

**LONDON BOROUGH OF ENFIELD (MERIDIAN WATER STRATEGIC INFRASTRUCTURE WORKS)  
COMPULSORY PURCHASE ORDER 2020**

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**OPENING SUBMISSIONS OF THE ACQUIRING AUTHORITY**

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**Preliminary**

1. The purpose of this Inquiry is to consider objections to the London Borough of Enfield (Meridian Water Strategic Infrastructure Works) Compulsory Purchase Order 2020 ('the Order'). The Acquiring Authority is the London Borough of Enfield ('the Council'), which made the Order pursuant to its powers under Section 226 of the Town and Country Planning Act 1990 ('the 1990 Act') and Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 ('the 1976 Act').
  - In this regard Section 226(1)(a) of the 1990 Act provides:

*'A local planning authority to whom this section applies shall, on being authorised to do so by the Secretary of State, have power to acquire compulsorily any land in their area*

*(a) if the authority think that the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to the land...'*
  - Further, Section 226(3)(a) provides:

*'Where a local authority exercise their power under subsection (1) in relation to any land, they shall, on being authorised to do so by the Secretary of State, have power to acquire compulsorily—*

*(a) any land adjoining that land which is required for the purpose of executing works for facilitating its development or use...'*

- Further Section 13 of the 1976 Act provides:

*'A local authority which may be authorised by a Minister of the Crown, by means of a compulsory purchase order, to purchase any land compulsorily for any purpose may be authorised by that Minister, by means of such an order, to purchase compulsorily for that purpose such new rights over the land as are specified in the order; and in this subsection "new rights" means rights which are not in existence when the order specifying them is made.'*

2. The Order was made on 13 August 2020.

3. The land subject to the Order ('the Order Land') is comprised of some 124 Plots, in respect of which the Council seeks to acquire either interests in or rights over land. Nine statutory objections were submitted to the Secretary of State in respect of the Order. As at the date of opening of this Inquiry there are four objections which remain outstanding ('the Remaining Objections'), the parties objecting ('the Objectors') being:

- Tesco Stores Ltd
- B.S. Pension Fund Trustee Ltd
- IKEA Properties Investments Ltd
- Thames Water Utilities Ltd

4. All other objections to the Order have been withdrawn. Accordingly the purpose of this Inquiry is to consider the Remaining Objections.

### **Summary Context**

#### **Meridian Water**

5. A description of Meridian Water is provided in the Statement of Case, and in the proof of evidence of Peter George. Meridian Water is located in the south east corner of the London Borough of Enfield, extending to some 202 acres. It is one of the most significant regeneration opportunity areas in London, comprising one of the largest areas of underused and brownfield land in the city. There is existing commercial activity; in particular two large retail units in the centre of the site are operated by Tesco and IKEA, whilst there are also some ongoing industrial operations. However, much of the land is no longer in beneficial use, with large areas of redundant and vacant land (such as the three decommissioned

National Grid gasholder sites). Other parts of Meridian Water simply comprise derelict scrub land, such as the area lying at the east of Meridian Water, within the Lee Valley Regional Park ('LVRP').

6. As to why the area has remained blighted and neglected, and has not previously come forward for development, the answer is quite simply 'development constraint'. Meridian Water in its current form is not developable on any meaningful scale, and has not been in any state to attract investment. In this regard barriers to development include:

(a) Firstly, the fact that the land is bisected by a series of linear features extending north/south through Meridian Water, which have the effect of preventing east/west connectivity across the site. These barriers include

- a. The Lea Valley rail line, served by Greater Anglia Services;
- b. The A105 (Angel Edmonton Road), a dual carriageway; and
- c. Three watercourses, comprising the Salmons Brook, the Pymmes Brook and the River Lee Navigation Canal.

(b) Secondly, the fact that these watercourses, together with the River Lee itself (which runs immediately to the east of Meridian Water), pose a significant flood risk, rendering development on existing site levels wholly impractical and unacceptable in planning terms.

(c) Thirdly, the fact that the area's industrial heritage has left a legacy of redundant buildings and contamination, meaning that any large scale development would require substantial site remediation.

7. These various constraints have combined to prevent development coming forward at Meridian Water, with the result that the site currently makes only a fraction of the contribution to the public good which *could* be achieved, were it to be the subject of significant, infrastructure-related investment.

