

THE LONDON BOROUGH OF SOUTHWARK (AYLESBURY ESTATE WOLVERTON 1-59)
COMPULSORY PURCHASE ORDER 2012

STATEMENT OF REASONS

INTRODUCTION AND SUMMARY

The London Borough of Southwark ("the Council") has made an Order pursuant of Section 256(1)(a) of the Town and Country Planning Act 1990 ("the Town and Country Planning Act") to compulsorily purchase land in the area of Site A no. 102 of the Town and Country Planning Authority, in the parish of St Peter's, Wolverton, except interests owned by the Corporation of Aylesbury Vale, County of Buckinghamshire ("the Corporation"). The Order provides for the compulsory purchase of land in the area of Site A no. 102 of the Town and Country Planning Authority, in the parish of St Peter's, Wolverton, except interests owned by the Corporation.

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Background

The Council has determined that it is necessary to compulsorily purchase land in the area of Site A no. 102 of the Town and Country Planning Authority ("Site A") in order to implement its Local Plan 2001 ("the Local Plan") which sets out the Council's planning policies for the area. The Local Plan identifies Site A as being located in an area of significant strategic importance for the delivery of housing and employment opportunities. The Local Plan also identifies Site A as being located in an area of significant environmental and heritage value.

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STATEMENT OF REASONS

1 INTRODUCTION AND SUMMARY

- 1.1 The London Borough of Southwark ("the Council") has made an order pursuant to Section 226(1)(a) of the Town and Country Planning Act 1990 to acquire land, property and other interests, except interests owned by the acquiring authority, in the land at Site 7 on the Aylesbury Estate, bounded by Thurlow Street on the western side, East Street on the Northern side and Sedan Way on the eastern side, which is shown edged red and coloured pink on the plan attached ("the Order Land").
- 1.2 The Order Land is part of the Aylesbury Estate "the Estate", which consists of land and buildings at the Aylesbury Estate London SE17 and is identified as such in the Area Action Plan for the Aylesbury Estate referred to in 1.4 below. The Council wishes to acquire the Order Land to enable the redevelopment and regeneration of this part of the Estate .
- 1.3 The Council owns the freehold title to all of the Order Land. However, there are outstanding leasehold and other interests that need to be acquired to bring the Order Land within the control of the Council and to allow redevelopment to take place. The outstanding interests lie within the Order Land.

Background

- 1.4 In 1999 local residents started lobbying the Council to regenerate the Aylesbury estate. The Council considered various options including refurbishment to respond to the concerns expressed by residents. Refurbishment options were dismissed on value for money and feasibility grounds, as a result of the complexity and magnitude of the structural, electrical and mechanical works required.
- 1.5 The Council resolved to rebuild the estate in 2005. Among other sites in the Council's portfolio the Estate as a whole and the Order Land in particular are seen as a very high priority and have cross-party political support. The redevelopment of the estate is also seen as a pan London priority by the GLA, who are in support of the proposals..
- 1.6 The Council adopted the Area Action Plan for the Aylesbury Estate in January 2010 ("the AAAP"). The AAAP was prepared by a multi-disciplinary team and adopted following a long period of discussion with stakeholders in the local community. As well as setting out a broad vision for the area the AAAP includes a number of detailed policies and requirements such as density, housing mix and tenure. These policies reflect the overall aspiration for a balanced

community where people would chose to live. The policies set out in the AAAP were supported by 82% of the residents who attended the final exhibition of the plans. The AAAP identified and labelled a number of sites for regeneration on the Estate and the site in which the Order Land is located was labelled Site 7. References in this statement to "Site 7" are to Site 7 as labelled in the AAAP, and the Order Land forms part of this site.

