate efforts have been made to reach negotiated settlements before the CPO is made;
- f. seeking confirmation of the CPO by the Secretary of State (or, if permitted, by the council pursuant to Section 14A of the Acquisition of Land Act 1981), including the preparation and presentation of the council's case at any public inquiry which may be held in respect of the CPO, or any written representations procedure;
- g. implementing the CPO by way of general vesting declaration and or notice to treat / notice of entry or other means; and
- h. dealing with any disputes relating to the CPO including as regards compensation and any references of matters to the Upper Tribunal (Lands Chamber).

2.5 In making this decision, Cabinet is asked to note the following:

- a. the indicative red-line boundary for the South Lambeth Compulsory Purchase Order (i.e. the proposed Order Lands) (Appendix 3);
- b. the draft Statement of Reasons (Appendix 6) which sets out the justification for the proposed CPO;
- c. that the Equalities Impact Assessment (EqIA) has been reviewed and updated and sets out the relevant equalities impacts associated with this decision (Appendix 5); and
- d. the indicative timeline for the proposed CPO as set out in section 10 of this report.

2.6 Cabinet needs to be aware that the red-line boundary previously provided to Cabinet on 12th October 2015 has been extended through the masterplanning process to include the acquisition of:

- 124 Clapham Road as the Scheme has been extended to incorporate this site as the acquisition will provide additional homes and also improve the qualitative design of the Scheme; and
 - land owned by Notting Hill Housing Trust as the Scheme has been extended to incorporate rights over this site, as it is required to facilitate Scheme delivery.
- 2.7 Justification for extending the red-line boundary is provided in Appendix 8. The Cabinet decision of 12th October 2015 envisaged that the masterplanning process would potentially identify reasons to extend the original red-line boundary of the estate and identified two tests to be achieved in such scenarios:
- *that the incorporation of such additional land area within a masterplan would qualitatively improve it in place-making terms (both within the masterplan area and in terms of how it fits within its wider context); and,*
 - *that incorporation of such additional land area would achieve net additional new homes.*
- 2.8 The council's Equalities Panel has reviewed and provided advice upon the EqIA. The updated EqIA is attached as Appendix 5 and discussed further in Section 7.
- 2.9 In preparing to make the CPO, under the oversight of the Head of Legal Services, officers will finalise the Statement of Reasons, the CPO red-line boundary plan and all statutory documents and notices relating to the CP process.
- 2.10 In preparing to make the CPO and thereafter working to secure land assembly for the Scheme, continued negotiations will be required with land owners under existing delegations. Where necessary, the Cabinet Member for Planning, Investment and New Homes is delegated authority to take or approve any additional necessary steps following the making of the South Lambeth Compulsory Purchase Order 2019 to secure land assembly for the Scheme.
- 2.11 In order to facilitate the delivery of the Scheme, a localised Lettings Plan for the Scheme will need to be prepared and agreed in accordance with the council's adopted Allocation Scheme, where it delegates authority to the Strategic Director for Neighbourhoods and Growth to agree localised lettings plans. Under the Key Guarantees, the council has already committed that such local lettings plans for estate regeneration schemes will be prepared in consultation with residents. The localised Lettings Plan required for the Scheme is described further in paragraphs 2.18 and 2.19.

Reasons

- 2.12 Compulsory purchase of the property interests identified at Appendices 1 & 2 will facilitate the land assembly to deliver the proposed Scheme and will help the council to secure the Programme Priorities as regards the Estate.
- 2.13 The Scheme would also bring the following benefits:
- Improved lighting
 - Improved access to buildings

- Significant improvements to the public realm on the Estate through the implementation of a landscaping strategy
- Improved play space targeted at different age groups
- Replacement retail premises
- Community room in Wimborne House
- Creating new entrance to rear of Wimborne House to facilitate access to the landscaped areas and play spaces
- Creating a community 'growing area' for residents of Wimborne House
- Community hub in 124 Clapham Rd
- Increased cycle storage facilities
- Energy efficient homes
- More sustainable use of energy
- Improved permeability of the wider area
- Larger homes
- Replacement of studio flats with one bedroom flats

2.14 The justification for obtaining CP powers is set out in detail in the draft Statement of Reasons at Appendix 6.

2.15 It follows therefore that the Scheme and its benefits are put at considerable risk if control of the land is not obtained within a reasonable time or at reasonable cost. In the absence of a CPO, or the authority to make and use a CPO if required, negotiations by the council with individual land interests could still be held, but would be very much more difficult and potentially more expensive, putting the viability of the Scheme at risk.

2.16 In addition, without CP powers, there will be uncertainty for tenants and leaseholders as to whether the Scheme will progress, which will make it harder for them to make informed decisions about their future, or to get alternative accommodation which meets their requirements.

