

ENFIELD COUNCIL

The London Borough of Enfield (Meridian Water Strategic Infrastructure Works) Compulsory Purchase Order 2020

Summary Proof of Evidence of

Matthew Bodley

25 March 2021

Ref: PCU/CPOP/Q5300/3258664

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1. INTRODUCTION

- 1.1 I, John Matthew Scott Bodley, have been a professional member of the Royal Institution of Chartered Surveyors since 1992 and am a member of its Valuer Registration Scheme.
- 1.2 I have been advising the London Borough of Enfield ('the **Council**') since May 2016 on matters relating to the exercise of compulsory purchase powers and attempts to acquire land and rights by agreement, in connection with the London Borough of Enfield (Meridian Water Strategic Infrastructure Works) Compulsory Purchase Order 2020 (the "**Order**").
- 1.3 My evidence relates primarily to the need and justification for the use of compulsory purchase powers and the negotiations for voluntary acquisitions with affected landowners and, in particular, objectors to the Order.

2. THE LAND INCLUDED IN THE ORDER

- 2.1 The Order has been made to assemble the land and rights required to deliver the Strategic Infrastructure Works ("**SIW**") which are required to deliver the proposed regeneration of Meridian Water (the "**Scheme**").
- 2.2 The land the subject of the Order (the "**Order Land**") extends to approximately 27.43 hectares (67.78 acres). Some of the Order Land is currently in industrial use, although significant elements comprise vacant or under-utilised areas, public and private roads adjoining verges, and derelict Green Belt land.
- 2.3 There are no listed buildings, scheduled ancient monuments or registered historic parks and gardens within the Order Land. No part of the Order Land is within a Conservation Area. There are no interests held by the Crown.
- 2.4 The Order Land includes some 895m² (0.22 acres) of open space in respect of which a separate application under section 19 of the 1981 Act has been submitted to the Secretary of State.
- 2.5 Three objections to the Order have been made by organisations which assert they have a particular status as a statutory undertaker.

3. THE NEED FOR THE USE OF COMPULSORY PURCHASE POWERS

- 3.1 The purpose of the Order is to secure the assembly of all outstanding property interests and rights in the Order Land.
- 3.2 The extent of the Order Land has been determined by the requirement to achieve the objectives of the Council, which are to deliver the SIW which are themselves necessary to deliver the Scheme, which will promote economic, social and environmental improvements and support the long term needs of the community.
- 3.3 The entirety of the Order Land is required to deliver the SIW. It is necessary to have certainty that all of the land can be acquired in order to fully achieve the Council's objectives.
- 3.4 There are multiple interests in the Order Land and although the Council has been able to acquire many interests by agreement, it has not proved possible to acquire all necessary interests in this way. Accordingly, the Council has followed the approach recommended in national guidance published by the Ministry of Housing, Communities and Local Government (the "**Guidance**") and conducted negotiations for voluntary acquisitions by agreement in parallel with the formal compulsory purchase process.
- 3.5 Private treaty negotiations commenced prior to the making of the Order and will continue alongside the formal process.
- 3.6 I do not consider that delivery of the SIW, and therefore the Scheme, to accomplish the Council's objectives, could be achieved within a reasonable timeframe without the use of compulsory purchase powers.

4. JUSTIFICATION FOR THE USE OF COMPULSORY PURCHASE POWERS

- 4.1 In my opinion the Council is justified in making the Order and has followed the Guidance. In particular, the Council has a clear purpose for the Order Land the subject of the compulsory acquisition, and the necessary resources are available to achieve that purpose in an appropriate timescale. There are no procedural impediments to delivery of the SIW (for which the Order is being promoted) that will not be overcome by the confirmation of the Order.

- 4.2 The four factors identified at paragraph 106 of the Guidance as relevant considerations when determining whether or not an Order should be confirmed, are all matters in respect of which the Secretary of State will be satisfied.

