



CPO Report to the Secretary of State for Housing, Communities and Local Government

by Martin Whitehead LLB BSc(Hons) CEng MICE

an Inspector appointed by the Secretary of State

Date: 13 June 2018

TOWN AND COUNTRY PLANNING ACT 1990

AND

THE ACQUISITION OF LAND ACT 1981

APPLICATION FOR CONFIRMATION OF

THE LONDON BOROUGH OF SOUTHWARK (AYLESBURY ESTATE SITE 1B-1C)

COMPULSORY PURCHASE ORDER 2014

Inquiry opened on 9 January 2018
Site Inspections were carried out on 19 April 2018.

Aylesbury Estate Site 1B-1C

File Ref: NPCU/CPO/A5840/74092RD

Contents

Section	Title	Page
	Case Details	1
1	Procedural Matters and Statutory Formalities	1
2	The Order Land and Surroundings	4
3	The Case for the Council of the London Borough of Southwark (Acquiring Authority)	5
4	The Cases for the Remaining Objectors	33
	Judi Bos	33
	Boris Bos	39
5	The Cases for other Objectors	40
	Non-qualifying Objector: Paul Palley	40
	David Bailey	43
	Piers Corbyn	43
	Rita Enuechie	45
	Victoria Briden	45
	John Wesley Evans	46
	Maurizio Piga	46
	Angela Aikins-Andoh	47
	Richard & Mary Osei-Kumaning	47
	Stephen Dogbatse	47
	Joy Nyack-Binns	47
	Felix Badu	47
6	Inspector's Conclusions	49
7	Recommendation	62
Appendix A	Appearances	63
Appendix B	Documents	65
Appendix C	Abbreviations	87

File Ref: NPCU/CPO/A5840/74092RD

**The London Borough of Southwark (Aylesbury Estate Site 1b-1c)
Compulsory Purchase Order 2014**

- The Compulsory Purchase Order (the Order) was made under section 226(1)(a) of the Town and Country Planning Act 1990 and the Acquisition of Land Act 1981 by the Council of the London Borough of Southwark (the 'Acquiring Authority') on 24 June 2014.
- The purposes of the Order are to facilitate the carrying out of development, redevelopment and improvement on or in relation to the land, in particular, for the purpose of securing the regeneration of the Aylesbury Estate in accordance with the provisions of the Aylesbury Area Action Plan, including the demolition of the existing residential units and the provision of a mixed tenure residential development and associated landscaping.
- The main grounds of objection were the failure of the scheme to accord with the development plan, particularly in relation to density, sunlight, daylight, and the mix of tenures; the overall loss of social housing; the viability and deliverability of the scheme; the consideration of refurbishment as a more cost effective option; the compensation to leaseholders and rehousing options not enabling them to remain in the area; the loss of community and the effect on the social wellbeing of the area; the neglect of the estate; the efforts by the Council to negotiate prior to making the Order; and contravention of Article 1 of the First Protocol to, and Article 8 of, the Human Rights Act and section 149 of the Equality Act 2010.
- When the Inquiry opened the number of remaining objections was uncertain¹ and there was one non-qualifying objection². Following commencement of the Inquiry one objection was withdrawn and one³ late objection was lodged.
- This report supersedes that issued on 29 January 2016. The resulting Secretary of State Decision letter, dated 16 September 2016, was quashed by order of the High Court.

Summary of Recommendation: I recommend that the CPO be confirmed

1 Procedural Matters and Statutory Formalities

1. I have been appointed by the Secretary of State (SofS) to hold a local public inquiry into the Order and to report with my conclusions and recommendations.
2. The Order, if confirmed, would authorise the compulsory purchase of an area of land known as the First Development Site (FDS) on the Aylesbury Estate in the Development Partnership Agreement (DPA) between the Council of the London Borough of Southwark (Council) and Notting Hill Housing Trust (NHHT). The Order is for the purpose of facilitating the carrying out of development, redevelopment and improvement on or in relation to the land, in particular, for securing the regeneration of the Aylesbury Estate in accordance with the provisions of the Aylesbury Area Action Plan (AAP), including the demolition of the existing residential units and the provision of a mixed tenure residential development and associated landscaping (the scheme).

¹ Although the 2015 CPO Inquiry Report states that there were ten remaining objections, Document APP/0/29 gives a note on the number of objections received: Document MIC/OBJ/11 - *Aylesbury Leaseholders Action Group (Beverley Robinson, Leslie Kerrigan, Agnes Kabuto, Julius Sangbey, Gillian Mutch, Matthew Nwamochie Ukanwa, Samsom Imade Aigbe, Ruth Bosede Temilade and M Ibrahim)*; Document MISC/OBJ/12 - *Robert Clifford of Richard John Clarke Surveyors on behalf of Judi Bos and Boris Bos*; and Document MISC/OBJ/14 - *Rita Enuechie*. No objections had been withdrawn since that Inquiry.

² Document MISC/OBJ/13: Mr Paul Palley

³ Document OBJ/BB/1: Boris Bos

3. Following the Decision letter from the SofS, dated 16 September 2016⁴, indicating his decision not to confirm the Compulsory Purchase Order (CPO), the Council issued Judicial Review proceedings in October 2016. In May 2017 the SofS consented to judgment and a consent order⁵ was agreed between the parties and approved by the Court. That Consent Order quashing the decision of the SofS⁶ was made on the SofS's undertaking to arrange for a public inquiry to be held, in order that there be '*a full re-hearing of the merits of confirming the Claimant's CPO*'.
4. A Pre-Inquiry Meeting (PIM) was held at Prospero House, Borough Hill Street, London, SE1 1GA on Tuesday 12 September 2017 to discuss procedural matters relating to the Inquiry in order to make best and most effective use of inquiry time. There was no discussion of the merits of the proposal or of the cases for any parties. Notes of the PIM⁷ were circulated to all known prospective inquiry participants.
5. I opened the Inquiry on Tuesday 9 January 2018 and it sat for 16 days on 9, 10, 11 and 12 January, 16, 17, 18 and 19 January, 23, 24, 25 and 26 January, 30 and 31 January and 17 and 18 April 2018 at the Council Offices, 160 Tooley Street, London SE1 2QH. I closed the Inquiry in writing on Friday 27 April 2018.
6. I undertook unaccompanied site inspections of the area surrounding the Order Land on 11 September 2017 and 8 January 2018 prior to opening the Inquiry. I undertook an accompanied site inspection of the Order Land and surrounding area on Thursday 19 April between 0930 hours and 1145 hours. I was accompanied by Catherine Bates for the Council, Judi Bos as an objector and Piers Corbyn, who was a witness and a late objector. An itinerary was agreed for the site inspection⁸. The site inspections included visiting new L&Q⁹ housing at Site 7 (Harvard Gardens), a leasehold flat at Taplow (Phase 3), a tenanted flat at Missenden (Phase 2), Michael Faraday School and Adult Learning Centre, 143 Chartridge (the dwelling of the remaining objectors), a new tenanted maisonette at Arments Court (Site 1a) and a leasehold flat at Camberwell Fields (NHHT new housing development).
7. Brenda Taplin was appointed as independent Programme Officer for the CPO Inquiry. Graham Groom took on the role for the PIM and the Inquiry on 17 and 18 April when she was unable to attend. Their role was to assist with the procedural and administrative aspects of the Inquiry, including the programme, under my direction. They helped greatly to ensure that the proceedings ran efficiently and effectively, but have played no part in this Report.
8. At the opening of the CPO Inquiry, the Acquiring Authority confirmed compliance with all statutory formalities for the publication of the Order and the notification of the Inquiry. Although Judi Bos indicated at the Inquiry that

⁴ Document CD 51

⁵ Document CD 52

⁶ Document CD 52 paragraph 1

⁷ Document GID/1

⁸ Documents GID/6 and GID/7

⁹ London and Quadrant Trust housing association

neither her nor her co-leaseholder of the property, Boris Bos, were residing at the property at the time that the notices were served, I am satisfied that a notice was served on that property in accordance with the requirements and that no prejudice to the interests of these parties has resulted, particularly as they have appeared at the Inquiry. No one else disputed this compliance. The convening notice was taken as read.

9. The original objections to the Order were made in writing in 2014 after the Council made the Order and submitted it for confirmation to the SofS¹⁰. At the commencement of the Inquiry I had received objections from 3 parties¹¹. Following the opening of the Inquiry, a further party¹² indicated that he wished to object to the Order. Prior to the close of the Inquiry, I received a letter of withdrawal from Aylesbury Leaseholders Action Group (ALAG), dated 29 March 2018. There were 3 objectors that were represented at the Inquiry who did not withdraw their objections and some of those giving evidence on behalf of ALAG requested that their witness statements be taken as letters of objection. I have reported on all those statements that have not been withdrawn by ALAG, whether or not that witness has stated that they wish to object to the Order on their own behalf, together with additional statements made after the withdrawal of ALAG's objection.
10. At the time that the Order was made the relevant guidance was 'Circular 06/2004: Compulsory Purchase and the Crichel Down Rules'¹³. At the opening of the Inquiry this guidance had been superseded by the 'Guidance on Compulsory Purchase Process and the Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion', October 2015 (2015 Guidance)¹⁴. During the adjournment of the Inquiry, this guidance was replaced by the 'Guidance on Compulsory purchase process and The Crichel Down Rules', February 2018 (2018 Guidance)¹⁵. I have based my conclusions on the latest 2018 Guidance.
11. This Report sets out brief descriptions of the site and its surroundings. It gives the material points made in the cases for the Acquiring Authority, the remaining objectors, objectors who appeared at the Inquiry and those who made written representations, together with my conclusions and recommendations. Lists of those appearing at the Inquiry and of inquiry documents are appended, together with a list of abbreviations used in this Report.

¹⁰ Aylesbury Leaseholders Action Group – letter dated 3 July 2014; Richard John Clarke Chartered Surveyor – letter dated 1 August 2014, on behalf of Judi Bos (although expressed as 'clients' plural and referring to 'they'); and Paul Palley – email of 9 September 2014, subsequently superseded by a further objection of 1 December 2014.

¹¹ Aylesbury Leaseholders Action Group and the '35% Campaign' (the '35% Campaign' confirmed at the Inquiry that it only provided evidence on behalf of Aylesbury Leaseholders Action Group), Judi Bos and Paul Palley

¹² Document OBJ/BB/1: Boris Bos Proof of Evidence

¹³ Document CD30

¹⁴ Document CD58

¹⁵ Document CD97

2 The Order Land and Surroundings

12. Details of the Order Land appear in the Order Schedule and an updated plan¹⁶. In summary it comprised of land and 8 mainly residential buildings¹⁷, which were all part of the Aylesbury Estate. The Council owns the freehold title to all of the Order Land and at the close of the Inquiry there remained one outstanding leasehold interest to be acquired to bring the Order Land within the control of the Council. The outstanding interest consists of a 2 storey 3 bedroom maisonette within the block of 120-149 Chartridge, which is 4 storeys high.
13. The 8 buildings on the Order Land ranged from four to fourteen storeys¹⁸ with a total of 566 residential units, ground floor garages, commercial and office space. The Order Land also included open grassed space and a games court¹⁹. Of the 566 residential units, 74 had been sold pursuant to 'Right to Buy' provisions²⁰. Most of the residential units are vacant, with 4 buildings having been demolished²¹ and others being prepared for demolition by the demolition contractor, Erith, who occupies part of the site. None of the Order Land is in commercial use and the grassed space and games court are no longer available for public use. The site has been secured by hoardings around its boundary and can only be accessed by the public from Portland Road.
14. Immediately adjoining the Order Land is a hostel known as Ellison House which is leased to the National Offender Management Service (an office of the Ministry of Justice) and used as accommodation for men who have recently been released from prison. This is Crown land and as such has not been included within the Order Land but is required to enable the scheme to be completed.
15. To the south of the Order Land is Burgess Park which consists of a large area of recently renovated public open space and includes play and recreational facilities. To the west of the Order Land is a recent mainly residential development with some vacant retail space on the ground floor fronting Westmoreland Road. It represents Site 1a of the regeneration programme. One of the buildings within this development is Arments Court, which has access from Albany Road. To the north east of the Order Land is Michael Faraday Primary School, which is accessed from Portland Street and has recently been built as part of the regeneration scheme. It contains a primary school, with part of it being used as a community centre out of hours, and an adult learning centre. To the north east of the school is Harvard Gardens mixed housing development that has recently been completed on Site 7 of the regeneration scheme.

¹⁶ Document APP/0/46

¹⁷ Document APP/0/46: Bradenham, Chartridge 1-68, Chartridge 69-76, Chartridge 77-105, Chartridge 106-119, Chartridge 120-149, Arklow House and Chiltern House

¹⁸ Document CD5: Location plan showing the original building heights and typologies

¹⁹ Document APP/1/1 page 14 paragraph 7.3

²⁰ Document APP/1/1 paragraph 7.4 and Document CD54 paragraph 33: of the 492 remaining units, 436 were let on secure tenancies, the remainder were either vacant or in use as temporary accommodation.

²¹ Chartridge 69-76, Chartridge 77-105, Chartridge 106-119 and Arklow House

16. To the west and south of Harvard Gardens are blocks of flats that are of a similar design to those on the Order Land and form part of later phases of the regeneration. These include Wolverton, Taplow, Northchurch and Missenden blocks. To the north of the Order Land is a conservation area that includes traditional terraced housing and street layouts.

3 The Case for the Council of the London Borough of Southwark (Acquiring Authority)

I have reported the case on the basis of the closing submissions²² with additional references to the evidence submitted prior to and during the Inquiry. The material points are:

17. In 2016 the SofS's Decision letter made it clear that, in principle, he 'welcomes regeneration and much needed residential development'. Specifically, he said that 'the Council's desired outcome in this case could in principle bring with it considerable benefits'. He acknowledged the potential for the Council to work positively with the then remaining leaseholders 'with a view to alleviating the impacts of the CPO on them'. Once those negative aspects of the CPO were addressed, he encouraged the Council to resubmit the Order so as to achieve the objects of the planning framework for the area²³. The Council has worked hard between 2016 and 2018 to do precisely what the SofS asked of it.

Acquisition of interests by agreement and remaining interests/objections

18. Of 566 original land interests on the Order Land, only one remains to be acquired. The CPO is necessary to acquire that last interest, so that the Council can deliver vacant possession in accordance with the terms of the DPA. Once that has happened, the redevelopment of the FDS will proceed, in accordance with the AAAP. The redevelopment of the FDS will bring with it the very substantial benefits identified in the AAAP.
19. By the time of the SofS's Decision on 16 September 2016, there were eight leasehold interests which remained to be acquired, four of which were leaseholder-occupied by Rita Enuechie (9 Chartridge), Agnes Kabuto (148 Chartridge), Folashade Oladejo (16 Arklow) and Beverley Robinson (105 Chiltern)²⁴. Two of these had objected to the CPO: Agnes Kabuto and Beverley Robinson. The four non-resident investor leaseholders were: Stefan Crossfield (28 Arklow), Mr & Mrs Cilasun (135 Chartridge), Acqua Plus Developments Limited (124 Chartridge) and Judi Bos and Boris Bos (143 Chartridge), of which only Judi Bos and Boris Bos had objected to the CPO. Judi Bos then moved into 143 Chartridge at a later date.
20. By the close of the Inquiry the Council had acquired vacant possession of five of the above properties²⁵ and has reached agreement in relation to 148 Chartridge and 105 Chiltern whereby arrangements have been made for the leaseholder-occupiers to be rehoused, compensation has been agreed and vacant possession of the properties is to be delivered by the leaseholders. The

²² Document APP/0/52

²³ Document CD51 paragraph 36

²⁴ Document APP/0/16

²⁵ 9 Chartridge, 16 Arklow, 28 Arklow, 135 Chartridge and 124 Chartridge

Council has responded directly to the SofS's indication that the impacts of the CPO needed to be better mitigated and the outcome is that all the original resident leaseholders have reached agreement with the Council.

21. ALAG's original objection to the Order included the following heading: '*the Aylesbury Leaseholders Action Group on behalf of all addresses as indicated on the Notice of Objection Attached*'. A list of ALAG Members is at the foot of the page, the letter was signed by Julius Sangbey. A document entitled 'Objection to compulsory purchase order' was appended, with a further list. All those on the two lists lived in properties which had been included in the Order and, as such, were statutory objectors. In the circumstances, it was appropriate for ALAG to be treated as a representative body for statutory objectors. Judi Bos did not feature on either list.
22. At the time of the PIM on 12 September 2017, only 3 leaseholders (statutory objectors) remained part of ALAG, together with the 35% Campaign, who opted to provide evidence under the ALAG banner and be represented by ALAG's barrister Christopher Jacobs. Judi Bos indicated that she would be representing herself and that she might call some of her neighbours in support of her case²⁶. After that date, Rita Enuechie came to an agreement with the Council in respect of compensation and rehousing. She played no further part in the objections to the Order, leaving Beverley Robinson and Agnes Kabuto as the two remaining resident leaseholder objectors participating in the process, represented by a barrister under the auspices of ALAG.
23. The ALAG objection was based upon objections from resident leaseholders on the Order Land. It was open to the two remaining resident leaseholders (Beverley Robinson and Agnes Kabuto) to withdraw their objections if they chose to do so. The Council negotiated in good faith on that basis. ALAG was represented at the mediation by its barrister, Christopher Jacobs, and Chairperson, Beverley Robinson. No specific process was required as a preliminary step in order that the ALAG objection could be withdrawn. The ALAG withdrawal was proper and effective. A schedule²⁷ listing the evidence which was withdrawn was submitted to the Planning Inspectorate together with a letter²⁸, dated 29 March 2018 and signed by ALAG's barrister, Christopher Jacobs, and a Statement of Common Ground (SoCG)²⁹, signed by Beverley Robinson as the Chairperson of ALAG. It was not then open to Judi Bos to rely on that evidence or submissions.
24. Judi Bos and Boris Bos are the only remaining statutory objectors. They have a single interest in the land and neither opposes the regeneration of the Estate. Both have confirmed that they are, in principle, willing to reach agreement with the Council³⁰. If the necessary matters can be agreed, which are the value of the property, any other payments and possibly rehousing, they would withdraw their objections and all their evidence and submissions. Their objections are, in effect, tactical to put pressure on the Council to improve its offer to them. The other individuals who object to the Order are

²⁶ Document GID/1 paragraph 4.1

²⁷ Document APP/0/39

²⁸ Document APP/0/37

²⁹ Document APP/0/38

³⁰ Answers to questions given in cross examination at the Inquiry.

Paul Palley, who objected originally, and those who did not originally object but have objected since³¹, all of whom do not have interests that would be directly affected by the confirmation of the Order.

Phasing of the redevelopment of the Estate

25. The FDS is the third parcel of land on the Aylesbury Estate to be brought forward for redevelopment³². The first site to be promoted was Site 1a in the south western part of the Estate. Planning permission was granted in 2009. The site was developed out between 2009 and 2013, delivering 261 new homes of which 134 are affordable³³ (51% of the total and 75% of them are social rent), in accordance with the approved details.
26. The second site to be promoted was Site 7 in the north eastern part of the Estate. Planning permission was granted in 2013. A CPO was necessary and an inquiry to consider objections to the CPO was held in March 2013³⁴. The Inspector recommended the confirmation of the CPO³⁵. The SofS agreed³⁶. The development delivered all that was promised. That includes the delivery of 147 new homes, including 76 affordable homes, of which 75% are social rented units³⁷.
27. The Council held a competitive process in order to appoint a development partner for bringing forward the next phases of development³⁸. On 28 January 2014, the Council selected NHHT as its preferred partner and on 28 April 2014, the DPA³⁹ was signed. NHHT recently merged with Genesis Housing Association, to become Notting Hill Genesis (NHG). Its contractual and Board level commitments remain unchanged.

Need to regenerate the Estate

28. The Estate was constructed between 1966 and 1977 to replace Victorian houses and factories, many of which had been damaged during the Second World War⁴⁰. A relatively short time after the completion of the Estate, its design and construction were regarded as problematic⁴¹. In 1999 the Council applied for funding from the then Government's New Deal for Communities (NDC) programme, with a view to bringing significant improvements to the Estate. The bid document stated:
'From the outset, the residents' view has been that, unless the physical fabric of the Aylesbury council estate was tackled alongside the social and economic problems of the neighbourhood, no sustainable solution could emerge. The

³¹ Piers Corbyn, David Bailey, Victoria Briden and Felix Badu

³² The land is referred to within the DPA as the FDS because it is the first parcel to be brought forward for redevelopment pursuant to that agreement.

³³ Document MISC/ID30 page 6 gives a detailed breakdown

³⁴ Document CD11 page 668

³⁵ Document CD11 page 672

³⁶ Document CD11 page 677

³⁷ Document CD29 - Tim Cutts page 1924 paragraph 6.8: affordable housing, and page 1934 paragraph 6.44: the increased housing provision on the land from 59 to 147 homes in total.

³⁸ Document CD27: Statement of Reasons page 4 paragraph 1.23

³⁹ Document CD68A

⁴⁰ Document MISC/LBS/4f page 4 paragraph 3.1

⁴¹ Document CD19 pages 18-19

*shortcomings of the physical environment are bound up inextricably with every aspect of life on the Aylesbury. Moreover, the way that the estate is built in monolithic blocks makes it impossible to tackle effectively physical aspects in a piecemeal way.*⁴²

29. The bid secured £56 million of funding from the Government. As the AAAP notes the aim of the Aylesbury NDC was:
*'changing the lives of the residents living in the area, to improve educational attainment, employment prospects and health and to reduce crime and fear of crime. Most importantly the NDC sought to dramatically improve the physical environment of the area.'*⁴³
30. The redevelopment of the Aylesbury Estate is a longstanding political ambition and a priority for the Council, set securely in the statutory development plan for the Borough. The Council's strategy is to improve the physical environment of the Estate and rebalance the tenures within it to create a more mixed community, in order to lead to significant improvements in the life chances of its residents. The redevelopment of the Order Land is an important part of the plan for the regeneration of the Estate as a whole; the confirmation of the CPO is necessary to allow the AAAP's aspirations for the area to be delivered.
31. The Council is seeking to implement the strategy within the AAAP. The land is necessary to redevelop part of Aylesbury Estate, in accordance with the AAAP, which is part of the statutory development plan for the area. The use of section 226 is appropriate⁴⁴.
32. The 2018 Guidance, consistent with its predecessors, emphasises that section 226 is *'intended to provide a positive tool to help acquiring authorities with planning powers to assemble land where this is necessary to implement proposals in their Local Plans...'* and that *'it is expressed in wide terms'*⁴⁵. It provides that section 226 should not be used in place of 'more appropriate enabling powers'⁴⁶. There is no more appropriate enabling power. Section 93(2) of the Local Government and Housing Act 1989⁴⁷ allows local housing authorities to acquire premises in areas declared to be 'renewal areas' where those premises consist of or include housing accommodation for the objectives of (i) the improvement or repair of the premises; (ii) the proper and effective management and use of the housing accommodation; or (iii) the wellbeing of persons residing in the area. It is directed towards the improvement of substandard housing conditions and its scope is thus far more limited than

⁴² Document MISC/LBS/4f page 4 paragraph 3.2

⁴³ Document CD2 internal pages 14-15 paragraph 1.2.2

⁴⁴ Documents CD50 paragraph 9: agreement of previous Inspector; and CD51 paragraph 10: agreement of the SofS.

⁴⁵ Document CD97 paragraph 95

⁴⁶ Document CD97 paragraph 96

⁴⁷ Document OBJ/PP/1 page 3 paragraph 2: Paul Palley's suggestion that section 93(2) of the Local Government and Housing Act 1989 is a more appropriate power to use.

section 226. The use of section 226 to assemble land in similar circumstances is well established and usually uncontroversial⁴⁸.

Whether the Acquiring Authority has a clear idea of how the land is to be used

33. If the CPO is confirmed, the Council will follow the general vesting declaration process. Once it can deliver vacant possession of the remaining land, the last buildings on the Order Land will be demolished⁴⁹ and the land redeveloped. There is full planning permission in place⁵⁰. More recently, an application under section 73 of the Town and Country Planning Act 1990, as amended (the Act) has been made, which proposes various minor material amendments to the scheme⁵¹. If the section 73 application is approved, the scheme will be built out in accordance with that permission. If it is not, the scheme will be built out in accordance with the full planning permission, with the exception of the gas pressure reduction facility, which is no longer necessary⁵².

Whether the purpose for which the land is being acquired fits in with the adopted Local Plan for the area

34. The section 226 power provides a means by which acquiring authorities can assemble land in order to implement proposals in the statutory development plan⁵³. It is not appropriate to take a different view of the planning merits than that which had been considered in granting planning permission unless there is fresh material, or a change of circumstances, which justifies it⁵⁴. The Greater London Authority (GLA) has been consulted on the section 73 application and has concluded that it complies with the London Plan⁵⁵, save to say that a viability assessment is required to demonstrate that the scheme provides the maximum reasonable amount of affordable housing. The section 73 application has not yet been determined by the Council. If planning permission is granted pursuant to that application, it will be implemented and then built out.
35. The statutory development plan⁵⁶ is broadly compliant with national policy⁵⁷. It comprises of the following⁵⁸:

⁴⁸ Example given in Documents CD90 and CD91: Inspector's report and SofS Decision letter for the London Borough of Barnet (West Hendon Regeneration Area) CPO (No 2) 2016, which was confirmed by the SofS on 20 October 2017.

⁴⁹ Document APP/0/46: Updated Plan of the Order Land showing the status of vacant possession as at 13 April 2018.

⁵⁰ Document CD62

⁵¹ Document APP/0/8 (GLA letter) page 1 description; Simon Bayliss evidence in chief; and Document APP/2/5 pages 60-63: Minor material amendment to planning permission 14/AP/3843 to include provision of an additional 12 units (including 3 townhouses in place of the Gas Pressure Reduction Station), revision to unit size and tenure mix, internal reconfiguration and elevational alterations, minor alterations to landscape layouts, amenity space and roof space.

⁵² Simon Bayliss in evidence in chief on 11 January 2018

⁵³ Document CD97: 2018 Guidance Tier 2 Section 1 paragraph 95

⁵⁴ Document APP/0/26: Alliance Spring Co Ltd v First Secretary of State [2005] EWHC 18 (Admin) at [16]

⁵⁵ Document APP/0/8 page 10 conclusion

⁵⁶ Pursuant to section 38(2) of the Planning and Compulsory Purchase Act 2004

- The London Plan⁵⁹
- Saved Policies of the Southwark Plan 2007⁶⁰
- Southwark Core Strategy 2011⁶¹
- Southwark Adopted Policies Map 2014⁶²
- The AAAP 2010⁶³

Compliance with the development plan means compliance with the plan 'as a whole'⁶⁴.

