

TOWN & COUNTRY PLANNING ACT 1990

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

ACQUISITION OF LAND ACT 1981

LONDON BOROUGH OF ENFIELD

(MERIDIAN WATER STRATEGIC INFRASTRUCTURE WORKS)

COMPULSORY PURCHASE ORDER 2020

STATEMENT OF CASE

Under Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules
2007

Planning Inspectorate Reference: PCU/CPOP/Q5300/3258664

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1 Introduction

- 1.1 This Statement of Case (the **Statement**) has been prepared on behalf of the London Borough of Enfield (the **Council**) as acquiring authority pursuant to Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules 2007 and in compliance with the Guidance on Compulsory Purchase and the Crichel Down (the **Guidance**) and Coronavirus (COVID-19): CPO Guidance.
- 1.2 On 13 August 2020 the Council made the London Borough of Enfield (Meridian Water Strategic Infrastructure Works) Compulsory Purchase Order 2020 (the **Order**) which was submitted along with supporting documents, (including the Council's Statement of Reasons) to the Secretary of State for Housing Communities and Local Government (the **Secretary of State**) for consideration and confirmation. Authorisation to make the Order was given by the Council's Cabinet on 22 January 2020 and delegated authority exercised on 4 August 2020.
- 1.3 Objections to the Order were received. The Secretary of State by way of a letter dated 23 November 2020 has given notice of his intention to hold an inquiry into the objections raised.
- 1.4 The land included within the Order is referred to as the **Order Land** which is shown on the plan attached to the Order (the **Order Map**).
- 1.5 The Council made the Order pursuant to sections 226(1)(a) and 226(3)(a) 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**). The Council is the local planning authority and local highway authority for the Order Land.
- 1.6 If confirmed by the Secretary of State, the Order will enable the Council to acquire interests in and rights over the Order Land compulsorily in order to undertake various strategic infrastructure works (**SIW**) described below in connection with the regeneration of the area known as **Meridian Water**. The regeneration of Meridian Water is also referred to in this Statement as the **Scheme**.
- 1.7 This Statement sets out the particulars of the Council's case for the making of the Order. It seeks to supplement the Council's Statement of Reasons, which should be read in conjunction with this Statement. The document sets out the case as to why the Council considers that the powers of compulsory purchase contained in the Order are necessary, and why there is a compelling case in the public interest that the Order be confirmed by the Secretary of State.
- 1.8 All documents referred to in this Statement are listed in the table section 14 below.

2 Location and Description of the Order Land

- 2.1 The Order Land is located within the area known as Meridian Water, which is within the Council's ward of Upper Edmonton. Meridian Water comprises land situated on the west side of the West Anglia Mainline railway previously owned by National Grid and occupied by gas holders, now removed (Zone 1); land to the east of the West Anglia Mainline railway bounded by the North Circular to the north, Leaside Road in the south and the Lee Navigation to the East (which includes the IKEA store, the Tesco store, Orbital Business Park) (Zones 2 (part), 4 and 5). It also includes the existing Strategic Industrial Location

(**SIL**) to the east of the Lee Navigation (Zones 6 and 7) as well as green belt land between Harbet Road and the River Lee (Zone LV1). Approximately 74% of the developable land within Meridian Water is already owned by the Council including Zone 1, Zone 2 (part), Zone 4, Zone 5, and large parts of Zones 6 and 7 to the east of the Lee Navigation. The eight development zones (**Zones**) are identified on Document 5.

- 2.2 Meridian Water is traversed by three waterways, Pymmes Brook, Salmons Brooks and the River Lee Navigation, and is bordered to the east by the River Lee and adjoins the Lee Valley Regional Park (**LVRP**).
- 2.3 The southern and western boundaries of Meridian Water are also the boundary between the Council's administrative area and the administrative areas of the London Borough of Haringey (**LBH**) and the London Borough of Waltham Forest respectively. To the south of Meridian Water is Leaside Road which is a highway maintainable at public expense within LBH. The SIW require works to be carried out on highways within LBH but this work does not form part of the works facilitated by the Order.
- 2.4 The Order Land comprises a total of 124 plots over which the Council is seeking powers of compulsory acquisition and the compulsory creation of new rights in land. The Council has given very careful consideration to the reasons why it is necessary to include each plot of land shown on the Order Map. All the land is necessary to complete assembly and allow for implementation of the Scheme.
- 2.5 Those plots coloured pink on the Order Map will be compulsorily acquired. A description of each plot is set out in the Order Schedule, but the land is more generally described in the Statement of Reasons.
- 2.6 **New Rights**
- 2.7 In addition to the acquisition of land included in the Order new rights are required over other land to undertake the works and allow for future maintenance. The land over which new rights are sought is shown coloured blue on the Order Map.
- 2.8 A summary of the rights required and why they are needed is set out below:
- 2.8.1 access needed in order to construct the SIW;
 - 2.8.2 temporary construction roads;
 - 2.8.3 construction compounds;
 - 2.8.4 crane oversailing;
 - 2.8.5 rights to improve, re-grade, resurface and landscape land;
 - 2.8.6 rights to alter the route of existing pedestrian and vehicular access ways;
 - 2.8.7 rights to construct/improve/maintain parts of rivers and canals;
 - 2.8.8 rights to construct and maintain a flood mitigation barrier;

2.8.9 rights to construct bridges to accommodate carriageways built to adoptable standards and to use and maintain bridges for the purposes of pedestrian and vehicular traffic; and

2.8.10 rights to discharge into watercourses.

2.9 The rights listed above at paragraphs 2.8.1 to 2.8.4 (inclusive) are required only during the construction of the SIW. At this time the Council does not have legal powers to seek temporary possession of land (until the provisions of the Neighbourhood Planning Act 2017, Part 1 Chapter 2 are brought into force), and as such must acquire these rights permanently through the Order. However the Council is content to enter into the necessary agreements with the relevant landowners to relinquish those rights on completion of construction of the SIW.

3 **The Purpose for Which the Land is to be Acquired**

3.1 The Order Land is required for the construction of the SIW, which are described below. 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.

3.2 A significant part of the Order Land (72%) is already in the ownership of the Council, having been acquired via voluntary negotiations. Negotiations with remaining landowners are continuing. The Council has agreed Heads of Terms and is in the process of reaching voluntary agreement with other parties and is continuing in its attempts to acquire the remaining interests by agreement (explained in section 7). In order to deliver the SIW, it is essential that all of the remaining third party land interests, including any unknown interests, are brought into single ownership and all necessary rights are secured.

3.3 The Council has given careful consideration to the need for the land and rights within the Order Land and is satisfied that all of the land and rights included within the Order are necessary and justifiable, as detailed below.

3.4 **Meridian Water**

3.5 Meridian Water is one of London's most significant regeneration opportunity areas and offers an important opportunity to deliver a new urban neighbourhood in north-east London. The delivery of Meridian Water is a critical component of the long-term growth ambitions for Enfield and the draft London Plan identifies Meridian Water as a strategic opportunity as part of the Mayor's ambitions for significant growth in the Lee Valley. It comprises approximately 85 hectares and is one of the largest areas of underused and brownfield regeneration land in London, with large areas of derelict land alongside industrial accommodation of varying age and quality. The full extent of the Meridian Water regeneration area is identified on Document 4.

3.6 The Council aims to regenerate Meridian Water comprehensively over a period of approximately 20-30 years. The Council's adopted planning policy spanning the period 2010 to 2025 supports the delivery of approximately 5,000 new homes, 1,500 new full time jobs, schools, community facilities, health services and open spaces, within a new character area. Over the lifetime of the development there is an aspiration to deliver up to approximately 10,000 new homes including thousands of affordable homes together with associated development which would be supported through future planning policy.

However, the justification for the Order is based on the 5,000 new homes which are supported by existing planning policy (see section 4 below).