- 1.7 The Council's then Executive resolved on 9 February 2010 to make necessary Compulsory Purchase Orders to acquire interests in land within the estate, including the Order Land, for the purpose of securing the regeneration of the Aylesbury Estate in accordance with the provisions of the Aylesbury Area Action Plan.
- 1.8 The Council entered into a Development Agreement with London & Quadrant in relation to Phase 1a in the South Western corner of the Estate in 2008 ("Phase 1A"). The development includes 261 homes (51% affordable), retail space and a community resource centre. The first part of Phase 1a including the resource centre and 52 homes was completed early in 2011; the remainder is due for completion by early 2013. A Compulsory Purchase Order was confirmed for the land associated with this first Phase of development in January 2010.
- 1.9 The Council is also nearing completion of a major investment in the local schools, with three complete new builds on the Estate: Walworth Academy was completed in 2010; Michael Faraday Primary School was completed in 2011 and Aylesbury New School (a brand new secondary school for the area) will be completed in 2012. To the south of the Estate a major investment programme is underway for Burgess Park, to be completed summer 2012.
- 1.10 On 2 November 2010 the Council resolved that the majority of the Order Land should be offered on the open market with a view to securing one or more development partners for its redevelopment in accordance with the AAAP. Part of the Order Land falls outside the boundary of the land to be offered for development but it is included in the CPO as the layout and configuration of the buildings on the Order Land is such that redevelopment will not be possible without the whole of the Order Land being included in the CPO.
- 1.11 When engaging with potential development partners, the Council has been clear that it requires robust justification of resourcing for the scheme and that it needs potential development partners to demonstrate clearly what funding will be provided, as part of the bid submission,. To validate this the Council is requiring written confirmation from bidders regarding funding sources and availability. This includes confirmation that grant funding available to bidders falls within the acceptable parameters for the Homes and Communities Agency's current funding arrangements, and can be called down within the current funding round to March 2015. This funding is time limited and schemes that complete after this date will not be included in the funding programme. These arrangements are a key reason for the Council bringing forward the compulsory acquisition of the Order Land at this time.

1.12 The Council has been actively working to acquire the interests in the Order Land by agreement rather than by compulsory acquisition since October 2009. However, the Council considers that without the use of compulsory purchase powers the redevelopment and regeneration of the Order Land will not take place. The development of the Order Land is seen as key to maintaining continuity following completion of the development of Phase

Development proposals

- 1.13 The Council will bring forward the redevelopment of the Order Land by way of a land sale, conditional on the purchaser obtaining planning consent for a residential scheme, such consent to be in line with the policies of the AAAP.
- 1.14 To this end, the Council has undertaken a competitive process to select a development partner for the Order Land. The successful party is to be confirmed in April 2012. Expressions of interest were received from 8 interested parties consisting of individual bidders and consortia made up of developers and registered providers of social housing. Four were shortlisted and invited to submit formal proposals for the Order Land and 3 proposals were received on 9 March 2012. This process has been designed to ensure that the selected partner has satisfied the Council of its bona fide intentions and financial ability to proceed quickly with and successfully deliver the development. The selection process has evaluated proposals against a number of qualitative criteria such as the proposed scheme of development, specific design issues, planning matters and the successful delivery of similar schemes.
- 1.15 A detailed quantitative assessment of the commercial robustness of the potential development partners and their proposals has also been undertaken. All bidders have completed a scheme-specific financial model with supporting accommodation schedule. This is being used to compare bids and assess the viability of the proposals, and will allow the Council to select the scheme which offers the most financial value in terms of social housing provided, overage offered and residual land value.
- 1.16 There has also been a detailed review of the legal documentation to be used for the transfer of the site to the successful partner, in view of ensuring that contracts are signed shortly after the successful party is confirmed. Under the proposed legal documentation, the development partner will be contractually bound to deliver the agreed scheme within the scope of the accepted financial appraisal, and if it fails to do so, the Council will have the right to complete the development using another party.
- 1.17 The proposals for the Order Land submitted by bidders provide an increase in the number of decent homes in an area which is currently considered under-occupied. The Order Land currently has 59 properties. The proposals have between 130 and 165 properties and this level of development is supported by both national and local policies including the AAAP.

1.18 The Order Land is being brought forward for development in advance of the selection of a principal development partner for the remainder of the Estate. The Council believes that it is important to maintain the development momentum within the Estate while the strategic development partner is procured and appointed. The Order Land is self contained and appropriate for development by way of a land transfer to a development partner quickly and cost effectively to enable rapid delivery. The projected timescale is for development to be completed in early 2015.