36. With regard to the London Plan, the 2015 Inquiry Inspector judged that the scheme complied with the relevant policies at that time⁶⁵ and the SofS agreed⁶⁶. No remaining objector alleges conflict with the London Plan 2016 and there is compliance with each of the following key policies:
- i. Policy 2.14 (areas for regeneration). Walworth and the Aylesbury Estate are included as regeneration areas. The FDS is within a strategic area identified for regeneration. The scheme will drive and shape growth as the strategic policy intends⁶⁷, in accordance with the more detailed local area action plan policies.
 - ii. Policy 3.3 (increasing housing supply). The renewal of existing residential areas is relied upon as providing a source of additional housing. The scheme development will provide a significant boost to housing supply, providing a minimum of 830 dwellings⁶⁸ in place of 566⁶⁹.
 - iii. Policy 3.8 (housing choice). The scheme development will provide a mix of housing tenures and typologies: flats, maisonettes/duplexes and houses, across a range of tenures⁷⁰.
 - iv. Policy 3.9 (mixed and balanced communities) says that a more balanced mix of tenures should be sought in all parts of London particularly in some neighbourhoods where social renting predominates and there are concentrations of deprivation. The lower case text notes that '*London's legacy of mono-tenure estates has in some cases contributed to concentrations of deprivation and worklessness*'⁷¹. The AAAP is wholly in line with the objectives underlying this policy. The creation of a

⁵⁷ Document APP/9/2 Appendix DD02

⁵⁸ Document APP/9/1 Page 21 paragraph 4.6

⁵⁹ Document CD71: The London Plan, March 2016

⁶⁰ Document CD23

⁶¹ Document CD21

⁶² Document CD20

⁶³ Document CD2

⁶⁴ Document APP/0/25: R v Rochdale MBC [2001] Env LR 22 at [48-50] and Daniel Davies in evidence in chief

⁶⁵ Document CD50 paragraphs 329-339

⁶⁶ Document CD51 paragraph 11

⁶⁷ Document CD71 paragraph 2.63A

⁶⁸ The section 73 application, if approved and implemented, would deliver 842

⁶⁹ Document CD63 Officer report for FDS full planning permission paragraph 16

⁷⁰ Document CD63 Officer report for FDS full planning permission Table 1; Document APP/2/5 page 62 for the section 73 application tenure change information.

⁷¹ Document CD71 paragraph 3.58

development with a mix of tenures is fundamental to the Council's adopted AAP and it explains that across the Estate, the Council will '*replace the existing 2,700 properties with around 4,200 brand new, mixed tenure homes*'⁷². AAP policy BH3⁷³ requires that '*50% of new homes in the action area core will be affordable and 50% private...*'. Policy 3.9 requires a sensible, integrated approach and it is not sufficient to address only built development. A range of social and physical infrastructure investment is necessary in order to achieve the benefits sought by mixed communities' policy⁷⁴.

- v. Policy 3.11 (affordable housing targets) sets strategic priorities, seeking to maximise affordable housing and giving impetus to a strong intermediate housing sector. It requires boroughs to set overall targets for affordable housing, with specific targets for social/affordable rented and intermediate housing. A greater proportion of social rented accommodation will be delivered than this policy suggests (whether under the extant approval or the section 73 application) because the Council intends to replace the existing social rented accommodation as far as is possible.
- vi. Policy 3.12 (negotiating affordable housing on individual private residential and mixed use schemes) requires that the maximum reasonable amount of affordable housing should be sought, having regard to the need to encourage rather than restrain residential development; and the need to promote mixed and balanced communities. The balance between development viability and providing the maximum reasonable affordable housing has been considered on two occasions to date; and will soon be considered again through the section 73 application process. The evidence before the AAP Inspector satisfied him that the balance had been struck correctly⁷⁵. Financial viability information was provided when the application for full planning permission for the FDS was made⁷⁶. On the basis of the submitted information, the Council and the GLA were satisfied that the development provided the maximum reasonable amount of affordable housing⁷⁷.
- vii. Policy 3.14 (existing housing) resists the loss of existing housing, including affordable housing, unless the housing is replaced at existing or higher densities with at least equivalent floorspace. Fewer affordable housing units are provided⁷⁸ but when considered on either a habitable

⁷² Document CD2 and paragraph 1.6: the Neighbourhood Team's Vision and Objectives

⁷³ Document CD2 page 35

⁷⁴ Document APP/5/1 page 42 Chapter 11 and page 50

⁷⁵ Document CD3 paragraph 3.3

⁷⁶ Document APP/0/45 (section 73 viability note) Appendix page 7: March 2015 viability information

⁷⁷ Document CD63: Officer Report for FDS planning permission paragraph 103

⁷⁸ There were originally 492 units of affordable housing on the FDS. The consented scheme delivers 406. 492 units of social rented accommodation will be replaced by 304 units of social rented accommodation.

rooms⁷⁹ or floorspace basis⁸⁰, there is an increase in affordable housing overall. The decision to replace the units in that way took account of existing standards on the Estate and is secured in accordance with the Council's commitment to honour the Neighbourhood Team⁸¹ Vision that all social rented units meet a specific floorspace standard: 'Parker Morris +10%' together with a 'significant proportion of family homes'⁸². The affordable units to be provided will offer residents new homes that are larger than those on the existing Estate⁸³. If planning permission is granted pursuant to the section 73 application, there will be an increase in the amount of affordable housing to be delivered overall⁸⁴. The scheme will provide a London Plan compliant level of affordable housing, whether on the basis of the extant planning permission, or on the basis of the section 73 variations.

37. The two key saved policies of the Southwark Plan are⁸⁵:

- i. Policy 4.2 (Quality of residential accommodation) suggests that planning permission will be granted for residential development provided that they include high standards of natural daylight and sunlight. That was the policy basis on which planning permission was granted⁸⁶.
- ii. Policy 4.3 (Mix of dwellings) requires that at least 10% of all major new residential development is suitable for wheelchair users. The scheme exceeds this requirement⁸⁷. The section 73 proposal produces a marginal improvement (11.9% of units versus the approved scheme 11.7%). Although specific units will either already be adapted, or subject to demand, are capable of adaption for specific disabilities, all units are designed to Lifetime Homes standards⁸⁸. The Design & Access

⁷⁹ There were originally 1,343 habitable rooms within that affordable housing on the FDS. The consented scheme delivers 1,394. 1,343 social rented habitable rooms will be replaced by 1,068.

⁸⁰ There was originally 31,822 sq m of affordable housing on the FDS. The consented scheme delivers 41,859 sq m. Of that affordable housing, 31,822 sq m of social rented floorspace will be replaced by 32,410 sq m.

⁸¹ Document CD2 page 180: '*a neighbourhood team was set up at the start of the project to help develop and champion the Aylesbury AAP. The team meets regularly and has 40 members representing a wide range of interests, ages, cultures and includes residents, those working with the young, old and vulnerable, transport groups and other social interest groups, local businesses and traders. The neighbourhood team members work with the wider communities within the Aylesbury area to ensure that any future plans for the area understand and respond to the needs and aspirations of the local community.*'

⁸² Documents CD2 pages 19-20 and APP/9/2 Appendix DD05 pages 148-150: explains that the Neighbourhood Team formulated a Neighbourhood Charter, to set out the community's aspirations for the regeneration of the Aylesbury area, which in turn informed the policies of the AAAP.

⁸³ Document APP/2/1 page 9 paragraph 3.18

⁸⁴ Document APP/0/8 page 6 summary: an increase of 123 social rented habitable rooms, an increase of 263 shared ownership habitable rooms, with 343 fewer market habitable rooms.

⁸⁵ Document APP/9/1 page 31 paragraph 4.39

⁸⁶ Document CD63 paragraphs 133-139

⁸⁷ Document APP/0/19

⁸⁸ Document CD19 pages 19-125 to 19-133 and Eleanor Purser in cross examination on 18 January 2018.

Statement (DAS) demonstrates that very careful thought and a great deal of skill has been applied in relation to the development to ensure that it is delivered in accordance with the principles of inclusive design.

38. The Southwark Core Strategy spatial strategy identifies the Aylesbury Estate as a growth area, relied upon to *'balance providing as many homes as possible with growth of other activities that create successful places such as places to work, leisure, arts and culture, sports, health centres and tourist activities'*⁸⁹. The 'Aylesbury Action Area' is the subject of a vision statement which explains *'We will use the guidance in the Aylesbury Area Action Plan to achieve a phased redevelopment of the Aylesbury estate between 2009 and 2027'*⁹⁰. Two of the relevant key strategic policies are⁹¹:
 - i. Strategic policy 5 provides a target for the number of new homes overall on the Estate (a target of 4,200, which is 1,450 net); and a density expectation for the urban zone of 200 to 700 habitable rooms per hectare (hrph), but *'within the opportunity areas and action area cores the maximum densities set out above may be exceeded when developments are of an exemplary design standard'*⁹². The AAAP provides more detailed targets for specific parcels of land within the action area but the Core Strategy policies expect that a substantial amount of additional housing is provided in the action areas, with a commensurate increase in the density of development.
 - ii. Strategic policy 6 requires *'50% affordable housing and 50% private housing in the Aylesbury Action Area Core'*⁹³. This reflects a deliberate intention to rebalance the tenures on the Estate, in a manner compliant with policy 3.9 of the London Plan. When full planning permission was granted in 2015, the delivery of additional housing and the balance between market and affordable housing were matters addressed specifically⁹⁴.
39. The adopted proposals map⁹⁵ shows the FDS in the south west corner of the Estate, within Phase 1 together with Site 1a further to the west and Site 7 north east corner. The FDS is within the action area core, where the higher development density requirement in strategic policy 5 applies.
40. The AAAP, adopted in 2010⁹⁶ is a fine grained development plan document, providing for the redevelopment of the Aylesbury Estate. It establishes the principles and parameters for the redevelopment of the FDS in particular. The CPO proposes redevelopment of the FDS in accordance with the AAAP. The CPO is thus set securely within a very detailed planning framework for the area, as well as being consistent with the London Plan and the Council's

⁸⁹ Document CD21 page 36 paragraph 4.3

⁹⁰ Document CD21 pages 47-48

⁹¹ Documents APP/9/1 page 23 paragraph 4.10; and CD50: concluded that the scheme complied with the relevant policies of the Core Strategy.

⁹² Document CD21 pages 78-79

⁹³ Document CD21 pages 82-83

⁹⁴ Document CD63 paragraph 83 paragraph 104

⁹⁵ Document CD20

⁹⁶ Document CD2

strategic planning policies. As a development plan document, the AAAP is part of the statutory development plan. It was formulated, consulted upon and examined in accordance with the provisions of the Planning and Compulsory Purchase Act 2004⁹⁷. The justification for the early development of the AAAP was a matter considered directly by the Examination Inspector⁹⁸. He also dealt with the consultation exercises on the AAAP⁹⁹.

41. The 2015 CPO Inspector recognised that the AAAP is the development plan means by which the Council sought to implement its 2005 decision in principle to redevelop rather than refurbish the Estate¹⁰⁰. In 2001 there was a vote on whether a stock transfer should take place. The outcome on a 70% turnout was that 73% voted against the transfer¹⁰¹. The proposed transfer was to a Registered Social Landlord (Faraday Community Housing Limited)¹⁰². The 2001 stock transfer vote was not directly a vote on 'refurbishment', although it may well have been understood as such, given that a comprehensive demolition/redevelopment programme for all the system built blocks was proposed following the transfer¹⁰³. Following this vote, the Council developed plans for the Estate based on stock retention and refurbishment, together with a programme of environmental improvement, for which there was community support¹⁰⁴.
42. The Executive Summary to a report by Levitt Bernstein, 2005, provides a useful explanation of the design work which had been carried out on the refurbishment of the Estate between 2002 and 2005¹⁰⁵. The Council had commissioned designs for the refurbishment of the south west corner of the Estate and it was intended that, if the refurbishment was successful, that approach was to be applied to the rest of the Estate. There was already a funding shortfall¹⁰⁶. The following three issues which had the potential to add significantly to the costs of the refurbishment scheme gave rise to the need for a review of whether the refurbishment proposals should be implemented: the structural robustness of various large panel system blocks on the Estate; works required to improve the heating; and the delivery of decent homes¹⁰⁷.
43. There was a substantial body of work underlying what was said in the 2005 report¹⁰⁸. This included the work by Alan Conisbee Associates dealing with structural robustness¹⁰⁹, which advised that '*Our work on the 5 and 6 storey [blocks] confirms that they have not been designed or constructed to avoid*

⁹⁷ Document CD3 paragraph 1.3

⁹⁸ Document CD3 paragraphs 2.2 and 2.3

⁹⁹ Document CD3 paragraphs 2.8 to 2.10

¹⁰⁰ Document CD50 paragraph 408

¹⁰¹ Document CD8 paragraph 2.3

¹⁰² Document APP/1/1 page 18 paragraph 9.1

¹⁰³ Document CD8 paragraph 2.3

¹⁰⁴ Document CD8 paragraph 2.4

¹⁰⁵ Document MISC/ID22 and Catherine Bates in evidence in chief on 12 January

¹⁰⁶ Document CD8 paragraph 3.2

¹⁰⁷ Document CD8 paragraph 3.3

¹⁰⁸ Document CD8 paragraph 3.4 (for example)

¹⁰⁹ Document MISC/ID23: 'Robustness Considerations to Inform Risk Assessments'

disproportionate collapse. This is contrary to what we consider a reasonable criteria ie the BRE's 1987 recommendations¹¹⁰.

44. The basis for the Council's decision in 2005 that the Estate should be redeveloped rather than refurbished¹¹¹ included the careful cost/benefit analysis undertaken at the time and the fact that there was a substantial shortfall in funding. The sources of the cost figures set out in the 2005 report¹¹² are from the following background reports: the 2004 Conisbee report¹¹³, BPTW April 2005 report of estimated costs¹¹⁴ and the Frost Associates Report May 2005¹¹⁵.
45. Following the Council's in-principle decision in 2005 to redevelop rather than refurbish the Estate, residents of the Aylesbury Estate worked with the Council to create the AAAP. It is their vision, formulated in a Neighbourhood Charter¹¹⁶ that drives the detailed policies of the AAAP. Five formal stages of consultation were undertaken¹¹⁷. Innovative events were organised, to build awareness as well as local capacity, including a series of 'planning for real' events¹¹⁸, the 'Show Homes' exhibition¹¹⁹ and a family fun day¹²⁰.
46. The AAAP Examination Inspector concluded on the choice of redevelopment over refurbishment:
'3.9 I am in no doubt that some existing tenants value the generous space standards that some of the existing flats provide and that the extensive glazing which is a feature of most of the flats provides a light and airy living space. However, there are fundamental shortcomings in the urban form which is characterised by monolithic blocks of flats of up to 14 storeys accessed largely by elevated walkways. The internal staircases and dark corridors appear to offer opportunities for crime and this was a view expressed in consultation on the Plan. Evidence obtained for the Sustainability Appraisal showed that some areas near the Walworth Road were in the 10% most affected in terms of crime in England. At street level the buildings present a forbidding and unkempt appearance and pedestrian routes are constrained by the layout of what in many cases are particularly large buildings. Whilst it is possible that some of the maintenance shortcomings of the buildings could be addressed, I agree with the Council that refurbishment would be unlikely to achieve satisfactory living conditions in the longer term¹²¹.
 He also concluded that the AAAP was sound ie justified, effective and consistent with national policy.

¹¹⁰ Document MISC/ID23 Executive Summary page 2

¹¹¹ Document APP/3/1 page 11 paragraph 3.11

¹¹² Documents APP/3/1 pages 11-12 paragraphs 3.11 and 3.12, and APP/3/3 Appendix CB1

¹¹³ Document CD25

¹¹⁴ Document JB/CD1 part 11.8: Proposed New Housing Sites Options Appraisal section 11.0

¹¹⁵ Document MISC/ID49 and Document JB/CD1 part 11.8: Proposed New Housing Sites Options Appraisal section 12.0 refers to the report

¹¹⁶ Document APP/9/2 Appendix 5 Foreward Page 146, Charter page 148 and Document CD2 page 19

¹¹⁷ Document APP/9/1 page 26 paragraph 4.27

¹¹⁸ Documents CD29 paragraph 4.33 and APP/9/2 Appendix 5 page 141

¹¹⁹ Document APP/9/2 Appendix 5 page 141 paragraph 2.2.2

¹²⁰ Document CD29 paragraph 4.33 1st bullet point

¹²¹ Document CD3 paragraph 3.4

47. Each of the relevant AAAP policies was applied to the application for full planning permission. It is apparent that the officers assessing the scheme appreciated the many competing objectives inherent in the AAAP policies. The AAAP principles and Masterplan were thought about, tested and brought to maturity¹²². The careful balancing of competing interests was central to the design process¹²³. Community engagement consisted of a series of activities, some of which were quite innovative, including walkabouts, cycle tours with residents, design workshops, site visits to other NHHT developments, presentations to community groups and public exhibitions at each of the project work stages. All events were promoted by mailouts, posters and social media, with a website being established from early on in the process¹²⁴. The scheme's compliance against each of the 23 relevant AAAP policies¹²⁵ has not been challenged.
48. The statutory development plan was based on appropriate evidence, it was consulted upon extensively. The purpose for which the land is being acquired fits in with that planning framework.

The extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area

Environmental Wellbeing

49. The existing Estate context has been considered on three separate occasions. The 2009 AAAP Examination Inspector, the 2013 Site 7 CPO Inspector and SofS and the 2015 CPO Inquiry Inspector and SofS have all accepted that the urban design of the Estate suffers from a number of problems. The 2009 Examination Inspector acknowledged that the existing built environment showed '*signs of stress*'; its retention in the long term '*would in any event be unlikely to achieve a satisfactory residential environment*'; and emphasised that the buildings present '*a forbidding and unkempt appearance*' at street level and that '*pedestrian routes are constrained by the layout of what in many cases are particularly large buildings*'¹²⁶. The 2013 CPO Inspector for Site 7 was similarly critical of the Estate's built environment¹²⁷. The SofS made clear that he agreed with the Inspector's observations about the buildings on Site 7 itself¹²⁸.
50. The section of the 2015 CPO Inquiry Inspector's report dealing with the design of the existing Estate found more to commend the Estate than others before her but she acknowledged the following problems with the design of the Estate:

¹²² Documents APP/2/1 pages 13-18, APP/3/1 pages 33-40 and CD19 page 52: explains the design team responses to the Masterplan intentions.

¹²³ Simon Bayliss in evidence in chief

¹²⁴ Document APP/2/1 page 19 paragraph 4.3

¹²⁵ Documents CD63 and APP/9/2 Appendix 2 pages 37-44

¹²⁶ Document CD3

¹²⁷ Document CD11 Inspector's report paragraph 26

¹²⁸ Document CD11 SofS decision paragraph 8

- i. *'...if the 5 and 6 storey blocks are to be retained they will require strengthening'¹²⁹.*
- ii. *' the style of architecture, which is derived from the use of large Jespersen concrete panels and the length of some of the blocks....combine to give the estate a brutalist appearance that is at odds with modern day architectural design and aspirations'¹³⁰.*
- iii. *'Currently the Order Land presents a relatively bleak environment, due to the high level of vacancy following the relocation of tenants and the security fencing around this part of the estate'¹³¹.*
- iv. *'The separation of traffic from amenity areas has resulted in ground floor garages or parking courtyards facing the public realm. The parking courtyards appear to be well used. In contrast, the garages appear to be largely vacant and create a harsh and forbidding environment. Together with the length of the various blocks, these areas combine to create a poor quality environment at street level'¹³².*

Having acknowledged these fundamental design problems; and then having recognised that the approved scheme addresses them, the Inspector then went on to find that, as a result of points she raised on daylight and sunlight, the scheme would not improve the environmental wellbeing of the Order Land¹³³. It is apparent that the Inspector afforded so much weight to the daylight and sunlight points she had raised that those matters completely outweighed the other environmental benefits.

51. The SofS's Decision letter agreed with the Inspector's conclusions about environmental wellbeing benefits. At the end of the Decision letter, the SofS said that the redevelopment of the Estate could, *'in principle bring with it considerable benefits'¹³⁴*. That must include the environmental benefits the AAP is directed to¹³⁵.
52. The demolition of various buildings on the FDS provides a very specific set of circumstances for the decision on the CPO. By the time of the decision, 120-149 Chartridge will either be the only building on the Order Land, or that will imminently be the case, given that the only interest which is not the subject of agreement is 143 Chartridge and that there is an ongoing programme of demolition as vacant possession of individual buildings becomes available¹³⁶. The confirmation and implementation of the CPO would therefore affect only one building directly, which is 120-149 Chartridge. The benefits of the redevelopment of the FDS are secured with far less impact than was the case in 2015.

¹²⁹ Document CD50 paragraph 356

¹³⁰ Document CD50 paragraph 358

¹³¹ Document CD50 paragraph 359

¹³² Document CD50 paragraph 362

¹³³ Document CD50 paragraph 370

¹³⁴ Document CD51 paragraph 36

¹³⁵ Document CD51 paragraph 11: the SofS accepts that the scheme accords with the planning framework for the area.

¹³⁶ Document APP/0/46: Updated Plan of the Order Land

53. The way in which 120-149 Chartridge has been constructed as a four storey Jespersen 12M Large Panel System (LPS) building¹³⁷ makes it difficult to maintain. The walls, ceilings and floors are themselves structural with the walls interlocking to act as a diaphragm structure. This severely limits modifications to the building and hampers access to services for repair and replacement. There is also the general deteriorated condition of the external concrete panels, due to water ingress and corrosion of the steel reinforcement bars¹³⁸. It does not meet modern standards. It has poor thermal performance and poor provision for accessibility¹³⁹. The building design suffers from some of the following faults¹⁴⁰. Its uniform appearance is at odds with the surrounding context; its scale does not correspond to the human scale, and contributes to a sense of isolation; and the separation of traffic from pedestrians using high level walkways to access front doors and stair wells contributes to crime and anti-social behaviour.
54. The approved scheme provides for the redevelopment of the FDS to provide 830 new homes¹⁴¹, within six blocks, made up of 23 individual buildings¹⁴². The replacement blocks in the specific area of 120-140 Chartridge¹⁴³ are Blocks 4 and 5¹⁴⁴. Block 4 was designed by Hawkins Brown and is located on a prominent part of the FDS, on the corner of Portland Street and Albany Road, overlooking Burgess Park. It provides 215 homes, across market sale, market rent, shared ownership and social rent. It comprises a tower and four separate mansion blocks, arranged in two L shapes around a raised podium courtyard garden. Its outward relationship with the street and a clear hierarchy of public to private space has been an important design driver. Block 5 was designed by HTA and comprises of five buildings (four mansion blocks and one tower), which wrap around to form a perimeter block, enclosing a first floor courtyard space above undercroft car parking.
55. The FDS design responded to each of the key principles that were taken from the AAAP¹⁴⁵. The underlying purpose of those principles was the delivery of very significant environmental benefits. The principles have been respected and the approved scheme reflects them:
- i. The creation of a sense of place and character.
 - ii. A layout that reinstates streets and squares.
 - iii. The definition of appropriate building typologies (which animates the streetscape and helps to define the various character areas).
 - iv. Architecture to complement the street based approach.

¹³⁷ Document APP/3/1 page 16 paragraph 4.1

¹³⁸ Document APP/3/1 pages 16-17

¹³⁹ Document APP/3/1 page 17 paragraph 4.4

¹⁴⁰ Documents APP/3/1 pages 19-27 paragraphs 5.3 to 5.6; and APP/3/3 Appendices CB3 and CB4: 'walk throughs', before and after.

¹⁴¹ The section 73 scheme would deliver an additional 12 units.

¹⁴² Document APP/2/1 page 25 paragraph 5.14

¹⁴³ Document APP/0/50

¹⁴⁴ Document CD19 page 19-62

¹⁴⁵ Document CD19 pages 19-52 to 19-57

- v. Legible addresses to individual buildings.
 - vi. Surprise and delight – the design goes well beyond the merely functional.
 - vii. A view of greenery.
 - viii. Operation – refuse, recycling, cycle storage, all planned for and efficient.
56. A summary of the new homes is as follows¹⁴⁶:
- i. 47 new townhouses, four and five bedroom houses arranged over three or four floors, a mix of private sale and social rent. Their design includes the provision of generous bay windows at first floor level, picking up design cues from Georgian houses in the wider context.
 - ii. 70 new maisonettes occupying the frontage of the perimeter blocks along the park edge. Each is designed with its own front door and small front garden. Where possible, bay windows have been provided to allow views down the street and towards the park.
 - iii. Duplex apartments, typically providing two and three bedroom accommodation.
 - iv. Apartments – a wide range is provided, together with specially designed Extra Care and Learning Disability flats.
 - iv. As far as frontages and entrances are concerned every opportunity has been taken to establish active frontages to the street.
 - v. Architecture and materials are important. The scheme aims to ensure that the FDS has a tangible sense of place as part of Walworth and part of London. The decision to use a base palette of brick is a deliberate one, to help the development to stitch back in to the surrounding area.
57. The new buildings will deliver the following important environmental improvements:
- i. They will not replicate the LPS design, which means that not only are they designed to a more human scale, their maintenance will be more straightforward and less costly.
 - ii. They will achieve modern standards, which mean a marked improvement in thermal performance and carbon emissions¹⁴⁷.
 - iii. Their architectural design and detailing is of the very highest quality, creating an attractive, coherent streetscape and a good place to live.
58. The proposed layout is much better, delivering a substantial amount of usable open space given the density requirements of the AAP: 11% of the site area is publicly accessible open space¹⁴⁸. It is more permeable, providing more convenient and attractive routes across the land, whether by bike or on foot.

¹⁴⁶ Document APP/2/1 pages 26-29

¹⁴⁷ Document APP/2/7

¹⁴⁸ Document APP/2/1 page 29 paragraph 5.32

59. The function and treatment of all landscape features is addressed in the submitted Landscape Statement and Addendum¹⁴⁹, which includes the following:
 - i. Westmoreland Square (an urban square along the Community Spine, forming the main civic hub of the development)
 - ii. Westmoreland Park (a pocket park connected to the Community Spine, the Community Facility and Learning Disability flats)
 - iii. Portland Park (an urban park)
 - iv. Albany Road Park (a linear open space)
 - iv. Green Links (an integrated north-south network of parks and tree lined streets)
60. The approved scheme also secures biodiversity and nature conservation benefits¹⁵⁰.
61. Overall, there are very significant environmental wellbeing benefits which will be delivered by the scheme, if the CPO is confirmed.