- 3.7 The ambition for Meridian Water is to reshape an area that is currently an under-utilised industrial and retail site, to provide new homes for local people and to grow and diversify the local economy, creating job opportunities across the salary spectrum. The further development of new and existing economic sectors can unlock economic growth and create thousands of new jobs. It will represent a step-change away from industrial warehousing and logistics type uses, offering higher skilled and higher paid employment opportunities for local people. Meridian Water will be a model for sustainable place making, optimising the opportunities offered by a new Meridian Water railway station (the **Meridian Water Station**) (potentially incorporating Crossrail 2), as well as its location in the Upper Lee Valley and adjacent to (and partly within) the LVRP. As noted above, it is envisaged that the regeneration will come forward in phases over a 20-30 year period.
- 3.8 Meridian Water has been designated as a housing zone by the Mayor of London and is one of the Mayor's regeneration priorities. Its regeneration has been a longstanding objective of the Council and it is the largest priority area for residential-led mixed-use development in the Council's Core Strategy (November 2010). The most recently published stage of the emerging Enfield Local Plan (Issues and Options document published in 2018 for Regulation 18 public consultation) re-affirms the objective to deliver the Meridian Water project as one of its key regeneration schemes, whilst Meridian Water is included within the Council's Edmonton Leaside Area Action Plan (**ELAAP**) adopted in 2020. The regeneration supports the ambitious aims of the Mayor of London's Upper Lee Valley Opportunity Area (the largest opportunity area in London), and the Mayor of London's Crossrail 2 Growth Commission report in promoting the route via the Lee Valley as a growth corridor. It was also the subject of a successful bid for Housing Infrastructure Fund (**HIF**) grant funding from the Ministry of Housing Communities and Local Government (**MHCLG**).
- 3.9 Due to the scale of the Meridian Water proposals, the area has been divided into eight development zones which will come forward in phases (which may comprise one or more Zones).
- 3.10 Phase 1 (part of Zone 1) has planning permission to provide up to 725 new homes, retail, leisure and community uses, transport and infrastructure improvements, public open space and recreational facilities. The location of Zone 1 is shown on Document 4. The Council granted outline planning permission for the development of Phase 1 on 10 July 2017. Phase 1 included a new Meridian Water Station which has been constructed. Other development is expected to begin in 2021. Zone 1 also has capacity for further development.
- 3.11 An outline planning application (Ref: 19/02718/RE3) for Phase 2 received a resolution to grant planning consent (subject to referral to the Greater London Authority, completion of the S106 Agreement and conditions) in March 2020 for development of Zones 2 (part), 4 and 5 comprising up to 2,300 residential units (Class C3), Purpose Built Student Accommodation and/or Large- Scale Purpose-Built Shared Living (Sui Generis); a hotel (Class C1), commercial development (Class B1a,b,c); retail (Class A1 and/or A2 and/or A3 and/or A4), social infrastructure (Class D1 and/or D2), a primary school for up to three forms of entry, hard and soft landscaping, new public open spaces including equipped areas for play, sustainable drainage systems, car parking provision, and formation of new

pedestrian and vehicular access (all matters reserved) (**Phase 2**). Zones 2 (part), 4 and 5 are shown on Document 5 and the Phase 2 masterplan is Document 7. Due to changes to the Greater London Authority (**GLA**) grant funding regime since the previous resolution to grant planning permission, the Phase 2 planning application is due be referred back to the Council's planning committee in early 2021.

- 3.12 The residential element of Phase 2 will provide much needed affordable housing in an accessible location whilst avoiding unnecessary development on greenfield sites. The development will include significant employment generating capacity, with large areas of commercial (Up to 26,500 sq. m - Class B1a,b,c); and retail floorspace (Up to 2,000 sq. m - Class A1 and/or A2 and/or A3 and/or A4) as well as the option to provide large-scale purpose built shared living and a hotel. The proposed development also makes provision for community uses to serve the needs of existing residents and new resident and business communities. A new three-form entry primary school, up to 5,500 sq. m of social infrastructure and new open spaces will provide some of the social infrastructure needed to begin creating a new community and character area at Meridian Water.
- 3.13 As already noted, the development of Meridian Water will be implemented in phases. In relation to Phase 1 (known as 'Meridian One'), the Council selected Vistry Partnerships (formerly Galliford Try Partnerships prior to its merger with Bovis Homes) as its development partner in June 2019. In March 2020 Vistry Partnerships were also selected to deliver the part of Phase 2 comprising Zone 2 (part) (the gasholder site on which it is proposed to deliver approximately 250 units) known as 'Meridian Two'. On 16 September 2020 (KD5174), the Council's Cabinet approved the 'Phase 2 Detailed Delivery Plan' and the recommendation within it for:
- 3.13.1 In relation to 'Meridian Three', which comprises plots Z05-02, Z05-03 and Z05-05 within the Phase 2 planning permission, the disposal of these plots through a competitive process to a private development partner; and
- 3.13.2 In relation to 'Meridian Four', which comprises plots Z05-06-, Z05-06, Z05-07, Z04-01 and Z04-05 of the Phase 2 planning permission, the direct delivery of development by the Council as developer for a largely 'Build to Rent' scheme to be forward funded by an investment partner.
- 3.14 On 6 September 2016, the Council's Cabinet resolved that it was willing, in principle, to use compulsory purchase powers, if necessary, across the entire Meridian Water area to bring forward the regeneration. At the time of the 'in-principle' resolution in September 2016, the Council intended to proceed with a single master developer for the whole of Meridian Water, and a consortium between Barratt Homes and Segro had been selected as the master developer. In October 2017 the relationship with Barratt/Segro was terminated and other delivery options were considered. Subsequently the Council decided to pursue a different approach and on 25 July 2018 the Council's Cabinet decided to work with selected development partners or through direct delivery. Under the new approach, the Council will lead on working up the masterplan and deciding on the optimal phasing of delivery. Despite this change of approach to delivery of Meridian Water, there is no change in the approach to land assembly which will still require the use of CPO powers where land cannot be assembled by agreement.
- 3.15 This is the second CPO made by the Council in connection with the delivery of Meridian Water. On 4 July 2017 the Council made the London Borough of Enfield (Leeside Road

and Willoughby Lane) Compulsory Purchase Order 2017, following a resolution by the Council's Cabinet to make the CPO on 26 April 2017. That CPO was confirmed by the Council on 12 September 2017 in accordance with section 14A of the Acquisition of Land Act 1981 and a general vesting declaration made on 11 September 2019. This order related to land required to facilitate the development of Zone 1.

- 3.16 The SIW are required to enable the implementation of Phase 2 and all subsequent phases of Meridian Water.
- 3.17 On 22 January 2020 the Council's Cabinet resolved to use compulsory purchase powers to acquire the Order Land and:
- 3.17.1 delegate authority to the Programme Director of Meridian Water in consultation with the Acting Executive Director of Resources and Director of Law and Governance to make the Order; and
 - 3.17.2 delegate authority to the Executive Director of Place in consultation with the Director of Law and Governance and the power to effect all subsequent activities for the Order.
- 3.18 Further to the Council's Cabinet resolution of 22 January 2020, the Programme Director of Meridian Water in consultation with the Acting Executive Director of Resources, Financial Management Services and Director of Law and Governance authorised the making of the Order on 4 August 2020. The delegated report provided updates on the funding, acquisition (via private treaty) and planning context. It also provided updates on the programme and methodology proposed for making the CPO in the context of the SARS-CoV-2 global epidemic. Finally, the report included an update on the matter of public interest including an Equalities Impact Assessment.
- 3.19 Although the Order, if confirmed, will authorise the acquisition of land and rights for the SIW only, for the purposes of the Land Compensation Act 1961, section 6D (as inserted by the Neighbourhood Planning Act 2017, s.32), the **Scheme** is Meridian Water as a whole.
- 3.20 **The Strategic Infrastructure Works (SIW)**
- 3.21 The SIW are an essential element of the Scheme. They are required to enable the delivery of Phase 2 and the subsequent phases of development at Meridian Water. In summary, they comprise the construction of new roads, footpaths, cycleways and bridges, rail improvements, land remediation, new utilities and the diversion of existing utilities and flood alleviation works. The SIW are shown diagrammatically on the drawing at Document 6.
- 3.22 A 'full' planning application (ref: 19/02717/RE3) 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 was granted on 23 July 2020 (Ref: 20/00112/RE4).
- 3.23 The SIW are described below (references in brackets refer to the labelling on the drawing at Document 6):
- 3.23.1 **The Central Spine Road** (R2, R3 and R6) - a new tree-lined east-west boulevard connecting to Glover Drive and new Meridian Water Station in the

west, crossing the Pymmes Brook and Salmons Brook and River Lee Navigation to Harbet Road in the east that sits within the Central Spine Corridor that is identified in the Council's adopted planning policy. The erection of bridges and associated works are required to enable the Central Spine Road, comprising the Lee Navigation Bridge, the Pymmes Brook North Bridge and the Salmon's Brook Bridge (shown as B1, B2, and B4 respectively). The Central Spine Road is required in the proposed form and location for the following reasons and will deliver significant improvements to east-west connectivity across the site for buses, pedestrians and cyclists. Further details are provided in the Transport Assessment accompanying the SIW planning application and Phase 2 planning application:

- (a) The principle of the proposed Central Spine Road is well established in the Council's adopted planning policy (see section 4 below), which specifically identifies the need to provide a new spine running through Meridian Water, linking new and existing communities to employment and social infrastructure, the Meridian Water Station and the LVRP. By connecting this new rail station to other parts of Meridian Water, public transport accessibility throughout the Meridian Water will be improved.
- (b) The alignment of the Central Spine Road has been designed to maximise the accessibility of Phase 2 and future development to Meridian Water Station (by minimising walking distances) and to create efficient plots to maximise the delivery of homes. The Central Spine Road will provide direct and visual connection to Meridian Water Station and also to the new Edmonton Marshes park. Bridges B2 and B4 will span the brooks and provide an east-west connection whilst retaining the industrial heritage of the confluence point of the brooks where a viewing point will be provided as part of Phase 2. The River Lee Navigation Bridge (B1) will extend this connection further to the east, providing resilience of access for emergency vehicles and buses and will connect Phase 2 with the SIL, the green space to the east and the wider LVRP. The width of the Central Spine Road has been designed to accommodate buses, pedestrians, cycle facilities and landscaping appropriate on the scale proposed by the Scheme and to encourage use of sustainable modes of transport.
- (c) Meridian Water currently has poor permeability for vehicles, pedestrians and cyclists due to severance caused by existing water courses, the high proportion of goods vehicles on local industrial estate roads and heavy traffic flows on the North Circular (A406) to the north of the site. The Central Spine Road will address this.
- (d) Dedicated, segregated two-way cycle tracks will be provided along the Central Spine Road to form direct routes across the Meridian Water area, linking the proposed development with public transport nodes as well as existing strategic cycle routes to the east to overcome the current lack of permeability for active modes.
- (e) In addition, the SIW will enable a comprehensive package of sustainable transport benefits for new residents to be delivered. This will

include travel plans and pedestrian environment enhancements to improve accessibility in and around Meridian Water and the wider Upper Edmonton area, better connecting Edmonton Leaside to the rest of the borough.

- (f) The Central Spine Road will connect with north-south pedestrian and cycle links through Phase 2 in order to increase permeability by walking and cycling and to meet the Council and Transport for London's (TfL) Healthy Streets' objectives.
- (g) The proposed alignment of the Central Spine Road will enable efficient bus routing through the Meridian Water area and bus-rail interchange at Meridian Water Station. It will also be able to accommodate further enhancements to the bus network to serve Phase 2 and future phases of development as envisaged within the Bus Strategy appended to the Phase 2 and SIW Transport Assessment.
- (h) The Central Spine Road will minimise walking distances to bus stops, allow for the efficient siting of bus stops and maximise bus stop catchments within Meridian Water. Comfortable walking distances and proposed high quality pedestrian environments will help to make bus use more attractive and help support the Council's proposed lower car parking standards across Phase 2 and the wider Scheme.
- (i) The alignment of the Central Spine Road will improve public transport accessibility which will facilitate higher density development in Phase 2 than would otherwise have been appropriate.
- (j) The Central Spine Road will provide an additional point of access into Phase 2 and the wider Scheme. This will provide greater resilience of access for emergency vehicles and buses. It will also balance access for private vehicles to facilitate route choice, thereby increasing the performance resilience of access junctions onto Meridian Way.
- (k) The Central Spine Road will connect the new residential development to employment uses including the SIL, Harbet Road Business Parks and meanwhile uses in accordance with the Mayor's Transport Strategy (2018) Proposal 91 which states that *"The Mayor, through TfL and the boroughs, will explore the role for demand responsive bus services to enable Good Growth, particularly in otherwise difficult-to-serve areas of outer London"*.
- (l) Due to the phasing of the Scheme, the Central Spine Road has been designed to maintain access to existing occupiers. This will involve new access arrangements for IKEA, Tesco, the Arriva bus depot and for other industrial uses between Harbet Road and the River Lee Navigation.
- (m) The Tesco Extra and IKEA sites currently form a barrier to movement between Glover Drive and Phase 2 (and potential development in future phases), which would be addressed by the Central Spine Road.

3.23.2 **Leeside Link Road (R4).** This link will include the erection of a new bridge (to be known as the Pymmes Brook South Bridge (B5)) and associated works to span Pymmes Brook and will provide improved north-south connectivity for vehicles, pedestrians and cyclists, accommodating facilities for buses to enter/exit the site using Leeside Road. It is important to understand the purpose and orientation of the Leeside Link Road to provide context for the need for the Central Spine Road. Further information is provided in the Transport Assessment accompanying the SIW planning application and Phase 2 planning application. The need for the Leeside Link Road is summarised as follows:

- (a) The Leeside Link Road will connect with the Central Spine Road to provide an attractive walking and cycling route to the Meridian Water Station for the plots of land in the southern part of Phase 2. A new bridge (B5) will provide connectivity from Leeside Road into the centre of Meridian Water. This is a natural extension of the existing road network and will turn Leeside Road from an industrial dead-end road into an urban, street suitable for all modes of transport and thereby increase permeability of Meridian Water to the south and west.
- (b) There is an existing bridge in the location of the proposed crossing of the Pymmes Brook South Bridge (B5) but it is not a highway bridge, and having regard to its age and condition, it is not suitable for use as part of the Leeside Link Road.
- (c) The proposed width of the Leeside Link Road will be sufficient to accommodate walking and cycling facilities, infrastructure for buses and private vehicles and landscaping appropriate for a development of the scale proposed in Phase 2.
- (d) The proposed alignment of the Leeside Link Road will provide direct access to Leeside Road from Phase 2 and forms an appropriate bridge crossing of Pymmes Brook to connect with Leeside Road. The proposed alignment also maintains sufficient land within the gasholder site (part of Zone 2) to deliver viable new housing. The bridge will be on Council owned land and will not affect Tottenham Marshes which is an important public open space owned by the Lee Valley Regional Park Authority.
- (e) The Leeside Link Road will connect with the shared pedestrian and cycle route along the north side of Leeside Road which provides access to developments south of Leeside Road and west of Meridian Way. Without this link pedestrians and cyclists would need to use Glover Drive and the route along Meridian Way which is a busy road (c. 3500veh/hr two-way in peak periods) and a less suitable cycling and walking environment.
- (f) The Leeside Link Road increases the permeability of Phase 2 and wider Meridian Water for pedestrians and cyclists.
- (g) The Leeside Link Road provides for efficient bus routing through Phase 2 and Meridian Water and allows for greater flexibility for route options. It would also allow additional bus services to be diverted in the future as

envisaged within the Bus Strategy appended to the Phase 2 and SIW Transport Assessment.

- (h) The Leaside Link Road allows for the efficient siting of bus stops, maximising bus stop catchments within Phase 2 and thereby minimising walking distances to bus stops. Comfortable walking distances and proposed high quality pedestrian environments will help to make bus use more attractive and help support lower car parking levels across Phase 2 and the wider Scheme.
- (i) The Leaside Link Road is important for improving the public transport accessibility of the southern part of Phase 2 and ensuring that non-car modes of travel are attractive throughout Meridian Water. Without the Leaside Link Road there is a risk that the diversion of bus services along the Central Spine Road would not be possible. If this were the case then the southern part of Meridian Water would need to be served by the existing northern access, or by new links delivered by the SIW. This would result in a greater travel distance to the Meridian Water Station from the southern part of the site with an associated reduction in public transport accessibility, and less efficient routing options for buses.
- (j) Allowing for vehicular movements along the Leaside Link Road into Phase 2 and the wider Scheme will provide an additional point of access. This will provide greater resilience of access for emergency vehicles and buses. It will also balance access for private vehicles to facilitate route choice, thereby increasing the performance resilience of junctions with Meridian Way. The existing Meridian Way junction at Glover Drive currently operates at or close to capacity and the additional vehicular access at the Leaside Link Road will help to balance traffic flows between the access junctions utilising what capacity is available for the future.
- (k) The Leaside Link Road will provide direct access to some retail and residential cores along its length and for buildings fronting the Central Spine Road.

3.23.3 **Brooks Park and River 'Naturalisation'** – naturalising Pymmes Brook to introduce an ecological river landscape, as well as providing riverside parkland (shown as F2).

- (a) Pymmes Brook is currently a concrete channel. The proposed works will involve naturalisation (works to river structures to improve the natural habitat) and storm water retention capacity (S2). These works are essential as the Environmental Agency (**EA**) has identified the need for naturalisation of the Pymmes Brook as part of the Water Framework Directive objectives. Consultation has been held with the EA to discuss various options for naturalisation and identify the preferred solution, which is explained in more detail in the Flood Risk Assessment submitted as part of the Phase 2 planning application.
- (b) Brooks Park is approximately 2ha in extent and would sit at the heart of the Phase 2 development. The park will contribute to the flood

alleviation strategy and the naturalisation of this channel would also deliver significant ecological benefits.