5. ATTEMPTS TO ACQUIRE THE LAND BY VOLUNTARY AGREEMENT

- 5.1 In accordance with paragraphs 2 and 17 of the Guidance, the Council has made considerable efforts to acquire the required land and rights by negotiation in advance of the making of the Order, and efforts remain ongoing in parallel with the formal process.
- 5.2 In order to engage with landowners, the Council has put together a team made up of Council officers and professional advisors to work together to assemble all of the land required to deliver the SIW. A key task of this team has been to pursue negotiations for acquisition by agreement with all owners and occupiers.
- 5.3 Negotiations have continued unaffected throughout the Covid-19 pandemic notwithstanding the changes in working practices that this has entailed.
- 5.4 Since the making of the Order, negotiations have continued both with objectors and other owners. The Council remains committed to trying to achieve acquisitions by agreement. Should the Order be confirmed, negotiations will carry on until it becomes necessary for the Council to exercise its compulsory purchase powers in order to achieve vacant possession in a timely manner.
- 5.5 Prior to embarking on its land assembly exercise, the Council did not own any of the Order Land. Since 2015 the Council has been actively pursuing negotiations to acquire land by agreement and has since acquired approximately 70% of the total area.
- 5.6 The acquisitions achieved to date are a clear indication of the Council's commitment to seeking acquisitions by agreement in advance of the exercise of compulsory purchase powers in accordance with the Guidance.
- 5.7 Negotiations remain ongoing and will continue with all owners with the aim of achieving private treaty acquisitions up to the point that it becomes necessary to implement the Order.

6. OBJECTIONS TO THE ORDER

- 6.1 Nine objections have been made against the Order. Currently all nine remain outstanding, although agreements have now been reached with eight of the nine

objectors, and the Council is currently trying to formalise these agreements to enable the withdrawal of objections.

- 6.2 The Council is keen to address the concerns raised by objectors and to reach agreements with these parties which address their concerns and achieve acquisitions by agreement. I have contacted all objectors with a view to progressing discussions in respect of their objection and, where appropriate, the acquisition of their interest. Where appropriate I have involved other members of the Council's professional team in order to address the concerns raised in objections.
- 6.3 I describe each objection and my response in my main Proof.

7. CONCLUSIONS

- 7.1 In conclusion in respect of the Order I note:
 - 7.1.1 The Orders satisfies the requirements of section 226(1)(a) of the 1990 Act.
 - 7.1.2 The Order is in accordance with the requirements of the Guidance. In particular, it satisfies the requirements of paragraph 106 of the Guidance as:
 - 7.1.2.1 it is consistent with adopted planning policy and the NPPF;
 - 7.1.2.2 it will contribute to the improvement of economic, social and environmental wellbeing of the area;
 - 7.1.2.3 there is no practicable alternative to achieve the objectives of the Order; and
 - 7.1.2.4 funding is in place to acquire the Order Land and deliver the SIW and there is a better than reasonable prospect that the Scheme will be delivered if the Order is confirmed.
 - 7.1.3 The land included within the boundary of the Order is required to deliver the SIW which are themselves required to enable the Scheme to be delivered in accordance with the Council's objectives.
 - 7.1.4 There are no impediments to the delivery of the SIW if the Order is confirmed.
 - 7.1.5 Before embarking on the compulsory purchase process the Council made, and indeed continues to make, genuine attempts to acquire the required property interests and rights by private treaty agreement.

- 7.1.6 Without the Order there is no reasonable prospect that the required land and rights could be assembled within an acceptable timescale.
 - 7.1.7 Without the Order the Council will not be able to deliver the SIW which would mean that it would be unable to deliver the Scheme and achieve the Council's objectives.
 - 7.1.8 The objections made have been fully considered and the Council has sought to address the concerns raised where it is practicable to do so without prejudicing the delivery of the SIW and the Scheme.
 - 7.1.9 None of the objections amount to a good reason to modify or reject the Order.
- 7.2 In my opinion the Order is demonstrably required in the public interest and should be confirmed. There is a compelling case in the public interest for the confirmation of the Order within the meaning in the Guidance. Failure to do so would be to the detriment of economic, social and environmental wellbeing in this part of Enfield.

A handwritten signature in black ink, appearing to read "Matthew Bodley".

Matthew Bodley

25 March 2021