Social Wellbeing

62. The benefits brought by the redevelopment of the FDS would be felt widely; its disadvantages only by those dispossessed. Only one land interest remains to be acquired whilst the disruption arising from the CPO should be viewed in a context in which the lives of many residents on the Estate have been disrupted long term by problems which have become a way of life, related to crime, anti-social behaviour, lift breakdown, heating system failure and water and sewerage leaks¹⁵¹. The scheme goes beyond simple improvements to the built environment¹⁵². This includes contributions under a section 106 legal obligation to provide facilities for children and cyclists and improvements to bus services; money under the DPA to the Council for Site 10 which could contribute to the health and early years' facilities, the library and new public square; and measures to improve public safety under Condition 17 (Designing Out Crime) of the planning permission.
63. The aim of the scheme is to achieve a transformation of the Order Land by its redevelopment and by investment in social infrastructure. The redevelopment's environmental benefits also have social implications. In addition, the confirmation of the CPO presents an important opportunity to provide accommodation to meet the needs of people in Southwark whose needs have not been met elsewhere and there is a community facility proposed within Block 1.

¹⁴⁹ Document CD42 and described in Documents APP/2/1 pages 29-30 and APP/3/1 pages 34-35

¹⁵⁰ Document APP/5/1 page 58 paragraph 15.6

¹⁵¹ Document APP/5/1 page 56 paragraph 14.2

¹⁵² Document APP/5/1 pages 57-64 paragraphs 15.3-15.21

64. The proposed 'Extra Care' facility is designed to follow best practice guidance to create a healthy and happy environment for elderly residents¹⁵³. The building is designed to give residents self-contained accommodation allowing independent living, while the wider design encourages social interaction. All 50 flats are wheelchair accessible. The layout provides all necessary facilities (communal tea kitchen, office space, mobility scooter store etc), while providing a convivial, domestic feel. The lounge, tea kitchen and dining room overlook either a courtyard garden, with double height windows to create a connection between inside and outside, or the busier public areas of Westmoreland Square and Bradenham Close. The circulation space has been deliberately designed to create sheltered space where residents can take ownership of the areas outside their doors, seats will be built into those spaces, providing an opportunity for social interaction and a view into the courtyard garden. That design choice had implications for the statistical daylight performance of the FDS, but it was nonetheless the right one for the particular accommodation provided.

Economic Wellbeing

65. The proper operation of the Compensation Code should mean that the economic effect on the leaseholders is neutral. The economic benefits of the scheme are benefits to the community. The scheme gives rise to direct and indirect economic benefits. A further significant direct benefit is the NHG commitment to providing employment and training opportunities for unemployed and other Borough residents, through the lifetime of the construction phase of the development¹⁵⁴. The indirect benefits include the considerable uplift in spending expected from the residents of the scheme¹⁵⁵.

Whether the purpose for which the Acquiring Authority is proposing to acquire the land could be achieved by any other means

66. The Order is sought for the following purpose:
*'facilitating the carrying out of development, redevelopment and improvement on or in relation to the land, in particular, for the purpose of securing the regeneration of the Aylesbury Estate in accordance with the provisions of the Aylesbury Area Action Plan, including the demolition of existing residential units and the provision of a mixed tenure residential development and associated landscaping'*¹⁵⁶.
 It reflects the strategic planning framework, in particular the AAAP. Although refurbishment of the Estate has in the past been regarded as an option subject to the availability of funding, the AAAP resolved the matter decisively in favour of redevelopment. It follows that the purpose for which the Council is proposing to acquire the land cannot be achieved by refurbishment.
67. The proposed retention of 120-149 Chartridge is not a realistic alternative to the CPO for the following reasons¹⁵⁷:

¹⁵³ Document CD19 page 19-130

¹⁵⁴ Document APP/5/1 page 63

¹⁵⁵ Document APP/5/1 page 63

¹⁵⁶ Document CD1A

¹⁵⁷ Document APP/0/50

- (a) No assessment of the practical, financial and other implications of this alternative have been provided. The implications for the CPO scheme would be severe in that the building cuts across two key development blocks (4 and 5) and would prevent the delivery of Building 5. It would also conflict with the formation of the six perimeter urban blocks and the grid of permeable streets provided for in the AAAP Masterplan and interrupt the rhythm of the frontage to Albany Road, which presents a modulation of three waves of mid-rise to tall buildings.
 - (b) There is no assessment of the planning merits of the proposal. If there was, it would have to acknowledge that the planning framework would not support it. There is no planning permission and no prospect of it.
 - (c) There is no organisation in place to deliver the alternative proposal, nor even any body which has signalled any interest at all in doing so.
 - (d) There is no funding available.
 - (e) The retention of the building would give rise to really significant design compromises for the FDS. It would require a complete redesign of the scheme for the Order Land given that it is entirely at odds, in terms of architectural style and Masterplan layout, with the consented scheme.
 - (f) The retention of the building is not the result of a considered design process, but arises from the fact that 143 Chartridge is the last property to be acquired, which is not good planning to allow that factor to drive the design of the development.
 - (g) Its retention has been calculated to result in a total loss of some 119 dwellings.
 - (h) Comprehensive works, both internally and externally, would be required to bring the building up to Building Standards and the major adaptations and improvements required would amount to significant sums of money, the relevant portion of which would be charged back to a leaseholder.
 - (i) Although the Stage E report gave refurbishment details, it considered a different scheme and did not have to address the complexities of seeking to fit one existing building into a development proposal which relies upon the demolition and redevelopment of the site as a whole, and was last considered by the Council in 2005.
68. The 2015 CPO Inquiry Inspector and the SofS concluded on the issue of refurbishment. The Inspector said: *'Whilst refurbishment would deliver some of the benefits of the scheme, on the basis of the evidence submitted to the inquiry, I am not convinced that such a scheme is viable and deliverable. Furthermore it would be unlikely to deliver a comparable increase in the number of dwellings. Therefore the current scheme is the only option before the Secretary of State at the present time that has the potential to regenerate the estate'*¹⁵⁸. The SofS's Decision letter concluded *'that there is not a viable*

¹⁵⁸ Document CD50 paragraph 418

or deliverable alternative to the scheme for the Order Land¹⁵⁹. The alternative to the CPO scheme is no further forward now.

Whether the Acquiring Authority can show that all necessary resources to carry out its plans are likely to be available in a reasonable time scale

69. The Council identified resources of £76 million in its capital programme to meet its obligations under the DPA¹⁶⁰. Those resources have been available to fund the acquisition of land interests and thereby to work towards providing vacant possession of the FDS. Although it is unnecessary to identify any further funding in order to acquire the single remaining land interest on the FDS, the Council would be able to do so. The Council and NHHT (as it was) renegotiated various provisions within the DPA in advance of the Inquiry¹⁶¹. The purpose of the agreement was to mitigate the effect of delay on the programme. It provided for the early demolition of buildings within the FDS¹⁶². The Council agreed to fund demolition works (£16.8 million) which were to have been paid by NHHT in the first instance and then deducted off the land value receipt payable to the Council¹⁶³.
70. With regard to viability, the DPA provides that the redevelopment of the FDS is deemed viable¹⁶⁴. NHHT (now NHG) is fully committed to delivering the scheme, notwithstanding the extended delay in securing vacant possession of the land¹⁶⁵. The Council has provided information about the financial viability of the approved scheme¹⁶⁶, information about the financial viability of the section 73 scheme¹⁶⁷ and a note from NHG confirming its commitment to the delivery of the scheme. The approved scheme does not provide a commercial profit level, but the profit level is acceptable to NHG¹⁶⁸ on the basis of either the approved scheme or, if approved, the section 73 scheme¹⁶⁹.
71. The Council's funding and that of NHG is available now. If the CPO is confirmed, the scheme will proceed without delay and the site will be redeveloped. If the section 73 application is approved, the scheme will be built out in accordance with that permission. If it is not, the approved scheme will be built out, with the exception of the gas pressure reduction facility, which is no longer necessary¹⁷⁰. The 2015 CPO Inquiry Inspector was satisfied by the financial information provided, as was the SofS. Given that the Council and NHG remain fully committed to the delivery of the scheme, with funding identified and available, there is no reason to come to a different conclusion.

¹⁵⁹ Document CD51 paragraph 34

¹⁶⁰ Document APP/1/1 page 26 paragraph 11.3

¹⁶¹ Ibid

¹⁶² Documents APP/1/1 pages 27-29 and CD66

¹⁶³ Document APP/1/1 page 27 paragraph 11.6

¹⁶⁴ Document APP/4/1 Page 7 paragraph 3.7

¹⁶⁵ Ibid and Document APP/0/45 page 5 paragraph 17

¹⁶⁶ Document APP/0/45: an update to the March 2015 information submitted as part of the FDS planning application with the original 2015 submission appended.

¹⁶⁷ Document APP/0/8: information dealing with the financial viability of the section 73 scheme had been requested by the GLA.

¹⁶⁸ Eleanor Purser in evidence in chief on 17 January

¹⁶⁹ Document APP/0/45 page 4

¹⁷⁰ Simon Bayliss in evidence in chief on 11 January

Whether the scheme is unlikely to be blocked by any impediment to implementation

72. With regard to Ellison House, which is a hostel leased to the National Offender Management Service within the FDS but Crown land and cannot therefore be acquired using compulsory purchase powers, the Council and the Ministry of Justice have worked together to identify and provide a replacement site for the hostel. The identified replacement site was suitable and planning permission was granted without much opposition and without delay¹⁷¹. The alternative premises can therefore be delivered on available land and there is a sensible strategy in place to secure the land needed for access¹⁷². The 2015 CPO Inquiry Inspector accepted that the scheme was unlikely to be blocked by any physical or legal impediment to implementation¹⁷³ and the SofS agreed¹⁷⁴. In the circumstances, there is no good reason to depart from this previous conclusion.

Whether the Council has taken reasonable steps to acquire the necessary interests by agreement

73. When the CPO was made in 2014, the then applicable national guidance was Circular 06/2004, which advised to seek to acquire land by negotiation only where it was practicable to do so¹⁷⁵. By the time the 2015 CPO Inquiry Inspector reported to the SofS, it had been replaced by the 2015 Guidance¹⁷⁶, but the Inspector advised the SofS that the Guidance should not be applied retrospectively¹⁷⁷. The SofS referred to the 'reasonable steps' test¹⁷⁸, interpreting it as requiring a certain outcome: a package of measures allowing leaseholders to stay on the Estate or close by. A large part of the 2015 CPO Inquiry Inspector's reasoning and that of the SofS was based on the Inspector's perception that the price being offered for leasehold interests, together with the alternative housing options on offer, was insufficient to enable leaseholders to relocate on the Estate or in the local area¹⁷⁹. While the impacts of acquisition will be relevant to the merits of the CPO, they are not relevant to whether reasonable steps have been taken to acquire interests by agreement.
74. The 2015 Guidance has now been replaced by the 2018 Guidance, and the 'reasonable steps' wording has been retained. Between the publication of the 2015 Guidance and the 2018 Guidance, in December 2016, the Government published the Estate Regeneration National Strategy (ERNS)¹⁸⁰. Although the ERNS does not suggest that it should be read as affecting the Compensation

¹⁷¹ Document APP/1/1 Page 15 paragraph 7.6

¹⁷² Documents APP/8/1 pages 9-10 paragraphs 2.9-2.13 and APP/0/36 pages 2-4 paragraphs 9-16

¹⁷³ Document CD50 paragraph 391

¹⁷⁴ Document CD51 paragraph 16

¹⁷⁵ Document CD30 paragraph 24

¹⁷⁶ Document CD58

¹⁷⁷ Document CD50 paragraph 398

¹⁷⁸ Document CD51 paragraph 18

¹⁷⁹ Document CD50 paragraphs 399-402

¹⁸⁰ Document CD73

Code, nor the statutory duty to rehouse¹⁸¹, it sets out policy expectations in relation to the rehousing of leaseholders which can be construed as seeking to affect both.

75. Since 2015 the Council has continued to work on acquiring interests by agreement, with only one interest remaining to be acquired. In circumstances in which all but one interest has been acquired, out of 566, it would be irrational to conclude that the Council has not taken reasonable steps to acquire all the necessary land interests by agreement. This has relied upon the following:
- i. The Council's rehousing policies have offered leaseholders a package that has enabled them to stay on the Estate or close by. These have included assistance to purchase a new property via shared equity or shared ownership on nearby housing association developments, which for leaseholders from the Order Land included new shared equity homes developed on parts of the former Aylesbury Estate at Site 7; assistance in purchasing a shared equity or shared ownership home through the Council (subject to a financial assessment); and rehousing as a Council tenant (subject to a housing need and financial assessment)¹⁸².
 - ii. The Council's rehousing policies compare very favourably with those of other London boroughs¹⁸³.
 - iii. The Council has offered the open market value for leasehold properties based on advice from Carter Jonas (valuers external to the Council)¹⁸⁴ and making it clear that it will pay for leaseholders' surveyor's fees¹⁸⁵.
 - iv. The Council has offered various forms of alternative dispute resolution in order to unlock the issues arising in relation to the last remaining leasehold interests¹⁸⁶; but it is not certain that a mediation planned in the next few weeks will result in the acquisition of the last remaining interest and therefore a CPO is still required.
76. The Council has been trying to acquire 143 Chartridge by agreement since 2012. Judi Bos moved back into the property in either August 2017¹⁸⁷ or on 19 September 2017¹⁸⁸. Before then, neither Judi Bos nor Boris Bos had lived in the property since 2005. That means that at no time during the six year period within which the Council has been trying to buy the property were

¹⁸¹ Section 39 of the Land Compensation Act 1973

¹⁸² Documents APP/1/1 pages 41-45; APP/7/1 paragraphs 4.13-4.37; APP/0/41 and APP/0/42: in response to what leaseholders said they wanted, the Council changed its rehousing policy so as to be able to offer Council owned rehousing properties on the basis of a charge secured on the property.

¹⁸³ Document APP/0/41 pages 2-4 section 3

¹⁸⁴ Document APP/8/1 page 13 paragraph 4.5

¹⁸⁵ Document CD16 page 916

¹⁸⁶ Document APP/8/1 page 23 paragraph 4.17.9

¹⁸⁷ Document OBJ/JB/22 paragraph 38

¹⁸⁸ Judi Bos in cross examination on the basis of an email Boris Bos wrote to the Council the day before, saying that she was going to move back into the property 'the next day'. It appears that Judi Bos moved into 143 Chartridge either shortly before or shortly after the PIM on 12 September 2017, knowing that a CPO inquiry was in prospect.

either of them living in it. Between 2012 and the latter part of 2017, the single issue to resolve was the open market value of the property. They very nearly sold the property by agreement to the Council in 2012 with the price having been agreed and both having signed and dated a Notice of Intention and the parties were working towards completion¹⁸⁹. A '*problem with* [the tenant's] *deposit*'¹⁹⁰ meant that Judi Bos asked for an updated offer, which was provided within a few days¹⁹¹.

77. At the beginning of 2014 the Council decided that it would update its offers once the decisions on two references made to the Upper Tribunal (Lands Chamber)¹⁹² were available. Judi Bos was telling one part of the Council that she was prepared to accept a marginally higher offer than had been made (and less than she was subsequently offered a few months later), while seeking to maintain an objection to the CPO¹⁹³. Judi Bos's surveyor did not provide his own estimate of the open market value of the premises over a period of many months, although he had promised that he would do so¹⁹⁴. In terms of Boris Bos's complaint that he had not been copied in on correspondence about the property for a period of about 18 months, Judi Bos's response to the Council's surveyor's request as to who he should correspond with was that she was the right person and she explained why¹⁹⁵.
78. The Council has offered the following three separate forms of alternative dispute resolution to Judi Bos and Boris Bos: a reference to the Lands Chamber paid for by the Council¹⁹⁶; mediation¹⁹⁷; and, at Boris Bos's request, a form of arbitration expressed not to be binding, followed by a lengthy exchange of correspondence about whether that form of Alternative Dispute Resolution (ADR) exists. The Council has therefore taken reasonable steps to acquire the leasehold interest in 143 Chartridge by agreement over the period of six years during which it has sought to do so.
79. The letter of 24 May 2017¹⁹⁸ makes it perfectly clear that as recently as mid last year, both Judi Bos and Boris Bos have regarded the Council's most recent offer as acceptable. The real reason agreement has not been reached is not because of any fault in the way the Council has negotiated, but because there have been various disputes between Judi Bos and Boris Bos and that has meant that it has not been possible to reach agreement with both of them at the same time in relation to the sale of the property¹⁹⁹.

¹⁸⁹ Document APP/8/3 Appendix 4 pages 1799, 1812, 1814, 1815, 1817 and 1819

¹⁹⁰ Document APP/8/3 Appendix 4 page 1818

¹⁹¹ Document APP/8/3 Appendix 4 pages 1820 and 1821

¹⁹² The cases of Joshua and John

¹⁹³ Documents OBJ/JB/6 Appendix JBSS4 pages 24 and 25 and APP/8/3 Appendix 4 page 1821: the offer in October 2013 was £145,000, Judi Bos stated that she would accept £30,000 more in April 2014 (£175,000); and Document APP/0/21: 18 January 2015 an offer of £225,000 was made (£50,000 more than said only a few months before would accept).

¹⁹⁴ Document APP/8/3 Appendix 4 pages 1829, 1831, 1837, 1838 etc

¹⁹⁵ Document APP/8/3 Appendix 4 pages 1849-1850 and 1852: letter of 2 November 2015 and email

¹⁹⁶ Document APP/8/3 Appendix 4 page 1867

¹⁹⁷ Document APP/8/3 Appendix 4 pages 1871 and 1872

¹⁹⁸ Document OBJ/JB/6 Appendix JBSS9

¹⁹⁹ Document APP/8/1 page 22 paragraphs 4.17.1-4.17.3

Equalities

80. The Public Sector Equality Duty (PSED) arises from section 149 of the Equality Act 2010. It imposes a procedural requirement on the decision maker to 'have due regard' to various specified considerations when taking decisions. It does not require the SofS to reach a particular substantive result. The Council submitted a note²⁰⁰ to the Inquiry dealing with the proper approach to the PSED in decision-making.
81. After the previous decision on the CPO was quashed, the Council commissioned a formal 'Equalities Impact Assessment' (EqIA) carried out by Dr James Beard of Mott MacDonald²⁰¹, an expert in carrying out such assessments. It takes account of impacts which will no longer arise if the CPO is confirmed. Three of the four leaseholder interests are now the subject of agreement with the Council. The EqIA and the evidence of Dr Beard are therefore out of date. It would be disproportionate and unnecessary to update it in circumstances in which the CPO's impact on Judi Bos and Boris Bos is taken into account in that work, and in circumstances in which both leaseholders were heard at the Inquiry. Moreover, the EqIA and Dr Beard's evidence pre-dates the Council's changes to its housing policy²⁰². However, the work demonstrates the adequacy of the mitigation of the impacts of the CPO.
82. In terms of specific potential adverse impacts arising from the confirmation of the Order, Dr Beard identified the following:
 - i. A potential disproportionate impact on older people, particularly those at or approaching retirement age on the basis that they are more likely to lack the financial means and income flexibility of younger people and a further risk that relocation would require older people who have savings and investments to use them in order to secure ownership of a new property²⁰³;
 - ii. A potential disproportionate impact on older people on the basis that they are likely to be more reluctant to move as relocation later in life is potentially disruptive and can lead to issues around familiarity with the local area and potential difficulties in accessing local amenities²⁰⁴;
 - iii. A potential disproportionate impact on individuals from ethnic minority communities on the basis that estate redevelopment may lead to a loss of social infrastructure and social capital, which can have a particular effect on members of Black, Asian, and Minority Ethnic (BAME) communities who may find access to services that meet specific cultural needs more limited or challenging²⁰⁵.

²⁰⁰ Document APP/0/17: Section 149 is appended to the note, together with a summary of the relevant principles taken from the judgment of McCombe L J in the Court of Appeal case of R (Bracking) v Secretary of State for Work and Pensions [2013] EWCA Civ 1345 (Document APP/0/18).

²⁰¹ Documents APP/6/3 Appendix JB01 and APP/0/14 and APP/0/15

²⁰² Documents APP/0/14 and APP/0/15

²⁰³ Document APP/6/1 page 28 paragraphs 2.4.2-2.4.4

²⁰⁴ Document APP/6/1 page 30 paragraph 2.4.11

²⁰⁵ Document APP/6/1 page 32 paragraph 2.4.17

83. Dr Beard identified that the potential impacts would not in fact arise as they were adequately mitigated by virtue of the nature and scope of rehousing options made available to leaseholders. In particular, Dr Beard identified that the rehousing options enabled leaseholders to relocate back onto the footprint of the existing Estate or in the immediate local area, or in the wider Borough and other locations, at the choice of the resident²⁰⁶. He also identified that leaseholders are not obliged to take on any additional commitments or expenses, such as mortgages, in order to secure a new home²⁰⁷. He concluded that the proportion of resident leaseholders requesting and securing rehousing assistance is within the range seen on other projects²⁰⁸. He was satisfied that the EqIA provided sufficient information to the SofS to enable the PSED to be discharged appropriately²⁰⁹.
84. There has been compliance with the PSED by the Council at all relevant stages. This has included the 2009 equalities assessment²¹⁰ conducted as part of the AAAP process (albeit the PSED only came into effect on 5 April 2011 after the AAAP); the consideration of equality issues through the making of the CPO²¹¹; and in the planning reports dealing with the FDS planning application²¹². The equality impact of the CPO must now be assessed on the basis of the current factual circumstances.

Daylight and Sunlight

85. Although the 2015 CPO Inquiry Inspector and SofS found against the proposed scheme in terms of wellbeing based on matters of daylight and sunlight, the Inspector did not approach these matters in accordance with relevant policy and guidelines. Further, the conclusions reached were not based on technical evidence and during the 2015 Inquiry, the Inspector did not ask any questions about daylight in relation to the acceptability of the internal environment for the proposed dwellings on the Order Land and asked only a single question about overshadowing within amenity areas²¹³.
86. When considering the planning application, the officer's report identified the '*highly urbanised environment*' and the '*form of development required by the AAAP*' as presenting a '*challenge*' to achieving full compliance with ideal Average Daylight Factor (ADF) levels. It noted that '*in order to have a fully compliant scheme it is likely that building heights and footprints would need to be much reduced which in turn would significantly reduce the level of housing that could be provided*'²¹⁴. The Extra Care facility has the lowest ADF levels but the majority of the rooms failing to meet the standard are bedrooms that look out onto a glazed corridor, which is envisaged as a communal amenity space that will be of benefit to residents. In terms of sunlight, the report concludes that '*amenity space sunlight is acceptable on balance when*

²⁰⁶ Document APP/6/1 pages 30-32 paragraphs 2.4.13 and 2.4.18

²⁰⁷ Document APP/6/1 page 29 paragraphs 2.4.5-2.4.7

²⁰⁸ Document APP/6/1 page 28 paragraph 2.3.13

²⁰⁹ Dr James Beard in answer to a question by the Inspector

²¹⁰ Document MISC/LBS/4k Appendix RS3

²¹¹ Document CD1 pages 16-19 paragraphs 47-52

²¹² Document CD63 pages 3132-3134 paragraphs 383-402

²¹³ Document CD54 paragraph 75

²¹⁴ Document CD63 paragraph 136

*acknowledging the design requirements of the AAP and the benefits of the scheme in terms of high quality housing*²¹⁵.

87. Following the 2015 CPO Inquiry Inspector's report and SofS decision, the Council commissioned an independent daylight and sunlight assessment of the scheme by Paul Fletcher²¹⁶. Paul Fletcher sought to agree a SoCG on daylight and sunlight issues with ALAG's expert witness, Peter Raynham, but ALAG's objection and evidence on this issue were withdrawn before it had been signed²¹⁷. The following is a summary of Paul Fletcher's evidence regarding daylight and sunlight²¹⁸.
88. The Building Research Establishment (BRE) Guidelines are 'A Guide to Good Practice' and are *guidelines* not requirements. Similarly the Council's Residential Design Standards Supplementary Planning Document (SPD) (2011) on daylight and sunlight provides guidance on what typically constitutes high standards of natural daylight and sunlight. Daylight and sunlight is one of many factors to be considered in the design of new development. Usually there are competing constraints so that the design has to evolve to best fit competing requirements. Whilst the BRE provides national guidelines for daylight and sunlight, these should be interpreted flexibly, and appropriate targets should be applied in urban environments. Application of the Guidelines in a rigid manner, using the default targets, would lead to comparatively low density development that would not achieve the aim of making best use of land in a central urban environment.
89. In circumstances where higher density development in urban areas is brought forward, a flexible approach to the BRE Guidelines²¹⁹ should be taken in order to deliver an optimised and viable scheme that best fits the overall aim. The daylight levels in the proposed scheme would be broadly comparable with those of other central urban developments²²⁰. HTA Design LLP has undertaken a daylight and sunlight assessment, following the methodology outlined in the BRE Guidelines, and interpreted the numerical results to show that, despite the dense urban nature, 81% of the rooms assessed meet or exceed the BRE daylight Guidance levels and 75% of the units have a clear view of the sky as described in the Guidance. All units have a view of the sky, but not to 80% of the depth of the room as described by the BRE Guidance²²¹. HTA Design LLP concluded that the daylight and sunlight levels should be regarded as acceptable. The process therefore accords with Section 2.7 of the Southwark Residential Design Standards SPD²²².

²¹⁵ Document CD63 paragraph 162

²¹⁶ Document APP/9/2 Appendix DD01

²¹⁷ Document APP/0/33: Daylight/Sunlight Statement of Common Ground draft

²¹⁸ Document APP/0/44

²¹⁹ Document CD76: Mayor of London Supplementary Planning Guidance March 2016 paragraph 1.3.45 emphasises that flexibility needs to be applied when using BRE Guidelines and recognises the need to take into account local circumstance and the need to optimise housing capacity.

²²⁰ Document APP/0/44 Appendix 2 Table 1

²²¹ Document APP/2/1 paragraphs 6.8 and 6.9

²²² Document CD95

90. The Planning Committee report for the planning application takes a balanced and considered view of the daylight and sunlight levels, and correctly concludes that in relation to daylight and sunlight the proposed development would be acceptable. The 2015 CPO Inquiry Inspector appears to have drawn conclusions based on insufficient evidence, and then decided that those conclusions outweighed the environmental benefits of the scheme. There is no requirement in policy or guidance or any requirement in the BRE Guidelines to compare daylight levels within existing site buildings that would be demolished, or sunlight levels within existing outside spaces, with the proposed development.
91. The overall ADF compliance rate compares well to other broadly comparable urban developments²²³, in accordance with the guidance in the Mayor's Housing Supplementary Planning Guidance (SPG)²²⁴. With regard to sunlight to amenity spaces, there will be some variation between the amenity areas and two of the courtyards will be below the BRE Guidelines but, for a higher density development, the results achieved are 'good' and, in respect of sunlight to private gardens, access to sunlight is reasonable for an urban location. With the flexible interpretation that the Guidelines themselves urge, the proposed development would meet the Guidelines for daylight levels within the proposed units and sunlight to the gardens and amenity spaces.