2.17 Further, without a CPO there would be no obligation on the council to reimburse leaseholders' additional costs for reaching voluntary settlements, such as surveying and legal fees

Localised Lettings Plan

2.18 In the Cabinet Decision in October 2015 to redevelop the South Lambeth estate, the council committed to put in place a local lettings plan for residents on the estate. Through its adopted Key Guarantees to residents affected by estate regeneration, the council has committed to work with residents in the formulation of localised lettings plans. Lettings Plans are defined by the Lambeth Allocation Scheme (2013) as follows:

The Council reserves the right to implement a Lettings Plan that sets a target proportion of properties of different sizes to be offered to transferring tenants. In order to achieve the agreed target, a proportion of properties may be offered to transfers ahead of other applicants (or vice versa).

- 2.19 In the case of regeneration of the South Lambeth estate, there are two elements to a localised Lettings Plan:
- a) South Lambeth Local Allocation Strategy, whereby the Scheme has been designed so as to accommodate re-housing of secure tenants and resident homeowners, so that the council is able to honour its commitments under the Key Guarantees to those directly affected by estate regeneration to make sure that there is a suitable new home available for them to move into as a consequence of their existing home being demolished. A process needs to be developed and adopted to ensure that the new homes are fairly allocated to the existing residents (resident homeowners and secure tenants) of the estate on a phased basis as the Scheme progresses; and
 - b) South Lambeth Local Lettings Plan, whereby a number of newly built affordable homes will be reserved for those who will be most affected, albeit indirectly, by delivery of the Scheme. In the case of South Lambeth, this Local Lettings Plan will be strictly limited to those secure tenants living in Wimborne House at the time that the Local Lettings Plan is implemented, who will experience construction work for an extended period of time in close proximity to their homes.

3 Finance

- 3.1 In deciding to make a CPO, the Council needs to be confident that such a step is likely to be successful before committing expenditure.
- 3.2 CPO guidance is clear that in justifying the making of an order the council must provide substantive information about the sources of funding for both acquiring land and implementing the schemes for which the land is required, and that the funding is available now or early in the process. A general indication of funding availability and any commitment from third parties should be shown. This is necessary to demonstrate to the SoS that there is a reasonable prospect that a scheme will proceed. The Council should be able to satisfy this condition, as it has already agreed in principle to on-lend to Homes for Lambeth who are expected to deliver the scheme, and the council is able to source the required funding from the Public Works Loan Board as and when required.
- 3.3 At the point that the council decides to make a loan to Homes for Lambeth, the council will clearly need to assess the risks associated with making the loan. These will revolve around scheme viability which will depend on various factors such as construction costs, rent levels and market sales prices which are subject to change over time and not directly under the council's control. Existing modelling demonstrates that the scheme has the potential to be viable, although this will require the allocation of grant funding from the GLA at current levels, as well optimum design of the housing units in order to maximise income whilst minimising costs and agreement with the council as to timing of repayment of costs incurred in buying back units owned by homeowners.
- 3.4 Once a CPO is made then the council potentially needs to fund the purchase of all the properties identified within the red line as well as making home-loss and disturbance payments. For South Lambeth Estate these costs are estimated at 25m. It is highly

unlikely that all of this expenditure will be required as many leaseholders are likely to opt to move into a new home on the redeveloped estate, but the Council needs to be aware of the maximum possible expenditure required to enact the CPO. To support this expenditure the council has secured £10m from the GLA for a housing zone that includes South Lambeth Estate; this funding can be used to help secure vacant possession of leasehold and freehold interests.

- 3.5 Within the financial modelling, assumptions have been made about the numbers of homes on the estate that will need to be purchased based on experience with previous schemes. Clearly the actual number of homes purchased is likely to be different and thus the modelling and thus viability position is likely to change over time.
- 3.6 Aside from the capital costs of the potential purchases, it is expected that the other costs related to making a CPO, including staff time and legal costs can be contained within existing Estate Regeneration budgets, initially agreed by Cabinet in April 2014.

4 Legal and Democracy

- 4.1 CP powers should be used where it is expedient to do so, but a compulsory purchase order should only be made where there is a compelling case in the public interest. The council's Statement of Reasons, in its final form, will reflect what action the council has taken to acquire the land by private treaty and will demonstrate that the council needs to have CP powers to achieve its objective to deliver the Scheme and that there is a compelling case in the public interest for use of CP powers.
- 4.2 Section 226(1) (a) of the Town and Country Planning Act 1990 (as amended) empowers local planning authorities, on being authorised by the Secretary of State, to acquire land compulsorily if they think that the acquisition will facilitate the carrying out of development, re-development or improvement of the land in their area. The wide power in Section 226(1) (a) is subject to the restriction under Section 226 (1A) which provides that an acquiring authority must not exercise the power under Section 226(1)(a) 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 their area.
- 4.3 The Acquisition of Land Act 1981 ("the 1981 Act") contains the procedures which apply to such an acquisition, the Compulsory Purchase Act 1965 governs post-confirmation procedures and other associated legislation governs the assessment of compensation.
- 4.4 The 1981 Act provides that the authorisation of a compulsory purchase is to be conferred by a CPO. A CPO is required to be made in a prescribed form, in accordance with the Compulsory Purchase of Land (Prescribed Forms) (Ministers) Regulations 2004 (the 2004 Regulations) and must describe by reference to a map the land to which it applies (i.e. the Order Lands), including the names and addresses of affected parties identified as having interests in the land. This information constitutes personal data within the meaning of the General Data Protection Regulation (EU) 2016/679 (GDPR). If the council makes a CPO, it must submit the CPO to the Secretary of State for confirmation. Prior to submission to the Secretary of State, the council must publish notice of the making of the CPO specifying that the order has been made, describing the land and the purpose for which it is required, naming a

