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# Compulsory Purchase Order Decision

Inquiry Held on 19 – 28 April 2021

Site visit made on 14 April 2021

**by D J Board BSc (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22 July 2021**

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**Order Ref: PCU/CPOP/Q5300/3258664**

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

- This Order was made under Section 226(1)(a) of the Town and Country Planning Act 1990 (as amended) and Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 by the London Borough of Enfield.
- The purpose of the Order is that it is required for the construction of the Strategic Infrastructure Works (SIW). The SIW are necessary to allow for further development at Meridian Water. The Order is needed to secure the necessary land assembly, within a reasonable timescale.
- The main grounds of objection are that: Insufficient information was provided to IKEA to acquire land by agreement; the economic case has not been made for delivery; limited information about impacts on IKEA land and car parking and no consideration of alternatives.
- There were 9 objections outstanding when the London Borough of Enfield submitted the Order to the Secretary of State for confirmation.
- At the close of the Inquiry there were 2 remaining objections IKEA (objection 1) and Thames Water Utilities (objection 3). Following the Inquiry Thames Water Utilities also withdrew their objection.

**Summary of Decision: The Order is confirmed without modification.**

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## Decision

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

## Preliminary Matters

2. By letter dated 15 October 2020 the Secretary of State confirmed that the decision whether or not to confirm the Order should be delegated to an Inspector pursuant to section 14D of the Acquisition of Land Act 1981. I was duly appointed as the Inspector to examine the Order.
3. The Inquiry took place on 19-21, 23, 27 & 28 April 2021 and I conducted an unaccompanied site visit on the 14 April 2021<sup>1</sup>. Notice of the Inquiry had been given to all concerned parties. There was no challenge to the Acquiring Authority's confirmation that all necessary statutory formalities had been completed.

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<sup>1</sup> Following the pre inquiry meeting a site visit information pack and walking route were submitted by the Acquiring Authority by email on 9 April 2021. The Lee Valley Regional Park Authority also provided information for the site inspection by email on 4 & 11 March 2021.

4. The Acquiring Authority was represented at the Inquiry and called 7 witnesses. No other parties attended the Inquiry. All written evidence has been taken into account in reaching my determination.

### **The Order Land and Surroundings**

5. The Order land totals 124 plots covering some 68 acres and is shown coloured pink and blue on the Order map. It is geographically located in the far south east corner of the London Borough of Enfield. The wider Meridian Water area<sup>2</sup>, 202 acres, covers the western end of the ward of Upper Edmonton and it is adjacent to the ward of Edmonton Green. It is adjacent to the neighbouring boroughs of Haringey and Waltham Forest. The area is comprised of a mix of former and existing commercial and industrial uses. The most notable existing features are described as industrial uses at Harbet Road and Orbital Business Park, Tesco Store, IKEA store, the former National Grid gas holder site and an area of derelict scrub land within the Lee Valley Regional Park (LVRP). To the north it is bounded by the A406 North Circular.
6. The Order Land does not comprise the whole of Meridian Water rather it includes those areas that would be required for the Strategic Infrastructure Works (SIW) scheme<sup>3</sup>. It includes all of Zones 4 & 5 (the Phase Two area), and part of Zone 2 (the former Gasholder site on Leaside Road). It also includes all of the area of land east of Harbet Road required for the flood mitigation works. Finally it includes those areas of land and corridors of land in Zones 2, 3, 6 and 7 needed to connect the strategic roads with the existing public highway network and the flood alleviation networks needed to convey flood waters to the flood storage land in the east. The SIW comprise the Central Spine Road, the Leaside Link Road, Brooks Park and river naturalisation, Edmonton Marshes and flood alleviation works, access works, earthworks, remediation, utilities and other ancillary works.
7. The Council aims to regenerate Meridian Water comprehensively over a period of approximately 20-30 years. The Council's adopted planning policy<sup>4</sup> supports the delivery of 5,000 homes and 1,500 new jobs together with associated educational, health, social and leisure facilities and open space. It would result in major changes to the local economy, with leisure, recreation and creative industry uses replacing waste processing, open storage and car scrappage. In the longer term, the Council's aspiration is to deliver an additional 5,000 houses (10,000 in total) and a total of 6,000 jobs. In practical terms, this will only be possible if the SIW come forward as planned.