Planning position

1.19 Any proposed scheme for the Order Land must be consistent with the AAAP, the Core Strategy 2011, the saved policies of the Southwark Plan 2007 and the London Plan 2011 which recognise the importance of regeneration for securing further investment opportunities within the borough and the social and economic benefits this offers.

1.20 The Council believes, following detailed pre-application review of the detailed proposals brought forward by the chosen development partner, that the development proposals for the Order Land are materially in accordance with these policies and as such has a high degree of certainty of achieving planning permission and a low risk of a potential challenge to any positive decision.

2 THE ORDER LAND

2.1 The Order Land is in the Walworth Neighbourhood, a historical part of London featuring in the Doomsday Book. It has been an important centre of market trading since the 16th century when farmers rested their livestock on Walworth Common before continuing to the City. This trading tradition continues today through the shops along the Walworth Road and the vibrant daily East Street Market. The site is located at one end of East Street Market. The Aylesbury Estate was constructed between 1966 and 1977 and consists of a total of 2,750 units on 28.5 hectares. The Estate replaced Victorian houses and factories, many of which had been damaged during the second world war.

2.2 The Order Land forms part of the Aylesbury Estate Regeneration Area and falls within the area covered by the AAAP.

2.3 The Order Land comprises two four and five storey residential blocks with a total of 59 residential units and ground floor garages. In the centre of the site is a hard surfaced games court which, along with the grassed areas surrounding the residential blocks, is housing amenity land. The Council has secured vacant possession of 20 residential units. There remain 14 leasehold interests and 4 secure tenants. In addition, there are 21 properties which are being used for temporary accommodation purposes, in accordance with the Council's duty to provide temporary accommodation contained within the Housing Act 1996 Part VII (as amended by the Homelessness Act 2002).

- 2.4 Part of the Order Land comprises Sedan Way, a highway maintainable at public expense which it is intended will be stopped up.
- 2.5 None of the Order Land has any commercial uses other than the infrastructure of statutory utilities.

3 THE PLANNING POSITION

The London Plan 2011

- 3.1 The London Plan sets out the Mayor's objectives and policies for London. His objectives include ensuring that the city meets the challenges of economic and population growth in ways that ensure a sustainable, good and improving quality of life and sufficient high quality homes and neighbourhoods for Londoners.
- 3.2 Of particular relevance to the Aylesbury Estate, London Plan Policy 2.14 emphasises that within the Areas of Regeneration, which include Walworth and the Aylesbury Estate, the Mayor will work with strategic partners to achieve their sustained renewal.
- 3.3 Policy 3.8 indicates that Londoners should have a choice of homes that they can afford and which meet their requirements for different sizes and types of dwellings. Policy 3.9 provides support for building mixed and balanced communities which include a range of dwelling types and tenures. Policy 3.14 advises that loss of housing, including affordable housing, should be resisted unless the housing is replaced at existing or higher densities with at least equivalent floorspace.
- 3.4 Southwark's Local Development Framework is consistent with these policies. The Mayor has formally confirmed that Southwark's Core Strategy and the AAAP, which in particular demonstrates how London Plan policy 3.14 is met, are in general conformity with the London Plan.

Local development framework

- 3.5 The redevelopment and regeneration of Aylesbury area has been an objective of the Council since the 1990s and the Council adopted the AAAP for the area in 2010. The following documents highlight the Council's aims for this area:
- The Core Strategy 2011
 - The Adopted Proposals Map 2011
 - Southwark Plan 2007
 - Aylesbury Area Action Plan 2010

The Core Strategy 2011

- 3.6 The Core Strategy provides the overarching planning framework for the borough. It contains a vision and strategy for each area of the borough. The vision for Aylesbury states that the Council will use the guidance in the AAAP to work with stakeholders to achieve a phased redevelopment of the Aylesbury Estate which delivers 4,200 new homes over the 15 year lifetime of the core strategy.
- 3.7 The target for new homes on the estate is reiterated in core strategy policy 5 (Providing new homes). The same policy indicates that residential density should generally be up to 700 habitable rooms per hectare. However it notes that within Core Areas (of which the Aylesbury estate is one), this density can be exceeded when developments are of an exemplary standard of design.
- 3.8 Core strategy policy 6 states that across the Aylesbury Action Area as a whole around 50% of homes should be affordable, of which 75% should be social rented and 25% intermediate. A mix of homes is required, including provision of 30% of homes with three bedrooms or more.