place where the order and map (the red-line plan showing the Order Lands) may be inspected and specifying a time which (and the manner in which) objections may be made. The council must also serve a notice in prescribed form on affected owners, lessees, tenants or occupiers of the land allowing them the opportunity to object. The procedure for confirmation is specified in the 1981 Act and may require the holding of a public inquiry if there are objections which are not withdrawn.

- 4.5 The council must comply with its obligations under the GDPR as a data controller of the information to be printed in the CPO. In particular, Articles 5(1)(a) and (b) of the GDPR state that the council must ensure that its use of the information is lawful, fair and transparent, and that the information is not processing in a manner that is incompatible with the purposes for which it was collected. This Report and accompanying Appendices contain general information as regards affected interests. In accordance with the requirements of the 2004 Regulations, parties personal data will be added into the final CPO, before it is published and served. This is permissible for GDPR purposes pursuant to Schedule 2, Part 1, paragraph 5 of the Data Protection Act 2018, which applies to personal data consisting of information that a data controller is obliged by an enactment to make available to the public. The information that is required to be included in the published order qualifies for this exemption because sections 11 and 12 of the 1981 Act, read with the 2004 Regulations, require the council to publish that information and so it is necessary for compliance with a legal obligation to which the council is subject.
- 4.6 For any new rights required, section 13 of the Local Government (Miscellaneous Provisions) Act 1976 enables the council, subject to authorisation by the Secretary of State, to create and acquire new rights over land compulsorily.
- 4.7 In the event of temporary possession rights being required, section 18 of the Neighbourhood Planning Act 2017 (when in force) will enable the council to take temporary possession of land compulsorily. Any such land ought to be separately identified on the CPO red-line plan.
- 4.8 The confirming authority will expect the acquiring authority to demonstrate that it has taken reasonable steps to acquire all of the land and rights included in the CPO by agreement. In this respect, section 227 of the Town and Country Planning Act 1990 provides an equivalent power for the council to acquire land by agreement where required for any purpose for which a local authority may be authorised to acquire land under section 226 of the Town and Country Planning Act 1990. Furthermore, the council has the power under section 120 of the Local Government Act 1972 to buy land by agreement for the purposes of any of its functions or for the benefit, improvement or development of its area.
- 4.9 CP is intended as a last resort to secure the assembly of all the land needed for the implementation of projects. However, if an acquiring authority waits for negotiations to break down before starting the CP process, valuable time will be lost. Therefore, depending on when the land is required, it is often sensible, given the amount of time required to complete the CP process, for the acquiring authority to:
 - produce a timetable for making a CPO as a contingency measure; and

- initiate formal procedures.
- 4.10 This will help to make the seriousness of the authority's intentions clear from the outset, which in turn might encourage those whose land is affected to enter more readily into meaningful negotiations.
- 4.11 The CP Guidance has been taken into account and referred to, as appropriate, in the preparation of this report.
- 4.12 Before making a CPO, the council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who do not. Moreover, in addition to the nine protected characteristics outlined in the Equality Act 2010, the council also considers 3 additional local priority characteristics of socio economic inequality, health inequality and language particularly English as a second language. More details on equalities issues are provided in Section 7 and a full Equalities Impact Assessment is provided at Appendix 5.
- 4.13 The making of a CPO is an executive function, by virtue of section 9D of the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000. Pursuant to section 9E (2) of the Local Government Act 2000, Cabinet may arrange for the discharge of an executive function by an officer of the authority.
- 4.14 The Statement of Reasons (draft attached as Appendix 6) will detail the rationale for the CPO and outline that the funding for the Scheme is in place.