Density and Design

92. AAAP Policy BH2 provides indicative density ranges for all development blocks in the Action Area Core, which for Site 1b the range is 601-700 hrph and for Site 1c, the range is 701-1000 hrph²²⁵. It also indicates that higher residential densities should be concentrated in certain locations, for example along Albany Road and fronting Burgess Park, and conversely that lower density ranges should be located in specific areas, including near low density surrounding areas. It anticipated an approximate number of units to be provided on the FDS in the order of 880.
93. The London Plan Policy 3.4 presently recommends residential density with a minimum of 650 hrph in this location²²⁶. Southwark Core Strategy Strategic Policy 5 recommends a density of between 200-700 hrph for the 'Urban Zone' within which the FDS is located, however it acknowledges that higher densities may be acceptable within Action Area Cores when developments are of an exemplary standard of design²²⁷.

²²³ Document APP/0/44 Appendix 2: comparative analysis of a number of central London urban consented schemes and their daylight analyses and results.

²²⁴ Document CD76 paragraph 1.3.46: encourages assessment of the degree of harm on adjacent properties and the daylight targets within a proposed scheme by drawing on '*broadly comparable residential typologies within the area and of a similar nature across London*', and states that decision makers should recognise that '*fully optimising housing potential on large sites may necessitate standards which depart from those presently experienced but which still achieve satisfactory levels of residential amenity and avoid unacceptable harm*'.

²²⁵ Document CD2 page 31 and page 34 Figure 8

²²⁶ Document CD71 page 101 Table 3.2

²²⁷ Document CD21 pages 78 and 79

94. In terms of the scheme, the FDS lies within the indicative density range prescribed by the AAAP. The creation of 2721 habitable rooms will result in a density of 735 hrph when applying the net site area of 3.7 hectares. The Planning Committee report for the approved scheme confirmed that the density range complies with the AAAP, as well as broader Southwark and the London Plan policies²²⁸. In line with the AAAP, the densest concentration of development is to front onto Albany Road and Burgess Park with lower density development, such as the Extra Care units, located to the north of the Order Land nearer to the lower density surrounding residential streets²²⁹. The consented 830 units would be less than the AAAP's expectation. However, the Planning Committee considered that an appropriate balance had been struck between the optimisation of housing numbers and the broader design quality and townscape objectives of the AAAP in addition to minimising potential impacts on neighbouring residents²³⁰.

Other Objections

95. With regard to opposition to the redevelopment of the Estate, in 2005, the extensive consultation work undertaken showed that the majority of residents were in favour of demolition and rebuilding²³¹. More recently, benchmarking work undertaken by 'Social Life' on behalf of NHHT showed that the majority of those expressing an opinion are in favour of the regeneration²³². The Mayor's Guide to Estate Regeneration²³³ seeks to introduce a ballot requirement, but does not yet apply. The Guide is accompanied by a consultation document²³⁴ which indicates that the ballot requirement is proposed, but not yet policy and the proposed transitional arrangements, if adopted, would mean that the ballot requirement would not apply to the CPO scheme (it already has planning permission).
96. The concerns about high major works bills just before the start of the phases, to put pressure on leaseholders are addressed in the Council's itemisation of works undertaken on the FDS²³⁵. These consist of a smoke alarm system and planned preventative maintenance, which was agreed to be minimal over a 20 year period²³⁶. There is no evidence to suggest that the works were unnecessary or that works have been undertaken to put pressure on leaseholders to sell.
97. In terms of the impact on infrastructure and local services, the CPO would not cause the loss of any existing facilities. The concerns about community facilities on the wider Estate, such as Multi Use Games Areas (MUGAs) and the former Amersham Centre, have been addressed²³⁷ so that the CPO will not

²²⁸ Document CD63 paragraph 119

²²⁹ Simon Bayliss in evidence in chief and Powerpoint presentation

²³⁰ Document CD63 paragraph 79

²³¹ Documents APP/5/5 section 4, pages 17-19 and CD8 section 6: communication and consultation.

²³² Document APP/4/5 Appendix 11

²³³ Document CD96

²³⁴ Document CD96A

²³⁵ Document OBJ/JB/2 Appendix 6

²³⁶ Judi Bos in cross examination on 17 April

²³⁷ Document APP/0/49

result in an adverse impact on the local area with regard to, for example, the provision of community facilities²³⁸. The section 106 commitment is to provide 2 MUGAs, in total 1200 sq m, to be located in Phase 2 and it provides for further contributions to be made specifically towards new MUGAs on Burgess park²³⁹. At the time of the demolition in 2007 of the Amersham Centre, which accommodated a community and Youth Club space, there were other Youth and community facilities available which better suited use and need. Further, in place of the Amersham Centre, the Council invested in the provision of a new MUGA and under the terms of the DPA, NHG has provided a dedicated full time Youth Worker²⁴⁰.

98. Fire safety concerns have been comprehensively addressed in respect of the scheme and the development is designed in an acceptable manner in respect of matters relating to fire safety²⁴¹.
99. With regard to the distinction to be drawn between resident and non-resident leaseholders in the context of compulsory acquisition, the rehousing duty under section 39 of the Land Compensation Act 1973, which applies following confirmation of a CPO and post the taking of possession through the appropriate procedure, relates only to persons '*displaced from residential accommodation*'. There is no other statutory rehousing duty in relation to, for example, non-resident leaseholders. Further, the Mayor's Good Practice Guide to Estate Regeneration makes an express distinction between resident and non-resident leaseholders in its consideration of rehousing options²⁴², thereby recognising that the legal position of each group differs.

Whether there is a compelling case in the public interest for the confirmation of the CPO; whether the purposes of the Order justify interfering with the human rights of those with an interest in the land

100. The 2018 Guidance provides, consistent with its predecessors, that a compulsory purchase order should only be made where there is a compelling case in the public interest²⁴³. Where human rights are engaged, acquiring authorities should be sure that the purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected²⁴⁴.
101. In the context of Article 1 of the First Protocol, regard must be had to the 'fair balance' which has to be struck between the competing interests of those whose rights are affected and the general interest of the community²⁴⁵. In respect of Article 8, any interference with such rights must be necessary, in

²³⁸ Documents APP/4/1 pages 7-10 paragraphs 3.9-3.17 and APP/5/1 pages 56-62 and paragraphs 15.1-15.17

²³⁹ Document CD64 page 53 Schedule 3

²⁴⁰ Document APP/0/49 page 5 paragraphs 18-21

²⁴¹ Documents APP/4/1 pages 27-29 section 9; APP/2/1 pages 43-44 section 7 and APP/2/3 Appendix 3

²⁴² Document CD96

²⁴³ Document CD97 paragraph 2

²⁴⁴ Document CD97 paragraph 12

²⁴⁵ Case James v UK (1986) 8 EHRR 123 at paragraph 50

accordance with the law and proportionate²⁴⁶. With regard to Judi Bos, having moved into 143 Chartridge shortly before the CPO Inquiry in the knowledge of the Council's CPO, the Council accepts that her Article 8 right is engaged (as well as her Article 1 First Protocol property right), but her particular circumstances require careful consideration. The position of Boris Bos is different, in that he does not live in the property. His Article 1 First Protocol rights are plainly engaged, but the property is not his home and therefore, there is no interference with Article 8 rights in his case.

102. There is a compelling case in the public interest for the confirmation of the CPO. All of the necessary policy tests have been satisfied. The regeneration benefits which stand to be delivered are so substantial that they justify the acquisition of 143 Chartridge and the interference with the rights of Judi Bos and Boris Bos that it causes.

4 The Cases for the Remaining Objectors

Judi Bos

I have reported the case on the basis of the closing statement²⁴⁷ with additional references to the evidence submitted prior to and during the Inquiry²⁴⁸. The material points are:

103. Judi Bos shares with Boris Bos the leasehold of 143 Chartridge, which is included in the CPO. She has claimed that the Council already made the decision to demolish the Aylesbury Estate well before the actual decision was made on 27 September 2005. She has also argued that, as a member of ALAG, she has been disadvantaged by the withdrawal of the objection by ALAG of which she was notified 13 days before the resumption of the Inquiry on 17 April, as she had relied upon evidence that had been withdrawn and had to present her evidence earlier than had been scheduled.
104. Judi Bos and Boris Bos have also been put at a disadvantage due to the Council failing to give the appropriate notice of the CPO. The original CPO Notice had been sent to 143 Chartridge when the Council had been sending all service charge and major works bills to the address in Germany where Judi Bos and Boris Bos had been residing for 7 years. The Council had put the address in Germany on the offer to buy 143 Chartridge²⁴⁹ and was in contact via email with Boris Bos. It had not made diligent enquiries to ascertain Boris Bos's address following his separation with Judi Bos. It had been notified one month prior to the service of the Notice that the property was empty and it was fully aware that neither Boris Bos nor Judi Bos were resident as only 7.5% home loss payment was allowed in the offer. On the CPO Schedule it failed to put that either the property was tenanted or empty and put the correct addresses of the owners.

²⁴⁶ Case R (Clays Lane Housing Cooperative Ltd) v Housing Corp [2005] 1 WLR 2229 at paragraph 25

²⁴⁷ Document OBJ/JB/22

²⁴⁸ Documents OBJ/JB/1, OBJ/JB/3, OBJ/JB/5, OBJ/JB/7, OBJ/JB/12 and OBJ/JB/19

²⁴⁹ Document OBJ/JB/6 Appendix JBSS1

105. Prior to the Inquiry the Council had had 3 weeks to put its case together but the objectors had had only 2 days and most of them were not allowed to speak at the Inquiry. This has been unfair and biased against the objectors.

Failure to acquire homes by agreement

106. The Council did not negotiate prior to the service of the June 2014 CPO Notice²⁵⁰ or offer Judi Bos the value of an open market sale property, which at that time was £187,000²⁵¹. It sold a 'Right to Buy' property at £185,000 in May 2014, which was for £40,000 more than it was offering²⁵². It should have adjusted the offer in line with open market sales, even though it was taking 2 cases to Tribunal. The Council has failed to justify these values and refused to look into them.
107. The Council's table of correspondence regarding offers of mediation did not represent the full correspondence relating to Judi Bos's requests to negotiate as she had been requesting dispute resolution since May 2016²⁵³ and continues to do so. The Council introduced non-binding arbitration for Phase 2 onwards²⁵⁴, meaning that it was not available in Phase 1. When dispute resolution was finally offered for Phase 1, Boris Bos had changed his mind about wanting to sell 143 Chartridge and no correspondence has been provided between Boris Bos and the Council to show the reasons for his change of mind²⁵⁵.
108. The CPO is not a last resort as the Council has refused to try to come to an agreement or pay for the last Tribunal and come to an informed decision about values. It has done this as it cannot afford for valuations to be found higher than it has been paying as it would make the scheme unviable²⁵⁶. The Council has recognised that, if the Order is confirmed, by the time Judi Bos has to leave the property she will be eligible for rehousing. If she is eligible for rehousing, it could allow a settlement which would mean that she would not take part in the Inquiry²⁵⁷.

Whether the purpose for which the land is being acquired fits in with the adopted planning framework for the area

109. The scheme is not in accordance with the AAAP for the following reasons:
- i) The re-provision of Ellison House was not included in the AAAP and is now being included in the scheme. This has totally changed the order to which the scheme now has to be developed. Phase 1b/1c cannot be developed until Foxcote and 140 Albany Road have been demolished and the new building for Ellison House has been built.

²⁵⁰ Document OBJ/JB/9 Appendix 1: Table

²⁵¹ Document OBJ/JB/6 Appendix JBSS4: Lot 98

²⁵² Document OBJ/JB/1 Appendix JB8 page 1

²⁵³ Document APP/8/3 page 1858/9 emails to Mr Mayne 12 and 18 May 2016

²⁵⁴ Document JB/CD44 page 1298 point 20

²⁵⁵ Document OBJ/JB/6 Appendix JBSS7: Email from Simon Chambers, 22 June 2017

²⁵⁶ Document OBJ/JB/5 paragraph 6

²⁵⁷ Document OBJ/JB/18 paragraph 13

- ii) Site 10 is now larger and needs 57 to 76 Northchurch, which was in Phase 3, to develop the land. It is now called Plot 18. The AAAP states that Site 10 is in Phase 1 and needs to be developed first, before Phase 2. Site 10 was delayed due to viability issues²⁵⁸. The Issues and Options 2007, Preferred Options 2008 and the AAAP were very clear that this development parcel should be built first. The Amersham Youth Centre and Community Hall were demolished in 2007 so that this development could be done to replace the community facilities that had been demolished. The Access Centre, another community building has been demolished so Site 10 (Plot 18) can come forward. Site 10 and 1b/1c need to be developed first together to stay in accordance with the AAAP. Plot 18 is now Phase 2 and keeps being delayed.

The extent to which the proposed scheme will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area

110. The Council has failed to prove that the scheme will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area. So far, the scheme has only demolished or forced the closure of community facilities stated that should stay. The Resource Centre and Michael Faraday School were already part of the refurbishment scheme and were due to be delivered whether the scheme went ahead or not.
111. Phase 1a has not contributed to the wellbeing of the area. This is supported by the following. The shops in Westmoreland Road prior to demolition were fully occupied²⁵⁹ but the shop units within the new build are still vacant. The buildings are not tenure blind²⁶⁰, as there are separate doors to each section within the building. Residents that have moved from the development site have stated that they have far less community than they had before and wish they were back in their old properties to have the community spirit they had before²⁶¹.
112. The large service charge and major works bills put leaseholders under pressure to sell²⁶². Although Judi Bos was put into debt by the bills in 2014 and wanted to sell back to the Council, she was not prepared to lose out on £45,000 in order to sell. Other leaseholders may not have had the knowledge of the property market and believed the Council was paying market value or they

²⁵⁸ Document CD29

²⁵⁹ Document OBJ/JB/6 Appendix JBSS11: Julius Sangbey's Tribunal

²⁶⁰ Document OBJ/JB/2 Appendix JB10: Valerie Brathwaite statement and oral submissions made at the Inquiry.

²⁶¹ Documents OBJ/JB/2 Appendix JB10: Valerie Brathwaite statement and Appendix JB9: Anthonia Pedro statement.

²⁶² Documents OBJ/JB/6 Appendix JBSS4: 2014 major works bills, and Appendix JBSS24: On 25 July 2014 57-76 Northchurch leaseholders were told they would have invoices sent to them in February 2015 for £11,000 for major works and in February 2015 the Council moved 57-76 Northchurch to Plot 18, thus requiring immediate Phase activation; and OBJ/JB/1, Appendix JB3: Leaseholders in Phase 1b/1c and 1a were sent major works bills for work done in April 2008 even though Phase 1a had already been activated and Phase 1b/1c were due to be activated at the end of 2008.

could not afford to pay the bills so sold back. The proposed carrying out of major works to blocks imminent for demolition for which leaseholders have been billed is not good for the environmental or economic wellbeing of the area. All original objectors and current ones have had to suffer for the scheme to go ahead²⁶³. Residents in the next phases have been suffering heating and hot water break downs again, even though tanks and pipework were replaced in 2013/14²⁶⁴.

113. The design qualities of the new scheme do not offer any improvement that a refurbishment of the Aylesbury Estate could deliver with the right professional team and funding in place. In terms of whether the existing residents of the Aylesbury Estate are able to stay and enjoy any new design or refurbishment, the new design scheme is not for them, but primarily for private interest, and so the Council's application for compulsory purchase powers fails the wellbeing test. The Order should therefore not be confirmed²⁶⁵.

Whether there is a compelling case in the public interest

114. Prior to the scheme to demolish and rebuild the Estate, there was a refurbishment scheme with plans for new builds at various underused sites. This was a resident led scheme and once the plans had been drawn up 90% of residents that were asked liked the plans. A vote taken in 2001 showed that 73% of the residents on the Aylesbury Estate wanted to stay with the Council and live on the Estate. However, the Council wished to transfer all the stock to a Housing Association.
115. The Council had a structural report done in 2004 and told residents that it was concerned about safety, providing another structural report that showed no change to any of the blocks in the south west corner of the Estate, in order to support the scrapping of the refurbishment scheme. No detailed designs showing how the blocks and area would look like after the refurbishment were provided to the Executive meeting in September 2005 where the decision to demolish was taken. Although there has been more consultation since then when the Council questioned residents about demolition of the Estate, residents no longer believed their views mattered and they considered that the Council would do what it wanted²⁶⁶. This is proven by the low figures attending these consultation events.
116. The current scheme would not allow residents to live on the Estate and stay with the Council. Two previous Council tenants wanted to stay with the Council but were forced to change to a Housing Association due to lack of decent council properties²⁶⁷. Both would prefer to live in properties on the Estate in Chartridge and Chiltern.

²⁶³ Document OBJ/JB/9 Appendix 2: Email with Rita Enuechie stating her home suffered from no heating and hot water, leaks, mould, vermin and lack of electricity.

²⁶⁴ Document OBJ/JB/8 Appendix 1 and Appendix 9

²⁶⁵ Document OBJ/JB/12 paragraph 8.11

²⁶⁶ Documents OBJ/JB/2 Appendix JB9: Anthonia Pedro statement.

²⁶⁷ Documents OBJ/JB/2 Appendix JB10: Valerie Brathwaite statement and Appendix JB11: John James statement.

117. Two residents of Phase 1a on the Estate have experienced water leaks in the new build properties that are only 5 years old and there have previously been problems with heating and hot water breakdowns which have led to the leaks in Arments Court²⁶⁸. Buildings in John Craine Street that are only 5 years old have scaffolding up to try to rectify leaks and a property in this building had a ceiling collapse due to the leaks, which has also happened to properties in Keibs Way. There is no evidence to show that NHHT properties are built any better. It is therefore not in the public interest to demolish Chartridge, which has no structural faults according to the Council's 2004/05 surveys for 4-storey blocks, to build properties that leak.
118. Judi Bos has been left in serious financial difficulties due to the scheme because she has had to reduce rent in 2009 due to boarded up properties on the Order Land and she was not able to sell on the open market in 2014. She moved back into the property in August 2017 and rents out the spare bedrooms. The current Council policies would not allow her to be compensated to leave her no worse off after her property is compulsory purchased because she only owns half of the property. She has received rental income from the property for 7 years since separating from Boris Bos. She would be unable to live in a property, rent out 3 rooms to give her income and leave the property to her children and grandchildren to inherit or live away from that property if 143 Chartridge were compulsory purchased.

Viability

119. The scheme has always been unviable and this has been proved²⁶⁹. The Council has introduced new policies to make the scheme viable. The south west corner of the Estate was never meant to be part of the AAAP²⁷⁰. The AAAP is unviable and needs to be re-examined before any CPO is issued.

Deliverability

120. The matter of the reduction in leasehold budget for the AAAP²⁷¹ needs to still be addressed as it affects the amount the Council would pay for leasehold acquisitions. If the Council has knowingly undervalued leasehold properties, it will have to compensate those leaseholders it undervalued. This could affect the deliverability of the rest of the Estate, including Site 10 (Plot 18) which needs to be delivered at the same time as 1b/1c and Phase 2, 4a.

²⁶⁸ Documents OBJ/JB/2 Appendix JB10: Valerie Brathwaite statement and Appendix JB9: Anthonia Pedro statement; and at the site visit on 19 April.

²⁶⁹ Document OBJ/JB/6 Appendix JBSS20: Application Ref 07/CO/0046 Phase 1a planning committee meeting paragraph 91.

²⁷⁰ Document OBJ/JB/2 Appendix JB3: *'We will purchase the remaining leasehold properties in the Southwest corner (located in Chartridge, Chiltern and Big Bradenham) in around two years time... We will not be purchasing any other properties on the estate until a masterplan is adopted in 2008.'*

²⁷¹ Document CD3 page 248

Alternatives

121. The block 120-149 Chartridge could be refurbished according to the 2005 Stage E plans, section 7²⁷². The Council has already changed its plans for the Estate on many occasions and it only requires changing a few blocks and moving blocks 5a and 5b to accommodate the retention of 120-149 Chartridge. Planning permission should have been able to have been gained²⁷³. Funding should be available as the Council has found £16.8 million to fund the demolition of 1b/1c. The design of the refurbishment was a very well-considered option²⁷⁴.
122. The retention of 120-149 Chartridge would enhance the regeneration proposals as it would take into consideration the original 'like for like' option which was requested at the start of the regeneration scheme in 2005. It would not require comprehensive refurbishment as 143 Chartridge has been rewired and had a new kitchen and bathroom fitted and many other of the leasehold properties in the block have been improved. Nos 120-149 have already been disconnected from the district heating system with their own new pipework installed²⁷⁵ and therefore it would be affordable to install boilers into each property.
123. Leaseholders have long since been requesting 'like for like' properties. By retaining 120-149 Chartridge, it would allow a 'like for like' block on the Estate. Both 57-76 Northchurch (needed for Plot 18) and Foxcote (needed for Phase 2, 4a) are 4 storey blocks like the Chartridge block. This would allow the leaseholders within those blocks to relocate to 120-149 Chartridge, solving the most mentioned problem by leaseholders, which is 'like for like' replacement.

Conclusions

124. The decision to refurbish the Estate was popular as it was a well loved home for people who had a sense of community and wanted to stay living there. This was confirmed in the amount of 'Right to Buy' sales on the Estate after the 'no' vote to change to a Registered Social Landlord (RSL) and not to demolish and redevelop the Estate. Therefore, it is not in the public interest to continue with selling the Estate to a RSL and demolishing it.
125. The Council deliberately caused leaseholders financial hardship by serving major works bills just before they were going to start an active phase. The Council has refused to negotiate or to look at any evidence sent to them or send out evidence needed to help with the sale. It did not correctly inform leaseholders of the ways they could sell and then buy another home and it has taken away comparative value transactions without any authorisation. It is the

²⁷² Document JB/CD1: Stage E Report page 7.111: picture of 120-149 that shows how the ground floor flats would have their front doors changed with new garden areas and a new access pathway in front to allow active frontages.

²⁷³ Document OBJ/JB/6 Appendix 14 second page: The Council claims to have submitted plans for the low-rise blocks in the Executive report on 31 March 2005.

²⁷⁴ Documents OBJ/JB/2 Appendix JB10: Valerie Brathwaite statement and oral evidence to the Inquiry.

²⁷⁵ Document APP/1/3 page 5 paragraph 4.2

Council's intention to take away all lifetime secure tenancies, especially those that can be passed on.

126. Judi Bos considers that she cannot be compensated under the current council policies. She has put forward an alternative scheme, which would allow the current scheme as it is to continue, but with a little adapting. By retaining the block 120-149 Chartridge, it would solve the 'like for like' problem and allow residents to stay on the footprint of the Estate.
127. For the above reasons the CPO should not be confirmed.

Boris Bos

I have reported the case on the basis of the evidence submitted prior to and during the Inquiry²⁷⁶ and the oral submissions made at the Inquiry. The material points are:

128. Boris Bos shares with Judi Bos the leasehold of 143 Chartridge, which is included in the CPO. He no longer resides at the property, stating that he lived there with Judi Bos, his ex-wife, his son and step daughter from 1998 until 2005. In 2005 he moved to Germany for work and in September 2011 Judi Bos moved back to the United Kingdom. He has known about the plans to redevelop the Estate. Between 2013 and 2015 he had been dealing with offers from the Council but the Council's representative had refused to deal with him or copy to him any details of offers.
129. Robert Clifford was a surveyor appointed by Judi Bos and he had not communicated with Boris Bos about the acquisition. In mid 2017 Simon Chambers had contacted Boris Bos. On 21 December 2017 Boris Bos was informed about the presentation of his case to the Inquiry to be submitted by 17 January 2018. He had requested a postponement to enable talks to take place with the Council to try to get a solution and had attended meetings with Simon Chambers and Marcus Mayne. He had not been made aware of any options other than accepting the Council's offer.
130. He has claimed that he has been denied the right to any legal representation, the option of having a surveyor or mediator of his choice, access to relevant information and a reasonable time to prepare. He has been denied the possibility of obtaining, or receiving an offer to be able to afford, an equivalent replacement property. Confirmation of the Order under the current conditions would make him far worse off.
131. He is claiming an infringement of his rights under Protocol 1 of Article 1 and Article 8 of the ECHR, as the Order would eliminate his private property rights in that he would lose his investment from 20 years ago and his future retirement home and it would interfere with his private and family life.
132. He would like to come to a prompt resolution and has always maintained and continues to maintain that a sale of the property is the last resort. He would like to move back into the property or, if the Order is confirmed, the Council to be more serious about putting forward the terms and conditions of alternative options on the table and actively engaging in discussions to arrive

²⁷⁶ Documents OBJ/BB/1, OBJ/BB/2 and OBJ/BB/4

at a speedy resolution. He would like to get a replacement property that is as close as possible to No 143 Chartridge. It has been difficult to achieve this because of having to agree it with Judi Bos.

133. The 50% shared ownership with Judi Bos should not necessarily stop progress on a settlement as Boris Bos could agree separately but has not yet been given the opportunity to do so. He would like to progress the case as soon as possible and has had to focus on the CPO Inquiry rather than a resolution. The Inquiry has been a waste of time and effort when he and Judi Bos are the last leaseholders remaining.

5 The Cases for other Objectors

Non-Qualifying Objector: Paul Palley

At the Inquiry, Paul Palley indicated that he wishes his submission of evidence to the Inquiry to include the written statement²⁷⁷, the oral statement given on 18 April 2018, notes²⁷⁸ and emails submitted during the course of the Inquiry²⁷⁹. I have reported the case on the basis of the material points raised orally and in these documents, which are:

134. Paul Palley is a leaseholder of 74 Wendover. He has claimed that the CPO in relation to 1 to 59 Wolverton was effectively pre-determined and that the current Inquiry is unnecessary because the matter has already been decided by the earlier 2015 Inquiry. There is no need to demolish in order to achieve a mixed community as it was happening gradually under the 'Right to Buy'.
135. The CPO in relation to the Heygate Estate heard evidence from a number of objectors and this evidence provided sufficient grounds to refute the claim that there is a compelling or necessary argument for the CPO.
136. Planning consent is insufficient to demonstrate a public interest in favour of a CPO. The law requires a compelling public interest for the grant of the CPO. One must demonstrate that such compulsory purchase is necessary and there are no other options available to satisfy the public interest. The power is intended to be used sparingly. Development plans are often general or vague. They are consistent with a large variety of development outcomes. They cannot be used to justify a particular choice of development because they are consistent with any reasonable development. Furthermore, unanimity of opinion in planning consultation does not in itself guarantee an objective or compelling test of necessity. Therefore, there is no reason to equate planning approval with the right of compulsory purchase.
137. It would be more cost effective to retain the Aylesbury Estate. Any problems on the Estate were merely social problems that are not related to the buildings. The Angell Town Estate was redesigned so that crime was designed out of the built environment but before and after the building works, there were the same levels of knife crime and gang culture. Problems with crime could be rectified by changes to those living on the Estate. The problems at Grenfell Tower were due to the Building Regulations which need to be rectified

²⁷⁷ Document OBJ/PP/1

²⁷⁸ Document OBJ/PP/8

²⁷⁹ Documents OBJ/PP/2, OBJ/PP/3, OBJ/PP/4, OBJ/PP/5, OBJ/PP/6, OBJ/PP/7 and OBJ/PP/9

before any of the existing buildings on the Estate are replaced. The roads, paths and gardens on the Estate cannot be moved, built on or closed to allow for higher density housing. The Mayor's latest guidance requires a ballot to be taken before any decision to demolish is made.