The Adopted Proposals Map 2011

- 3.9 The Aylesbury Estate is designated as a Core Area on the Adopted Proposals Map. As is noted above, this designation allows provision of higher density, subject to high quality design. The Order Land falls within an allocated proposals site (AAAP P1) on the Adopted Proposals Map. The allocation for the site is set out in the AAAP.

The Southwark Plan

- 3.10 The Southwark Plan was formally adopted by the Council in July 2007. The majority of policies were saved for a period of 3 years in 2010. Many policies have since been superseded by the Core Strategy and Aylesbury AAAP. In particular policies 4.1 (Density of residential development), 4.3 (Mix of dwellings) and 4.4 (Affordable Housing) have been replaced by Core Strategy policies.
- 3.11 With regard to density, dwelling mix and affordable housing, development will need to meet the policies set out in the core strategy and AAAP, rather than the Southwark Plan.

Aylesbury Area Action Plan (AAAP)

- 3.12 The AAAP provides a vision, objectives and detailed policies to guide the redevelopment of the estate. This emphasises the aim of providing around 4,200 new homes, with a mix of tenures and dwelling sizes. Policy MP1 states that development should be in general

compliance with the masterplan. Policy MP2 states that proposals sites have been designated and that planning permission will be granted for proposals in accordance with the Adopted Proposals Map and appendix 5 of the AAAP. The adopted land allocation for sites which include The Order Land is for around 1,417 new homes with a mix of tenures and dwelling sizes. In order to further increase the level of certainty for developers, the Local Planning Authority has provided additional informal guidance on the interpretation of the AAAP, in particular how developers should approach the issue of viability, given the current economic climate.

- 3.13 The AAAP is intended to provide greater certainty for developers and the community as to what form of development would be acceptable. The AAAP has been subjected to extensive public consultation, and an Examination in Public. After being found to be sound, and adopted by the Council, it provides clear and up to date guidance, and is in itself in conformity with the strategic policies of the London Plan.

Policy Conclusions

- 3.14 Together, the London Plan, the Core Strategy, relevant saved Southwark Plan policies, the Adopted Proposals Map and the AAAP comprise Southwark's Development Plan. Consistent with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the Development Plan, unless material considerations indicate otherwise. It is therefore considered that any development which came forward which conforms with the requirements of these documents (or can provide clearly argued justifications for any deviations) would have a high degree of certainty of achieving planning permission, and a low risk of a potential challenge to any positive decision.
- 3.15 The Council believes, following detailed pre-application review of the detailed proposals to be brought forward by the selected development partner, that the proposals for the Order Land will be materially in accordance with these policies and as such has a high degree of certainty of achieving planning permission and a low risk of a potential challenge to any positive decision.

4 POWERS FOR CPO

- 4.1 Section 226 (1) (a) of the Town and Country Planning Act 1990 (the Act) permits a local authority to exercise compulsory acquisition powers if it thinks that the land in question will facilitate the carrying out of development redevelopment or improvement on, or in relation to the land being acquired and it is not certain that it can be acquired by agreement.

4.2 Appendix A of Government Circular 06/2004 ("Compulsory Purchase and the Crichel Down Rules") sets out the circumstances in which this power may be relied on by local authorities for the purposes of acquiring land compulsorily.

4.3 It recognises that compulsory purchase powers under the Act provide a "positive tool" to local authorities in assisting them to acquire and assemble land where it is necessary to implement the proposals set out in the community strategies. In particular, Section 226(1)(a) enables authorities to exercise their compulsory purchase powers if they are thinking that the land in question will:

"facilitate the carrying out of development, redevelopment or improvement on, or in relation to, the land being acquired and it is not certain that they will be able to acquire by agreement."

4.4 The Council, in exercising its power under S226(1)(a) must consider whether this development, redevelopment or improvement is likely to contribute to the achievement of any one or more of the following:

- (a) The promotion or improvement of the economic wellbeing of their area.
- (b) The promotion or improvement of the social wellbeing of their area.
- (c) The promotion or improvement of the environmental wellbeing of their area.