- (c) With regard to the northern branch of the Pymmes Brook, it is proposed to undertake flood alleviation works to the wall to allow passage of flood water from within Zone 5 (F1).
- (d) Flood water that emanates from the Pymmes Brook will be stored within the naturalisation area along the banks of the Pymmes Brook.

3.23.4 **Edmonton Marshes and Flood Alleviation Works** – re-levelling and remediation of land to the east of Harbet Road, providing comprehensive flood alleviation works and a new high quality public open space within the LVRP (shown as E1, ER1, and F5). This will result in the creation of a new park – known as Edmonton Marshes –approximately 6.4ha in extent following the re-levelling and remediation to form part of the strategic flood alleviation strategy. The land on which this park would be accommodated is designated as Green Belt. Further explanation is included in the Flood Risk Assessment submitted as part of the SIW and Phase 2 planning applications. In summary:

- (a) Two principal sources of flood risk must be managed to facilitate the development of Meridian Water: (i) fluvial flooding from the Pymmes Brook, Salmons Brook, Lee Navigation Canal and Lee Flood Relief Channel; and (ii) surface water flooding from on-site rainfall. Large parts of Phase 2 (in Zones 4 and 5) development are at risk of fluvial flooding arising from the Canal.
- (b) The EA require that for all vulnerable developments (which includes the majority of the buildings at Meridian Water) the ground floor levels must be raised. This would have the effect of displacing flood water and therefore flood mitigation is required to ensure no adverse effects are caused upstream or downstream of the works. It is necessary to provide compensatory flood storage to offset the volume that is lost within the building plots.
- (c) The LVRP area is the most suitable area for providing the required compensatory storage. The proximity of this area to the development Zones from which the flood water will be displaced will ensure the technical feasibility of the proposed solution. The existing uses of the land required will not be affected. The use of the land for flood alleviation will not detrimentally impact the proposed development of a new country park on this land.
- (d) The flood water is directed to this compensatory area via a flood conveyance channel constructed from Towpath Road, under Harbet Road. The conveyance channel is located opposite the area where flood water overflows from the Canal into in Zones 4 and 5. In the longer term, the flood conveyance channel is envisioned as a publicly accessible, linear park, linking from the Towpath to the new country park at Edmonton Marshes.

- (e) The proposed works comprise the excavation to provide the necessary flood compensation and also to generate material for reuse for raising ground levels during construction elsewhere within Meridian Water. The excavated formation level has been determined on the assumption that it will be necessary to have sufficient topsoil to accommodate a layer of planting. The earthworks proposed to be undertaken in LVRP involve the lowering of ground levels to create the compensatory flood storage required to allow development in Phase 2, as well as future development in Zones 6 and 7. The management, storage and treatment of excavated material from ER1 will occur throughout the period of earthworks.

3.23.5 **Access Works** – works to provide new and altered accesses to the IKEA store (TPA2), a new north-south link between Argon Road and Glover Drive (J5), the creation of a link between the Central Spine Road and Anthony Way (TPA1) and other improvements to maintain access, along with other ancillary highway works to Glover Drive, Leaside Road and Meridian Way. Information on these works is set out in the Transport Assessment accompanying the SIW planning application and Phase 2 planning application. The case for the Access Works is summarised as follows:

- (a) The Central Spine Road has been designed to accommodate the needs of IKEA and Tesco. The access designs have been developed to maintain access, retain store visibility and quality of the customer journey, and the continuation of servicing and delivery arrangements for adjacent occupiers.
- (b) The existing IKEA and Tesco stores and the Tesco petrol filling station are accessed from Argon Road, Glover Drive and a network of private internal roads. To the east of the Lee Navigation, there are industrial uses, including the Arriva Bus Depot, which are accessed from private roads off Harbet Road.
- (c) The proposed Central Spine Road will provide a connection between Glover Drive and Harbet Road. The connection at Glover Drive will affect access to the existing IKEA store and its northern surface level car park and internal access road. There will be minimal impact on Tesco's access routes as a result of the Central Spine Road.
- (d) Alternative access points into the IKEA store at Leaside Road, Meridian Water and Glover Drive will be created. This will minimise the IKEA customer and servicing circulation route (and the subsequent diversion route as the result of the Central Spine Road) from the local highway network into the store. This provides IKEA with the opportunity to create a new car park south of the Central Spine Road. Planning permission (ref: 20/001111/RE4) for the engineering works necessary to deliver the new car park on land to the west and south of the existing IKEA store was granted on 18 June 2020. It will also help to reduce traffic within the vicinity of the Central Spine Road, in keeping with the aspiration to deliver Healthy Streets.

- (e) A new north-south link road will be provided incorporating part of the existing Tesco southbound exit carriageway and part of IKEA's northern car park. This new two-way road will serve a dual purpose of retaining southbound access from Argon Road to Glover Drive but also providing exiting IKEA vehicular traffic a route to the north. As a result of the introduction of this route, a number of changes are required to the existing arrangements along the new route as described in the Transport Assessment.
- (f) Where the Central Spine Road will cross the Lee Navigation, the closure of Towpath Road to vehicular traffic permanently will be necessary due to the reduced headroom clearance and the bridge landing requirements.
- (g) Most of the existing industrial uses in the SIL can be accessed directly from Harbet Road using private roads. However, access to the Arriva Bus Depot and to some other occupiers may be affected during construction. To maintain bus operations and ensure business access is not affected, the SIW include new access arrangements to the Arriva Bus Depot. A swept path analysis has been undertaken to ensure that these are suitable for goods vehicles, buses and buses being towed by a recovery vehicle. The layouts have been issued to Arriva and discussed in meetings and comments have been incorporated into the design.
- (h) Since Anthony Way will be the new route for buses, a number of improvements to this road are proposed. These will include the re-provision of formal parking spaces, widening of the road to allow two-way bus movements and the introduction of a new pedestrian footway on one side of the road where space allows. This will provide an improved pedestrian and vehicular access route to existing industrial occupiers along Anthony Way and an alternative access to the Arriva Bus Depot.

3.23.6 **Earthworks, Remediation, Utilities and other ancillary works** – earthworks, retaining structures and remediation within Phase 2, installation of main utility network and ancillary works including the demolition of existing buildings and structures (shown as E5, E6, ER5, ER6 U3 and U4 on Document 6).

- (a) Earthworks and Remediation north and south of Central Spine Road are proposed to raise development levels, ready for plot developers to implement the development proposed within the Phase 2 application, above the flood levels in Phase 2. Excavation will occur primarily in three areas of the site, within Brooks Park for naturalisation, within Edmonton Marshes for flood alleviation and shallow excavations within Stonehill Business Park for the flood relief channel. The earthworks are essential to allow ground levels to be raised to provide mitigation against flood risk and enable development (see above). These earthworks also aid the surface water drainage.

- (b) The land north and south of Central Spine Road is existing/former industrial land with significant ground contamination risk. This land requires wholesale remediation in order for it to be suitable for residential development.
- (c) These works will be carried out principally within land owned by the Council, although they will require relocation of a gas governor and substation.
- (d) The installation of primary utility services (electricity ducts, water mains, drainage etc) within the new road corridors to support the proposed development.

3.23.7 **Rail enhancement works.** Improvements are proposed to serve the Meridian Water Station to provide a more frequent service. Although this is part of the SIW, it is not necessary to acquire land or rights for this purpose.

4 **Planning Policy Relevant to the Scheme**

4.1 The Council's adopted and emerging planning policy is supportive of both the SIW and the Scheme, which is also consistent with regional and national policies.

4.2 **The Enfield Plan: Core Strategy 2010-20 (the Core Strategy)**

4.3 The Core Strategy was adopted by the Council on 10 November 2010 and is part of the Council's development plan. It sets out the spatial planning framework for the long term development of the borough for the next 15-20 years. Core policy 2 states that the Council will plan to meet the housing growth targets as set out in the London Plan for the fifteen year period from 2010/11 to 2024/25 and will plan for the provision of approximately 11,000 new homes.

4.4 The Meridian Water area corresponds with the Place Shaping Priority Area Meridian Water as designated in The Core Strategy. Core policies 37 and 38 deal specifically with Meridian Water. Policy 37 states:

“At Meridian Water... ...the potential of a new sustainable urban mixed use community has been identified to play an important role in the delivery of planning and regeneration objectives, bringing forward in the region of 5,000 new homes and 1,500 new jobs.”