138. When the administrative costs and management costs associated with the regeneration policy are included, the rate of return on the proposed expenditure is very low and unacceptable. The buildings were not beyond economic repair. Lifts, communal heating, block and estate lighting, mains renewal and new fire doors have already been renovated since the Council prepared its refurbishment figures in 2005. Some buildings require minimal work. Public interest requires the retention of the dwellings.
139. The proposal would result in a large loss of public housing when measured in square metres. Under the regeneration plan there would be 1,450 more homes on the Estate overall, but 700 fewer homes in total for council tenants to rent and about 250 fewer family homes to rent.
140. The term regeneration is properly applied to large metropolitan areas and towns where there has been a long term population loss and long-term economic decline. No such facts apply in the London Borough of Southwark. The Aylesbury Estate is fully occupied and over-subscribed with applicants for housing. The take up of the right to buy exceeds the national average. Property values on the Estate exceed the average for large council estates. Education inspectors confirm that the academic performance by children at local schools is good to average. The level of vandalism and graffiti on the Estate is average and therefore there are no particular social reasons for singling out the Aylesbury Estate for regeneration.
141. The general public have never expressed an opinion on the question of demolition. Investors and non-resident leaseholders have never been consulted at all. Therefore, there is no reliable guide for confirming public opinion. There were numerous objections to the AAAP. A large proportion of council tenants have always opposed the demolition of the Estate.
142. There is evidence that mixed tenure Housing Association schemes have the same failings as traditional council estates and do not provide any net reduction in poverty. The private part of the scheme is beneficial to private owners, but is not inherently beneficial to the public.
143. There are few precedents for using compulsory purchase powers to carry out large scale private residential redevelopment. Powers under the 1957 Housing Act would permit the creation of new social housing elsewhere on private land, rather than the proposed 'affordable' and private housing. The existing buildings could have been adapted to achieve the aims of the AAAP, through the use of ground floor parking areas to provide commercial premises, and the provision of modern environmental heating schemes to other blocks.
144. If the section 226(1)(a) power is being used in lieu of a more appropriate power or a more specific power, the SofS must refuse confirmation of a CPO under section 226(1)(a). If it is the case that refurbishment and renewal is possible and in the public interest in any action area such as the Aylesbury area, there are alternative CPO powers available for purposes of Area Renewal in terms of section 93(2) of the Local Government and Housing Act 1989, Part

VII: Renewal Areas. Under the terms of this power, demolition should only be used as a last resort. There has already been substantial demolition in the action area. In no circumstances could further demolition be considered a necessity²⁸⁰.

145. The Acquiring Authority has not rehoused any tenants of private landlords and forces landlords to undertake to evict before negotiation, which might be considered an unreasonable method of negotiation with leaseholders. Some of the non-resident leaseholders are PSED individuals and there could be disproportionate discrimination against such ethnic minority landlords. Residents, who currently work and have families, may require the use of their homes as pension investments at a later date; and non-resident leaseholders are already taking such income from their leases. There is therefore no particular distinction to be made between resident and non-resident leaseholders²⁸¹.
146. With regard to compensation, Judi Bos and Boris Bos have not been able to use Estate Agency valuations and offers for sale on local property as a comparison or question whether the regeneration property really is sub-standard. All regeneration property is presumed to be extremely sub-standard as a matter of law. The negotiating process and assessment of value for 143 Chartridge has thus been prejudiced by the judiciary. Property bought before September 2016 is valued with full regard to rising values. Property bought after 2016 is to be valued notionally with a subtraction of the part of the value which has accrued to homes as a result of large infrastructure projects in the locality. For statutory objectors seeking to remain in the SE17 area of London there can be no 'like-for-like' exchange because the SofS has created a second-class property market for new buyers in SE17 and elsewhere.
147. The proposal involves increased densities and may result in a net loss of open spaces. The Aylesbury Estate is being demolished because of its architectural appearance. However other 'Brutalist' buildings have been reprieved. Limited redevelopment of the Estate would suffice to deliver the purported advantages of any scheme. There are alternative solutions to the alleged problems on the Estate which would avoid the use of compulsory purchase powers. Therefore the scheme does not pass the necessity test.
148. With regard to fire security, the proposed replacement structures have gas supply and numerous amounts of flammable insulating material in the roof and behind the brick facades from which the panels were constructed. PVC or aluminium windows are more flammable than the old Critall Hope steel-frame windows. The insulation materials in the roofs and cavity walls may release hydrogen cyanide when subject to heat. The entire scheme should be reviewed²⁸².
149. The objectors to the Order include members of the public, Council tenants who voted for refurbishment by 73%, past objectors, remaining leaseholders with an interest in the Order Land, about 25 leaseholders who are members of ALAG and the remaining non-statutory objector and 2 remaining statutory

²⁸⁰ Document OBJ/PP/1 page 3 paragraph 7

²⁸¹ Document OBJ/PP/1 page 4 paragraph 11

²⁸² Document OBJ/PP/1 page 1 paragraph 1

objectors. ALAG cannot withdraw its objection that was made vicariously on behalf of other individuals, who rely on it for representation. As long as there remains a legal need for a single CPO, all such objections remain relevant to the Inquiry into the public interest and all such objections must be given due consideration in terms of equitable fair trial under Article 6 of the European Convention on Human Rights (ECHR). Failure to do so is an injustice to the general public, the tax-payer and the voter who are funding the cost of the public Inquiry.

Other Opposing Submissions

David Bailey

David Bailey submitted a witness statement to support ALAG's objection²⁸³. It is one of the witness statements that have not been withdrawn. Following the withdrawal of ALAG's objection, he has submitted another statement to the Inquiry²⁸⁴. He has also appeared as a witness for Judi Bos. I have reported the case on the basis of the material points raised in these documents and his oral evidence to the Inquiry, which are:

150. David Bailey is representing his family who live at, and are leasehold owners of, a property in Wolverton, which is part of the Phase 2 development of Aylesbury Estate. The Council is not respecting their human rights in terms of Protocol 1 of Article 1 and Article 8 of the ECHR. They are being forced to move against their will, due to not being able to get a mortgage and the lack of money offered by the Council, as they will no longer be able to afford to buy a house in Southwark. This means that they will have to move far away out of London, and this will interfere with their family and private life. The Council is not properly maintaining or servicing the existing properties on the Estate.
151. The Council has not taken into consideration its duties under the Equality Act 2010 regarding the elderly members of the family. The community is not divided and is multicultural. The regeneration would represent social cleansing of people with low income or crime. Most crime on the Estate was from gangs from other areas. If there is any increase in crime on the Estate it has been caused by the Council moving tenants out of the Estate and moving troubled families in as temporary accommodation. One of the first buildings to be demolished on the Estate was the Connexions building which provided a community for youths and teenagers, resulting in more trouble.
152. Families are moving a long way away from the area because they cannot afford to stay in the area with what the Council is offering them to move. Before the regeneration started, a survey into whether to refurbish or to demolish showed that approximately 70% of the Aylesbury Estate residents did not want to move and wanted the Aylesbury Estate refurbished.

Piers Corbyn MScARCS FRAS FRMetS

Piers Corbyn was not one of the original objectors to the Order at the previous Inquiry²⁸⁵ and he submitted his evidence to this Inquiry as a witness statement²⁸⁶

²⁸³ Document OBJ/ALAG/W20/1, dated 25 October 2017

²⁸⁴ Document OBJ/ALAG/W20/2

²⁸⁵ Document CD/50 paragraph 4

made on behalf of ALAG. However, he made a late objection at the previous Inquiry in support of the original objectors²⁸⁷ and his witness statement to this Inquiry has not been withdrawn by ALAG. He has written to state that he wishes the statement to remain as an objection on his own behalf. On this basis he has submitted additional evidence to this Inquiry²⁸⁸. I have reported the case on the basis of the material points raised in these documents, which are:

153. Piers Corbyn is a resident on the Alvey Estate, near to Aylesbury Estate, and states that he is Chair of Alvey TLA and a representative on Southwark Tenants' Council. He has suggested that the scheme underlying the Order fails to comply with the requirements of the development plan policies governing it.
154. The consultation process for the scheme underlying the Order does not comply with the requirements of the draft 'Good Practice Guide to Estate Regeneration' as it has not resulted '*in clear actions that arise directly as a result of the views expressed by respondents*'. The only ballot held in 2001 on the scheme to date saw demolition plans overwhelmingly rejected by residents on a high turnout (over 70%). The Council's September 2005 Executive decision to over-rule the ballot relied on invalid or false claims about structural robustness and heating systems. It failed to advise Councillors that refurbishment was a cheaper option or that it had huge support, and did not have the refurbishment report on hand. The Mayor's current draft guidelines on the matter of ballots²⁸⁹, which are being consulted on, may well change retrospectively towards more accountability.
155. The false claims of structural weakness to justify the demolition of the whole Estate, including all other different blocks the robustness of which had never been questioned, was shown to be wrong when some demolitions took place on the south west corner and the north east corner. The argument regarding structural weakness has been proven to be invalid and therefore the 2005 decision should be revisited.
156. The Aylesbury Estate was very popular in its early years and it remains so despite the propaganda suggesting otherwise. It has a legendary community strength despite the architectural problems. The propaganda claiming it was the estate from hell was very dishonest. Councillors and Council officers had participated in the campaign by repeating and magnifying negative claims about the Estate regarding its condition, crime rate etc.
157. The policy of planned dilapidation and undermining the community appears to have begun in 2002. The claims of dangerous structural weaknesses of the concrete blocks and serious problems with the district heating system were false. The justifications for demolition are baseless and there has been no justification for the demolition of many red brick blocks on the Estate. The Estate could be refurbished as is proven by many award winning projects for similar estates.

²⁸⁶ Document OBJ/ALAG/W19/1

²⁸⁷ Document MISC/ID36

²⁸⁸ Documents OBJ/ALAG/W19/2 and OBJ/ALAG/W19/3

²⁸⁹ Document CD96A

158. The Council has failed to show any aspect of the demolition scheme which has delivered or will deliver a net gain to the wellbeing of residents and the effect of the scheme in all key aspects is a decrement in social, economic, educational and environmental wellbeing of tenants and leaseholders on the Estate. The original regeneration-refurbishment scheme could deliver increased wellbeing and had huge support. The proposed privatisation-demolition scheme on the Estate means loss of Council housing security of tenure and higher rents and service charges.
159. Experientially new builds in the area such as nearby Heygate Estate replacement are over-dense, overbearing, too-close together, dark and can feel foreboding and dangerous. There is a need to keep the existing spaciousness of green areas in the present Aylesbury Estate. The closeness also is reflected in reductions of daylight/sunlight into individual flats and rooms as well as the feel of the place when you walk outside. The Aylesbury Estate was and remains a popular spacious estate with large room size and good outside space greatly appreciated by residents, but all would be destroyed if demolition proceeds. The late substantive addition by the Council of Paul Fletcher's evidence²⁹⁰ requires a thorough technical expert response which should be done before that document is relied on.
160. The specific rent structures and building plans put forward by NHG would make the new estate totally out of reach of current residents. The overcrowded nature of the new plans would make it a shadowy, dark and dangerous place, apart from the luxury flats and penthouses facing the park. This would contrast with the previously spacious and green Aylesbury Estate that it would replace. The development is against the interests of, and not supported by, the people it was supposed to help and must be rejected.

I have reported the following cases on the basis of the written witness statements made on behalf of ALAG that have not been withdrawn. The material points are:

*Rita Enuechie*²⁹¹

161. Rita Enuechie considered that, as a leaseholder at Chartridge, she should be offered a 'like for like' option so that she can remain in the area near family and friends and her local community support networks and church. She has also complained about the deplorable state of the environment on Aylesbury Estate since 2014. She will object to the confirmation of the Order if the Council does not keep its promises regarding the 'buy back' of the lease.

*Victoria Briden*²⁹²

162. Victoria Briden has lived in a flat in Taplow (Phase 3) on the Aylesbury Estate since 1997 and has acquired the leasehold. The Council has carried out extensive works on Taplow to bring it up to decent home standard. She objects to being forced to move from her flat when it has been refurbished and she will not be able to afford to live in the new development due to the rehousing options not being available.

²⁹⁰ Document APP/0/44

²⁹¹ Document OBJ/ALAG/W17/1, dated 15 November 2017

²⁹² Document OBJ/ALAG/W18/1, dated 30 October 2017

163. The Council's claimed support for the demolition is 82% of the 54 people who expressed their views when 70% of residents had rejected demolition plans in the only ballot held several years before²⁹³. The 'like-for-like' property swap option was withdrawn by the Council without consultation shortly after the AAAP was adopted. As a result, leaseholders are being left with no other option than to move out of the area to places further out where properties are more affordable.
164. The decision to progress the demolition plans in spite of the views expressed by the Estate's residents during both the ballot and the subsequent AAAP formal consultation, is in conflict with the Estate Regeneration Guidance's requirement that *'there must be resident support for proposals'* and that the actions of the Council must *'arise directly as a result of the views expressed by respondents.'* Paragraph 3.1.20 of the AAAP Report on the Preferred Option Consultation²⁹⁴ shows that the support for the demolition plans was 83% of only 149 people who made a written comment at the exhibition, which is a small percentage of the over 7,000 residents of the Aylesbury Estate.
165. The false information relied on by the Council on supposed structural weaknesses and supposed problems of the heating system and failure to properly consider the refurbishment option, the true cost of which had been grossly exaggerated, render the decisions of 25 September 2005 to demolish the Estate invalid. The scheme does not meet any of the obligations to not proceed without residents' ballot support, that developments must be in the interests of the residents (tenants and leaseholders) and that all residents must have the right to return with no loss of housing standards or rights such as full council tenancy security. Therefore, the Council must drop the scheme and revert to the original ballot decision.

*John Wesley Evans*²⁹⁵

166. John Wesley Evans is a resident and leaseholder of a property in Wendover, Thurlow Street in Phase 2 of the development. He objects because it will break up the community; negatively affect his wellbeing; violate his human rights due to not being able to afford to purchase any comparable property within the Borough; and he has not been offered any alternative accommodation which would be suitable and offer the same advantages as his present home. He considers that there is no problem with the current properties and there has been little discussion about the level of compensation.

*Maurizio Piga*²⁹⁶

167. Maurizio Piga is a leaseholder of Padbury, Bagshot Street, which is part of Phase 2 of the development. The Council is offering half of what he would need to buy the equivalent property in the same area. He has not been offered or seen any alternative accommodation that would be suitable and offer the same advantages as his present 3 bedroom flat. The one rehousing

²⁹³ Document OBJ/ALAG/W18/2 Appendix 4

²⁹⁴ Document OBJ/ALAG/W2/3 Appendix 4 paragraph 3.1.20

²⁹⁵ Document OBJ/ALAG/W21/1, dated 28 October 2017

²⁹⁶ Document OBJ/ALAG/W22/1, dated 23 October 2017

offer that would have placed him in an equivalent position, the 'like for like' property swap option, has been withdrawn by the Council. He questions whether it is necessary to demolish the building as he understands that it is structurally sound and complies with building regulations. Destroying communities and demolishing perfectly good homes because they are concrete or dated is not environmentally or socially sustainable. The Council's use of compulsory purchase powers without having a package in place to ensure that leaseholders are placed in an equivalent position is oppressive and a breach of human rights.

*Angela Aikins-Andoh*²⁹⁷

168. Angela Aikins-Andoh is a leaseholder of Wendover, Thurlow Street in Phase 2 of the development. She has not been offered or seen any alternative accommodation which would be suitable and offer the same advantages as her 3 bedroom flat, especially as the 'like for like' property swap option has been withdrawn by the Council. She questions whether it is necessary to demolish the building as she understands that it is structurally sound and complies with Building Regulations. The Council's use of compulsory purchase powers without having a package in place to ensure that leaseholders are placed in an equivalent position is oppressive and a breach of human rights.

*Richard & Mary Osei-Kumaning*²⁹⁸

169. Richard & Mary Osei-Kumaning are leasehold owners of Wolverton. The Council is forcing them out of their home in return for an offer seriously below market value and which will leave them unable to buy/relocate in London, let alone the local area of Walworth. The Council's use of compulsory purchase powers without having a package in place to ensure that leaseholders are placed in an equivalent position is oppressive and a breach of human rights.

*Stephen Dogbatse*²⁹⁹

170. Stephen Dogbatse is a leaseholder of a flat in Wolverton, Alvey Street. He is concerned about the uncertainty that has been created by the regeneration regarding whether he will be taken away from the African community that supports him and that he supports. He and his family wish to remain on the Aylesbury Estate or at the very least be offered a 'like for like' replacement rehousing option.

*Joy Nyack-Binns*³⁰⁰

171. Joy Nyack-Binns is a leaseholder of a flat in Wendover, which is part of Phase 2 of the development. She is concerned that if she is forced out of the area she will lose all her ties and her support network.

²⁹⁷ Document OBJ/ALAG/W23/1, dated 26 October 2017

²⁹⁸ Document OBJ/ALAG/W24/1, dated 30 October 2017

²⁹⁹ Document OBJ/ALAG/W25/1, dated 30 October 2017

³⁰⁰ Document OBJ/ALAG/W26/1, dated 31 October 2017

*Felix Badu*³⁰¹

172. Felix Badu and Prudence Amuzu are leaseholders of a 3 bedroom flat in Northchurch, Dawes Street. He is conscious that confirmation of the Order will be relied upon by the Council both in its approach to negotiations and for CPOs for later phases. He has expressed similar concerns to those of the other leaseholders within subsequent phases of the Aylesbury Estate development that have objected to the Order.

³⁰¹ Document OBJ/ALAG/W27/1, dated 31 October 2017

6 Inspector's Conclusions

173. The following conclusions are based on the evidence given at the Inquiry, the written representations and my inspection of the site and its surroundings. In this section the figures in parenthesis [] at the end of paragraphs indicate source paragraphs from this report.

General justification for the Order

174. The Order is promoted under section 226(1)(a) of the Act on the basis that the Acquiring Authority believes that the compulsory purchase land and new rights over land would facilitate the carrying out of development, redevelopment and improvement on or in relation to the land, in particular, for the purpose of securing the regeneration of the Aylesbury Estate in accordance with the provisions of the AAAP, including the demolition of the existing residential units and the provision of a mixed tenure residential development and associated landscaping. **[2 and 66]**

175. A CPO should only be made where there is a compelling case in the public interest and the purposes for which it is made justify interfering with the human rights of those with an interest in the land affected³⁰². I have reached my recommendations based on these considerations, taking account of the grounds for objection, together with the following matters:

- whether the Acquiring Authority has a clear idea of how it intends to use the land which it is proposing to acquire³⁰³;
- whether the Acquiring Authority can show that all the necessary resources are likely to be available to achieve that end within a reasonable time-scale, including sources and timing of funding³⁰⁴;
- whether the scheme is unlikely to be blocked by any physical or legal impediments³⁰⁵;
- whether the purpose for which the land is being acquired fits in with the adopted Local Plan for the area³⁰⁶;
- the extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area³⁰⁷; and
- whether the purpose for which the Acquiring Authority is proposing to acquire the land could be achieved by any other means³⁰⁸.

176. Since the 2016 SofS's Decision letter, which has now been quashed by the Court, the Council has acquired all but one of the eight leasehold interests that

³⁰² Document CD97: Guidance on Compulsory purchase process and The Crichel Down Rules, February 2018 paragraph 12

³⁰³ Ibid paragraph 13

³⁰⁴ Ibid paragraphs 13, 14 and 106

³⁰⁵ Ibid paragraphs 15 and 104

³⁰⁶ Ibid paragraphs 104 and 106

³⁰⁷ Ibid paragraphs 103 and 106

³⁰⁸ Ibid paragraph 106

remained at that time. The original objection by ALAG, which was supported by the 35% Campaign, has been withdrawn during the course of the Inquiry, as an agreement had been reached with the two leaseholders on the site that it represented. I am satisfied that the withdrawal of ALAG's objection and much of its supporting evidence is valid and the letter of withdrawal is legally binding. Therefore, the circumstances involved in the current Inquiry are significantly different from those involved in the 2015 Inquiry on which the SofS based his decision. **[17 to 24, 103 and 149]**

How the Order Land is to be used

177. Planning permission has been granted for the redevelopment of the Order Land. It represents the third parcel of land on the Aylesbury Estate to be brought forward for redevelopment. The previous sites to have been developed were Site 1a and Site 7 which have been completed and it appears to me at the site inspection most of the residential units on them are occupied. An application has been made under section 73 of the Act for proposed minor material amendments to the scheme granted planning permission and the Council has stated that, if that amended scheme is approved, it will be implemented in place of the approved scheme. Otherwise the permitted scheme will be implemented with the exception of a no longer necessary gas pressure reduction facility. **[25, 26, 33 and 34]**
178. The approved scheme would provide for the redevelopment of the site to include 830 new homes within six blocks, comprising of 23 individual buildings with landscaped private and public open space. It would include amongst the new homes 406 affordable homes, of which 304 would be social rented, and an 'Extra Care' facility consisting of 50 wheelchair accessible flats. The Council had selected NHHT as its partner, which is now NHG, to develop the site under a DPA. Demolition work has already started on the FDS. The section 73 scheme would deliver an additional 12 units. The Acquiring Authority therefore has a clear idea of how the Order Land would be used. **[27, 33, 34, 36vii, 54, 58, 59, 64 and 139]**

Funding and possible impediments to implementation

179. At the Inquiry evidence had been provided to demonstrate that NHG is committed to, and has sufficient funds available to be able to implement and complete, the development, with the Council providing some additional finance, even with the delay due to the 2015 Inquiry and SofS Decision. The Council has indicated it has £76 million in its capital programme to meet its obligations under the DPA, much of which has been used to acquire the necessary land interests and fund the demolition works. There is no substantive evidence to show that there would not be sufficient funding available when required to complete the scheme, should the Order be confirmed. **[69, 71 and 120]**
180. I am satisfied that the Council has provided sufficient information to show that both the approved scheme and the proposed section 73 scheme are viable. Although the approved scheme has not been shown to provide a commercial profit level, NHG has shown its commitment to the scheme and there is nothing before me to indicate that it would not complete it should the Order be confirmed. **[70, 119 and 138]**

181. The main potential impediment to the scheme that has been referred to is the relocation of Ellison House, which is a hostel leased to the National Offender Management Service and, as such, is Crown land that cannot be acquired using compulsory purchase powers. However, the Council has provided evidence to demonstrate that a suitable replacement site on land that is available has been identified and agreed with the Ministry of Justice and planning permission has been granted for it. Therefore, although its relocation to this site was not included in the AAAP, there does not appear to me to be any insurmountable obstacles that would prevent the land that is currently occupied by Ellison House from being made available for redevelopment within an appropriate timescale. **[72 and 109i]**
182. In conclusion on this matter, I find that the Council and NHG, its partner under the DPA, have demonstrated that they are fully committed to the development of the FDS and that the necessary funding would be available as soon as it would be required to ensure that the scheme would be able to be carried out. Furthermore, I am satisfied that there are no physical or legal impediments that would block its implementation.