It is considered that the promotion of the Order via s226(1)(a) meets the statutory requirements and is properly justifiable for the wider benefit of the community. The interests to be acquired by the Order are required for the redevelopment and improvement of the wider area. The proposal also satisfies the "well being" element of the Act in that it will assist in attracting investment and growth opportunities to the area. Therefore the proposal will assist in promoting the social, economic and environmental well being of the area. In the Council's view the promotion of the Order via section 226(1)(a) meets the statutory requirements and is justifiable for the wider benefit of the community.

5 THE LONDON BOROUGH OF SOUTHWARK'S CASE FOR THE COMPULSORY PURCHASE AND PROPOSALS FOR THE USE OF THE ORDER LAND

5.1 The Council is the freehold owner of all of the Order Land. Extensive consultation took place with local residents on the regeneration options and the AAAP from 1999 to 2010, and consultation has continued on the specific design proposals for the Order Land. Further statutory consultation will take place both prior to the submission of the planning application and as part of the statutory planning process. Regular updates are provided to all residents through newsletters, a magazine and the Council's website.

- 5.2 The regeneration and redevelopment of the Aylesbury Estate is an objective and aspiration of the Council that is supported in the Core Strategy and the AAAP. It has cross party political support and is supported by the GLA. The Council considers the redevelopment of the Order Land will enable the Council to provide a new high quality sustainable development, which can meet the needs of existing tenants and the future needs of the area. The development will attract new investment to the area and deliver significant benefits for the Borough's community in the medium to long term. As the development of the Order Land cannot commence until full vacant possession of the properties on the site, the redevelopment of this part of the Estate cannot take place without the acquisition of the Order Land
- 5.3 The Council has carried out all reasonable searches and preparatory work as a matter of diligent inquiry required to establish a full record of the interests in the Order Land. The Council instigated negotiations to try to acquire the interests in the Order Land by agreement rather than by compulsory acquisition in October 2009. There have been extensive negotiations with all leaseholders and secure tenants on the Order Land since that date. Negotiations will continue throughout the CPO process, but the Council wishes to ensure that the CPO process is commenced even while those negotiations are ongoing to minimise the risk that small numbers of isolated occupiers remain on the Order Land after the majority of occupiers have left by agreement.
- 5.4 Currently there are 14 leaseholders, who acquired their leasehold interests in the Order Land through the Right to Buy scheme, remaining, out of a total of 59 units on the Order Land. In addition, there are 4 secure tenants. Where properties have been vacated, the Council uses the vacated units for temporary accommodation purposes, in accordance with the Council's duty to provide temporary accommodation contained within the Housing Act 1996 Part VII (as amended by the Homelessness Act 2002). There are 21 properties being used for temporary accommodation purposes.
- 5.5 On 9 February 2010 the Council's Executive resolved to make a Compulsory Purchase Order in respect of the Order Land (and any other interests that may arise) for the purpose of securing the regeneration of the Aylesbury Estate in accordance with the provisions of the AAAP.
- 5.6 The Council has an extensive package of support for leaseholders, secure tenants and temporary accommodation residents to ensure that they are able to find suitable alternative accommodation. The Council intends to continue to work with these residents to help them to find suitable alternative accommodation and to negotiate the acquisition of their interest in the Order Land. However, in order to give certainty to the Council's regeneration partner and to ensure that the Council is able to bring forward the development of many new homes on this site in accordance with the AAAP, the Council wishes to commence the legal process required to secure a Compulsory Purchase Order for the Site.

- 5.7 Further details on the Council's negotiations and support offered to the leaseholders, secure tenants and temporary accommodation residents are set out below. The "toolkits" setting out the process for leaseholders and tenants are annexed to this document.