4.5 Policy 38 states:

“Based on the evidence of initial growth scenarios in the Meridian Water Place Shaping Priority Area, the objectives of new development will be to create a new community by 2026 with up to 5,000 new homes, 1,500 new jobs and all the necessary infrastructure to support the community and attract families and new employers to the area.”

4.6 Core policy 38 also supports infrastructure improvements at Meridian Water including specific mention of the Central Spine Road stating the following aims:

"A new spine running through the area, connecting all parts of Meridian Water, linking new and existing communities, the station and the Lee Valley Regional Park;

Improved connectivity, both north-south and east-west;"

4.7 There are justifications and explanations of these policies in paragraphs 9.9 to 9.15 of the Core Strategy.

4.8 The Core Strategy also supports the Council acquiring land to control new development and use of CPO powers in appropriate circumstances:

"Where opportunities arise, the Council will consider the acquisition of new sites in order to secure community benefit or control new development, which in some cases may provide an opportunity to generate revenue from its landholdings, which it can reinvest into the community." (paragraph 10.18)

"Where the Council does not own the land and it appears that development identified in the Core Strategy is not coming forward in a timely manner, the Council will use its compulsory purchase powers to allow development to progress." (paragraph 10.19)

4.9 Although this is currently the Council's only adopted statutory development plan policy that specifies housing and development targets at Meridian Water, planning policy and framework agreements produced since 2010 (which do not yet form part of the Development Plan) take account of the growth in population in the borough as well as pressure on housing demand generally in London, and therefore have considerably higher targets than the Development Plan for housing units and job creation at Meridian Water.

4.10 The Council is preparing a new Local Plan which, when adopted, will replace the existing adopted Core Strategy (2010) as well as the Development Management Document (2014). It is also likely to supersede policies in the Enfield North AAP (2016) and the ELAAP but no final decision has yet been taken. The new Local Plan will include new and updated policies for Meridian Water. A regulation 18 Local Plan Issues and Options document was consulted on in late 2018 / early 2019. An updated Local Development Scheme is expected to be published in January 2021. The proposed timetable in the Local Development Scheme for the Enfield Local Plan production includes a Draft Plan regulation 18 consultation scheduled for summer 2021 and publication of a pre-submission regulation 19 Local Plan in spring / summer 2022. Submission of the Plan to the Secretary of State for Examination is expected to be late 2022 with adoption of the new Local Plan anticipated in 2024. The existing adopted Core Strategy, Development Management Document and Area Action Plans will remain in force as the new Local Plan is prepared, although the emerging Enfield Local Plan will accrue greater weight in decision making as it progresses through the preparation process.

4.11 **Area Planning Policy – Edmonton Leaside Area Action Plan**

4.12 The ELAAP was first produced in November 2013 and revised to its submission version in January 2017. It was adopted in January 2020. The primary purpose of the ELAAP is to articulate in greater detail how the Core Strategy and relevant Development Management Document policies will be implemented, and to provide a more detailed policy framework to guide new development in the area.

4.13 The ELAAP provides a policy basis supported by evidence modelling, to achieve the Core Strategy aim of approximately 5,000 homes and 1,500 net full-time jobs at Meridian Water. Chapter 5 of the ELAAP deals specifically with Meridian Water. The Scheme is consistent with the principal aim of Chapter 5 of the ELAAP in bringing forward the regeneration of Meridian Water but the SIW are also specifically supported by Policy EL6 which discusses the Central Spine and Central Spine Corridor and states that the Council aims to "*work with its partners and stakeholders to implement the Central Spine and maximise connectivity across Meridian Water*". The ELAAP makes clear how the Central Spine is fundamental to the development proposals for Meridian Water. It requires that development proposals that include part of the Central Spine Road must amongst other things:

- (a) *Support the delivery of a continuous link route across Meridian Water and beyond;*
- (b) *Incorporate the Central Spine in the design;*
- (c) *Prioritise the route as the primary route for orientation, navigation and connectivity at Meridian Water;*
- (d) *Show how other routes provide connectivity to the Central Spine and enable connectivity within and beyond Meridian Water;*
- (e) *Demonstrate how resident and employee access to supporting uses is maximised, including retail, health centres, open space and schools;*
- (f) *Demonstrate how the Central Spine..... will act as the trunk route for servicing and subterranean infrastructure, including details of how the routes will positively and proactively connect to the Central Spine route and servicing on adjacent sites;*

4.14 The ELAAP defines a safeguarded corridor for the route of the Central Spine Road.

4.15 Chapter 14 of the ELAAP provides policy support for the Council's approach to land assembly at Meridian Water. Specific recognition is given to the importance of a comprehensive regeneration and the use of CPO powers to enable effective delivery of the development. It also highlights at paragraph 14.2.8 the importance of infrastructure where it states:

"[L]and in some key parts of the site is fragmented between several owners. To deliver the infrastructure needed to develop Meridian Water in an effective and timely way, greater control over land and delivery is required. This relates particularly to delivery of the Central Spine as the key linking element".

4.16 **Meridian Water: Investing in Enfield's Future**

4.17 The Meridian Water Regeneration Framework, titled "Investing in Enfield's Future" was endorsed by the Council's Cabinet on 10 February 2016 and forms the interim strategic approach to achieving sustainable development and long term growth for Meridian Water and taking the wards of Upper Edmonton and Edmonton Green out of the bottom 10% most deprived wards in England.

- 4.18 The Framework sets out the aims and aspirations for the future development of Meridian Water over a 40 year timespan. The Action Plan, appended to the Framework, serves as a matrix to help measure performance of the development against six themes or “action areas” ranging from lifestyle to sustainable infrastructure and energy.
- 4.19 **The London Plan**
- 4.20 The Mayor of London’s revised London Plan was formally adopted in March 2016 and was updated in January 2017. It provides a strategic spatial strategy within Greater London and forms part of the Council's development plan. The Plan sets out a number of objectives to: optimise the potential of development sites; make the most sustainable and efficient use of land, particularly in areas of good public transport; improve the quality of life; deliver high quality new homes; mitigate and adapt to climate change; and secure a more attractive, well designed green city.
- 4.21 The adopted Plan policy 3.3 identifies the need to provide an annual average of 42,000 additional homes across the capital each year. Paragraph 3.16b entitled ‘London’s housing requirements’ states that “the central projection in the Strategic Housing Market Assessment indicates that London will require between approximately 49,000 (2015-2036) and 62,000 (2015-2026) more homes a year”. A significant number of new homes are needed in Enfield over the coming years and decades in order to meet existing and future housing need. The minimum delivery target set for Enfield by the London Plan is 798 per annum, with Meridian Water playing a key role in delivering this objective.
- 4.22 The London Plan – Intention to Publish version (December 2019) looked to increase housing delivery targets to 66,000 additional homes per annum. A significant number of homes are needed in Enfield over the coming years in order to meet current and future need. The Council's average housing delivery target under the London Plan – Intention to Publish version sets 10-year target for net housing completions of 12,460.
- 4.23 Following directions issued by the Secretary of State, most recently on 10 December 2020, the Mayor of London submitted a Publication London Plan on 21 December 2020 addressing the directions. It is anticipated the Secretary of State will formally agree to the publication of the London Plan. The Publication London Plan includes the same housing targets for the Council as the Intend to Publish version however notably for Meridian Water amendments have been made to Policy E4 (Land for industry), which provides increased flexibility for authorities in releasing industrial land for development, which may be relevant to the SIL within Meridian Water in the context of the new Local Plan mentioned at paragraph 4.10 above.
- 4.24 The London Plan (Policy 2.13 of the adopted London Plan and Policy SD1 of the Publication version) refer to "opportunity areas" which have been identified as being capable of accommodating substantial numbers of new homes and employment and seek to ensure the areas' potential is optimised. The Upper Lee Valley (in which Meridian Water is situated) is identified as an opportunity area.
- 4.25 In October 2015, the GLA designated Meridian Water one of twenty new housing zones in London, unlocking funding for key infrastructure and enabling works, including the station, remediation and a Central Spine Road.