Whether the purpose fits in with the adopted Local Plan

183. The redevelopment of the FDS has been included in the AAAP and forms part of the Masterplan for the regeneration of the Aylesbury Estate. The officer's report into the planning application for the approved scheme considered its compliance with development plan policies, taking account of the balancing of competing interests, such as making efficient use of the land by maximising the density of the development but having regard to environmental and social implications of doing so. It is not the function of this Inquiry to re-examine the reasoning behind the grant of planning permission or the development plan policies that are relevant to the scheme. **[34, 40, 136 and 160]**
184. The Council has identified the relevant policies in the statutory development plan, which comprises of the London Plan, the Southwark Plan saved policies, Southwark Core Strategy, Southwark Adopted Policies Map and the AAAP. I am satisfied that the scheme complies with the relevant policies in the London Plan 2016 in that it is within an identified regeneration area; would provide additional housing, as it would replace 566 dwellings with at least 830 new dwellings, in a mix of tenures and types; and would increase the number of habitable rooms and floorspace for affordable housing. It would also comply with key saved policies in the Southwark Plan, as the planning officers when considering the approved scheme accepted that it would have high standards of natural light and sunlight and more than 10% of the units would be suitable for wheelchair access. In addition, it would comply with the density requirements of the Southwark Core Strategy policies. **[35 to 38, 139 and 153]**
185. The AAAP establishes the principles behind the regeneration and, following extensive consultation exercises and reports that examined the refurbishment of the Estate, the AAAP Examination Inspector agreed with the Council that redevelopment rather than refurbishment was the preferred option. This was reflected in the adopted AAAP policies with which the scheme was designed to accord. Whilst there have been a number of changes to the scheme from that shown in the Masterplan, including the changes to the open space layout to

omit the 'green fingers', I do not consider that these are sufficient to prevent it from being in general accordance with the AAAP. Therefore, I find that the purpose for which the land is being acquired fits in with the adopted Local Plan for the area. **[40 to 48, 109 and 153]**

Wellbeing of the Area

Environmental

186. The Council has demonstrated that the permitted scheme has been designed to satisfy the most up-to-date standards for thermal insulation and fire safety, even though some objectors have questioned the fire security that would be provided. The layout would ensure a good level of surveillance to help prevent crime and anti-social behaviour. The scheme would also secure benefits that have been identified in terms of biodiversity and nature conservation. **[60, 98, 110 and 148]**
187. Objectors to the Order have expressed concerns about the quality of the environment at some of the new properties that have been completed under previous phases of the regeneration. At my site inspection I observed the courtyards to some of the completed new properties under Site 7 of the regeneration and the inside of Arments Court, which is within Site 1a. Whilst I was shown that there were problems with ongoing leaks from pipework in the corridors of Arments Court, I found that the size and quality of the private external courtyard area of Site 7 and the rooms and balcony to one of the tenanted maisonettes in Arments Court to be good. It seems to me that the problems that have been identified are most likely to be from the quality of the workmanship during the construction rather than the design itself. Based on my observations, I am satisfied that the design represents an environmental improvement in the quality of external and internal private areas, even though some of the rooms may not be as large or benefit from as much natural light, and the external space may not be as extensive, as in some of the existing development. **[6, 15, 111, 113 and 117]**
188. The design of the proposed buildings would be likely to be to a similar standard to that of the development that has been completed on the Estate or to that of a previously completed NHHT development that I visited. At the Inquiry, the Council's designer highlighted the principles and design details for the scheme, which I am satisfied would ensure an improvement in the general quality of accommodation on the FDS. Whilst I accept that there would have been some flats and maisonettes on the existing Estate that would have provided spacious and light accommodation with good views, the access to these would most likely have been unattractive and inconvenient and there would almost certainly have been a deterioration in the structure of the buildings, which would have required maintenance work being carried out. Furthermore, the layout and design of that part of the Estate would not have met current good practice and guidance. **[6, 49 to 57 and 158]**
189. The area of public open space that would be provided would be less than is currently provided on the site and would not be in accordance with the AAAP with regard to the inclusion of 'green fingers'. However, it would provide an equivalent area to the 'green fingers' and would offer more flexibility with regard to the use of the space and the general layout. It would make more efficient use of the space than that of the existing and, taking account of the

additional larger houses and numbers of units that would be provided on the site together with the relatively close location of Burgess Park to the site, it would be sufficient to ensure that living conditions on the proposed development would not be unacceptably compromised due to the availability of public recreational space. **[58, 59 and 147]**

190. The level of private amenity space would be generous, with a relatively high number of houses benefiting from private gardens, shared courtyards, and/or good sized balconies. The Council has accepted that the provision of some of these private amenity areas, and in particular the large balconies, would in some instances compromise the levels of daylight and sunlight that would reach some windows and the courtyard areas would suffer from overshadowing at some parts of the day. However, I find that, based on the Council's expert evidence of Paul Fletcher, satisfactory levels of sunlight and daylight would be provided to all rooms, taking account of the proposed use of that room, and to the private courtyard areas. **[58, 87, 91 and 159]**
191. The Council's designer has accepted that many of the proposed dwellings would not receive as much sunlight and daylight as some of the existing dwellings, particularly those with a dual aspect in the Chiltern block. However, there is insufficient information to show the levels of daylight and sunlight that the existing dwellings received. Also, the proposed rooms would all receive acceptable levels of natural light and would meet the development plan standards, which do not require the BRE Guidance to be met. Furthermore, an assessment carried out for the Council has identified that 81% of the rooms assessed would meet or exceed the BRE daylight Guidance levels, which is a relatively high percentage in comparison with other development at a similar density. **[86 to 91 and 159]**
192. The 2015 CPO Inquiry Inspector found against the proposed development in terms of sunlight and daylight. However, from the evidence that has been provided, I have found that she did not have as much information before her on this issue as has been made available at the current Inquiry and she had very little evidence of the existing levels of sunlight and daylight to make any informed comparison. Also, since that Inquiry, there has been the adoption of the Mayor of London's guidance, which does not appear to me to have been taken into account when the previous decision was made, and the Council has shown that the permitted development would satisfy those standards for daylight and sunlight. Therefore, whilst that Inspector seems to me to have given significant weight to this issue in determining against the scheme in relation to environmental wellbeing, I have given it limited weight. **[85, 90 and 159]**
193. Although the proposed density of the development would be higher than the density of the existing development on the site, it would be towards the lower end of that specified as being acceptable in the London Plan for a sustainable location. It would also ensure that more efficient use would be made of the land whilst ensuring that future residents would enjoy an acceptable standard of amenity. **[92 to 94 and 147]**
194. Since the 2015 Inquiry, the circumstances of the FDS have changed so that most of the buildings on the site are either vacant, in the process of being demolished or have been demolished, and most of the open space is

inaccessible to the public due to it being used as part of the demolition site. Therefore, I have found it difficult to make any direct comparisons between the FDS as it was and the proposed scheme. However, based on the evidence provided at the Inquiry and my observations on site that have included visiting parts of the Aylesbury Estate that are due to be developed in future phases, I find that the scheme would contribute to the improvement of the environmental wellbeing of the area. **[13, 52, 110, 113 and 158]**

Social

195. The temporary loss of local community due to residents moving away to vacate the site would be offset by the proposed provision of a new mixed community on the site that would include tenants on social rent and those in affordable shared equity housing and open market housing within the same blocks, albeit in separate buildings within that block. The proposal would also provide an 'Extra Care' facility that has been specifically designed for this purpose as well as much needed affordable housing, secured by the DPA and a section 106 Agreement. In addition it would provide larger family housing for which a need has been identified. The design should also provide an improved environment with better surveillance to reduce the likelihood of crime and anti-social behaviour and the section 106 Agreement would secure local jobs and training. **[62, 64 and 110]**
196. The social disbenefits of the confirmation of the Order would be limited to just one household that remains on the FDS. This would no longer represent a loss of community in general and, even if those residing at that property would have to leave the area, which is by no means certain, it would have a very limited impact on the social wellbeing of the area. However, the Order would enable the construction of a new development of housing and community facilities that, in combination with those already provided under previous phases of the regeneration and are proposed to be provided in future phases, would be able to contribute to rebuilding the community and would represent a good contribution to the social wellbeing of the area. **[62, 63, 110, 116, 142, 156 and 157]**

Economic

197. Apart from the jobs that would be created during the estimated 4 year construction period, including a commitment from NHG to provide employment opportunities and training to unemployed people in the Borough, the proposal would secure additional permanent local employment. The Council has also estimated that the proposed increase in residents in the completed development would generate additional expenditure in the area to help the local economy. **[65]**
198. The remaining leaseholders would be financially compensated in accordance with the Compensation Code to ensure that they would not be left in an economically disadvantaged situation after the CPO. All the remaining leaseholders, except those of one property on the Order Land, have agreed the level of compensation, following a change to the Council's policy to enable it to offer Council owned rehousing properties on the basis of a charge secured on that property. Based on the evidence provided, I find that the direct and indirect economic benefits are far greater than any economic disbenefit that

would occur as a result of the Order and the scheme would contribute to an economic improvement to the wellbeing of the area. **[65, 75 and 118]**

Whether there are other means of achieving the purpose

199. The purpose for which the Order is sought has been given as securing the regeneration of Aylesbury Estate in accordance with the provisions of the AAAP. The AAAP has resolved to carry out the regeneration of the Estate by redevelopment rather than refurbishment. Therefore the stated purpose would not be achieved by refurbishment. **[2 and 66]**
200. The only alternative options that have been put before the Inquiry are the refurbishment of the existing buildings. The evidence that has been given to the Inquiry indicates that extensive consultation was carried out regarding this option prior to the adoption of the AAAP, which forms part of the development plan and specifically relates to the Aylesbury Estate. The AAAP Examination Inspector examined this option before making his recommendations and concluded that it was not acceptable for a number of reasons. These included the existing design and quality of the Estate being substandard and existing social problems on the Estate. There is insufficient substantive evidence to show that the structural reports and the reported social problems that the Council had relied upon when making its decision not to refurbish the existing buildings should have been disregarded at that time. **[42, 46, 68, 113, 137, 140, 141, 144, 152, 154 to 157 and 163 to 165]**
201. Another major reason that has been demonstrated at the Inquiry for not following the refurbishment option is that the Council concluded at its Cabinet meeting that it would not be able to find the necessary funds to meet the estimated full refurbishment costs to bring it up to an acceptable level. Furthermore, the Council has implemented the planning permission on the FDS by engaging a contractor to start the demolition of the vacant buildings. As such, I observed on the site that some of the buildings have already been demolished which has effectively ruled out the option of total refurbishment. **[13, 42, 44, 114 and 115]**
202. Judi Bos has suggested an alternative to full refurbishment that has involved the retention of the block that includes 143 Chartridge. However, this option has not been provided in any great detail and the other options that have been put forward have been withdrawn by ALAG. The details that have been provided are insufficient to demonstrate that it would be feasible or cost effective. They fail to show the actual total cost of adapting the design and layout to accommodate the retention of the building, the effect that its retention would have on the number of housing units that would be available, the number of affordable units and the mix of tenures to ensure compliance with the AAAP and whether it would result in the desired improvements to the environment. Furthermore, it would present difficulties with the overall Masterplan design and concept, which could well require a complete rethink should 120-149 Chartridge be retained. As such, I find that it has not been shown that such an alternative would be a feasible option or that the necessary funding would be available, given that it could result in a considerable delay to the redevelopment of the site. **[67, 121 to 123 and 126]**

203. No other realistic alternatives have been suggested and the refurbishment option is, in my opinion, no longer viable or deliverable. Therefore, based on the evidence before me, I conclude on this matter that the purpose for which the Acquiring Authority is proposing to acquire the land could not be achieved by any other means.

Human Rights and the Equality Act

204. The PSED which arises from section 149 of the Equality Act 2010, requires public authorities to have due regard to:

- eliminating unlawful discrimination, harassment, and victimisation;
- advancing equality of opportunity between different groups; and
- fostering good relations between different groups³⁰⁹.

The characteristics that are protected by the Equality Act 2010 include age, disability and race. While the PSED does not specify a particular process for considering the likely effects, public authorities must demonstrate that they have shown due regard to the aims of the PSED in decision-making. **[80]**

205. Based on the evidence before me, I consider that the main concern expressed with regard to the PSED was the effect of the CPO on older people due to them not being offered a choice of replacement accommodation that would not disproportionately change their lives. However, the negotiated agreement to acquire the leasehold of all but one of the leasehold properties on the Order Land demonstrates to me that this concern has been adequately addressed. **[81 and 145]**

206. I am satisfied that the latest EqIA by Mott McDonald, which was carried out following the 2015 Inquiry, remedies any inadequacies that have been raised regarding the previous EqIA carried out for the AAAP. I have not been provided with any substantive evidence to counter the Council's expert opinion that it is sufficient to discharge the PSED duty for the SofS. **[82 to 84 and 145]**

207. I have examined the choice of accommodation that has been offered, particularly in relation to older people who would find it difficult to raise sufficient funds to finance the purchase of 100% of the ownership of similar accommodation to that which they currently enjoy in the area of the Estate. Based on this, the evidence provided at the Inquiry and the Mott McDonald EqIA, I am satisfied that the Council has provided sufficient information for the SofS to discharge his PSED duties. **[81]**

208. In terms of human rights, Article 1 of the First Protocol to the ECHR concerns the protection of property and Article 8 deals with the right to respect for family life and the home. Those directly affected by the CPO would be the leasehold owners of the only remaining property to be acquired. In this respect, Boris Bos is not an occupier of the property and Judi Bos only resumed as an occupier of the property after the Order was made. The

³⁰⁹ Document CD97: Guidance on Compulsory purchase process and The Crichel Down Rules, February 2018 paragraph 6

confirmation of the Order would, in all likelihood, require Judi Bos to vacate the property in which she currently resides, but there is nothing before me to show that she would not be able to find alternative accommodation as a result of the compensation that would be available. Also, it would deprive Boris Bos of the opportunity to reside in the property, but the evidence indicates that he currently has a home elsewhere. **[100, 101, 103, 128 and 131]**

209. Based on the above, I accept that there would be an interference with the human rights of Boris Bos and Judi Bos due to them having an interest in the land affected. However, I am satisfied that any interference with their rights under Protocol 1 of Article 1 and Article 8 of the ECHR is in accordance with the law, pursuant to a legitimate aim, and proportionate given the scale of the public benefits to which the use of the Order Land would give rise. **[101, 102 and 131]**
210. I find that it has not been demonstrated that there is any interference with the rights under Article 1 of the First Protocol and Article 8 to the ECHR, as incorporated by the Human Rights Act 1998, to those that are not statutory objectors, as their rights would not be directly affected by the confirmation of the Order. Confirmation of the Order would not force any of them to move as their properties are not included in the Order Land. Their rights under any future CPOs that could affect their properties would be considered at the appropriate time, if a CPO is made. **[24, 150 and 166 to 169]**
211. Taking account of the above, and given the withdrawal of all other relevant objections to the Order, I am satisfied that the purposes for which the Order is made justifies interfering with the human rights of those with an interest in the land affected. **[19 and 20]**

Whether there is a Compelling Case

212. I find that there is a compelling case in the public interest for the rights in the Order Land to be acquired. I have already concluded that there is a need for the scheme and that it would accord with the aims of the development plan. Also, I consider the acquisition of land and rights over land that the Order would authorise would be proportionate and justified. I have found that there is no viable alternative that would offer the same benefits as the scheme that would be implemented or the alternative proposed under section 73 of the Act, including the refurbishment of one or some of the remaining blocks on the Order Land. **[102, 124, 136 and 147]**
213. The Council has demonstrated that it has taken all reasonable steps to negotiate a settlement to acquire land on the FDS prior to making the Order and that the Order is necessary to acquire the remaining leasehold interests, all but one of which have been agreed to be acquired. The Council has provided evidence to show that it has been making reasonable offers to acquire the remaining leasehold property, 143 Chartridge, for a significant period of time before making the Order and after the Order had been made but with no success, partly due to there being two conflicting interests in the property to be acquired. During this process, it has been apparent that an agreement had nearly been reached on a number of occasions only for it to not succeed. On this basis, there is no guarantee that the remaining interests in the land could be acquired by agreement and therefore the Order is necessary. **[75 to 79 and 106 to 108]**

214. I am satisfied that the design of the scheme, which has been granted planning permission, has been shown by the Council to provide an improved environment to that of the existing development, which would contribute towards the improvement of the environmental wellbeing of the area. The works have commenced with the demolition of some of the blocks for which all the rights have been acquired and I consider that the Acquiring Authority has a clear idea as to how it intends to use the land it seeks to acquire.
215. The Council has provided evidence to show that NHG has access to sufficient funding to be able to complete the FDS, which requires the acquisition of the Order Land for its completion. The Council has demonstrated that the scheme would be unlikely to be blocked by any physical or legal impediments to its implementation. I am satisfied that there is nothing that would prevent the proposed relocation of Ellison House. On this basis, I consider that it is reasonable to believe that the necessary resources are likely to be available to complete the FDS development, and there is no impediment to prevent it from being completed, within a reasonable time-scale.
216. The Council has shown that it has been willing to negotiate with the affected leaseholders, with 2 of them withdrawing their objections under the ALAG objection during the course of the CPO Inquiry, leaving the acquisition of only one leasehold property being the subject of remaining relevant objections to the Order. It appears to me that the only dispute that remains with the relevant objectors is regarding the level of compensation, which is for agreement between the parties or for determination by the Lands Chamber of the Upper Tribunal if agreement cannot be reached.
217. In the light of all the evidence, I consider that there is a compelling case in the public interest for the scheme to proceed and that this outweighs the private loss involved in compulsory acquisition.

Objections

Judi Bos and Boris Bos

218. At the close of the Inquiry, Judi Bos and Boris Bos were the joint owners of the leasehold of the only property needing to be acquired to enable the scheme for new homes to be completed. Since 2005, Judi Bos had been resident for less than 12 months and Boris Bos had not been resident at all. It appears to me from the evidence that the main reason why the Council has been unable to acquire the leasehold by agreement is that one or both of them have not been satisfied with the level of compensation that has been offered at a particular time. Judi Bos has indicated by her evidence that, if she were offered the level of compensation that would satisfy her, she would be willing to settle and withdraw her objection. **[24, 76 to 79, 108, 128, 132, 133 and 146]**
219. Judi Bos has claimed that her case has been unfairly prejudiced by the withdrawal of ALAG's evidence and that, as a member of ALAG, she has a right to continue with that objection. However, she has indicated that she is representing herself and there is no evidence before me to show that she was one of the objectors being represented by ALAG. Furthermore, I find that the formal letter of withdrawal by ALAG of its objection to the Order and the withdrawal of the evidence and submissions indicated in the Schedule to the letter are valid and stand. As such, Judi Bos is not able to rely upon the

withdrawn ALAG evidence, other than that agreed³¹⁰, and I am satisfied that her interests have not been prejudiced by that evidence not being considered. **[21 to 23, 103 and 149]**

220. The claims made, mainly by Judi Bos, that the maintenance bills on properties prior to their acquisition have been used by the Acquiring Authority as a tactic to force leaseholders to reach an agreement to sell, have not been substantiated. The Council has provided details of the works that had been carried out on the FDS, which have included smoke alarms and planned preventative maintenance. No evidence has been provided to show that this work had been unnecessary or that the bills that were charged to the leaseholders were unreasonably high for the works that had been carried out. **[96, 112 and 125]**
221. Alternatively, Judi Bos, and objectors living at properties on the Estate that are not directly affected by the Order, have indicated that insufficient maintenance work has been carried out on the properties to be acquired which has resulted in unacceptable living conditions for the occupants. However, as most of the properties on the FDS have been vacant for a considerable length of time, it would have been a waste of resources to have spent large amounts of money to bring them up to a high standard of maintenance. I have not been given sufficient evidence to show that the Council has failed to attempt to maintain the facilities to the remaining properties to an acceptable and safe standard, given that the site has had to be secured due to the high vacancy level and ongoing demolition work. **[50 iii, 96, 112 and 157]**
222. Whilst many leaseholder objectors, including Judi Bos and Boris Bos, have argued that they have not be offered a 'like for like' replacement of their existing property, the Council has explained at the Inquiry what choices have been offered to leaseholders to enable them to stay on the Estate or in the local area. These have included assistance to purchase a new property via shared equity or shared ownership on housing association developments nearby or on previous phases of the Estate regeneration, or through the Council subject to a financial assessment; or rehousing as a Council tenant, subject to a housing need and financial assessment. Also, during the course of the Inquiry the Council changed its rehousing policy to enable Council owned properties to be offered on the basis of a charge secured on the property. Although the cost of a new property on the Estate or an equivalent property in the area might be significantly higher than the level of compensation that the leaseholder might receive from the compulsory purchase of their property on the Estate, I am therefore satisfied that the options that have been made available by the Council would allow them to remain in the area and not be financially worse off. **[73, 75 i, 116, 123, 126, 161, 167, 168 and 170]**
223. I do not agree that either of Judi Bos's or Boris Bos's cases have been unfairly prejudiced by the timescales for the presentation of evidence or the withdrawal of ALAG's evidence. Judi Bos attended the PIM at which she accepted the timetable for the presentation of evidence. Since then, both of them have had sufficient time to submit their evidence and have been given the opportunity to

³¹⁰ Evidence of Jane Rendell and the evidence not included in the Schedule of evidence to be withdrawn by ALAG

present it to the Inquiry orally and in writing, which they have done. **[4, 105 and 130]**

Paul Palley

224. Paul Palley is not directly affected by the confirmation of the Order as he does not have any interests in the Order Land. I have dealt with some of his concerns above. His contention that the existing Estate represented a mixed community due to the purchase of the leasehold of some of the properties may be correct but that is not the only aim of the regeneration scheme. Furthermore, there is nothing to prevent the redevelopment of the FDS from creating a mixed community due to the different tenures and ownership that would be available after completion of the scheme. **[134]**
225. Whilst Paul Palley has referred to other examples of CPOs regarding regeneration schemes in London to support his objection to the confirmation of the Order, including Heygate Estate, I do not have all the evidence that was put before those inquiries. Therefore, I cannot make any direct comparisons with the current CPO. Furthermore, each case is to be decided on its own merits in the light of prevailing legislation, policies and guidance. **[135]**
226. I accept Paul Palley's argument that the grant of planning permission is not the only matter to be considered when deciding whether to confirm the Order. However, it does indicate that the scheme that would be implemented should the Order be confirmed has been considered to be acceptable in terms of the development plan and other material considerations after it had been put before the public and the responses taken into account. I have based my recommendation regarding the confirmation of the Order on the tests that are given in the relevant legislation and guidance. **[136]**
227. The Council has explained the reasoning behind the decision to redevelop the Estate rather than to refurbish it, following the consultation and surveys that had been taken. I am satisfied that the Council has acted on the results of the 2005 consultation work and that the latest Mayor's guidance regarding the need for a ballot prior to deciding whether to demolish does not apply to the FDS scheme or Order, particularly as planning permission has been granted. The officers and Council would have considered such things as fire safety under the Building Regulations and the need to close roads when granting permission for the scheme. **[95, 137 and 148]**
228. I am satisfied that section 226(1)(a) of the Act is being used appropriately by the Council to acquire the interests that it requires to carry out the regeneration of the FDS on Aylesbury Estate. It provides the necessary powers to enable the demolition work to be carried out, which has already been started on some of the buildings that have been acquired within the Order Land. A decision had already been made at the AAAP stage to redevelop the FDS rather than to refurbish the existing buildings. **[32 and 143]**
229. The Council is obliged under the Land Compensation Act 1973 to only rehouse those persons displaced from residential accommodation. There is no statutory rehousing duty regarding non-resident leaseholders or the tenants of private landlords who have acquired the leasehold. Therefore, I am satisfied that the Council has carried out its statutory duties with regard to offering alternative accommodation to those that would lose their home due to the

CPO. This has been demonstrated by the fact that all of the Council tenanted dwellings have been vacated. **[20, 99, 141 and 145]**

230. Paul Palley contends that the rights of the objectors under Article 6 of the ECHR are engaged. In this respect, the confirmation of the Order has been the subject of a lengthy public inquiry where the objectors' cases were fully put. The SofS's decision to consent to judgment and undertake to arrange a new public inquiry to be held was properly taken. The lawfulness and fairness of the decision taken by the SofS on this application for confirmation of the Order is subject to review through the courts. I therefore conclude that there has not been an interference with any of the objectors' rights under Article 6. **[149]**

Piers Corbyn

231. I have already addressed most of Piers Corbyn's grounds for objection above. He has no direct interest in the Order Land and his evidence was originally submitted as that of a supporting witness for ALAG, who has now withdrawn its objection. He has made a number of allegations against the Council with regard to its procedure that it had taken in deciding to demolish the existing buildings and redevelop the Estate and also regarding the level of rent and service charge for occupants of the proposed development. However, these either do not relate directly to the matters to be considered in deciding whether the Order should be confirmed or have not been substantiated or both of these. **[153 to 157]**

Rita Enuechie

232. Rita Enuechie has provided a witness statement for ALAG that has not been withdrawn and she has not formally withdrawn her original objection to the Order. However, since the withdrawal of ALAG's objection, she has not communicated to suggest that she would like to appear at the Inquiry or that she would like her witness statement to stand as grounds for her outstanding objection. Furthermore, she was a leaseholder of one of the dwellings to be acquired under the Order but the Council has demonstrated that she has agreed to the 'buy back' of the lease and her property no longer needs to be acquired under the Order. Therefore, I consider that her witness statement is out of date and I have attached limited weight to the concerns expressed in the statement. **[161]**

David Bailey, Victoria Briden, John Wesley Evans, Maurizio Piga, Angela Aikins-Andoh, Richard & Mary Osei-Kumaning, Stephen Dogbatse, Joy Nyack-Binns and Felix Badu

233. These objectors are leasehold owners and/or occupiers of properties that would be likely to be affected in future phases of the regeneration of Aylesbury Estate. They would therefore not be directly affected by the confirmation of the Order and would not be required to leave their homes as a result of the Order being enacted upon. Whilst some have argued that the current Order would set a precedent for future CPOs within Aylesbury Estate, each case should be determined on its own individual merits in the light of the most up-to-date legislation and guidance at the time. **[150, 162 and 166 to 172]**

Overall Conclusions

234. I have considered each of the outstanding objections, including concerns about human rights and the PSED. I have assessed the Order against the relevant statutory criteria and I have concluded that it complies. I have found that any adverse impacts, which would be limited, would be far outweighed by the significant benefits of the scheme that the Order would facilitate.
235. Overall, it is my view that the scheme is in the public interest and the CPO should be confirmed in order to allow it to proceed. I have had regard to all other matters raised, but they do not outweigh the conclusions I have reached and the recommendation that I make.