Leaseholder negotiations and support

- 5.8 The Council has not wished to rely on the grant of compulsory purchase powers in order to successfully gain vacant possession of the properties occupied by leaseholders on the Order Land. It was recognised that in order to successfully gain as many voluntary agreements for lease surrender or repurchase as possible that resident homeowners affected by regeneration who are not easily able to afford to purchase suitable alternative residential accommodation required more viable and attractive rehousing offers than that provided by its minimum statutory duty, namely, qualification for rehousing on a non-priority basis via the Council's housing waiting list.
- 5.9 On 26th September 2006, the Council resolved to offer an enhanced rehousing package to affected homeowners subject to certain qualification criteria based, among other things, on when the claim for the right to buy the affected property was made or when it was purchased if via open market sale, occupation status and the financial position of the homeowner. On the 14th December 2010, the Council agreed the set of fully worked rehousing offers along with their particular qualification criteria for all resident homeowners affected by regeneration on the Aylesbury Estate, including those owning property on the Order Land.
- 5.10 The rehousing offers made by the Council are such that where a resident homeowner cannot afford any ongoing form of home ownership, they may be rehoused as a Council or housing association tenant. However, if they can afford some level of home ownership, they may purchase a suitable alternative property from the Council on full or shared ownership terms. Only where a resident homeowner can very easily afford to purchase a suitable alternative property on the open market without assistance, will access to the enhanced rehousing package be restricted.
- 5.11 Council officers have been working with resident homeowners owning property on the Order Land since October 2009 in order that applications for the Council's enhanced rehousing package could be processed well in advance of vacant possession being required, this being a lengthy process due to the financial testing elements involved. In addition to the rehousing offers that can be provided by the Council, Council officers have tailored their assistance to help resident homeowners to simultaneously explore other rehousing avenues such as shared ownership products available from other Registered Providers and sales on the open market. Other support services have also been facilitated through a the community development trust working solely with Aylesbury Estate residents. These support services include an independent money advice service, advocacy and support specifically directed to more elderly residents. The Council has also offered to pay the costs of an independently

appointed RICS surveyor to represent the leaseholders, and has offered the leaseholders the option of referring the question of valuation to an independent valuer.

- 5.12 In order to offer resident homeowners additional options in terms of finding new homes, at the start of January 2012, the Council successfully negotiated with London & Quadrant, the development partner completing construction in the South Western Corner of the Estate, a tailored re-housing offer for the leaseholders from the Order Land. This offer allows them the opportunity to acquire a new property either in this scheme or a number of other schemes that have been developed in and around London by L&Q. It provides both the option of staying in close proximity to the Order Land, and moving as a group of neighbours or consider properties elsewhere. The offer is a tailored shared-equity product.

Tenant negotiations and support

- 5.13 The Council has an active programme of re-housing the secure tenants on this Order Land which has been running since October 2009. As a result the majority of secure tenants have already moved from the Order Land.
- 5.14 The re-housing programme is managed by a locally based team of staff who assist all tenants with registering, bidding and eventually moving home. Support is offered through regular home visits and a neighbourhood office where tenants are able to visit and work with officer to secure suitable accommodation. The majority of tenants move through the Council's Homesearch system where they receive band one status in line with the Council's allocation policy and can move to empty properties across the borough. In addition the Council has negotiated for Aylesbury tenants living in the Order Land to have the first option of refusal on a number of new build sites where properties meeting their requirements are available to let.
- 5.15 All tenants moving as a result of the regeneration proposals benefit from the payment of statutory home loss payments, disturbance allowances and have their removal fees paid for them in accordance with Council policy.

Temporary accommodation

- 5.16 Where the Council vacates properties, either from leaseholder or secure tenants, and there is still less than 12 months until the anticipated demolition date, the Council uses the vacant properties to meet the needs of other residents for temporary accommodation.
- 5.17 All temporary accommodation residents are people who have approached the Council as homeless and for whom the Council has accepted a duty to house, in accordance with the Council's duty to provide temporary accommodation contained within the Housing Act 1996 Part VII (as amended by the Homelessness Act 2002).

- 5.18 There are 21 non-secure temporary accommodation tenants on the Order Land. Support is given to assist them to secure suitable permanent homes prior to the vacant possession date. Any household who has not secured a permanent home will be assisted to move to alternative suitable temporary accommodation.
- 5.19 Each of the non-secure temporary accommodation tenants have entered into a non-secure tenancy agreement. By virtue of paragraph 4 Schedule 1 of the Housing Act 1985 the non-secure tenancy agreement does not create and is not capable of creating a secure tenancy. However, in order to mitigate any risk of any prolonged process, should any of the temporary accommodation residents refuse to leave the properties, the Council has included these properties as part of the Order.