### **The Case for the London Borough of Enfield (the Acquiring Authority)**

8. The purpose of the Order is to enable the construction of the SIW which the Council say are necessary to allow further development at Meridian Water. More specifically the Council say it is needed to secure the necessary land assembly within a reasonable timescale. The Order Land would comprise a total of 124 plots on which the Council is seeking powers of compulsory acquisition (shown in pink CD 02) and the compulsory creation of new rights over other land to undertake the works and allow for future maintenance (shown in blue CD 02).

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<sup>2</sup> The extent of which is shown on CD6

<sup>3</sup> Shown on CD2

<sup>4</sup> Core Policy 38

9. The SIW would include a number of components:
- a) Central Spine Road
  - b) Leaside Link Road
  - c) Brooks Park and River Naturalisation
  - d) Edmonton Marshes and Flood Alleviation Works
  - e) North South link road between Tesco and IKEA
  - f) Towpath Road/Anthony Way Diversion Works
  - g) Earthworks and Remediation
  - h) Utility Infrastructure
  - i) Rail Enhancement
10. The SIW scheme is intended to enable the delivery of Phase 2 and subsequent phases of development at Meridian Water. A full planning application<sup>5</sup> for the SIW was granted on 22 July 2020. A separate linked planning application for a low level flood restraint barrier adjacent to the canal towpath is pending determination<sup>6</sup>. The Council consider that it is notable that no party suggests that the condition and nature of the land is such that there is no need for Meridian Water, including the Order Land, to be regenerated. It considers that the area represents one of, if not the, most significant of London's remaining regeneration opportunities.
11. The Council identify five strands to the case for the need for the scheme. These are realising the ambition of planning and corporate policy, addressing deprivation and inequality, meeting a pressing housing need, addressing the need for improvements to the environment and quality of place and the need for co-ordinated, comprehensive infrastructure works to enable the delivery of the development required to address these issues.
12. The Order is underpinned by a sound planning policy case, both in terms of planning policies and the Council's corporate strategies. Meridian Water has been identified as an area where there is an opportunity for comprehensive regeneration for some time. This is supported by the adopted Core Strategy<sup>7</sup>, in particular policies 37 and 38. The detailed policy framework for the scheme is set out in the Edmonton and Leaside Area Action Plan (ELAAP)<sup>8</sup>. This sets out how the policy ambitions should be delivered, in particular policies relevant to the SIW<sup>9</sup>. The Council's emerging plan<sup>10</sup> also re affirms the objective of delivering Meridian Water as one of the Council's key regeneration schemes.
13. The overarching strategic basis for the scheme is set out in the *Enfield Council Corporate plan*<sup>11</sup> and the additional publication *A Lifetime of Opportunities: Enfield Council Plan*<sup>12</sup>. The latter document specifically identifies the successes

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<sup>5</sup> LPA Ref: 19/02717/RE3

<sup>6</sup> LPA Ref: 20/00112/RE4

<sup>7</sup> CD16

<sup>8</sup> CD17

<sup>9</sup> EL6, EL7, EL8, EL9, EL13

<sup>10</sup> CD18 Draft Local Plan 2036 (Issues and Options)

<sup>11</sup> Peter George Proof Appendix 6

<sup>12</sup> Peter George Proof Appendix 7

of the Meridian Water regeneration to date, including the delivery of the new £47m Meridian Water railway station, and also identifies the ambitions for the next two years, including: delivering housebuilding and regeneration; driving investment to create good growth; and creating high-quality employment. The Council's Economic Development Strategy<sup>13</sup> also identifies the delivery of Meridian Water as a major location for future employment and education and schools training.

14. The Acquiring Authority set out that there is evidence which clearly demonstrates that the wards within and adjacent to Meridian Water have issues of deprivation and inequality. More specifically that unemployment is high compared to the borough average and a low level of education and skills attainment. The position of the Acquiring Authority being that this demonstrates the need for investment in this part of the borough.
15. Within Enfield there is a shortage of both market and affordable housing. In particular that the Council has been required to produce a Housing Action Plan as a result of being unable to satisfy the Housing Delivery Test. The London Plan 2021<sup>14</sup> increases the Council's housing target. In addition to this the Council has an undersupply of affordable homes, with a backlog of unmet need. The Acquiring Authority consider that to meet these requirements there is a need to deliver housing on large brownfield sites such as Meridian Water. The key role of Meridian Water in contributing to this is recognised in the Local Housing Need Assessment; Strategic Housing Land Availability Assessment, Housing and Growth Strategy 2020-2030 and Housing Action Plan (2019)<sup>15</sup>.
16. The Council contend that the SIW are needed to release the land at Meridian Water for future development. In terms of the environment and quality of place to be created the SIW is viewed as a key element to facilitate the creation of a place that is desirable to live, work and visit. Specifically that they are critical to the delivery of accessible and developable land that will in turn be capable of delivering the wider scheme objectives, including the need for housing. The Council asserts that there is a compelling case in the public interest for confirming the Order.