### **The Scheme**

8. The Council's vision for Meridian Water ('the Scheme') seeks to realise that public good. For the purposes of these proceedings, that vision is addressed most substantially in the

Statement of Case and in the proof of evidence of Mr George; however discrete issues are also considered in the proofs of other witnesses, in particular Mr Jarvis, Mr Savage and Mr Nunan.

9. In essence, what the Council is seeking to achieve with the Scheme is to take the brownfield, redundant and underused land which Meridian Water currently comprises, and in its place create an entirely new area of London, comprised of a modern, well-connected, high quality and sustainable neighbourhood. The Council's pursuit of the Scheme is grounded in comprehensive planning policy support; most notably the Edmonton Leaside Area Action Plan ('the ELAAP'), which was adopted by the Council on 29 January 2020 and which identifies the objectives of the Scheme. It is significant that none of those objecting to the Order have sought to contest the principle of the need for, or benefits of, the regeneration of Meridian Water that the Scheme would deliver.
10. In terms of the bare bones of that regeneration, the Council points to 5,000 new homes and 1,500 new full-time jobs, together with all manner of associated social infrastructure, including school provision, community facilities, health services and open space. However, simple recitation of the 'numbers' and 'development types' involved, is not sufficient to illustrate what will be achieved.
11. In this regard, it is important to understand the context in which the Scheme will come forward. As Mr George notes in his proof of evidence, Meridian Water is located in the Upper Edmonton ward of Enfield, adjacent to the Edmonton Green ward. These comprise the two most deprived wards in the Borough of Enfield, and indeed are among the 10% most deprived wards in the whole of England. Nearly 11% of local residents in these wards are unemployed and the median household income is low; all in circumstances where 58% of the population are from Black, Asian and Minority Ethnic Groups. As Mr George states, there is a very strong case for investment into this part of the borough to address profound inequalities and some of the worst deprivation in the country.
12. A further important reference point in terms of context is the very urgent need for housing provision – both market and affordable – in Enfield. At the borough level the position is that, historically, an annual average of only 573 completions have been achieved, in circumstances where London Plan target for the borough has risen to 1,246 per annum. It is

on this basis that the Council failed to meet its Housing Delivery Test in 2020, being unable to deliver 75% of its housing targets in the preceding three years. The position is also particularly acute at the ward level; Edmonton Green and Upper Edmonton comprise two of the three most overcrowded wards, whilst Edmonton also has the highest proportion of non-decent homes in the borough. Quite simply, it is essential that large, unused brownfield sites such as Meridian Water are brought forward for development if the Council is to rectify the housing situation (both in Edmonton and in Enfield more generally), and the 5,000 homes which the Scheme will provide are crucial to its strategy in meeting this objective.

13. The provision of jobs and homes is of course at the heart of the Council's vision, but also important is the environment in which those jobs and homes will be delivered. In this regard 'place-making' is also central to the Scheme, which will not only comprehensively remediate Meridian Water, but also deliver landscaping and tree planting across the site, naturalise lengths of the existing, brutalist concrete watercourses, and provide two major new parks, including the extensive area of 'Edmonton Marshes', which will site at the eastern end of Meridian Water in the LVRP. Ecologically rich landscapes and green corridors will replace the existing barren, brownfield character of the area.
14. By way of conclusion to this summary, the Scheme which the Council is seeking to deliver at Meridian Water will be genuinely transformational. In terms of economic, social and environmental considerations, the Scheme will achieve real and tangible benefits.

#### **The Strategic Infrastructure Works**

15. However, those benefits can only be realised in circumstances where the Council first provides the development platform which will enable development to come forward. In short, that means carrying out the necessary strategic infrastructure works ('the SIW'). Without the SIW, Meridian Water will remain in its existing, under-used, brownfield state.
16. These Opening Submissions do not set out in any detail the nature of the SIW, nor do they set out the technical 'need' for the works which underpins this Order. That detail is provided in the proofs of evidence of Mr Savage and Mr Nunan, with further comment provided by Mr John Reid. However, by way of summary, the Inquiry can note that the works fall broadly into two categories.