4.26 **Upper Lee Valley Opportunity Area Planning Framework**

4.27 The Upper Lee Valley Opportunity Area Planning Framework (adopted July 2013) covers circa 3,900 hectares shared between the London Boroughs of Enfield, Haringey, Waltham Forest and Hackney. The headline objectives for the Upper Lee Valley include:

4.27.1 Over 15,000 new jobs by 2031; and

4.27.2 Over 20,100 new well designed homes by 2031.

4.28 Meridian Water, roughly in the centre of the opportunity area and at the junction of three London Boroughs, is identified as a growth area. Chapter 7.2 specifies the following principles for Meridian Water:

4.28.1 Realising the scale of opportunity and the opportunity of scale;

4.28.2 Delivering 5,000 new homes; and

4.28.3 Facilitating economic growth: delivering at least 3,000 new jobs of varied types.

4.29 The Scheme helps deliver on the potential of this regional strategic opportunity area.

4.30 **National Planning Policy Framework**

4.31 The National Planning Policy Framework (**NPPF**) (February 2019) sets out the Government's policies on planning and how these are expected to be applied. The NPPF makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are three dimensions to sustainable development: economic, social and environmental and that planning authorities should seek opportunities to achieve the promotion of these dimensions. The NPPF encourages the use of sustainable and non-car modes of travel. The Council's proposals for Meridian Water are in accordance with the NPPF in terms of the emphasis on urban regeneration and the efficient re-use of brownfield land in order to create sustainable development in line with economic, social and environmental objectives to improve people's quality of life. The emphasis on community involvement; creating a sustainable community in a high quality, safe and healthy local environment where people want to live; contributing to the promotion of urban renaissance and improvement of quality of life and access to jobs; building a socially inclusive community with a mix of housing; and improving the link between land use and transport are all in line with the NPPF aim of sustainable development. The proposals secure net gains across the economic, social and environmental objectives of sustainable development enshrined in the NPPF.

4.32 **Mayor's Transport Strategy (Greater London Authority, 2018)**

4.33 The Mayor's Transport Strategy (**MTS**) details measures to allow Londoners to reduce their dependence on cars by providing viable and attractive alternatives.

4.34 There is a clear recognition throughout the MTS that the way in which London's street networks are developed can have significant impacts on the social, economic and environmental 'health' of the city. The various benefits of active travel contribute to each of these outcomes, and for that reason the central aim of MTS is for 80% of all trips in London to be made on foot, by cycle or using public transport by 2041 (page 21, Policy 1).

- 4.35 There are three key themes at the heart of the strategy which are (page 38):
- 4.35.1 Healthy Streets and healthy people - streets make up 80% of London's public spaces. The MTS explains how street environments and the wider street network will be planned (using the Healthy Streets approach) to promote healthier, more efficient and more sustainable transport options (Chapter 3).
 - 4.35.2 A good public transport experience - public transport is the most efficient way for people to travel distances that are too long to walk or cycle. The MTS explains how consideration of the whole journey will improve quality of life and reduce car dependency by providing attractive and accessible alternatives to car use (Chapter 4).
 - 4.35.3 New homes and jobs - the MTS applies the Healthy Streets Approach to London's future development, creating the principles of Good Growth. This will ensure that regeneration and future development are planned around walking and cycling for shorter trips and cycling and public transport for longer ones (Chapter 5).
- 4.36 The MTS sets out an approach for Outer London (page 32-33), which Enfield is defined lying within, of:
- 4.36.1 addressing the dominance of motorised transport;
 - 4.36.2 improving walking and cycling environments to enable trips made by car to be made on foot or by cycling;
 - 4.36.3 making significant improvements to public transport, both rail and bus; and
 - 4.36.4 bringing in a more joined-up approach to planning transport and dense, mixed land-use developments to encourage active, efficient and sustainable travel patterns.
- 4.37 Chapter 4, "A good public transport experience", of the MTS states that "*buses play a unique role in the life of London – they are the most accessible form of public transport, and they provide the widest and densest network of travel options for distances that are too long to walk or cycle*" (page 155, paragraph 1).
- 4.38 Policy 15 of the MTS directly concerns the provision of bus services: "*the Mayor, through TfL and the boroughs, and working with stakeholders, will transform the quality of bus services so that they offer faster, more reliable, accessible, comfortable and convenient travel by public transport, while being integrated with, and complementing, the rail and Tube networks*" (page 155, Policy 15).
- 4.39 The MTS also states that "new types of services, including high-quality bus transit, can unlock new areas for development" (page 235, paragraph 2). The MTS asserts several proposals to achieve this aim which include:
- 4.39.1 Proposal 90: "*The Mayor, through TfL and working with the boroughs, will complement major transport infrastructure investment with improvements to local bus services, bus priority and bus infrastructure in order to enable high-*

density development over a larger area and thus spread the benefits of the infrastructure investment further”;

4.39.2 Proposal 91: *“The Mayor, through TfL and the boroughs, will pilot bus transit networks in outer London Opportunity Areas with the aim of bringing forward development, either ahead of rail investment or to support growth in places without planned rail access. Consideration will be given to pilots at locations including Bexley/Greenwich, Enfield, Havering and Hounslow”.*

4.40 The transport strategy of the Scheme, which is facilitated by the SIW, allows conformity with the MTS.

4.41 **Healthy Streets for London (Transport for London, 2017)**

4.42 Healthy Streets for London (Transport for London, 2017) is TfL’s adopted framework for the development of policies and strategies to help Londoners use cars less and walk, cycle and use public transport more. This was the framework used when the Mayor’s Transport Strategy (2018) was created.

4.43 The Healthy Streets approach is a *“long-term plan for improving Londoners’ and visitors’ experiences of our streets, helping everyone to be more active and enjoy the health benefits of using our streets on a daily basis”* (page 8, paragraph 3).

4.44 At the core of the approach is the positive health benefits achieved by walking and cycling at least 20 minutes per day (page 18, paragraph 3).

4.45 The ‘Healthy Streets Indicators’ are ten evidence-based indicators which define the important elements that makes streets appealing, healthy and inclusive places (page 11).

4.46 Healthy Streets has been incorporated into design of the SIW.

4.47 **Walking and Cycling Action Plans (Transport for London, 2018)**

4.48 TfL developed a series of actions plans that detail how the Mayor and TfL will achieve the MTS proposals, including new actions and initiatives that are in line with the policies of the strategy. The Action plans include the Walking action plan (Transport for London, 2018) and Cycling action plan (Transport for London, 2018).

4.49 The Walking action plan is aimed at making London the world’s most walkable city, with a target to increase the number of walking trips by more than one million a day by 2024 (Target 1 page 24), and to make walking *“the most obvious, enjoyable and attractive means of travel for all short trips”* (page 11 Chapter 2 Vision Statement).

4.50 The Walking action plan identifies four main areas for action (page 45);

4.50.1 Building and managing streets for people walking;

4.50.2 Planning and designing for walking (including incorporating the ‘Healthy Streets’ approach);

4.50.3 Integrating walking with public transport; and

4.50.4 Leading a culture change.

- 4.51 The Cycling action plan seeks to make London the world's best big city for cycling, ensuring that *"everyone who wants to cycle for their journeys in London will be able to do so confidently and comfortably"* (page 17, Chapter 2 Vision Statement).
- 4.52 The action plan provides an evidence-based approach to planning London's key cycling network and infrastructure by the year 2041. It also sets out a series of actions designed at improving street environments for cycling, making it easier to plan journeys, and promoting and encouraging cycling by breaking down barriers.
- 4.53 The SIW are designed to accommodate movements by walking and cycling and provide enhanced facilities to provide access and significantly improve connectivity by sustainable modes.
- 4.54 **Guidelines for Planning Bus Services (Transport for London, 2012)**
- 4.55 To help achieve the goals of the Mayor's Transport Strategy, TfL produced Guidelines for Planning Bus Services (Transport for London, 2012).
- 4.56 The document states the following objective: *"a comprehensive network should be provided ensuring that people have access to their local amenities such as shops, hospitals, schools and transport interchanges"* (page 7, section 33). To achieve this objective, several guidelines have been outlined:
- 4.56.1 *"In residential areas, it is desirable for the bus network to run within about five minutes walk of homes, if this is cost-effective and if roads are suitable. This is about 400 metres at the average walking speed.*
- 4.56.2 *The 400 metre guideline will be used alongside other indicators of accessibility to the network. These may for example be demographic, such as low car ownership, or physical, such as steep hills, parkland or severance due to main roads.*
- 4.56.3 *In town centres, passengers should be taken close to the places they want to reach - shopping centres, rail stations, etc. At the same time, however, complicated or indirect service routeings should be avoided.*
- 4.56.4 *Effective interchange is essential to achieving a comprehensive network, as there will not be a direct bus link for every journey. Interchange opportunities will be taken into account in service design. In particular, good interchange facilities in town centres are important given that town centres form the hubs of the bus network".*
- 4.57 The Central Spine Road and Leaside Link Road are key to meeting the guidelines on bus services as described in detail above.