## Reasons

### *Statutory Provisions and Guidance*

17. The Compulsory Purchase Order seeks to acquire rights and ownership of land shown on the Order Map, as detailed in the Order Schedule, for the purpose of securing the carrying out of development of the SIW, within which the Order Land is situated. It is made under Section 226(1)(a) of the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004) (the 1990 Act). The power granted is intended to assist a local authority to fulfil its duties (under Section 2 of the Local Government Act 2000) of promoting the economic, social and environmental wellbeing of its area. Section 226(1A) of the 1990 Act confirms that a local planning authority must not exercise the power under paragraph (1)(a) unless they think that the development, redevelopment or improvement is likely to contribute to the achievement of the promotion or improvement of one or more of the economic, social or environmental well-being of the area.

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<sup>13</sup> Peter George Proof Appendix 8

<sup>14</sup> CD19

<sup>15</sup> Peter George Proof of Evidence Appendices 9-12

18. The Government's most recent and updated Guidance on confirming Orders<sup>16</sup> ('CPO Guidance') states that Acquiring Authorities should use compulsory purchase powers where it is expedient to do so, and an Order should be made only where there is a compelling case in the public interest. The Acquiring Authority should demonstrate that they have taken all reasonable steps to acquire land and rights included in the Order by agreement. Compulsory purchase should only be a last resort to secure the assembly of land.
19. The CPO Guidance further states that any decision whether to confirm an Order will be made on its own merits, but the following factors may be considered:
- i) whether the purpose for which the land is being acquired fits with the adopted local plan for the area;
  - ii) the extent to which the purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area;
  - iii) whether the purpose could be achieved by other means, such as through alternative proposals; and
  - iv) the potential financial viability of the scheme for which the land is being acquired.

I shall examine these matters in turn, in addition to the objections received. There were initially nine objections to the Order<sup>17</sup>. By the close of the Inquiry there was one remaining objection from IKEA.

*Conformity with Development plan and national policy*

20. As already indicated the development plan includes the London Plan (LP) 2021, The Enfield Plan Core Strategy (CS) 2010-25 and Edmonton, Leaside Area Action Plan (ELAAP) 2020 and Enfield Development Management Development Plan Document (DPD) 2014<sup>18</sup>.
21. The core policies for places are identified in the CS and set out policies for the strategic growth within the borough. The policies seek to maximise the areas strategic location. Central Leaside including Meridian Water is identified as one of these place shaping priority areas. The specific policies are core policies 37 and 38. They focus on the objective to create a new community. Specifically policy 38 outlines detailed criteria for any new development. Those particularly relevant to the SIW are reducing flood risk and a co-ordinated strategy for managing it; maximising opportunities offered by a waterfront location; a new spine road linking new and existing communities; improved connectivity, both north south and east west; restoration of waterways and an integrated approach to water management.
22. LP policies D3 and E4 refer to strategic growth across London Boroughs. The SIW would accord with LP policy in that so far as they support strategic growth aspirations for the site.
23. The purpose of the ELAAP is to articulate in further detail the implementation of the strategic policies. This is addressed through EL6 and EL7. It provides a more detailed framework to guide development in the area<sup>19</sup>. This highlights

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<sup>16</sup> Guidance on Compulsory Purchase Process and the Crichel Down Rules (2019)

<sup>17</sup> Annex 2

<sup>18</sup> 4.2.4 Paul Jarvis Proof of Evidence

<sup>19</sup> Section 5 Meridian Water

the importance of improved transport accessibility and connectivity<sup>20</sup>. In particular that rail improvements are crucial, a more frequent and comprehensive bus service and a network of walking and cycling routes. The ELAAP also refers to the transport infrastructure<sup>21</sup> in more detail covering the central spine and central spine corridor<sup>22</sup>, transport modes and connectivity, Angel Road/Meridian Water Station, bus interchange, cycling<sup>23</sup> and walking and parking.

24. The ELAAP also addresses the issue of flood risk mitigation. Specifically fluvial risk from the two brooks. It identifies that the redevelopment presents an opportunity to improve flood risk management. EL8 sets out the approach to this.
25. Having regard to all of the policy objectives listed above I am satisfied that the purpose for which the Order lands are required complies with development plan policies.
26. I am also satisfied that the proposals accord with the National Planning Policy Framework (the Framework). This states that local planning authorities should take a proactive role in identifying, and helping bring forward land, that may be suitable for meeting development needs, using the whole range of powers available to them. It also underlines the importance of achieving sustainable development.
27. Taking all of these matters into consideration I conclude that the purpose for which the Order lands would be acquired is entirely consistent with both the development plan and the Framework.