Human Rights

- 4.15 The council, as a public body, is under a duty to consider whether the exercise of its powers interacts with rights protected by the European Convention, set out in the Human Rights Act 1998. The Convention rights applicable are:
- 4.15.1 Article 1, Part I - protects the right of everyone to the peaceful enjoyment of possessions.
 - 4.15.2 Article 6 - entitles those affected by powers sought for the proposed development to a fair and public hearing by an independent and impartial tribunal
 - 4.15.3 Article 8 - protects the right of the individual to respect for his private and family life, his home and his correspondence
- 4.16 Any interference with a Convention right must be necessary and proportionate and in pursuing a CPO, the council has to consider carefully the balance to be struck between individual rights and the wider public interest. This is dealt with in more detail in the draft Statement of Reasons (Appendix 6), which explains that whilst there may be some interference with Convention rights, it would be appropriate to make the CPO due to the benefits that the Scheme will bring. Further, affected parties will be able to make formal representations about the CPO as part of the statutory process for

making and confirming the CPO. Affected parties will also be entitled to appropriate compensation under the relevant provisions of the Compensation Code if the CPO is confirmed and implemented.

4.17 The council must consider the implications of the Human Rights Act 1998. In particular the Cabinet, when deciding whether to make a resolution to progress with the proposed CPO, must have regard to the following:

4.17.1 With regard to Article 1, First Protocol and Article 8, the council must weigh any interference with these Convention rights as a result of the Order with the public benefit if it is made. The Scheme to which the Order relates offers very significant public benefit. The council has to consider whether the significant public benefits of quantitative and qualitative increase of housing outweighs the effects of the CPO upon those who own property in the Order Land such that there would not be a disproportionate interference with their Article 8 and Article 1, First Protocol rights. The need for the Scheme is detailed in the draft Statement of Reasons at Appendix 6. Those affected by the exercise of compulsory acquisition powers will be entitled to compensation.

4.17.2 With regard to Article 6 various Convention rights are likely to be relevant to the CPO, including:

- a) The entitlement to a fair and public hearing in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process.
- b) The right to peaceful enjoyment of possessions (First Protocol Article 1). This right includes the right to peaceful enjoyment of property and is subject to the State's right to enforce such laws as it deems necessary to control the use of property in accordance with the general interest.
- c) The right to life, in respect of which the likely health impacts of the proposals will need to be taken into account in evaluating the scheme (Conversion Article 2).
- d) That the European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole". Both public and private interests are to be taken into account in the exercise of the council's powers and duties as a local planning authority. Any interference with a Convention right must be necessary and proportionate.
- e) The right to respect for private and family life, including a person's home (Convention Article 8).

However, in recognition of these points the Scheme has been extensively publicised and consultation has taken place with the communities and parties that will be affected by the Order. Furthermore, those affected by the CPO will be notified, will have an opportunity to make representations and/or objections, and statutory objectors (objectors who are owners, lessees, tenants, occupiers or others who would have been entitled to receive a notice to treat or claim compensation) will have the right to be heard at a public inquiry.

- 4.18 In resolving to approve progressing a CPO, the Cabinet must have regard to:
- 4.18.1 Whether its decision and consequent actions would infringe the human rights of anyone affected by the making of the CPO. The council must carefully consider the balance to be struck between individual rights and the wider public interest. Officers advise that any interference with the Convention rights caused by the CPO will be justified and proportionate in order to secure the social, physical and environmental regeneration that the Scheme will bring. Appropriate compensation will be available to those entitled to claim it under the relevant provisions of the Compensation Code; and
- 4.18.2 The rights of property owners under the European Convention of Human Rights, as incorporated into domestic law by the Human Rights Act 1998. Officers advise that in balancing the rights of the individuals affected and the interests of the public, and especially in the light of the significant benefits arising from the Scheme, there is a compelling case in the public interest for making the Order and that the interference with human rights arising is justified and proportionate.

Planning Permission

- 4.19 One of the points made in the CP Guidance is that the council will need to be able to show that the Scheme is unlikely to be blocked by any physical or legal impediments to implementation. This includes the need for planning permission.
- 4.20 The council (in its role as local planning authority) has considered and approved a hybrid planning application in May 2018.
- 4.21 The application was prepared by the council and their planning advisor (Tibbalds). In its capacity as local planning authority, the council considered the proposed Scheme to be compliant with national policies (The National Planning Policy Framework), the London Plan and the Lambeth Local Plan 2015. As such, it considered that it will contribute to meeting housing objectives with regard to the Lambeth Housing Strategy 2012 and the delivery of the London Plan housing target for Lambeth. The application had regard to the following policy requirements of the Lambeth Local Plan:
- Policy H1 – Maximising Housing growth
 - Policy H2 – Delivering affordable housing
 - Policy H4 – Housing mix in new developments
 - Policy H5 – Housing Standards

Highways

- 4.22 The council or the contractors appointed to deliver the Scheme will make all necessary applications for a “stopping up order” or orders to be made pursuant to section 247 of the Town and Country Planning Act 1990 to authorise the stopping up or diversion of any existing highway land within or around the Order Lands where its status as

highway is not compatible with the Scheme – primarily because it is being built upon. Temporary closures might also be needed during the construction process.