7 Recommendation

236. I recommend that:

**The London Borough of Southwark (Aylesbury Estate Site 1b-1c)
Compulsory Purchase Order 2014** be confirmed.

M J Whitehead

INSPECTOR

APPENDIX A

APPEARANCES

For the Council of the London Borough of Southwark:

Melissa Murphy	of Counsel and
Caroline Daly	of Counsel
	Both instructed by the Legal Department for the Council of the London Borough of Southwark
They called	
Stephen Platts BSc MRICS	Director of Regeneration, Council of the London Borough of Southwark
Simon Bayliss MA DipArch	Managing Partner, HTA Design LLP
DipUB Arb RIBA	
Catherine Bates BA(Hons)	Principal Design and Technical Officer,
BSc DipArch Arb	Regeneration South, Council of the London Borough of Southwark
Eleanor Purser MSc	Director of Regeneration, Notting Hill Housing Group
Dr Michael E Leary-Owhin	Senior Lecturer, London South Bank University
PGDipTP MSc MA(Lond)	
PhD(Lond) MRTPI FHEA	
FRSA	
Dr James Beard BSc MSc	Technical Specialist, Mott MacDonald's Economic and Social Development Team
PhD	Director and National Head of Compulsory Purchase, GVA Grimley Ltd
Virginia Blackman	Principal Development Surveyor, Council of the London Borough of Southwark
BSc(Hons) MRICS	Team Leader, Strategic Applications Team, Council of the London Borough of Southwark
Marcus Mayne BSc MRICS	
Daniel Davies MA	

For Aylesbury Leaseholders Action Group and 35% Campaign (ALAG) - Evidence Withdrawn:

Christopher Jacobs	of Counsel, instructed by ALAG under the public access scheme
He called	
Dr Robert Colenutt	Honorary Research Fellow, School of the Built Environment, Oxford Brookes University
BA(Hons) MA PhD	Director, Southwark Law Centre, Member of Southwark Health and Well Being Board and Chair of Southwark Homeless Forum
Sally Causer	Professor of Human Geography, University of Leicester
Professor Loretta Lees	Director, UCL Urban Laboratory and Senior Lecturer in Architectural History and Theory, The Bartlett School of Architecture
FAcSS FRSA BA(Hons) PhD	Leverhulme Early Career Fellow, Queen Mary University of London and Lecturer, Birkbeck, University of London
Dr Ben Campkin BA(Hons)	
MSc PhD	
Dr Richard Baxter BA(Hons)	
MA PhD	

For Judi Bos:

Judi Bos	Joint Leaseholder and occupant of 143 Chartridge
Valerie Brathwaite	Local resident
John James	Former tenant of Chiltern
David Bailey	Local resident

For Boris Bos:

Boris Bos	Joint Leaseholder of 143 Chartridge
-----------	-------------------------------------

For Paul Palley:

Paul Palley	Local resident
-------------	----------------

APPENDIX B

DOCUMENTS

Core Documents

CD1	Cabinet Report & Minutes Agenda Item 17, 18 March 2014: Phase 1b and 1c Aylesbury Regeneration
CD1A	The London Borough of Southwark (Aylesbury Estate Site 1b-1c) Compulsory Purchase Order 2014, Schedule and Map
CD2	The Aylesbury Area Action Plan, January 2010
CD3	Report on the Examination into the Aylesbury Area Action Plan Development Plan Document, 12 November 2009
CD4	Development Partnership Agreement, 28 April 2014 (Redacted)
CD5	Plan of Existing Aylesbury Estate Building types and heights
CD5A	Land Registry Plan of Aylesbury Estate
CD6	Advert for the regeneration of the Aylesbury Estate and procurement of a development partner in an Official Journal of the European Union, 12 September 2012
CD7	Cabinet Report & Minutes Agenda Item 9, 28 January 2014: Selection of a Preferred Partner to Work with the Council to Deliver the Regeneration of the Aylesbury Estate
CD8	Executive Report & Minutes Agenda Item 7, 27 September 2005: Aylesbury Estate Revised Strategy
CD9	Greater London Authority Press release, 24 October 2014
CD10	Executive Report & Minutes Agenda Item 15, 9 February 2010: Aylesbury Phase 1 Compulsory Purchase Orders
CD11	The London Borough of Southwark (Aylesbury Estate Wolverton 1-59) (No 2) Compulsory Purchase Order 2012 (Site 7), Schedule, Map, Inspector's Report and Decision Letter
CD12	Masterplan & First Development Site Application Statement of Community Involvement
CD13	Executive Report & Minutes Agenda Item 15, 26 September 2006: Rehousing of tenants and homeowners for the Aylesbury Estate Regeneration Programme
CD14	Cabinet Report & Minutes Agenda Item 9, 14 December 2010: Amending the Rehousing Policy for Home Owners Affected by the Regeneration of the Aylesbury Estate
CD15	Cabinet Report & Minutes Agenda Item 16, 18 March 2014: Shared Equity
CD16	Southwark Council Homeowners Guide

CD17	Map showing location of NHHT Edmund Street ("Camberwell Fields") housing sites
CD18	Southwark Council Your Move: A guide to help you choose a new home
CD19	First Development Site Application Design & Access Statement and Addendum
CD20	Adopted Policies Map
CD21	Southwark Council Core Strategy, April 2011
CD22	The London Plan, July 2011 and Revised Early Minor Alterations to the London Plan, 11 October 2013
CD23	Saved Southwark Plan policies, April 2013
CD24	Southwark Council Residential Design Standards Supplementary Planning Document, October 2011
CD25	Aylesbury Estate Regeneration Briefing Report on Structural Robustness of 5 and 6 Storey Jespersen Blocks, November 2004 (Conisbee Report)
CD26	Paul Palley response: Whether it is legally possible to use Compulsory Purchase Orders to require owners on the Aylesbury Estate to sell their leases
CD27	The London Borough of Southwark (Aylesbury Estate Site 1b-1c) Compulsory Purchase Order 2014 Statement of Reasons
CD28	The London Borough of Southwark (Aylesbury Estate Site 1b-1c) Compulsory Purchase Order 2014 Statement of Case
CD29	Proofs of evidence from Inquiry into the London Borough of Southwark (Aylesbury Estate Wolverton 1-59) (No 2) Compulsory Purchase Order 2012 (Site 7)
CD30	Circular 06/2004 – Compulsory Purchase and the Crichel Down Rules
CD31	Extracts from the Development Partnership Agreement Business Plan
CD32	Cabinet Report and Minutes Agenda Item 12, 17 March 2015: Aylesbury Regeneration Programme Update
CD33	National Planning Policy Framework, March 2012
CD34	Extracts from the Planning Practice Guidance, 23 March 2015
CD35	Southwark Council Affordable Housing Draft Supplementary Planning Document, June 2011
CD36	The Mayor of London: Use of Planning Obligations in the Funding of Crossrail and the Mayoral Community Infrastructure Levy Supplementary Planning Guidance, April 2013
CD37	Extracts from the Mayor of London: Housing Supplementary Planning Guidance, November 2012

CD38	The London Plan – The Spatial Development Strategy for London Consolidated with Alterations since 2011 - March 2015
CD39	Southwark Council Section 106 Planning Obligations/Community Infrastructure Levy Supplementary Planning Document, 1 April 2015
CD40	Planning Application for the Aylesbury Estate Regeneration First Development Site Application Drawings (revised)
CD41	Planning Application for the Aylesbury Estate Regeneration First Development Site Application Environmental Statement and Addendum
CD42	Planning Application for the Aylesbury Estate Regeneration First Development Site Application Landscape Statement and Addendum
CD43	Planning Application for the Aylesbury Estate Regeneration Masterplan Application Design & Access Statement and Addendum
CD44	Planning Application for the Aylesbury Estate Regeneration Masterplan Application Landscape Statement and Addendum
CD45	Aylesbury Estate, Southwark Notting Hill Housing Trust Revised Affordable Housing Statement, February 2015 (Deloitte)
CD46	Aylesbury Estate, Southwark Notting Hill Housing Trust Planning Statement, Revised - February 2015 (Deloitte)
CD47	Southwark Council Statement of Community Involvement, January 2008
CD48	Southwark Council Community Infrastructure Levy Charging Schedule, March 2015
CD49	Aylesbury Estate Energy Assessment and District Heating Study – Version 2, Notting Hill Housing, February 2015
CD50	The London Borough of Southwark (Aylesbury Estate Site 1b-1c) Compulsory Purchase Order 2014 Inspector's Report, 29 January 2016
CD51	The London Borough of Southwark (Aylesbury Estate Site 1b-1c) Compulsory Purchase Order 2014 Secretary of State Decision Letter, 16 September 2016
CD52	London Borough of Southwark v Secretary of State for Communities and Local Government: Consent Order, 3 May 2017
CD53	London Borough of Southwark v Secretary of State for Communities and Local Government: Statement of Facts and Grounds, 27 October 2016
CD54	London Borough of Southwark v Secretary of State for Communities and Local Government: Witness Statement of Neil Kirby, 27 October 2016
CD55	London Borough of Southwark v Secretary of State for Communities and Local Government: Defendant's Summary Grounds of Defence, 23 November 2016; Interested Parties' Summary Grounds of Defence (incorrectly dated), 21 November 2017; Defendant's Detailed Grounds of Defence, 21 February 2017

CD55A	London Borough of Southwark v Secretary of State for Communities and Local Government: Application for permission to apply for Judicial Review: Order by the Honourable Mr Justice Dove, 19 December 2016
CD56	London Borough of Southwark v Secretary of State for Communities and Local Government: Renewal Grounds, 9 January 2017
CD57	London Borough of Southwark v Secretary of State for Communities and Local Government: Order by the Honourable Mr Justice Collins, 18 January 2017
CD58	Guidance on Compulsory Purchase Process and the Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion, October 2015
CD59	Plan of Aylesbury Regeneration FDS showing extent of demolition site, hoarding lines and access arrangements,
CD60	Cabinet Report and Minutes Agenda Item 16, 8 December 2015: Financial Appraisal Process for Home Owners Affected by Regeneration Schemes
CD61	The London Borough of Southwark (Aylesbury Estate Site 1b-1c) Compulsory Purchase Order 2014 Chronology and Summary of decisions referred to
CD62	Planning permissions Ref 14/AP/3843 (First Development Site Application) and Ref 14/AP/3844 (Outline Masterplan Application)
CD63	Planning officer's reports for applications Ref 14/AP/3843 (First Development Site Application), dated 23 April 2015, and Ref 14/AP/3844 (Outline Masterplan Application), dated 30 July 2015
CD64	Section 106 Agreement for the First Development Site, 5 August 2015
CD65	Deed of clarification to section 106 Agreement for the First Development Site, 14 October 2015
CD66	Cabinet Report and Supplemental Report and Minutes, 20 September 2016: Aylesbury Regeneration Delivery
CD67	Cabinet Report and Supplemental Report and Minutes, 9 May 2017: Aylesbury Regeneration Programme Delivery
CD68	Development Partnership Agreement (redacted as at June 2017)
CD68A	Development Partnership Agreement (redacted as at August 2017)
CD69	Summary of effect of variations to Development Partnership Agreement
CD70	Extract from New Southwark Plan Preferred Option – Area Visions and Site Allocations, February 2017
CD71	Extracts from the London Plan, March 2016
CD72	Section 226 of the Town and Country Planning Act 1990 (as amended)
CD73	DCLG Estate Regeneration National Strategy, 8 December 2016

CD74	Mayor of London Homes for Londoners Draft Good Practice Guide to Estate Regeneration, December 2016
CD75	Mayor of London Homes for Londoners Affordable Housing and Viability Supplementary Planning Guidance 2017, August 2017
CD76	Mayor of London Housing Supplementary Planning Guidance, March 2016
CD77	Minutes of Planning Committee held on 23 April 2015 and Planning Officer's report for planning applications Ref 14/AP/3843 and Ref 14/AP/3844
CD78	Supporting Statement for Section 73 Minor Material Amendment Aylesbury Estate – First Development Site, October 2017
CD79	The London Borough of Southwark (Aylesbury Estate Site 1b-1c) Compulsory Purchase Order 2014 Updated Statement of Case, June 2017
CD80	Cabinet Report and Minutes, 31 October 2017, including Item 23: Aylesbury Estate: Approved Premises Facilities Delivery
CD81	Executive Report and Minutes, 15 December 2009: Adoption of Local Development Document: Aylesbury Area Action Plan
CD82	Cabinet Report and Minutes Agenda Item 13, 20 June 2017: Aylesbury First Development Site Compulsory Purchase Order
CD83	The London Borough of Southwark (Aylesbury Estate Site 1b-1c) Compulsory Purchase Order 2014 Updated Statement of Case, November 2017
CD84	Extracts from The London Plan Draft for Public Consultation, December 2017
CD85	Southwark Council New Southwark Plan Proposed submission version, November 2017
CD86	DCLG Fixing our broken housing market white paper, February 2017
CD87	Minutes of Planning Committee held on 6 December 2016 and Planning Officer's report and planning permission re Application 16/AP/2800 Approval of Reserved Matters for Aylesbury Plot 18
CD88	Minutes of Planning Committee held on 28 March 2017 and Planning Officer's report and planning permission re Application 17/AP/0053 for approved premises facility (replacement for Ellison House)
CD89	Mayor of London Homes for Londoners Affordable Homes Programme 2016-2021 Funding Guidance, November 2016
CD90	The London Borough of Barnet (West Hendon Regeneration Area) Compulsory Purchase Order (No 2) 2016 Inspector's Report, 6 July 2016

CD91	The London Borough of Barnet (West Hendon Regeneration Area) Compulsory Purchase Order (No 2) 2016 Secretary of State's Decision Letter, 20 October 2017
CD92	Southwark Council Demolition Evidence Base Aylesbury Area Action Plan, March 2009
CD93	Extracts from Southwark Council Consultation report for the Aylesbury Area Action Plan, May 2009
CD94	Extracts from Southwark Council Sustainability Appraisal of Aylesbury Area Action Plan, May 2009
CD95	Southwark Council 2015 Update to the Residential Design Standards (2011) Supplementary Planning Document
CD96	Mayor of London Better homes for local people: the Mayor's Good Practice Guide to Estate Regeneration, February 2018
CD96a	Mayor of London Proposed new funding condition to require resident ballots in estate regeneration Consultation Paper, February 2018
CD97	Guidance on Compulsory purchase process and The Crichel Down Rules, Ministry of Housing, Communities and Local Government, February 2018

Core Documents Submitted by Judi Bos

JB/CD1	The whole of the stage E report, including the March 2005 structural report and the Frost associates costings for the refurbishment of the Estate
JB/CD2	Planning Application Ref 04/CO/0114: Conversion of one of the existing garages into a new entrance and hallway for the maisonette above, with associated elevational changes, 65 Chartridge & Garages 49-50 Westmoreland Road
JB/CD3	Delegated planning decision Ref 04/CO/0152: Refurbishment of 1-172 Chiltern House
JB/CD4	Case Officer Report Ref 05/CO/0161: Open land east of Red Lion Row and north of Boyson Road & Aylesbury Day Centre 2 Bradenham Close (Phase 1a)
JB/CD5	Planning permission Ref 07/CO/0046: Open land east of Red Lion Row and north of Boyson Road & Aylesbury Day Centre 2 Bradenham Close (Phase 1a)
JB/CD6	Planning permission Ref 07/CO/0044: Formation of new children's play area, including the installation of play equipment and landscaping at open space adjacent to Chiltern House
JB/CD7	Planning permission Ref 09/AP/0565: Deletion of Condition 10 (relating to the occupation of units in Site E)
JB/CD8	Approval of reserved/outstanding matters Ref 16/AP/2800, 9 December 2016

JB/CD/9	as Core Document CD78 above
JB/CD10	Southwark Council Homeowners' Guide, 2006
JB/CD11	Southwark Council Homeowners' toolkit, 2006
JB/CD12	Minutes and Report of Regeneration & Resources Scrutiny Sub-Committee meeting, 9 March 2006: Decant Process
JB/CD13	Minutes of Regeneration & Resources Scrutiny Sub-Committee meeting, 14 October 2004
JB/CD14	Minutes and Report of Executive meeting Agenda Item 13, 5 April 2005: Leaseholders: Major Works, Communications and Independent Advice
JB/CD15	Report of Executive meeting Agenda Item 14, 5 April 2005: Updated Report: Buying Back Ex Council Flats and Houses
JB/CD16	Report of Executive meeting Agenda Item 16, 5 April 2005: Housing Option Appraisal Process
JB/CD17	Minutes of Executive meeting held on 26 June 2006 and Report of Agenda Item 8: Regeneration policy and practice: rehousing of tenants and leaseholders
JB/CD18	Report of Executive meeting Agenda Item 19, 26 June 2006: Report from Overview & Scrutiny Committee: Management of major works – review of issues for tenants and leaseholders
JB/CD19	Minutes of Executive meeting held on 12 July 2005 and Report of Agenda Item 7: Gateway 1 - Procurement Strategy Approval Commissioning of Modernised Day and Outreach Services for People with Physical Disabilities
JB/CD20	Minutes of Executive meeting held on 14 March 2006 and Report of Agenda Item 13: Aylesbury Estate Regeneration Progress Report and appendices
JB/CD21	Report of Executive meeting Agenda Item 12, 28 November 2006: Procurement of a Registered Social Landlord/developer for Phase 1a new housing and Aylesbury Resource Centre
JB/CD22	Minutes of Executive meeting held on 26 September 2006 and Report of Agenda Item 8: Deputation request from Aylesbury Decant Sub-Group
JB/CD23	Minutes of Cabinet meeting held on 14 December 2010 and Report of Agenda Item 8: Aylesbury PFI Housing Project – Outline Business Case
JB/CD24	as Core Document CD66 above
JB/CD25	Minutes of the Open section of the meeting of the Major Projects Board (Executive Committee) held on 14 June 2007 and Report of Agenda Item 8: Establishment of the Aylesbury Trust and the acquisition by the Trust of the William IV public house
JB/CD26	Minutes of the Open section of the meeting of the Major Projects Board (Executive Committee) held on 29 October 2008 and report of Agenda

	Item 5: Aylesbury Regeneration - Early Purchase of Owner-occupied Properties for Hardship Reasons
JB/CD27	Minutes of the Open section of the meeting of the Major Projects Board (Executive Committee) held on 15 January 2009 and report of Agenda Item 6: Aylesbury Regeneration - Purchase of Non-Council Owned Residential Properties
JB/CD28	Minutes of the Open section of the meeting of the Major Projects Board (Executive Committee) held on 27 January 2009 and Report of Agenda Item 4: New Deal for Communities (NDC) Neighbourhood Regeneration and Implementation Collaboration Agreement
JB/CD29	Forward Plans for each committee that were due to go in front of the executive between September 2004 and September 2006
JB/CD30	The London Borough of Southwark (Aylesbury Estate Site 1b-1c) Compulsory Purchase Order 2014 Proof of Evidence of Neil Kirby, March 2015
JB/CD31	The London Borough of Southwark (Aylesbury Estate Site 1b-1c) Compulsory Purchase Order 2014 Proof of Evidence of Mark Maginn, March 2015
JB/CD32	Southwark Council Consultation report for the Aylesbury Area Action Plan, May 2009 Volume III
JB/CD33	Aylesbury Estate Regeneration Initial Demolition Notice for Phases 1a/1b/1c, 31 March 2006
JB/CD34	Photographs of show flat, 2007
JB/CD35	Major Projects Board Report Agenda Item 8, 27 March 2008: Appointment to the Creation trust (New Aylesbury Trust Limited)
JB/CD36	Major Projects Board Report Agenda Item 4, 27 January 2009: New deal for Communities (NDC) Neighbourhood Regeneration and Implementation Collaboration Agreement
JB/CD37	Upper Tribunal (Lands Chamber) decision –Joshua
JB/CD38	Upper Tribunal (Lands Chamber) decision – John
JB/CD39	The London Borough of Southwark (Aylesbury Estate Site 1b-1c) Compulsory Purchase Order 2014 Council's objection statement Version 2 – updated to include responses to the Statement of Case served by Aylesbury Leaseholder Group on 3 April 2015, for the 2015 Inquiry
JB/CD40	Aylesbury Outline Planning Application Ref 14/AP/3844 Illustrative Plan 01 Development Parcels and Subplots
JB/CD41	Aylesbury Outline Planning Application Ref 14/AP/3844 Illustrative Plan 02 Demolition Stages
JB/CD42	First Development Site Name of Owner for Certificate of Ownership – Certificate B

-
- JB/CD43 Report of Executive meeting Agenda Item 12, 20 October 2009: Aylesbury Regeneration – Phase 1
 - JB/CD44 Report of Cabinet meeting Agenda Item 11, 7 June 2016: Aylesbury Estate Regeneration, Phase 2
 - JB/CD45 Report of Cabinet meeting Agenda Item 8, 18 November 2014: Update on Consultation and Plans for the Delivery of 11,000 New Homes
 - JB/CD46 Minutes of the Open section of the Cabinet meeting held on 21 March 2017
 - JB/CD47 Judi Bos's submitted documents to the 2015 Inquiry

Core Documents Submitted by Aylesbury Leaseholders Action Group

- ALAG/CD1 Notting Hill Housing Trust Aylesbury Estate: 2017 Supporting Statement FDS and Plot 18 Section 73 Application, October 2017
- ALAG/CD2 FDS Application 'FDS Addendum' Internal daylight and sunlight assessment,
- ALAG/CD3 Mayor of London London Housing Strategy DRAFT for Public Consultation, September 2017

Miscellaneous Core Documents from 2015 CPO Public Inquiry

- MISC/LBS/1 Council's Statement of Case, 28 October 2014
- MISC/LBS/2 Council's Objection Statement, 24 April 2015
- MISC/LBS/3 Council's Statement of Case updated 22 September 2015 (with attachments)
- MISC/LBS/3a Attachment US1: table of redactions
- MISC/LBS/3b Attachment US3: summary of deed of variation dated 10 August 2015
- MISC/LBS/3c Attachment US4: chronology of decisions referred to
- MISC/LBS/3d Attachment US5: legible table (now part of JB/CD1)
- MISC/LBS/3e Attachment US6: comparative table of reports on costings
- MISC/LBS/3f Attachment US8: letter from Leader of Southwark Council to Lord Chancellor and Secretary of State for Justice
- MISC/LBS/3g Attachment US9: letter from Lord Chancellor and Secretary of State for Justice to Leader of Southwark Council
- MISC/LBS/4a Not used
- MISC/LBS/4b Southwark Council's Proof of Evidence of Jacqueline Fearon, 30 March 2015
- MISC/LBS/4c Southwark Council's Proof of Evidence of Mark Maginn, 30 March 2015
- MISC/LBS/4d Southwark Council's Proof of Evidence of Rosemary Houseman, 30 March 2015

MISC/LBS/4e	Southwark Council's Proof of Evidence of Catherine Bates, 31 March 2015
MISC/LBS/4f	Southwark Council's Proof of Evidence of Neil Kirby, 31 March 2015
MISC/LBS/4g	Southwark Council's Proof of Evidence of Alison Squires, 1 April 2015
MISC/LBS/4h	Southwark Council's Rebuttal Statement, 9 October 2015
MISC/LBS/4i	Appendix RS1: Notting Hill financial statements
MISC/LBS/4j	Appendix RS2: Sustainability Appraisal of Aylesbury Area Action Plan May 2009 Volume III
MISC/LBS/4k	Appendix RS3: Equalities Impact Assessment for Aylesbury Area Action Plan January 2009
MISC/OBJ/1	Updated Case Statement on behalf of Aylesbury Leaseholders Group
MISC/OBJ/2	Updated Witness Statement: Beverley Robinson
MISC/OBJ/3	Witness Statement: Judi Bos, September 2015
MISC/OBJ/4	Witness Statement: Jazmine Bos
MISC/OBJ/5	Witness Statement: Gillian Mutch
MISC/OBJ/6	Witness Statement: Catherine Crawford
MISC/OBJ/7	Witness Statement: Professor Jane Rendell
MISC/OBJ/8	Updated Witness Statement: Julius Sangbey, 22 September 2015
MISC/OBJ/9	Witness Statement: Agnes Kabuto
MISC/OBJ/10	Witness Statement: Victoria Briden
MISC/OBJ/11	Letter of objection on behalf of the Aylesbury Leaseholders Action Group, dated 3 July 2014
MISC/OBJ/12	Letter of objection from Richard John Clarke, dated 1 August 2014
MISC/OBJ/13	Undated letter of objection from Paul Palley
MISC/OBJ/14	Letter of objection from Rita Eneuchie, dated 15 August 2014
MISC/ID1	List of appearances for Southwark Council
MISC/ID2	Witness Statement: 1 Missenden (Mr & Mrs Sisman)
MISC/ID3	Witness Statement: Julius Sangbey, 24 April 2014
MISC/ID4	Aylesbury Leaseholders Action Group Deputation to Cabinet – 18 November 2014
MISC/ID5	Southwark Council's Witness Statements Corrections and Updates
MISC/ID6	Appendices 4 and 5 to Objectors' Opening Submission
MISC/ID7	Opening Statement on behalf of the London Borough of Southwark

MISC/ID8	Mr Palley's Statement
MISC/ID10	List of Appendices to Rosemary Houseman's proof of evidence
MISC/ID11	Email from Beverley Robinson, dated 25 April 2015
MISC/ID13	Southwark Council's Formalities bundle
MISC/ID14	Opening Submission by the Objectors
MISC/ID15	Witness Statement: Dr Ben Campkin
MISC/ID16	Minutes of the Planning Committee held on 23 April 2015
MISC/ID17	Updated Housing figures for Site 1b/1c
MISC/ID18	Extracts from Design and Access Statement for Site 7
MISC/ID20	Email from Patrick McGreal, dated 28 April 2015
MISC/ID21	Witness Statement: Professor Loretta Lees
MISC/ID22	Levitt Bernstein Report (2005) Executive Summary
MISC/ID23	Aylesbury Estate Robustness considerations to inform Risk Assessments, 10 March 2005
MISC/ID25	Letter from Southwark Council to Gillian Mutch, dated 15 July 2014
MISC/ID26	Table of Target Rent giving floorspace and compliance with DCLG space standards
MISC/ID27	Letter from Southwark Council to Richard John Clarke Chartered Surveyors, dated 13 February 2015
MISC/ID28	Report of Executive Committee Agenda Item 8, dated 26 September 2006: Deputation request from Aylesbury Decant Sub-Group
MISC/ID29	Witness Statement: Joy Nyack-Binns
MISC/ID30	Southwark Council Note: Affordable Rent
MISC/ID31	Aylesbury Leaseholders Group: Skeletal Submission from T Eckersley
MISC/ID32	Southwark Council: S106 Monitoring and Deed of Variation (DoV) administration process in Southwark
MISC/ID33	Objectors' reply to Southwark Note: Affordable Rent
MISC/ID34	Letter from Southwark Council to Ministry of Justice, dated 1 May 2015 re Ellison House
MISC/ID35	Deed of release of restrictive covenant relating to land at Albany Road between the London Borough of Southwark and the London Borough of Bromley, 18 May 2015
MISC/ID36	Piers Corbyn submission – notes to Aylesbury Estate CPO Inquiry, 12 May 2015

MISC/ID37	Submission of Questions to Aylesbury CPO Public Inquiry by Gerlinde Gniewosz
MISC/ID38	Table 10 of the Conisbee Report
MISC/ID42	Statement of Judi Bos, dated 11 May 2015 and homebuyers feedback questionnaire
MISC/ID44	Plan showing outline Masterplan Application Site and First Development Site – 1B/1C
MISC/ID45	Page 9 from Southwark key housing data 2012/13
MISC/ID46	Aylesbury Estate Notting Hill Housing Trust Revised Affordable Housing Statement, February 2015
MISC/ID47	Notting Hill Housing Trust table of anticipated rent levels
MISC/ID48	Report on Estimated Costs for Estate Wide Refurbishment Options on the Aylesbury Estate at April 2005, Levitt Bernstein
MISC/ID49	Aylesbury Estate Regeneration Total Estate Cost Review, Frost Associates
MISC/ID51	Judi Bos Response to the Council's Rebuttal
MISC/ID52	Islington Report of Executive Member for Housing and Communities, dated 7 December 2006: Churnfield House/Six Acres Estate
MISC/ID53	Case Report: R(oao Baker) v First Secretary of State [2003] EWHC 2511 (Admin)
MISC/ID54	Case Report: Eckersley v Secretary of State for the Environment and Another (1977) 34 P&CR 12
MISC/ID55	Index of appendices to Council's update statement
MISC/ID56	Index of appendices to Council's rebuttal statement
MISC/ID57	Closing Submissions on behalf of Aylesbury Leaseholders Group
MISC/ID62	Deed of Clarification between The Mayor and Burgesses of the London Borough of Southwark and Notting Hill Housing Trust, dated 14 October 2015
MISC/ID63	Judi Bos Inquiry Submission 15 October 2015
MISC/ID64	Closing Statement on behalf of the London Borough of Southwark
MISC/ID65	Southwark Council Appendix 1 to Closing Submissions: Legal Note