*Need for the scheme and the extent to which the proposed purpose will contribute to the economic, social or environmental well-being of the area*

28. The Meridian Water area has been earmarked for comprehensive redevelopment as far back as 2010<sup>24</sup> in the Council's policies and corporate strategies. The Meridian Water Regeneration Framework<sup>25</sup> and Meridian Water Employment Strategy<sup>26</sup> support this and both provide strong evidence of the need for the SIW to optimise delivery of the Meridian Water as a sustainable development opportunity.
29. The Council's corporate plan<sup>27</sup> defines three strategic corporate priorities; good homes in well-connected neighbourhoods, sustain strong and healthy communities and to build the local economy to create a thriving place. Meridian Water is identified as a project that can advance the achievement of all three of these corporate objectives.
30. The Council published its Economic Development Strategy<sup>28</sup> which sets out the objectives for economic development across the Borough. This includes transformation of the business base, upskilling of residents and diversification and activation of town centres. Meridian Water is cited as a major future

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<sup>20</sup> Paragraph 5.3

<sup>21</sup> Paragraph 5.8

<sup>22</sup> Figure 5.1 of the ELAAP

<sup>23</sup> Indicative connectivity shown on Figure 5.2

<sup>24</sup> Core Strategy CD16

<sup>25</sup> CD38

<sup>26</sup> CD39

<sup>27</sup> Peter George Proof of Evidence Appendix 6

<sup>28</sup> An Economy that Works for Everyone Jan 2021, Appendix 8 to Peter George proof of e

- location of employment and education (skills training) improving access to high quality employment. There are further strategic documents<sup>29</sup> which support the sustainable development and long term growth at Meridian Water, setting a framework for delivering high quality jobs and employment and for it to become an exemplar sustainable development.
31. The employment strategy sets targets for the wider regeneration programme to be delivered over a 25 year period. The scheme that would be attributed directly to the Order would assist in delivery of the first tranche of 1,500 permanent jobs as well as hundreds of meanwhile and construction employment opportunities. The SIW would ensure the delivery of this first tranche of jobs and would also unlock future employment areas in the east bank and around the station by providing the strategic road network and upgrades to transport and connectivity needed.
  32. Delivery of Meridian Water would contribute to the Council meeting its housing targets and in turn London wide targets. From 2014- 2018, an annual average of 573<sup>30</sup> completions were achieved in Enfield. This is below the average annual plan target of 798 in the previous London Plan (2016). The new London Plan (2021) increases that target significantly to 1,246.
  33. Enfield's Local Housing Need Assessment<sup>31</sup> forms part of evidence base for the emerging Local Plan to 2036 and takes into account the new London Plan (2021). The assessment stresses how critical the Meridian Water development would be to housing supply and the Council's ability to control output and the mix of homes. The report contains valuable evidence and projections specifically regarding housing needs in Edmonton, which are identified as being particularly strong<sup>32</sup>. Enfield's Housing Action Plan (2019)<sup>33</sup> sets out a range of measures to address housing delivery rates. It recognises that there are relatively few areas suitable for large scale growth and identifies this to be among the key factors causing slower housing delivery rates. There is also a pressing need for affordable homes in the borough<sup>34</sup>. Overall this demonstrates that the Meridian Water development is essential to meeting the Borough's housing needs.
  34. Under the banner of placemaking and environmental benefits a number of detailed requirements are identified. There is a need for connectivity to be provided within and beyond Meridian Water. This requirement is set out in the ELAAP and the Council's CS. The provision of the Central Spine Road would provide connectivity and further enable legibility and connectivity it would need to be supported by a network of streets.
  35. The area is crossed by a number of water courses including Pymmes Brook, the Salmons Brook and the River Lee Navigation Canal with the easternmost boundary of the area formed by the River Lee. Large parts of the site are located within Flood Zone 2 or 3. The Environment Agency (EA) flood mapping shows that flooding occurs due to overtopping from the canal and the River Lee.