Rights to Light

- 4.23 One of the implications of high-density development is the potential to reduce the light reaching windows and other apertures in surrounding buildings. This is a material consideration in the planning process, where there are well-established methodologies for calculating daylight/sunlight penetration and diminution. However, even when a development has planning consent, there may still be rights to light (a form of property right) that need to be dealt with.
- 4.24 Section 203 of the Housing and Planning Act 2016 enables a local authority to override third party rights, such as rights to light, where the relevant development is being carried out with planning permission on land that has been acquired or appropriated by the council for planning purposes (appropriation of land being permitted by section 122 of the Local Government Act 1972). As a result, a right to compensation arises in favour of the proprietor of the rights overridden.
- 4.25 Land required for the first phase of the Scheme is proposed to be appropriated by the council for planning purposes so as to facilitate the operation of Section 203 as described above.
- 4.26 Details of impacts upon rights to light are set out in the attached draft Statement of Reasons (Appendix 6).
- 4.27 Appropriate settlement offers will be made in accordance with statutory requirements.

Report Publication

- 4.28 This proposed key decision was entered in the Forward Plan on 04 August 2018 and the necessary 28 clear days' notice has been given. The report will be published for five clear days before the decision is considered by Cabinet. Should it be approved, a further period of five clear days, the call-in period, must then elapse before the decision becomes effective. If the decision is called-in during this period, it cannot be enacted until the call-in has been considered and resolved.

5 Consultation and co-production

- 5.1 The council has been working closely with the tenants and homeowners on the Estate since it was originally announced that it was considering regeneration of the Estate in December 2014. Since that time there have been numerous events on the Estate. There is a Resident Engagement Panel that meets monthly to discuss regeneration issues and council officers are present on the Estate every week to discuss issues with residents. A newsletter is also issued monthly. There have also been formal consultations that have taken place on the Estate in relation to programme-wide issues, such as the improvement of the Key Guarantees. Data collection for the Equalities Impact Assessment has taken place. This involved door-knocking across the Estate, seeking to meet with every existing resident .

- 5.2 The Key Guarantees (as discussed in paragraphs 1.17 and 1.18) to residents have been developed to ensure that tenants and homeowners directly affected by regeneration schemes have the benefit of specific undertakings as to their options for rehousing.
- 5.3 The Scheme will require the relocation of 59 (net of voids and temporary accommodation) existing tenants from their current homes. Ten tenants have already accepted accommodation elsewhere retaining the option to return to the Estate. Arrangements are being put in hand for rehousing of the remaining 49 tenants.
- 5.4 The Scheme allows for the development of the phase 1 site (see the site phasing plan attached as Appendix 4) prior to any need for the demolition of any existing homes on the Estate. This will enable the commencement of the decant programme described in paragraph 5.6 for tenants that will need to be rehoused and who wish to remain on the Estate to have the option of relocating into one of these new homes on a permanent or alternatively, on a temporary basis pending a future move to an alternative location within the newly developed areas of the Estate.
- 5.5 The Scheme allows for the development of phase 1 of the scheme prior to any need for the demolition of any existing homes on the Estate. This will enable rehousing for all 19 tenants and 6 shared ownership for resident leaseholders that will need to be rehoused from phase 2 and who (at the current time) have indicated they wish to remain on the Estate to have the option of relocating into one of these new homes on a permanent or, alternatively, on a temporary basis pending a future move to an alternative location within the newly developed areas of the Estate.
- 5.6 Current tenants who do not wish to relocate to new premises on the Estate (of which at present there is one) have the following options available to them for relocation:
- To choose an existing home on the Estate with a secure tenancy as a tenant of the council (this option would only arise in respect of the homes that are being retained on the Estate if suitable home meeting their housing need becomes available).
 - To bid for an alternative home elsewhere in the Borough through the Choice Based Lettings system with high priority (Band A). Through the Choice Based Lettings system, one can bid for both council and housing association homes in Lambeth. If they move to another council home, they will retain their secure tenancy.
 - To ask the council to provide advice and, if possible, assistance to move to another home not in Lambeth.
- 5.7 A housing needs survey was conducted earlier this year which allowed residents to express their preference for; single move, double move, relocation outside of the Scheme and buyback or shared ownership for resident leaseholders.
- 5.8 Of the one remaining tenant who specified a wish to move away from the Scheme they have been registered on the Choice Based Lettings system with decant priority, and will bid for suitable properties that become available to facilitate their rehousing.

Acquisition of leasehold premises

- 5.9 The Scheme will require the acquisition of a total of 42 leasehold premises to secure land assembly. For the 22 remaining resident leaseholders this would involve the homeowner either selling their property to the council (buyback) or an equity swap into a new property in the Scheme (this latter option is only available to resident homeowners). For the remaining 18 non-resident leaseholders to be acquired they will have to sell their property to the council at a negotiated price and they will receive basic loss compensation in addition to the sale price.
- 5.10 To date, 18 resident leaseholders on the Estate have indicated that their preference is to reach agreement with the council to acquire one of the new properties in the Scheme within the Key Guarantees framework. The remaining four resident leaseholders have indicated that their intention is to relocate away from the Estate.
- 5.11 For non-resident property owners the only available option is to sell the property to the council at market value plus basic loss, on terms to be agreed, failing which CP powers will be used. The council will seek to secure voluntary settlements.
- 5.12 As at 30th September 2018 one leasehold property has been acquired by the council, a further one will have the acquisition by negotiation completed imminently and there is ongoing dialogue to progress negotiated settlements.