- (i) First, there are works relating to transport and access. These include:
- *The Central Spine Road* which comprises an east-west boulevard connecting Glover Drive and the new Meridian Water Station in the west with Harbet Road in the east. Construction of this route will involve bridges over the River Lee Navigation Canal and the Pymmes and Salmons Brooks. This route will serve to provide vital east/west connectivity across Meridian Water.
  - *The Leaside Link Road* which comprises a new north-south road to provide a connection between the Central Spine Road and Leaside Road. Construction of this route will also include a bridge, in this case over the Pymmes Brook. The Leaside Link Road will serve to provide vital north/south connectivity across Meridian Water.
  - *The North-South Link Road between Tesco and IKEA* – the construction of the Central Spine Road will affect the existing means of access into Tesco and IKEA, so the SIW provide for the construction of a new north-south link road running between the Argon Road roundabout and Glover Drive to accommodate revised access arrangements to these two stores. Significantly however, access to these two stores will be maintained throughout construction of the new route.
- (ii) Second, there are works relating to site preparation and environmental/ecological enhancement. These include:
- *Utility Infrastructure* – the Scheme will increase the demand on the existing utility infrastructure supplying the area, so that new utility services must be installed to support the development.
  - *Earthworks and Remediation* – Prior to substantive Scheme development taking place, much of the land at Meridian Water must be remediated to clean up contamination, with ground levels being raised in accordance with the flood mitigation strategy.
  - *Flood Alleviation Works* – As part of that flood mitigation strategy, it is necessary to undertake works re-levelling the land to the east of Harbet Road in order to provide a suitable flood compensation and storage area. The strategy also includes the construction of a flood conveyance channel between the River Lee Navigation and that compensation area.

- Edmonton Marshes – The flood compensation area will be shaped and landscaped to serve as a substantial new public park. In this way the proposals will result in the transformation of some 6.4 ha of derelict and largely inaccessible scrubland, situated in the heart of the Lee Valley corridor, into a valuable public amenity.
- Brooks Park and River “Naturalisation” – Works will also be undertaken to naturalise the Pymmes Brook, removing the existing concrete channel and replacing this with natural riverbank and vegetation. These works will also have the effect of creating a second new public park.

17. All of these works are required if the comprehensive regeneration of Meridian Water, as envisaged by the Scheme, is to be delivered. The SIW are not a ‘menu’ from which some items can be selected while others dispensed with; rather they represent an integrated package of measures which must be provided in full.

18. In this regard, it is notable that no evidence has been advanced at any point, by any Objector, which contests the ‘need’ for the SIW if the Scheme is to be delivered.

### **Delivery**

19. The last preliminary matter to address is that of ‘delivery’; primarily delivery of the SIW, since it is in order to deliver the SIW that the Council promotes the Order. In this regard the Inquiry can and will be satisfied that the Council is not promoting the Order on an ‘aspirational’ basis, or on the basis of ‘wishful thinking’. Rather, compulsory purchase powers are sought in respect of ‘real world’ proposals, which represent a realistic proposition, and which are in fact already in the process of being delivered.

20. As regards the SIW, the position can be put very shortly.

- (i) Firstly, the Council has the necessary resource to carry out the SIW. In this respect, it has secured a grant of some £170million from the Housing Infrastructure Fund (‘the HIF Grant’), so that the works are fully funded.
- (ii) Second, planning permission has been granted in respect of the SIW; the Council’s planning department granted the necessary consent on 22 July 2020.

(iii) Third, the Council has procured a contractor to deliver the SIW, Vinci Taylor Woodrow ('Vinci'). In this regard it has already entered into a preconstruction agreement with Vinci to provide detailed pricing and timing for the works.

21. As such, the Inquiry can note that the only remaining matter to be resolved before works commence is that of land ownership. Once the Council has acquired all the relevant interests, then there will be no bar to delivery of the SIW. In this regard the Council has in fact already acquired the bulk of the interests in the land required for the SIW; this is a consequence of the genuine and sustained efforts made by the Council over a period of several years to acquire land by agreement. It is due to those efforts that more than 70% of that land is already in the Council's control. However, it is of course necessary that the Council acquire *all* the relevant interests if it is to deliver the SIW as permitted, and it is on that basis that it has promoted the Order.

22. As such, confirmation of the Order is genuinely the last piece of the jigsaw, and it is notable that none of the Objectors suggests that there is any barrier to the Council being able to deliver the SIW.