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<sup>29</sup> CD38 Meridian Water Regeneration Framework and Action Plan; CD39 Meridian Water Employment Strategy; CD40 Meridian Water Environmental Sustainability Strategy

<sup>30</sup> Enfield Local Housing Need Assessment 2020 table 3.11

<sup>31</sup> Appendix 9 Peter George Proof of Evidence

<sup>32</sup> 3.4.31 Proof of Evidence Peter George

<sup>33</sup> Appendix 12 Peter George Proof of Evidence

<sup>34</sup> Councils Housing and Growth Strategy 2020-2030 Appendix 11 Peter George Proof of Evidence

36. The Council identified that the flood mapping for the area is not current and therefore updated flood mapping was prepared. The new modelling identified that the areas at risk of flooding were more extensive with the higher climate change allowance. The flooding extent would cover much of the area identified for development within the development plan. Therefore to realise the quantum of development proposed in the ELAAP these areas would require protection from flooding.
37. A flood mitigation strategy forms part of the package of SIW. This would have two main elements. The first would be mitigation of the flooding emanating from the canal and the second would be mitigation of the flooding emanating from the Salmons Brook. The revised flood modelling showed that there would be increased flooding from Salmons Brook north of the A406 to mitigate this it is proposed to lower a section of the wall to the Pymmes Brook to allow floodwater to continue its flow south back into watercourses and effectively be returned to the same watercourse it came from.
38. Three possible locations were considered for flood compensation areas<sup>35</sup>. The area to the east of Harbet Road was considered to be the preferred location for the flood mitigation. The principal flood mitigation strategy would be to raise the ground levels within the development area and to displace the flood water into basins formed in the compensation area. Four basins are proposed in order to minimise impacts on existing assets<sup>36</sup>. The hydraulic modelling demonstrates that flood mitigation using compensation basins would be effective. Five additional measures are also identified; a conveyance channel between Towpath Road and Edmonton Marshes including a new culvert under Harbet Road; a flood barrier along Towpath Road between Anthony Way and the Arriva bus depot; a berm on the east side of Harbet Road; raised levels on the spine between the compensation basins and outlets from the compensation basins to the River Lee.
39. Overall the flood mitigation measures need to be considered as a whole. The modelling undertaken has demonstrated that flow within the proposed residential development areas can be mitigated without detrimental impacts off site. The Council has undertaken the work in liaison with the EA and the Lead Local Flood Authority (LLFA). The elements identified are delivered by the planning consent in place for the SIW.
40. The scheme also proposes to naturalise as much of the Pymmes Brook through the site as possible<sup>37</sup>. This is in response to the Thames River Basin Management Plan and Water Framework Directive objectives<sup>38</sup>. Four options were considered across an area that is deliverable whilst optimising the use of land. Of the four options the preferred choice put forward, following consultation with the EA, is one of partial re-routing (option 3). This would optimise benefits whilst also accommodating an appropriate area for development. This option was included within the SIW works which have planning permission. Hydraulic modelling was undertaken of this option and for extreme events the naturalisation would result in small increases in the flood water level. To mitigate the risk to IKEA a scheme raising the existing

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<sup>35</sup> Figure 4 Joe Nunan Proof of Evidence

<sup>36</sup> Figure 5 Joe Nunan Proof of Evidence shows the layout of the basins

<sup>37</sup> The area considered as part of the SIW is shown in Figure 8 of Joe Nunan Proof of Evidence and Figure 9 shows the various options considered

<sup>38</sup> Outlined in section 3.3 of Proof of Evidence of Joe Nunan

brook wall above maximum flood water level was included in the Flood Risk Assessment approved as part of the SIW planning permission. A surface water drainage strategy is also secured as part of that planning permission<sup>39</sup>.

41. The bulk earthworks and remediation are included in the SIW. The Council explained that a site levels strategy has been developed<sup>40</sup>. Certain minimum road levels are required to achieve clearances to water courses below. The site level strategy seeks to raise levels in the Phase Two development area such that they are above flood level. This would allow for the bridge links over the brooks and canal at an appropriate gradient. The level changes would also assist in creation of the park and attenuation basins. The central spine road would be constructed on an earth embankment.
42. Prior to the development the land between the north and south of the central spine road would require remediation to clean up contamination. This would be required to make it suitable for development.
43. Therefore, overall, I conclude that the stated purpose of the SIW and associated Meridian Water scheme it would enable would make significant contributions to the economic and social well-being of the area.