Acquisition of other Land Interests

- 5.13 Details of interests to be acquired are set out in **Appendix 1**. The main interests that will be affected are:
- 5.13.1 Leases for commercial units in Dorset Road.
- 5.13.2 Various land interests owned by Notting Hill Housing Trust.
- 5.13.3 Interests in approximately 20 square metres of electricity substation situated to the rear of Broadstone House.
- 5.13.4 Approximately 998 square metres of adopted highway and footways known as Cobbett Street and forecourt situated south of Dorset Road – Ownership unknown.
- 5.13.5 Approximately 345 square metres of commercial premises at 124 Clapham Road.
- 5.13.6 Approximately 59 square metres of land forming part of footway and road known as Cobbett Street, situated to the south of Verwood House and fronting 9 – 13 (inclusive) Osmington House.
- 5.14 The council has sought to negotiate a settlement in respect of all of these properties. In some cases the negotiations may not achieve an acceptable outcome and therefore the council may not be left with any alternative other than to seek the use of CP powers in order to be able to deliver the Scheme in a timely fashion.

5.15 There are likely to be other land interests and rights which will need to be extinguished or overridden but they will not be known until the full referencing exercise is complete. Typical examples of such interests include:

- Way-leaves
- Rights of Way
- Third Party rights
- Rights to Light
- Oversailing rights

5.16 All land interests will be established via a referencing process and where appropriate, negotiated settlements will be sought to allow the Scheme to proceed unhindered.

6 Risk management

6.1 Failure to acquire all relevant interests on the Estate will put at risk the aspirations for a comprehensive regeneration of the Estate to deliver the Scheme and its various benefits. The council is seeking to mitigate this risk by preparing to obtain and implement a CPO on a precautionary basis.

6.2 Failure to initiate the CPO process in a timely fashion will risk delay to the Scheme or the Scheme proceeding at all. It may also lead to cost escalations and reduce the quantity of affordable housing that can be delivered by the Scheme. This will be kept under review.

6.3 There is a risk that there will be objections to the CPO leading to a public inquiry or a written representations process which would result in significantly greater cost and delay. The council will seek to engage with parties as to issues of concern and seek to reach agreement to avoid objections.

6.4 Risks will be managed on an on-going basis to seek to eliminate all potential impediments to delivery of the Scheme.

7 Equalities impact assessment

7.1 An Equalities Impact Assessment (EqIA) was carried out and was considered by Cabinet on 12 October 2015 when considering the Scheme as then proposed. The EqIA has been reviewed and updated. The EqIA has been reviewed to assess the impact of the proposed CPO and the Scheme on individuals or communities. The updated EqIA is attached as Appendix 5; this represents a refresh of the 2015 EqIA completed for the Estate and includes a review of the policy backdrop and key data sources and seeks to understand how this Scheme will impact on different equality groups and Protected Characteristics. What is central in this EqIA is the need to distinguish between regeneration impacts per se and equality impacts specifically.

7.2 This EqIA has reviewed the equality impacts of:

- the key decisions required of Cabinet;
- the proposed Compulsory Purchase Order;
- the regeneration proposals including resident engagement, design, planning and phasing; and

- the Key Guarantees for tenants and leaseholders.

7.3 There are no stated equalities impact in relation to the following Protected Characteristics:

- Race
- Gender
- Gender reassignment
- Sexual orientation
- Religion and belief
- Marriage and Civil Partnership

- There are both negative and positive impacts in relation to the following Protected Characteristics:

- Disability
- Age
- Pregnancy and Maternity
- Socio economic inequality
- Health

- While language on its own is not likely to have any significant equality impacts from the regeneration programme itself, there is a critical need to communicate and understand the implications of the regeneration process as it applies to different households and to ensure effective communication is achieved through effective planning to overcome any language barriers.

7.4 The EqIA details the positive and negative impacts in relation to the above Protected Characteristics and also sets out how the negative impacts can be mitigated.

7.5 Officers have agreed a mitigation plan which will be monitored. Regular updates and reviews will be held with the council's Equalities Panel. The mitigation plan headlines are:

Generic Actions

- Equality training for future staff / briefing / workshops for housing regeneration negotiation teams
- Employ/identify dedicated Social Worker/Occupational Health practitioners and second to Regeneration team

Disability Mitigation Actions

- Arrange Social Services assessments for residents
- Liaison with social care teams in other authorities where home owners are seeking to move to.
- Support with adaptations in new units
- Disability grants reviewed and accessed for resident in specific need to support the funding of adaptations

Age Mitigation Actions

- Secure amenity space both during and after the regeneration programme
- Support for and recognition of the financial restraints that many older people will experience having in coming to terms with the transition to a new home
- Support older leaseholders to access the right options
- Ensure that the shared ownership option for older people will allow them to transfer the value of their proportion of their estate, should they die, to their relatives/spouses.