23. As regards the substantive regeneration which the SIW will enable (i.e. the totality of the Scheme), the Inquiry can also note that delivery has in fact already begun. Notably:

- The Council has overseen the construction of an entirely new railway station, 'Meridian Water', served by Greater Anglia, to enhance the accessibility of the area to public transport. That station was built at a cost of more than £46million, of which more than £11million of funding was provided by the Council.
- 'Phase One' of Meridian Water, on the land west of the railway line, has already commenced. Planning permission for residential development has already been granted, and the Council have already undertaken remediation works. Since then Vistry (the Council's development partner) have taken possession of the site to complete site preparation and manage utility diversion.
- Further, the Council has also resolved to grant planning permission for 'Phase Two' of the Scheme, on land already owned by the Council, with Vistry also currently in negotiations to begin delivery of that phase also.



24. Thus both the SIW – in respect of which development the Order is sought – and also the Scheme – the delivery of which requires the SIW – comprise real and tangible development prospects.

#### **The Case for Confirmation of the Order**

25. In concluding these Opening Submissions, the Council notes the following three matters.

26. First, the Council recognises that Section 226(1A) of the 1990 Act provides that a local authority must not exercise powers under Section 226(1)(a) in respect of development proposals unless it is satisfied that those proposals will contribute to the promotion of the economic, social or environmental well-being of its area. In the present case, the Council is firmly of the view that the SIW, insofar as they will facilitate delivery of the Scheme, will contribute not to one, but rather to all three of these objectives. Thus the statutory requirement is manifestly satisfied.

27. Second, it is trite law that powers of compulsory acquisition should only be authorised where there exists a compelling case in the public interest to justify them. The Council maintains that in the present instance, there is just such a compelling case; indeed so extensive are the benefits that will be realised by the Scheme which the SIW will unlock, that the case for confirmation of the Order is overwhelming.

28. Those benefits, and the need for the SIW to deliver them, are rehearsed at length in the proofs of evidence adduced by the Council in support of the Order. That evidence is commended to the Inquiry, and the Council asks that the Inquiry give it careful consideration. However, what the Council also asks that the Inquiry note, is the lack of any evidential substance to the few Remaining Objections which are still maintained in respect of the Order. The objections themselves are comprised of nothing more than assertions – assertions which the Council robustly disputes – and no evidence whatsoever has been submitted in support of any of them. Thus the evidential matrix before the Inquiry is entirely one-sided.

29. Third and finally, the Council turns to consider Paragraph 106 of the Guidance on Compulsory Purchase Process, as published by the Ministry of Housing, Communities & Local Government ('the Guidance'). The Guidance purports to identify four particular factors to

which the Secretary of State will have regard when determining whether or not to confirm a compulsory purchase order. The Council's position is entirely robust in respect of each of those four factors. In particular:

- First, the Order Land is to be acquired in order to enable delivery of the SIW, which in turn will facilitate delivery of the Scheme more broadly. Such purposes are entirely in accordance with the adopted development plan for the borough (and indeed with national planning policy in the NPPF). In this respect the Inquiry should note in particular the evidence of Mr Jarvis, but can note also that the Council's case in this regard is not disputed in any of the Remaining Objections.
- Second, the SIW, and the Scheme which depends upon them, will contribute hugely to the achievement of the promotion/improvement of the economic, social and environmental well-being of the area. Again, the Council's stance in this regard is not disputed in any of the Remaining Objections.
- Third, as to whether the Council's purpose in seeking to carry out the SIW could be achieved by any other means, the Council maintains firmly that it could not. In this context it is important to note that no alternative proposal has been put forward in evidence by any Objector, nor has any Objector identified any alternative locations for the SIW.
- Fourth and lastly, the 'viability' of the SIW is not in question. In the present instance, it is not so much the viability of the SIW that might conceivably be in issue, but rather the position as regards funding and deliverability. Here the Council maintains, and the Objectors apparently accept, that the SIW are fully funded by the HIF Grant. In terms of the substantive regeneration of Meridian Water that the SIW will enable, delivery of Phase One is already in train, and the evidence before the Inquiry demonstrates that Phase Two will also come forward in its turn, as indeed will later Phases.

30. It is on this basis, and having regard to these considerations, that the Council will in due course ask that the Inspector confirm, or recommend confirmation, of the Order.

**Alexander Booth QC**

**Rebecca Clutten**

19<sup>th</sup> April 2021

Francis Taylor Building

Temple, EC4Y 7BY