*Requirement for the Order and attempts at land acquisition and achieving objectives by other means*

44. The Council contend that the need for the compulsory acquisition of the Order land arises from the need to support and facilitate the regeneration of Meridian Water.
45. Following submission of the planning applications for the SIW and Phase 2 along with notification from MHCLG that the Council's bid for HIF Funding had been successful, Council officers considered the need to use compulsory purchase powers in order to assemble all the land required for the SIW. The Council outlined that significant progress was made in negotiating agreements to acquire the land necessary for the SIW. However, given the amount of land still in fragmented third-party ownership, it was felt compulsory purchase powers were necessary to deliver the SIW within a reasonable period.

*Alternatives*

46. There are no alternatives proposed to the scheme by the Council or by any other parties. The scheme is location specific and the Council's position is that the SIW are too. More specifically the location of the Central Spine Road has been subject to detailed consideration through the development plan. The scheme being advanced aligns with ELAAP policy EL6. As such the Council's position is that there is no alternative to the comprehensive redevelopment. I have no evidence that would lead me to a different conclusion.
47. I am satisfied that the use of compulsory acquisition powers have been appropriately exercised and that the Council has made reasonable efforts to negotiate with all affected parties. On this basis I am satisfied that the CPO is required to secure the assembly of all the land needed for the implementation of the project. The objective of facilitating the SIW development could not be achieved by any other means.

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<sup>39</sup> Conditions 24, 25 of CD30

<sup>40</sup> Figure 11 Proof of Evidence Joe Nunan

### *Financial viability and funding*

48. The costs associated with the Order and the delivery of the SIW are identified as being land acquisition costs and costs associated with land assembly; design fees, enabling works and expenditure required to progress the SIW and the costs of the SIW itself.
49. The Council confirms that the land acquisition costs and those associated with land assembly would be met by the Council. This is contained in the Council's ten year capital programmes. Design fees, enabling works and other expenditure would be met by the Council and from grant. The Council has recovered a substantial proportion of expenditure through the Housing Infrastructure Fund Grant Determination Agreement. The cost of SIW would be met through the HIF funding<sup>41</sup>. Mr Reid confirmed that the first stage has been paid, as has the second stage. The third stage claim would be for the delivery of the physical works.
50. The Council's capital programme includes a total budget allocation of 519.95m to Meridian Water over the next 10 years. The detailed Meridian Water capital budget for the period up to the end of financial year 2021/22 of £286m<sup>42</sup> is for all Meridian Water costs in this period, includes approval for all required expenditure for the first two years in support of delivering the SIW including land acquisition costs, CPO fees and expenses, design and engineering professional fees, staff costs and enabling works in advance of SIW delivery. For the remaining two year period covering the delivery of the SIW (the period 2022/23 – 2023/24) there is already a budget allocation within the Council's Ten-Year Capital Programme of £90.2m for the Meridian Water scheme, which includes an allocation for all SIW-associated costs for this period. The cost of the SIW would be met by HIF funding<sup>43</sup>. The total funding includes rail enhancement works, strategic road and flood alleviation works. Expenditure required to progress and deliver the rest of the Scheme, outside the SIW, will be met by the Council and developers.
51. Overall the Council has been able to demonstrate that there is funding available both to enable land assembly to be completed pursuant to the Order and to deliver the SIW. Therefore, having regard to all of the above evidence it is apparent that the Council is in a robust situation with regards to financing the SIW development. I conclude that the scheme for which this CPO is sought is viable and funding is available.

### *Other issues*

#### *Deliverability*

52. The Council's submissions set out that to date it has acquired 36 hectares of Land in Meridian Water including 72% of the land within the Order Land, and 74% of the developable land in Meridian Water. Now it has turned its focus to acquiring the remaining land required to deliver the SIW.

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<sup>41</sup> Part 4 of Proof of Evidence of John Reid

<sup>42</sup> Approved by the Council's Cabinet on 16 October 2019 and by full Council on 20 November 2019 CD11

<sup>43</sup> On 30 October 2020 the Council entered into the GDA with the MHCLG for a total funding amount of circa £170m

53. The Council has appointed a project team and has a strategic programme for the SIW<sup>44</sup>. This evidence was not challenged at the Inquiry. The non rail elements of the SIW would be undertaken utilising a two stage procurement approach and the Council has entered into a pre construction services agreement with its preferred contractor. The process will be overseen by the project team. As matters stand, the parties are on target to deliver the non-rail works in accordance with the committed programme, and the Council is confident that they will go ahead. I have no evidence to suggest that this would not be the case.
54. Delivery of the wider Scheme is already substantially underway. The construction of the new Meridian Water station completed in 2019 is now open and operational. Other parts of the Scheme are also already under construction or on the verge of commencement. These include the first phases of residential development, Meridian One and early employment projects. The next phases of both the residential and employment development elements of the Scheme are programmed to commence once the SIW are complete.
55. Soft market testing has been undertaken by the Council's consultants regarding further phases of the scheme. Soft market testing of the developer market in relation to these latter phases was confirmed by Mr Armitage to have yielded positive results<sup>45</sup>.
56. It is evident that compulsory purchase is required to allow assembly within a timely fashion and that the scheme would be capable of being delivered in a timely manner.