Socio-economic Mitigation Actions

- The council to monitor the potential for a consequential rise in the costs of the new properties both in term of real value and in terms of rent.
- The council to monitor how the proposals affect older leaseholders or leaseholders with reduced financial capacity

Language Mitigation Actions

- Make translation and interpretation provision available when specific tenant engagement and leaseholder negotiation is being undertaken

Health Mitigation Actions

- Undertake health and social care needs assessment

Intersectionality Mitigation Actions

- Develop enrichment activities for residents of the estate designed to build communities

7.6 The EqIA has been provided to the council's Equalities Panel for feedback. The Panel has made some recommendations for consideration and these will be addressed through the process of delivering this estate redevelopment project. The EqIA panel made the comments set out in the table below, to which responses are provided:

Recommendations from EqIA Panel	Response to Recommendations <small>(Please insert your response to each recommendation here.)</small>
<p>Future monitoring of the EIA Action Plan by the Panel. Suggested that officers from Policy and Communications liaise with the Chair and Regeneration Team about a mechanism to facilitate this.</p>	<p>The recommendation for an ongoing EIA action plan/tracker is supported. An action plan encompassing both recommendation from the survey findings and suggestions from the panel within the presentation is being drafted.</p> <p>Progress will be reported periodically to the panel as the CPO and project work progresses. Suggest full panel update on work streams highlighted quarterly and bi-monthly reporting to equalities team as part of on-going support.</p>

<p>Panel to review EIA information / data at a future stage in the project (for example when CPO process formally begins). This is to ensure that the most up to date information on households and their circumstances is being held.</p>	<p>The recommendation for future review of equalities data is supported.</p> <p>Data will be reviewed at key milestones and will be presented and discussed in parallel with the action plan and the resultant work streams to ensure previous recommendations have been addressed.</p>
<p>Consider the importance of small businesses / retail units on South Lambeth and Westbury estates, particularly as for many residents, these are at the heart of their local communities.</p>	<p>Agreed. The team will work to ensure that businesses are supported in decision making and that all possible avenues and options available to the council are explored.</p>
<p>Regeneration Team needs to consider tenancy issues where there has been a separation / divorce to ensure that compensation goes to the right person.</p> <p>Which colleagues in the Council have you identified to mitigate this?</p>	<p>Agreed.</p> <p>The team are working closely with legal teams across all estates. We acknowledge and agree with the recommendation and will do all we can to ensure compensation payments are paid to the correct individuals.</p> <p>Such issues are dealt with legally and will be dealt with on a case by case basis.</p>
<p>Households that have not been engaged so far: efforts need to be made to address this, especially those that have not yet responded to previous engagement. Those households that are isolated or without support networks should be identified.</p>	<p>Agreed.</p> <p>Efforts are being made to explore alternative communications options/techniques to reach those who may not have engaged to date.</p>
<p>Residents renting privately on the estates can often be some of the most vulnerable. What support does the Team intend to provide to help those tenants secure new housing?</p>	<p>Acknowledged. The team will explore the point and report back.</p>
<p>Socio-economic impacts have been widely documented on Myatts Field North. What evidence is there to show that we have learned from these?</p>	<p>A lessons learned report was produced as part of the initial estate regeneration scoping exercise and has formed the foundation of the Key Guarantees and HfL Design Principles.</p> <p>A benefits realisation plan is being produced to ensure that wider benefits of the regeneration process are captured and</p>

	realized on the estates and in the local community.
Panel felt that more work could be done to identify the needs of those living in Temporary Accommodation and said that they should be included as part of the formal consultation.	Acknowledged. The team are working closely with the Temporary Accommodation team across all estates to ensure residents are identified and supported as part of the process. The development of housing allocations policies will form a future stage of the programme and TA will need to be considered at this stage.
Panel feel that there would be value in updating or if appropriate producing new EIAs at critical milestones. Officers from the Regeneration Team should work with colleagues in Policy and Communications to identify milestones.	Agreed. Key milestones to be identified.
Sensory impairment specialists should be involved in different stages of the project; from initial design through to supporting people who have moved back on to their estates (with a view to ensuring disabled people in no way disadvantaged).	Acknowledged. The team will explore opportunities to involve such specialists at critical stages of the development process.
Given that a large number of frontline officers are working with residents on the estates, Panel recommended that equalities training should be provided (for both internal or external officers) to ensure that staff are properly equipped to support residents with diverse needs.	Agreed. All team members internally have undertaken equalities and safeguarding training since the panel was presented with the EQIAs for estate regeneration. External teams will be requested to demonstrate relevant training or identified need for further training.
Panel wanted to know what support would be provided to residents for upfront costs given that there is a significant number of households on low incomes.	The Key Guarantees under pin a number of payments that are made to residents to assist with upfront costs. Tenants: home loss and disturbance payment. Resident homeowners: home loss 10% of the value of property, disturbance payment.