6 THE PROPOSED DEVELOPMENT OF THE ORDER LAND

- 6.1 The principal elements of the proposals for the development of the Order Land will be confirmed in April 2012 but assuming the development is in line with the proposals within the AAP would broadly comprise:
- 6.1.1 Up to 165 units, comprising a range of size and typologies (including flats and houses)
 - 6.1.2 Approximately 72 units will be let at social rent levels, meeting the needs of existing secure tenants on other parts of the estate, and thus facilitating regeneration of the estate as a whole.
 - 6.1.3 Approximately 23 units will be intermediate units, which will meet the needs of existing leaseholders on other parts of the estate, and thus facilitating regeneration of the estate as a whole.
 - 6.1.4 Approximately 70 units will be private for sale, which will contribute to the significant undersupply of new homes in the London area.
 - 6.1.5 Improved amenity space and play space on site

7 HUMAN RIGHTS ACT 1998

- 7.1 The Human Rights Act 1998 incorporated into domestic law the European Convention on Human Rights ("the Convention").
- 7.2 In proposing this Compulsory Purchase Order the Council has duly considered the rights of the property owners of the Order Land under Article 1 of the first Protocol of the Convention. This protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the relevant national and international law.

- 7.3 The Council has also considered the rights contained in Article 8 of the Convention which protects private and family life, home and correspondence. No public authority can interfere with these interests except if it is in accordance with the law and is necessary in the interests of national security, public safety or the economic well being of the country.
- 7.4 In relation to these Convention rights the Council has been conscious of the need to proportionately balance the rights of the individual against the wider community benefits which will be provided should the Order be confirmed. The redevelopment and regeneration of the Aylesbury Estate area will secure significant environmental, social and economic benefits for the public. The regeneration of the Aylesbury Estate is considered to have benefits to not only the immediate community but also to the Borough as a whole in that it will act as a catalyst to further investment. The effect of the Order will be to dispossess persons of their rights in the Order Land. However the Council considers that the advantages of regeneration substantially outweigh the disadvantages to those dispossessed. Accordingly, having taken these matters into the balance, it is considered that acquiring the Order Land by compulsory purchase would not constitute an unlawful interference with any of these rights.

8 CONCLUSION

- 8.1 The compulsory purchase order is required for the regeneration and redevelopment of the Order Land forming part of the Aylesbury Estate where the Order Land is situated. As set out above, the regeneration and redevelopment of the Order Land is critical to the progression and development of all the Aylesbury Estate. Without the use of compulsory purchase powers to secure acquisition of the Order Land by the Council, the planned development will be prejudiced or materially delayed.
- 8.2 The proposed scheme is consistent with the objectives of the Southwark Plan and the London Plan and is based upon the AAAP for the Aylesbury Estate. It is an important regeneration initiative for the Borough not only for the immediate area but also for helping to attract further investment opportunities for the Borough. It is also in keeping with national planning policy. The regeneration of the Order Land will comprise a mix of tenure and unit types, which are of benefit to the local community, meets the objective of providing sustainable development and creates a vibrant and balanced community. The principle of regeneration on the Order Land is supported politically and by the local community, as well as having support from the HCA and GLA.
- 8.3 Having considered the relevant policy guidance the Council is satisfied that there is a compelling need in the public interest for the compulsory purchase powers sought in order to secure the re-development of the Order Land in a manner consistent with good principles of urban design, in one comprehensive residential scheme in order to deliver economic, social

and environmental improvement to the Aylesbury Estate. The Council has therefore made the Order and would ask the Secretary of State to confirm the Order.

9 ADDITIONAL INFORMATION

- 9.1 Additional information about the regeneration of the Aylesbury Estate as it progresses is available on www.southwark.gov.uk
- 9.2 A copy of the Order, the Order Map and this Statement of Reasons can be inspected at the Council's offices at 160 Tooley Street, London SE1 2QH between 9.30am and 5pm, Mondays to Fridays.