#### *Other objections*

##### *IKEA (Objection 1)*<sup>46</sup>

57. The objection from IKEA raises four separate grounds of objection to the Order. In summary these are that the Council has failed to take sufficient steps to acquire the land by agreement, and in particular that it has failed to provide information necessary for IKEA to understand how the proposals will affect its business.
58. The opening of the written submission upon which IKEA rely acknowledges that there are long term benefits that would arise from the SIW. Negotiations have been ongoing for some time between the Council's agent, officers and IKEA representatives<sup>47</sup>. The impacts of various elements of the SIW that are relevant to IKEA are identified and considered within a number of reports submitted to the Inquiry<sup>48</sup>.
59. It is identified that the introduction of the Causeway would run through the existing IKEA car park area. This would sever the existing access route which runs to the east of the IKEA site. This would impact on the surface level car park on the northern side of the store. The key impacts identified in the evidence are servicing, car parking and customer journey. The reports demonstrate that multiple options were considered to minimise the impacts as far as possible.

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<sup>44</sup> John Reid proof of evidence section 3.7

<sup>45</sup> 4.3.6.3 of proof of evidence

<sup>46</sup> CD 49

<sup>47</sup> Mr Bodley Proof of Evidence 6.10.2

<sup>48</sup> Appendices A-D of Mr Savage's Proof of Evidence

60. The preferred solution proposed is an 'elongated roundabout' and it is shown in figure 9, Appendix A of Mr Savage's proof of evidence. There would be two areas of parking for IKEA. Servicing for the store through this solution has been assessed and would take place outside of peak times. Options for access to the undercroft parking area have also been assessed<sup>49</sup>. There would be no net loss in car parking and a suitable scheme can be secured for layout of the northern surface car park.
61. There would be changes to the highway network but these would be localised and the evidence to the Inquiry demonstrated that the options have been thoroughly considered to mitigate impacts on IKEA<sup>50</sup>. Concern was raised regarding delivery of the wider scheme in light of Brexit and the Covid 19 pandemic. In particular the Council has confirmed that the funding streams have not been affected by either Brexit or the pandemic<sup>51</sup>.
62. IKEA also raised a concern about the amount of information available regarding when their land would be needed and when the impacts from the car parking would be felt. The SIW contains a condition<sup>52</sup> that prevents interference with access to IKEA's northern car park until such time as the point of access to the area that would form the new car park have been provided. Planning permission<sup>53</sup> has been granted for the car park and would be on land entirely within the ownership and control of IKEA. The delivery of this would be funded in part by the Council.
63. The Council acknowledge that the principal impact on IKEA would be from the route of the Central Spine Road. This would sever the store from the existing customer car park and service access. This route is established within planning policy<sup>54</sup>. The alignment was adopted following consultation and examination in public. It is not disputed that IKEA's ownership spans the full width of the Meridian Water area. As such at some point the Central Spine Road would cut across it. The layout now pursued has been approved as part of the SIW<sup>55</sup>. In this context there is no alternative.
64. The Pymmes Brook naturalisation works are also raised. The evidence of Mr Nunan<sup>56</sup> address this and the reasons for the option chosen. Specifically that the final option was selected to minimise impacts on IKEA<sup>57</sup>. The IKEA submission provides no substantive evidence that the Council have not given proper consideration to this matter.
65. I am satisfied that the remaining objection does not offer any substantive grounds for withholding confirmation of the Order.

### *Public Sector Equality Duty*

66. With regard to the Public Sector Equality Duty, there has been no conduct by the Council, or promoters, that has been brought to my attention that is prohibited under the Act. I have also had regard to my duties under the Public

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<sup>49</sup> Table 5 Mr Savage Proof of Evidence Appendix A

<sup>50</sup> Section 6.2 Mike Savage Proof of Evidence

<sup>51</sup> Section 4 John Reid Proof of Evidence & section 6.1 Stephen Armitage Proof of Evidence

<sup>52</sup> Condition 18 CD30

<sup>53</sup> CD34

<sup>54</sup> Core Policy 38 & EL6 of ELAAP

<sup>55</sup> CD30

<sup>56</sup> Section 3.3

<sup>57</sup> Para 3.3.13 & 3.3.14

Sector Equality Act throughout the conduct of the CPO proceedings. I conclude that that the duty has been fully complied with.