5 **The Council's Power to Acquire Land Compulsorily**

- 5.1 Section 226 (1) (a) of the 1990 Act enables the Council to acquire land compulsorily in order to facilitate the carrying out of development, redevelopment or improvement on or in relation to land in its area. Section 226 (1) (a) is subject to sub-section (1A) which provides that the Council must not exercise the power unless the proposed development,

redevelopment or improvement is likely to contribute to the achievement of the promotion or improvement of the economic and/or social and/or environmental well-being of its area.

- 5.2 Section 226(3)(a) enables the Council to acquire any land adjacent to land falling within sub-section (1) which is required for the purpose of executing works for facilitating the development or use of land within the Council's area.
- 5.3 Acquisition of the Order Land is necessary in order to implement the SIW. The SIW will make a significant contribution to the environmental, social and economic well-being of the Upper Edmonton area, as well as the borough generally, meeting the objects of Section 226 (1A) of the 1990 Act.
- 5.4 Section 13 of the 1976 Act enables the Council to acquire any such new rights over the land as are specified in the Order. New rights are required for the delivery of the SIW and their subsequent maintenance.
- 5.5 Paragraph 95 to Section 1 of the Guidance explains that the Section 226 powers in the 1990 Act are intended to provide a positive tool to help acquiring authorities with planning powers assemble land where this is necessary to implement proposals in their Local Plan. In the case of the Scheme and the SIW, the relevant Local Plan is the Core Strategy and the ELAAP.
- 5.6 The Guidance provides recommendations to acquiring authorities on the use of compulsory purchase powers and the Council has taken full account of this Guidance in making this Order.
- 5.7 The Council has been successful in acquiring a substantial part of the Order Land by agreement (as well as other land forming part of the Scheme). However it will not be practicable to agree terms for the acquisition of all of the remaining interests in the Order Land to ensure land assembly and enable delivery of the SIW within a reasonable timeframe. This is particularly the case given there are unknown interests.
- 5.8 Having regard to the nature of the proposals and the advice set out in the Guidance, the Council is satisfied that the use of its compulsory purchase powers under Section 226(1)(a) and Section 226(3)(a) of the 1990 Act is justified in order to achieve its objectives.

6 **Justification for the Use of Compulsory Purchase Powers**

- 6.1 Paragraph 13 of the Guidance requires that the Council must demonstrate sufficiently compelling reasons for the powers to be sought at the present time, In this regard the Council notes the following matters.
- 6.2 The need for the SIW is explained at section 3 above.
- 6.3 The development of the SIW will contribute to the achievement of the objectives specified in Section 226(1A) of the 1990 Act as explained in paragraphs 6.12 to 6.18 below.
- 6.4 The proposals for SIW comply with existing and emerging local planning policy, the London Plan and the NPPF, as explained in section 4 above.

- 6.5 In terms of timescales, subject to successfully securing confirmation of the Order, the Council's intention is to start on site as soon as practicable and no later than March 2022, with completion of the works anticipated in December 2023.
- 6.6 Vistry Partnerships have been selected as the preferred development partner for part of Phase 2, the former gasholder site, and the Council intends to finalise the contractual arrangements in early 2021. The Council's proposals for further development within Phase 2 are set out in paragraph 3.13 above. For later development phases the Council will embark on a similar robust exercise to select preferred delivery methods.
- 6.7 Paragraph 106 of the Guidance identifies four factors of particular relevance to CPOs under section 226 of the 1990 Act which will be taken into account by the Secretary of State when deciding if the powers should be confirmed. Each of these is considered below.
- 6.8 **Whether the purpose for which the land is being acquired fits with the adopted planning framework for the area**
- 6.9 The proposed Order is to enable the SIW to be constructed to facilitate the regeneration of Meridian Water in accordance with the planning framework described in section 4 of this statement.
- 6.10 The Council is therefore satisfied that the Scheme, and the SIW to facilitate it, are in accordance with the strategic objectives of national, London and local policies set out in the adopted Development Plan and other emerging planning policy documents.
- 6.11 **Contribution to the social, economic and environmental well-being of the area**
- 6.12 Development on this scale represents a significant investment in a key strategic development site in the London Borough of Enfield, the benefits of which will be considerable and are summarised below as economic, social and environmental well-being.
- 6.13 The SIW will contribute to the ***economic well-being*** of the Council's area by facilitating regeneration of Meridian Water. The main economic benefits will be:
- 6.13.1 a Scheme value of c.£6bn;
 - 6.13.2 the creation of approximately 1,500 net new full-time jobs and thousands of jobs during construction with opportunities for apprenticeships for local people;
 - 6.13.3 increased economic activity by reason of increased employment and expenditure during the construction phase of the Scheme;
 - 6.13.4 increased economic activity by reason of increased employment and expenditure during the operational phase of the Scheme and the introduction of expanded residential uses; and
 - 6.13.5 delivery of skills academies that will train, educate and up-skill hundreds of young, unemployed or underemployed people in construction, creative economy, the media sector and other fields.

- 6.14 In March 2020, the Council's Cabinet approved the Meridian Water Employment Strategy that sets the ambitious targets for the wider Meridian Water regeneration programme. These include:
- 6.14.1 high quality permanent jobs paying the London Living Wage or above of which no less than 25% will be from local labour; and
 - 6.14.2 enabling local Enfield employers to supply Meridian Water, starting with construction, with no less than 10% of all investment benefitting local employers.
- 6.15 The strategy includes a set of principles that embed aspiration in a practical framework to shape strategic plans for employment space that will be delivered and operated by the local authority that is high quality, ethical, sustainable, inclusive, public health oriented and affordable.
- 6.16 Promotion or improvement of **social well-being** will be achieved by:
- 6.16.1 provision of new, well-designed, energy-efficient homes that will meet the needs of residents now and in the future;
 - 6.16.2 provision of around 5,000 new homes with the potential for a further 5,000;
 - 6.16.3 the target provision of c. 43% affordable housing on a habitable rooms basis (in relation to the Phase 2 development) and c. 40% by Dwelling number;
 - 6.16.4 shaping the new neighbourhood and giving it a distinct new character with a high quality design led approach to planning applications guided by the ELAAP with a focus on open spaces and waterside living;
 - 6.16.5 improved pedestrian, cycle and vehicular access links to improve permeability and to foster the creation of a healthy and safe community;
 - 6.16.6 negotiating contracts, development agreements and S106 agreements to lock in social value in order to tackle deprivation and poverty in the Edmonton wards and reduce inequality between different parts of the borough; and
 - 6.16.7 implementing the Employment Strategy (see above) which sets out how employment opportunities will drive a step change in the local economy away from low paid low skilled and low-density jobs towards higher paid skilled jobs accessible to Enfield residents.
- 6.17 Promotion or improvement of **environmental well-being** will occur through enhancement of the townscape through the replacement of outdated buildings with a contemporary and well-designed residential development. The public realm will be improved within the Scheme. The main environmental benefits are:
- 6.17.1 redevelopment of a brownfield site;
 - 6.17.2 increased housing density appropriate to the increased and sustainable transport connectivity of the area due to the Meridian Water station, increased train service, increased bus capacity through the Central Spine consistent with

the London Plan (adopted and emerging) and NPPF targets for optimising density;

6.17.3 creating new employment opportunities close to people's homes;

6.17.4 visual and ecological improvements to existing water courses; and

6.17.5 provision of efficient layouts and high quality public open space, community and recreational facilities.

6.18 The Meridian Water Sustainability Strategy was approved by the Council's Cabinet on 14 October 2020. This document sets out a vision and framework for how Meridian Water can achieve its ambition to become an exemplar sustainable development. The three identified goals address the three most significant global environmental challenges of climate changes, mass extinction of species and resource depletion:

6.18.1 Carbon Positive – Meridian Water will be carbon neutral by 2030 and strive for carbon positive over the whole life of the development. This will be achieved by minimising embodied carbon in construction, using sustainably sourced materials and fostering active travel and healthy low carbon lifestyles.

6.18.2 Environment Positive – Meridian Water will see the restoration of the natural environment and promotion of biodiversity through continuous green and blue networks linking Meridian Water to the LVRP.

6.18.3 Zero Waste and Circular – Meridian Water aims to eliminate waste through the adoption of circular design principles, sharing networks and eco-innovation.

6.19 For the above reasons, the well-being tests set out in Section 226(1A) are fully satisfied in respect of the CPO as made and submitted for confirmation.

6.20 **Whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means.**

6.21 The SIW facilitate the regeneration of Meridian Water. That regeneration faces a number of major obstacles; most pertinent is delivering infrastructure necessary to enable development of large mix used schemes. The Council has undertaken a comprehensive investigation of the options for the SIW necessary for Meridian Water and it has determined the design of the SIW proposed is the only viable means to achieve the planning policy objectives. The need for each element of the SIW is explained in section 3, which demonstrates both the overall need for the infrastructure and the specific reason for scale and location of the infrastructure proposed.