The Council of the London Borough of Southwark

APP/0/1	Updated Statement of Case, November 2017
APP/0/2	List of Appearances
APP/0/3	Formalities Bundle
APP/0/4	Opening Statement

APP/0/5	Chronology of Development Partnership Agreement publication
APP/0/6	L&Q note on Defects at Site 1a and Site 7
App/0/7	Joint response of Simon Bayliss and Catherine Bates to the Objectors' Schematic proposal to retain Chiltern
APP/0/8	Greater London Authority letter, dated 15 January to Southwark Council regarding applications for variations of conditions
APP/0/9	ODPM Publication: A Decent Home Definition & Guidance for Implementation, February 2004
APP/0/10	DCLG Publication: A Decent Home Definition & Guidance for Implementation, June 2006 update
APP/0/11	Response to Judi Bos document OBJ/JB/6 Appendix 13 (marked JBSS13)
APP/0/12	35% Campaign Website extract- 'Some lessons from the Aylesbury Estate CPO Public Inquiry from the perspective of 35% Campaign'
APP/0/13	Rebuttal to Proof of Evidence of Boris Bos (OBJ/BB/1)
APP/0/14	Errata to Proof of Evidence & Appendices of Dr James Beard
APP/0/15	Replacement table to part of Dr James Beard's Appendix 3
APP/0/16	List of Leaseholders in occupation as at the Secretary of State's Decision Letter of 16 September 2016
APP/0/17	Note: The Proper Approach to the Public Sector Equality Duty in Decision Making
APP/0/18	Appeal Court Judgment: R (Bracking) v Secretary of State for Works and Pensions [2013] EWCA Civ 1345
APP/0/19	Summary of wheelchair provisions on Aylesbury Site 1b/1c (The First Development Site) 22 January 2018
APP/0/20	Note: Matters arising from the cross examination of Stephen Platts
APP/0/21	Overview of home owner's case for CPO hearing 2018
APP/0/22	Email chain of London Borough of Southwark contact with Mr & Mrs Bos
APP/0/23	Daniel Davies Note: Delivery of Infrastructure on the Aylesbury
APP/0/24	Court Judgment: Hopkins Homes Ltd v Secretary for Communities and Local Government [2017] 1 WLR
APP/0/25	Court Judgment: R v Rochdale Metropolitan Borough Council [2001] EnvLR 22
APP/0/26	High Court Judgment: Alliance Spring Co Ltd v First Secretary of State [2005] EWHC 18 (Admin)
APP/0/27	Errata to Witness Evidence of Mr Daniel Davies, 25 January 2018
APP/0/28	Note: Rehousing policy and leaseholder savings, 25 January 2018

APP/0/29	Note: Number of objections received to the London Borough of Southwark (Aylesbury Estate 1b - 1c) Compulsory Purchase Order 2014
APP/0/30	Deed of Surrender of 124 Chartridge between Acqua Plus Developments Limited and the London Borough of Southwark, dated 31 January 2018
APP/0/31	Matters arising from Ms Catherine Bates' evidence
APP/0/32	Draft Statement of Common Ground
APP/0/33	Draft Daylight and Sunlight - Statement of Common Ground
APP/0/34	Draft Suggested points for the Statement of Common Ground for the Quantity Surveyor experts
APP/0/35	Response to Professor Loretta Lees' Project Brief
APP/0/36	Inquiry Update Note, dated 10 April 2018
APP/0/37	Appendix 1 to Update Note: Aylesbury Leaseholder Action Group (ALAG) letter to the Planning Inspectorate withdrawing its objection (as Document OBJ/ALAG/0/23)
APP/0/38	Appendix 2 to Update Note: Signed Statement of Common Ground between the London Borough of Southwark and the Aylesbury Leaseholder Action Group (as Document OBJ/ALAG/0/22)
APP/0/39	Appendix 3 to Update Note: Schedule of Aylesbury Leaseholder Action Group & 35% Campaign evidence presented to Inquiry referred to in the Aylesbury Leaseholder Action Group letter to the Planning Inspectorate (as Document OBJ/ALAG/0/24)
APP/0/40	Appendix 4 to Update Note: List of Correspondence
APP/0/41	Appendix 5 to Update Note: GVA Shared Equity update, April 2018
APP/0/42	Report to the Leader of the Council, dated 16 March 2018: Amending the shared equity rehousing policy for qualifying homeowners affected by regeneration
APP/0/43	GVA Briefing Note – 24 January 2018
APP/0/44	Proof of Evidence of Paul Fletcher MSc on Daylight & Sunlight Amenity and Appendices 1 and 2, April 2018
APP/0/45	Note on s73 (GLA requested) Financial Viability Appraisal information on the Order Land, 10 April 2018
APP/0/46	Updated Plan of Order Land, 13 April 2018
APP/0/47	Council's letter, dated 9 April, in response to a letter from Judi Bos dated 6 April 2018
APP/0/48	Council's letter, dated 12 April, regarding an application for an adjournment by Judi Bos made in a letter dated 11 April 2018
APP/0/49	Council's response to Judi Bos's Updated Statement 13 April 2018, 18 April 2018

APP/0/50	Joint response of Mr Simon Bayliss and Ms Catherine Bates to Ms J Bos proposed option to retain 120-149 Chartridge, 18 April 2018
APP/0/51	Council's response to Piers Corbyn's additional statement dated 16 April 2018, 18 April 2018
APP/0/52	Closing Submissions on behalf of the London Borough of Southwark, 26 April 2018
APP/1/1	Stephen Platts - Proof of Evidence
APP/1/2	Stephen Platts - Summary Proof
APP/1/3	Stephen Platts - Appendices 1 to 12 (inc)
APP/1/4	Stephen Platts - Rebuttal and Appendices
APP/2/1	Simon Bayliss - Proof of Evidence
APP/2/2	Simon Bayliss - Summary Proof
APP/2/3	Simon Bayliss - Appendices 1 to 3 (inc)
APP/2/4	Simon Bayliss - Rebuttal Proof
APP/2/5	Simon Bayliss - Powerpoint presentation
APP/2/6	Simon Bayliss - Image references for Powerpoint presentation
APP/2/7	Simon Bayliss - Comparison of Carbon Dioxide Emissions – All First Development Site
APP/2/8	Simon Bayliss - Comparison of Carbon Dioxide Emissions – Excluding Arklow House
APP/3/1	Catherine Bates - Proof of Evidence
APP/3/2	Catherine Bates - Summary Proof
APP/3/3	Catherine Bates - Appendices 1 to 4 (inc)
APP/3/4	Catherine Bates - Rebuttal Proof
APP/3/5	Catherine Bates - Updated Plan of Order Land
APP/4/1	Eleanor Purser - Proof of Evidence
APP/4/2	Eleanor Purser - Summary Proof
APP/4/3	Eleanor Purser - Appendices 1 to 17 (inc)
APP/4/4	Eleanor Purser - Rebuttal Proof
APP/4/5	Eleanor Purser - Rebuttal Appendices
APP/4/5a	Eleanor Purser - List of Rebuttal Appendices
APP/4/6	Eleanor Purser - Notting Hill Housing Trust Governance Structures & Merger Matters, 11 January 2018

APP/4/7	Eleanor Purser - Replacement/Errata to Appendix 12 of the Proof of Evidence
APP/4/8	Eleanor Purser - Notting Hill Housing Trust Governance Structures & Merger Matters
APP/5/1	Dr Michael Leary-Owhin - Proof of Evidence
APP/5/2	Dr Michael Leary-Owhin - Summary Proof
APP/5/3	Dr Michael Leary-Owhin - Appendices 1 to 10 (inc)
APP/5/4	Dr Michael Leary-Owhin - Rebuttal Proof
APP/5/5	Dr Michael Leary-Owhin Aylesbury - NDC: Physical Environment Theme Evaluation - Final Report, January 2010
APP/5/6	Dr Michael Leary-Owhin - Index of Multiple Deprivation 2015 Scores for Southwark in the Context of Inner London, Overall Deprivation/Income
APP/6/1	Dr James Beard - Proof of Evidence
APP/6/2	Dr James Beard - Summary Proof
APP/6/3	Dr James Beard - Appendices 1 to 6 (inc)
APP/6/4	Dr James Beard - Rebuttal Proof
APP/7/1	Virginia Blackman - Proof of Evidence
APP/7/2	Virginia Blackman - Summary Proof
APP/7/3	Virginia Blackman - Appendices 1 to 4 (inc)
APP/7/4	Virginia Blackman - Rebuttal Proof
APP/8/1	Marcus Mayne - Proof of Evidence
APP/8/2	Marcus Mayne - Summary Proof
APP/8/3	Marcus Mayne - Appendices 1 to 4 (inc)
APP/8/3a	Marcus Mayne - Appendix 4 contents list
APP/8/4	Marcus Mayne - Rebuttal Proof
APP/9/1	Daniel Davies - Proof of Evidence
APP/9/2	Daniel Davies - Appendices 1 to 6 (inc)
APP/9/3	Daniel Davies - Note of Floorspace

Aylesbury Leaseholders Action Group & 35% Campaign

OBJ/ALAG/0/1	Updated Statement of Case of 10 November 2017 - Withdrawn
OBJ/ALAG/0/2	Collective Rebuttal Proof Appendices referenced ORS1 to 4 (inc) and 6 to 34 (inc) - Withdrawn
OBJ/ALAG/0/3	Opening Statement - Withdrawn

OBJ/ALAG/0/4	Guardian article of 11 January 2018 entitled 'Housing association merger will lead to social cleansing, warn tenants' - Withdrawn
OBJ/ALAG/0/5	Statement of Mr Jerry Flynn dated 22 January 2018 in response to APP/0/12 -- Withdrawn
OBJ/ALAG/0/6	Letter from Mr Alan Shaw dated 5 December 2017 - Withdrawn
OBJ/ALAG/0/7	Email from Mr Eltayeb Hassan to Ms Beverley Robinson of 21 January 2018 re Right to Buy - Withdrawn
OBJ/ALAG/0/8	Letter to Ms Beverley Robinson from the Notting Hill Housing Trust dated 20 July 2015 - Withdrawn
OBJ/ALAG/0/9	Letter to the LB of Southwark from Ms Beverley Robinson dated 3 October 2017- Withdrawn
OBJ/ALAG/0/10	Emails from the LB of Southwark relating to Ms Agnes Kabuto dated 25 January 2013 - Withdrawn
OBJ/ALAG/0/11	Executive Summary, Wandsworth Borough Council – Regeneration & Improvement Scheme for the Winstanley/York Road and other estates - Withdrawn
OBJ/ALAG/0/12	Schedule of Floorspaces (first entry – Block 1D) - Withdrawn
OBJ/ALAG/0/13	Schedule of Floorspaces (first entry – Block 1A) - Withdrawn
OBJ/ALAG/0/14	Email to Ms Agnes Kabuto from the Aylesbury Regeneration Team dated 1 August 2013 - Withdrawn
OBJ/ALAG/0/15	Replacement Statement of Mr Jerry Flynn dated 23 January 2018 in response to APP/0/12 - Withdrawn
OBJ/ALAG/0/16	Note on the approach to be taken to the public sector equality duty - Withdrawn
OBJ/ALAG/0/17	Legal Judgment – The Queen on the Application of Kaur and Shah v the London Borough of Ealing ~ Intervenor – The Equality & Human Rights Commission [2008] EWHC 2062 (Admin) - Withdrawn
OBJ/ALAG/0/18	Hard copy of PowerPoint presentation of Professor Loretta Lees - Withdrawn
OBJ/ALAG/0/19	Chapter 4 of Remaking London: Decline & Regeneration in Urban Culture (referred to in Appendix 4 of Proof of Evidence of Dr Ben Campkin - Withdrawn
OBJ/ALAG/0/20	Chapter 6 extract E8 (pgs 252–265 (inc)) of draft London Plan, December 2017 – Withdrawn
OBJ/ALAG/0/21	Professor Loretta Lees – Case of Support for awarded ESRC Grant - Withdrawn
OBJ/ALAG/0/22	Statement of Common Ground between the London Borough of Southwark and the Aylesbury Leaseholders Action Group, signed on 29 March 2019

OBJ/ALAG/0/23	Letter of withdrawal of objection, dated 29 March 2018
OBJ/ALAG/0/24	Schedule of oral and written evidence
OBJ/ALAG/W1/1	Dr Richard Baxter - Proof of Evidence - Withdrawn
OBJ/ALAG/W1/2	Dr Richard Baxter - Summary Proof - Withdrawn
OBJ/ALAG/W1/3	Dr Richard Baxter - Curriculum Vitae - Withdrawn
OBJ/ALAG/W2/1	Sally Causer - Proof of Evidence - Withdrawn
OBJ/ALAG/W2/2	Sally Causer - Summary Proof - Withdrawn
OBJ/ALAG/W2/3	Sally Causer - Appendices 1 to 4 (inc) and 7 to 9 (inc) (App 5 see CD63 & App 6 see CD10) - Withdrawn
OBJ/ALAG/W3/1	Dr Robert Colenutt - Proof of Evidence - Withdrawn
OBJ/ALAG/W3/2	Dr Robert Colenutt - Summary Proof - Withdrawn
OBJ/ALAG/W3/3	Dr Robert Colenutt - Curriculum Vitae - Withdrawn
OBJ/ALAG/W3/4	Dr Robert Colenutt - Appendices 1 to 4 (inc) - Withdrawn
OBJ/ALAG/W4/1	Dr Ben Campkin - Proof of Evidence - Withdrawn
OBJ/ALAG/W4/2	Dr Ben Campkin - Curriculum Vitae - Withdrawn
OBJ/ALAG/W4/3	Dr Ben Campkin - Appendices 1 to 5 (inc) - Withdrawn
OBJ/ALAG/W5/1	Jerry Flynn - Proof of Evidence - Withdrawn
OBJ/ALAG/W5/2	Jerry Flynn - Summary Proof - Withdrawn
OBJ/ALAG/W5/3	Jerry Flynn - Annex 1 - Appendices 1 to 63 (inc) - Withdrawn
OBJ/ALAG/W5/4	Jerry Flynn - Annex 2 - Withdrawn
OBJ/ALAG/W6/1	Professor Loretta Lees - Proof of Evidence - Withdrawn
OBJ/ALAG/W6/2	Professor Loretta Lees - Summary Proof - Withdrawn
OBJ/ALAG/W6/3	Professor Loretta Lees - Curriculum Vitae - Withdrawn
OBJ/ALAG/W6/4	Professor Loretta Lees - Appendices 1 to 7 (inc) - Withdrawn
OBJ/ALAG/W6/5	Professor Loretta Lees - Rebuttal Proof - Withdrawn
OBJ/ALAG/W7/1	Richard Lee - Proof of Evidence - Withdrawn
OBJ/ALAG/W7/2	Richard Lee - Summary Proof - Withdrawn
OBJ/ALAG/W7/3	Richard Lee - Appendices 1, 3 and 4 (Appendix 2 see CD49) - Withdrawn
OBJ/ALAG/W8/1	Simon Morrow - Proof of Evidence - Withdrawn
OBJ/ALAG/W8/2	Simon Morrow - Curriculum Vitae - Withdrawn

OBJ/ALAG/W8/3	Simon Morrow - Appendices 1 to 8 (inc), Appendices 13 to 17 (inc) and Appendices 18-1 & 18-2 (Appendices 9, 10 & 12 see CD1 and Appendix 11 see CD8) - Withdrawn
OBJ/ALAG/W8/4	Simon Morrow - Rebuttal Proof with 6 Appendices referenced as SM19 to SM24 (inc) - Withdrawn
OBJ/ALAG/W9/1	Anna Minton - Proof of Evidence - Withdrawn
OBJ/ALAG/W9/2	Anna Minton - Appendices 1 to 7 (Appendices 2, 4 & 5 see Proof of Evidence) - Withdrawn
OBJ/ALAG/W10/1	Rastko Novakovic - Proof of Evidence - Withdrawn
OBJ/ALAG/W10/2	Rastko Novakovic - Summary Proof - Withdrawn
OBJ/ALAG/W10/3	Rastko Novakovic - Appendices 1 to 26 (inc) - Withdrawn
OBJ/ALAG/W11/1	Peter Raynham - Proof of Evidence - Withdrawn
OBJ/ALAG/W11/2	Peter Raynham - Summary Proof - Withdrawn
OBJ/ALAG/W11/3	Peter Raynham - Curriculum Vitae - Withdrawn
OBJ/ALAG/W11/4	Peter Raynham - Appendix - Withdrawn
OBJ/ALAG/W11/5	Peter Raynham - Rebuttal Proof - Withdrawn
OBJ/ALAG/W12/1	Professor Jane Rendell - Proof of Evidence - Withdrawn
OBJ/ALAG/W12/2	Professor Jane Rendell - Curriculum Vitae - Withdrawn
OBJ/ALAG/W12/3	Professor Jane Rendell - Appendices 1 to 10 (inc) - Withdrawn
OBJ/ALAG/W12/4	Professor Jane Rendell - Rebuttal Proof - Withdrawn
OBJ/ALAG/W13/1	Patricia Turnbull - Proof of Evidence - Withdrawn
OBJ/ALAG/W13/2	Patricia Turnbull - Curriculum Vitae - Withdrawn
OBJ/ALAG/W14/1	George Turner - Proof of Evidence - Withdrawn
OBJ/ALAG/W14/2	George Turner - Summary Proof - Withdrawn
OBJ/ALAG/W14/3	George Turner - Appendices 1 to 9 (inc) - Withdrawn
OBJ/ALAG/W15/1	Beverley Robinson - Proof of Evidence - Withdrawn
OBJ/ALAG/W15/2	Beverley Robinson - Summary Proof- Withdrawn
OBJ/ALAG/W15/3	Beverley Robinson - Appendices 1 to 6 (inc) and 2 Exhibits - Withdrawn
OBJ/ALAG/W15/4	Beverley Robinson - Rebuttal Proof- Withdrawn
OBJ/ALAG/W16/1	Agnes Kabuto - Proof of Evidence - Withdrawn
OBJ/ALAG/W16/2	Agnes Kabuto - Summary Proof- Withdrawn
OBJ/ALAG/W16/3	Agnes Kabuto - Appendices 1 to 7 (inc) - Withdrawn

OBJ/ALAG/W16/4 Agnes Kabuto - Rebuttal Proof- Withdrawn

OBJ/ALAG/W17/1 Rita Enuechie - Proof of Evidence

OBJ/ALAG/W18/1 Victoria Briden - Proof of Evidence/Statement of Objection

OBJ/ALAG/W18/2 Victoria Briden - Appendices 1 to 4 (inc)

OBJ/ALAG/W19/1 Piers Corbyn - Proof of Evidence/Statement of Objection

OBJ/ALAG/W19/2 Piers Corbyn - Additional Statement, 16 April 2018

OBJ/ALAG/W19/3 Piers Corbyn - Comment on Council's Response to additional statement, 19 April 2018

OBJ/ALAG/W20/1 David Bailey - Proof of Evidence/Statement of Objection & Appendix

OBJ/ALAG/W20/2 David Bailey - Second Statement of Objection & Appendices

OBJ/ALAG/W21/1 John Wesley Evans - Proof of Evidence/Statement of Objection

OBJ/ALAG/W22/1 Maurizio Piga - Proof of Evidence/Statement of Objection

OBJ/ALAG/W23/1 Angela Aikins-Andoh - Proof of Evidence/Statement of Objection

OBJ/ALAG/W24/1 Richard & Mary Osei-Kumaning - Proof of Evidence/Statement of Objection

OBJ/ALAG/W25/1 Stephen Dogbatse - Proof of Evidence/Statement of Objection

OBJ/ALAG/W26/1 Joy Nyack-Binns - Proof of Evidence/Statement of Objection

OBJ/ALAG/W27/1 Felix Badu - Proof of Evidence/Statement of Objection

Judi Bos

OBJ/JB/1 Updated Statement of Case, 7 November 2017

OBJ/JB/2 Appendices 1 to 11 (inc) to updated Statement of Case

OBJ/JB/3 Proof of Evidence

OBJ/JB/4 Appendices 1 to 4 (inc) to Proof of Evidence (including Witness Statement of Suzanne Harvey)

OBJ/JB/5 Supplementary Statement and Rebuttal Proof

OBJ/JB/6 Appendices to Supplementary Statement and Rebuttal Proof (including Witness Statement of Valerie Brathwaite - Appendix 10; and Witness Statement of John Brian James - Appendix 11)

OBJ/JB/7 Opening Statement

OBJ/JB/8 Email exchange with the Regeneration Manager, London Borough of Southwark, 5 and 8 January 2018 re: mediation

OBJ/JB/9 Emails of 9 and 10 May 2017 in relation to service address for Notices

- OBJ/JB/10 Email of 18 July 2017 in relation to Freedom of Information requests to the London Borough of Southwark
- OBJ/JB/11 Application for Planning Permission on the First Development Site by Notting Hill Housing Trust, 29 September 2014
- OBJ/JB/12 Professor Jane Rendell - Proof of Evidence (Document OBJ/ALAG/W12/1 re-submitted as evidence for Judi Bos)
- OBJ/JB/13 Professor Jane Rendell - Curriculum Vitae (Document OBJ/ALAG/W12/3 re-submitted as evidence for Judi Bos)
- OBJ/JB/14 Professor Jane Rendell - Appendices 1 to 10 (inc) (Document OBJ/ALAG/W12/3 re-submitted as evidence for Judi Bos)
- OBJ/JB/15 Professor Jane Rendell - Rebuttal Proof (Document OBJ/ALAG/W12/4 re-submitted as evidence for Judi Bos)
- OBJ/JB/16 Updated Statement and Appendices 1 to 9, 13 April 2018
- OBJ/JB/17 Letter to the Inspector, dated 9 April 2018
- OBJ/JB/18 Reasons for adjournment and reinstating the ALAG evidence both oral and written and allowing the witnesses to give evidence and appendices, 11 April 2018
- OBJ/JB/19 Updated Statement and Appendices 1 and 2, 16 April 2018
- OBJ/JB/20 E-mail from Judi Bos to Mr Chambers dated 28 April 2017
- OBJ/JB/21 Letter from Drukker Solicitors to Seth Lovis & Co Solicitors, dated 12 May 2017
- OBJ/JB/22 Closing Statement from Judi Bos, April 2018

Boris Bos

- OBJ/BB/1 Proof of Evidence
- OBJ/BB/2 Reply to the response of the London Borough of Southwark
- OBJ/BB/3 Appendices to the Reply marked 'File' and Exhibits 1 to 6 (inc)
- OBJ/BB/4 Evidence of Boris Bos, 13 April 2018
- OBJ/BB/5 Appendices to Evidence of Boris Bos, 13 April 2018

Paul Palley

- OBJ/PP/1 Updated Statement of Case/Proof of Evidence updated 24 October 2017
- OBJ/PP/2 Summary Note
- OBJ/PP/3 Email to Inspector, dated 16 January 2018 re Freedom of Information 3-6 Monolulu Court
- OBJ/PP/4 Email to Inspector of 18 January 2018 re Mr Boris Bos & Ms Judi Bos/Human Rights

- OBJ/PP/5 Emails to Inspector, with two Appendices, of 19 & 22 January 2018 re other London Borough estates
- OBJ/PP/6 Email to Inspector of 31 January 2018 re London Borough of Haringey policies, listing and costs
- OBJ/PP/7 Bundle of 16 emails received between 4 April 2018 and 17 April 2018 from Paul Palley - 4 April 1426 hours; 4 April 1427 hours; 12 April 0821 hours; 12 April 1225 hours; 12 April 1610 hours; 13 April 1203 hours; 13 April 1420 hours; 13 April 1424 hours; 13 April 1549 hours; 13 April 1618 hours; 13 April 2044 hours; 13 April 2051 hours; 14 April 0750 hours; 14 April 1749 hours; 14 April 2017 hours; 17 April 1725 hours
- OBJ/PP/8 Email, dated 20 April 2018 with accompanying Note for the Inquiry following the oral submission made on 18 April
- OBJ/PP/9 Email, dated 20 April 2018 with attached email from Jennifer Quinton Chelly to Paul Palley dated 20 April 2018

2018 Inquiry Documents

- GID/1 Inspector's Pre-inquiry Meeting Note of 12 September 2017
- GID/2 Inspector's Ruling on Filming, 31 January 2018
- GID/3 Inspector's Timetable for documents to be submitted during the adjournment
- GID/4 Inspector's Ruling on the withdrawal of evidence by ALAG, 13 April 2018
- GID/5 Planning Inspectorate letter to Marcus Relton, dated 5 April 2018
- GID/5A Inspector's Revised Ruling on Filming at the Inquiry, 13 April 2018
- GID/6 Site Visit Thursday 19 April 2018 Itinerary
- GID/7 Site Visit Thursday 19 April 2018 Plan
- GID/8 Attendance Sheets
- GID/9 Closing letter, dated 27 April 2018

Other Correspondence

- IC/1 Letter from David Jones, 17 April 2018

APPENDIX C

ABBREVIATIONS

AAAP	Aylesbury Area Action Plan
Acquiring Authority	the Council of the London Borough of Southwark
(the) Act	(the) Town and Country Planning Act 1990, as amended
ADF	Average Daylight Factor
ADR	Alternative Dispute Resolution
ALAG	Aylesbury Leaseholders Action Group
BAME	Black, Asian, and Minority Ethnic
BRE	Building Research Establishment
CPO	Compulsory Purchase Order
(the) Council	(the) Council of the London Borough of Southwark
DAS	Design & Access Statement
DCLG	Department for Communities and Local Government
DPA	Development Partnership Agreement
ECHR	European Convention on Human Rights
EqIA	Equalities Impact Assessment
(the) ERNS	(the) Estate Regeneration National Strategy
FDS	First Development Site
GLA	Greater London Authority
hrph	habitable rooms per hectare
L&Q	London and Quadrant Trust housing association
LPS	Large Panel System
NDC	New Deal for Communities
NHG	Notting Hill Genesis
NHHT	Notting Hill Housing Trust
ODPM	Office of the Deputy Prime Minister
(the) Order	The London Borough of Southwark (Aylesbury Estate Site 1b-1c) Compulsory Purchase Order 2014
PIM	Pre-Inquiry Meeting
PSED	Public Sector Equality Duty (under Section 149 of the Equality

	Act 2010)
RSL	Registered Social Landlord
Section 73	Section 73 of the Town and Country Planning Act 1990
Section 106	Section 106 of the Town and Country Planning Act 1990
SoCG	Statement of Common Ground
SofS	Secretary of State
SPD	Supplementary Planning Document
SPG	Supplementary Planning Guidance
2015 Guidance	Guidance on Compulsory Purchase Process and the Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion, October 2015
2018 Guidance	Guidance on Compulsory purchase process and The Crichel Down Rules, February 2018