*Compelling case in the public interest*

67. The test to be applied in considering whether to confirm a CPO is whether there is a compelling case in the public interest for it to be made. This test satisfies the balancing act required when considering whether or not interference with Article 8 and/or Article 1 of the First Protocol constitutes a breach of the European Convention on Human Rights (ECHR) and is thus lawful and justified.
68. The guidance advises that compulsory purchase is intended as a last resort to secure the assembly of all the land needed for the implementation of projects. It also advises that compulsory purchase powers are an important tool to use as a means of assembling the land needed to help deliver social, environmental and economic change.

**Conclusions**

69. Overall, I conclude that the Order Lands are required in order to secure the carrying out of the SIW. The scheme would secure economic, social and environmental improvements. There are no material considerations or objections which would outweigh the matters in support of the CPO and I conclude that there is a compelling case in the public interest in favour of its confirmation.
70. The London Borough of Enfield (Meridian Water Strategic Infrastructure Works) Compulsory Purchase Order 2020 is confirmed.

*D J Board*

INSPECTOR

*The attention of the Acquiring Authority is drawn to Section 15 of the Acquisition of Land Act 1981, as amended, about publication and service of notices now that the Order has been confirmed.*

*Please inform the Planning Inspectorate and Secretary of State of the date on which notice of confirmation of the Order is first published in the press.*

## **ANNEX 1 – APPEARANCES AND DOCUMENTS SUBMITTED DURING THE INQUIRY**

### **APPEARANCES FOR THE ACQUIRING AUTHORITY:**

Alexander Booth QC  
Rebecca Clutten of Counsel

Instructed by Legal Services of the London Borough of Enfield, assisted by Trowers & Hamlins LLP

They called

Joe Nunan  
Mike Savage  
Paul Jarvis

Arup, Associate Director (Infrastructure Team)  
Arup, Director (Transport Team)  
Arup, Associate Director (Integrated City Planning Team)

John Reid

London Borough of Enfield, Delivery Director for Meridian Water

Peter George

London Borough of Enfield, Programme Director for Meridian Water

Stephen Armitage  
Matthew Bodley

Director, Lambert Smith Hampton  
Managing Director, Matthew Bodley Consulting Limited

### **INQUIRY DOCUMENTS<sup>58</sup> (ID)**

ID1	Opening Submissions on behalf of the Acquiring Authority
ID2	Timetable Week 1
ID3	Timetable Week 2
ID4	Inspector's Note to Inquiry
ID5	Note on Section 19 application
ID6	Letter from Bryan Cave Leighton Paisner LLP dated 27 April 2021 on behalf of Tesco Stores Ltd notifying withdrawal of objection
ID7	Letter from CMS Cameron McKenna Nabarri Olswang LLP dated 27 April 2021 on behalf of B. S. Pension Fund Limited notifying withdrawal of objection
ID8	Closing Submissions on behalf of the Acquiring Authority

### **DOCUMENTS SUBMITTED AFTER THE INQUIRY CLOSED**

ID9	Letter from Eversheds Sutherland on behalf of Thames Water Utilities Ltd dated 27 April 2021 notifying withdrawal of objection
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<sup>58</sup>Available to view at <https://new.enfield.gov.uk/services/improving-enfield/meridian-water-cpo/>

**ANNEX 2- LIST OF STATUTORY OBJECTORS ON SUBMISSION OF THE ORDER TO THE SECRETARY OF STATE**

<b>Objection</b>	<b>Name of objector</b>	<b>Plots</b>
1	IKEA	2,4,5,8,10,11,13,15,16,17,18,19,20,35,36,38,40,73,74,95,96,97,98,99 &100
2	Lee Valley Regional Park Authority	128,131
3	Thames Water Utilities Ltd	133,134 & 135
4	Canal & River Trust	101,102,104,105,106,109,112 &113
5	Tesco Stores Ltd	6,7 & 12
6	B S Pension Fund Trustee Ltd	6,7 & 12
7	Hastingwood Securities Ltd	136
8	A & A Skip Hire Ltd	136
9	National Grid Electricity Transmission Plc	131,132,133, & 135

**CORE INQUIRY DOCUMENTS (CD)**

Available to view at <https://new.enfield.gov.uk/services/improving-enfield/meridian-water-cpo/>