8.1 Community safety is not a significant issue for the Scheme. However, identified issues that will be addressed by the Scheme include:

- Poor lighting
- Poor layout of streetscape with dead ends, backlands and poor overlooking of communal areas
- Improved security to new blocks, including restricted access stairwells to minimise anti-social behaviour

9 Organisational implications

9.1 Environmental

The Scheme will achieve improved local environmental quality in the South Lambeth area and deliver an enhanced quality of housing for existing residents. The energy performance of the new homes will be much higher than the existing homes. Construction impacts will be controlled through the planning process.

9.2 Staffing and accommodation

N/A.

9.3 Procurement

N/A.

9.4 Health

The new homes will be built to much better design standards and environmental performance than the existing homes and will have consequential long-term benefits for the health of those residents moving into these new homes.

10 Timetable for implementation

The timeline for implementation that is proposed at this time is as set out in the following table. This timeline is subject to review and will depend on other factors associated with delivery of the Scheme.

Milestone	Indicative Dates
Negotiating with owners / objectors to buy their interests	March 2017 - ongoing
CPO in principle Resolution	December 2018
Gathering of title information by acquiring authority after CPO in principle resolution passed	January 2019- March 2019
Making of CPO and submission to SoS by Acquiring Authority. Register as LLC. Service of statutory notices and advertisements	April 2019
Period for objections to SoS	End May 2019
If no objections to CPO, council should be in a position to confirm CPO	August 2019
If objections made and public inquiry required, pre-inquiry prep - instructing and briefing Counsel, preparing evidence, appointing witnesses, statement of case	Indicatively August 2019

Public inquiry	Indicatively February 2020
SoS decision to confirm CPO or not	Indicatively June 2020

Audit trail				
Consultation				
Name/Position	Lambeth cluster/division or partner	Date Sent	Date Received	Comments in para:
Councillor Matthew Bennett	Cabinet member for Planning, Investment and New Homes	29.08.18	03.10.18	All
Sue Foster	Strategic Director, Neighbourhoods and Growth	28.11.18	06.12.18	All
Rachel Sharpe	Director, Strategic Programmes	28.11.18	04.12.18	All
Matthew Gaynor	Finance	05.09.18	12.10.18	3.1 to 3.6
Greg Carson	Legal Services	05.09.18	05.09.18	4.1 to 4.26
Henry Langford	Democratic Services	12.10.18	19.10.18	4.27

Report history	
Original discussion with Cabinet Member	02.08.16
Report deadline	26.10.18
Date final report sent	
Part II Exempt from Disclosure/confidential accompanying report?	No
Key decision report	Yes
Date first appeared on forward plan	04 August 2018
Key decision reasons	2. Expenditure, income or savings in excess of £500,000 3. Meets community impact test
Background information	<p>Investing in New Housing at Council Rent Levels (April 2014) – https://moderngov.lambeth.gov.uk/documents/s65252/05%20Investing%20in%20new%20housing%20at%20council%20rent%20levels%20final.pdf</p> <p>Building the homes we need to house the people of Lambeth (December 2014) - https://moderngov.lambeth.gov.uk/documents/g8960/Public%20reports%20pack%20Monday%2008-Dec-2014%2019.00%20Cabinet.pdf?T=10</p> <p>Investing in better neighbourhoods and building the homes we need to house the people of Lambeth (Appendix A) (March 2016) - https://moderngov.lambeth.gov.uk/documents/s80093/Cabinet%20Report%20-%20March%202016%20v8.pdf</p>

	<p>Improving the Key Guarantees (March 2017) - https://moderngov.lambeth.gov.uk/documents/g9757/Public%20reports%20pack%20Thursday%2023-Mar-2017%2017.00%20Cabinet.pdf?T=10</p> <p>Investing in better neighbourhoods and building the homes we need to house the people of Lambeth – South Lambeth Estate (October 2015) - https://moderngov.lambeth.gov.uk/documents/g9359/Public%20reports%20pack%20Monday%2012-Oct-2015%2019.00%20Cabinet.pdf?T=10</p>
<p>Appendices</p>	<p>Appendix 1 Known Land interests within CPO Boundary</p> <p>Appendix 2 Other Known Interests affected by CPO</p> <p>Appendix 3 The CPO Boundary Plan (the Order Lands)</p> <p>Appendix 4 Scheme Phasing Plan</p> <p>Appendix 5 Equalities Impact Assessment (EqIA)</p> <p>Appendix 6 Draft Statement of Reasons</p> <p>Appendix 7 Key Guarantees</p> <p>Appendix 8 Rationale for inclusion of additional land within proposed CPO</p>