6.22 **Potential viability of the Scheme and general indication of funding intentions**

6.23 On 16 October 2019, the Council's Cabinet recommended authorisation of expenditure relating to the Meridian Water programme and then subsequently full Council approved on 20 November 2019 the two-year capital budget for Meridian Water for the period up to the end of financial year 2021/22. This budget includes all required expenditure in support of delivering of the Scheme including land acquisition costs, CPO fees and expenses, design and engineering consultancy fees, staff costs and enabling works in advance of SIW delivery. The Council's Cabinet report also included an indicative budget projection for

expenditure covering the period from 2022 – 2029. This budget was made on the assumption of completion of SIW delivery in 2022/23 and 2023/24 and included all SIW-associated costs for this period (including staff costs and consultancy fees). This budget is subject to future Cabinet approval in line with the established cycle of 2-yearly capital budget approvals for Meridian Water, but there is no reason to believe this would not be confirmed when presented to the Council's Cabinet later in 2021.

- 6.24 The Meridian Water capital budget was reviewed in Autumn 2020. This review took into account the confirmation of HIF grant funding, latest expenditure projections across workstreams and the changed national economic landscape in the context of Brexit and the Covid-19 pandemic. No changes were made to the overall approval envelope and no changes affected the allocation of budget to HIF-related workstreams.
- 6.25 The compensation payable as a result of the Order will be met by the Council from its general fund. The Council having considered advice about the estimated liability for the compensation, is satisfied it has the resources to pay all compensation arising out of the Order. The Property Cost Estimate is reviewed on a quarterly basis to ensure that sufficient budget has been allocated for land acquisition and compensation costs.
- 6.26 With regard to the costs of constructing the works the Council has secured £170m HIF funding from the MHCLG (of which £116m is allocated to the SIW subject to this Order, with the remaining £54m allocated to the rail enhancement works). A grant funding agreement has been entered into with MHCLG. Having taken independent advice, the Council is satisfied it has sufficient funds available for the construction of the SIW subject to this Order.
- 6.27 The Council will arrange for construction of the SIW and has selected contractors for this work. It is in the final stages of their appointment to framework.

7 Efforts to Acquire by Agreement

- 7.1 The Council owns the land required for the Phase 2 development having acquired it by private treaty agreement. The Council has also acquired other land interests within the Meridian Water boundary which to date equates to 74% of the developable area within Meridian Water. As stated at paragraph 3.2 above, 72% of the Order Land is already in the ownership of the Council, having been acquired via voluntary negotiations and furthermore, negotiations with remaining landowners are continuing.
- 7.2 The Order is intended solely to enable the acquisition of land and rights required for the SIW. The Council and its land agents have engaged with all landowners and occupiers to progress negotiations for the acquisition of interests and offers have been made. The Council will continue in its attempts to acquire interests by agreement with all parties who are willing to negotiate.
- 7.3 Genuine and sustained efforts have been made to acquire all the land and rights required for the SIW. In accordance with best practice, the Council will continue to endeavour to reach negotiated settlement and these efforts will continue in parallel with making the formal CPO process and have continued since the Order was made.
- 7.4 As stated above, a substantial amount of the Order Land is already in the ownership of the Council. This includes freehold land owned by the Council at Orbital Business Park and the Stonehill Estate, where various businesses occupy pursuant to leasehold and licence

interests. In respect of business occupiers of the Order Land, there is only one business with a protected tenancy affected by the Order and discussions are ongoing with this business, so as to negotiate Heads of Terms for voluntary agreement. The remaining businesses at Orbital and Stonehill are occupying pursuant to non-protected tenancies and the Council have been in regular dialogue with these businesses to make them aware of the Order. These businesses will need to vacate their premises to facilitate the SIW and their leases contain an option to break, enabling vacant possession of the site prior to commencement of works. They will be kept updated as regards proposed timings. Furthermore, the Council's Property Managing agent has been instructed to provide support to businesses wishing to relocate (see paragraph 10.7 below).

7.5 In relation to plots included in the Order of which the owners cannot be traced, the Council's advisers have examined details held at the Land Registry and Land Charges Department concerning these plots, and the Council has posted site notices in close proximity to the plots in question to try and obtain further information using its powers under section 16 of the 1976 Act and section 5A of the Acquisition of Land Act 1981. The Council considers it has made sufficient enquiries to identify any owners.

7.6 Given the number of interests identified in the Schedule to the Order and the unknown interests, it is unlikely that the Council will be able to acquire all of them by agreement within a reasonable period. The use of compulsory purchase powers is therefore necessary.

8 **Other Considerations**

8.1 **Highway Land**

8.2 The River Lee Navigation canal towpath forms part of National Cycle Route 1 and is a Public Right of Way. Temporary diversions during construction may need to be implemented but the existing routes will be restored at the conclusion of the works.

8.3 An unused bellmouth located along Argon Road is public highway which will be stopped up to allow remediation of the area. This is the subject of a stopping up order application under section 247 of the 1990 Act which has been submitted to the Council in its role as local highway authority.

8.4 **Open Space**

8.5 Within the Order Land are areas of open space within the definition set out in section 19 and schedule 3, paragraph 6 of the 1981 Act which comprise part of the River Lee Navigation canal and towpath (plot numbers: 102, 104, 105, 106, 109 and 112) (the **Canal and Towpath**).

8.6 Plots 102, 104 and 105 relate to the acquisition of new rights required to construct a new bridge over the Canal to accommodate a carriageway built to adoptable standards, along with rights for the maintenance, repair and use of the new bridge for the purposes of vehicular and pedestrian traffic.

8.7 Plot 106 relates to acquisition of land forming part of the Towpath to enable the conveyance of flood water over the Towpath to the flood relief channel to the east.

- 8.8 Plot 109 relates to the acquisition of new rights for construction of the bridge, flood mitigation works and public realm and accessibility improvements, along with rights for the maintenance, repair and use of the new bridge for the purposes of vehicular and pedestrian traffic and maintenance and repair of the flood mitigation works.
- 8.9 Plot 112 relates to the acquisition of new rights required for the purposes of flood mitigation works, along with rights for the maintenance and repair of the flood mitigation works.
- 8.10 These works have been the subject of extensive discussions with the Canal and River Trust, who own and manage the Canal and Towpath, to ensure that the continued use and enjoyment of the land by the public is preserved. The Canal and River Trust have also been consulted on the planning applications that relate to these works and the representations made during the planning application process have been addressed.
- 8.11 The acquisition of land and rights by the Council will not impact the continued use of the Canal and Towpath for recreation and all purposes for which the land is currently and ordinarily used. Public rights currently exercised are the use of the Canal for travel/mooring by canal boats and the Towpath is a public right of way used both as a mode of travel but also for recreational walking and cycling. The Towpath is designated as National Cycle Route 1. All activities will be unaffected by the Order. The design of the bridge ensures that the use of the Towpath is unaffected. The construction of the works may require a temporary closure of the Towpath however this will be subject to a separate procedure via an application to the highways authority under the Road Traffic Regulation Act 1984.
- 8.12 A separate application has been made to the Secretary of State under section 19 and Schedule 3 of the 1981 Act to certify that:
- 8.12.1 **Plots 102, 104 and 105 when burdened with new rights will be no less advantageous to the persons in who it is vested and to the public than it was before (Schedule 3, Paragraph 6(1)(a) of the 1981 Act)**
- 8.12.2 The new rights relate to the construction of a bridge for the purposes of public vehicular and pedestrian traffic. The rights to enter the land for the purpose of maintenance, repair and public use of the bridge are also sought.
- 8.12.3 The bridge has been designed to accommodate all existing uses of the Canal and Towpath, taking into account the requirements of the Canal and River Trust.
- 8.12.4 The land after acquisition of these rights will be no less advantageous to the Canal and River Trust (in whom it is vested) and the public than it was before. All existing public and private uses of the Canal and Towpath will remain unaffected by the construction and use of the new bridges.
- 8.12.5 Implementing accessibility improvements to the Canal (and other waterways in this area) is one of the key aims of the Meridian Water regeneration. A new bridge in this location will assist with wider connectivity of the new development (and surrounding areas) with the open space. This will result in an increase in accessibility and public enjoyment of the Canal and Towpath.

- 8.12.6 A condition attached to the SIW planning permission which authorises construction of the bridge (ref: 19/02717/RE3) requires a survey of the condition of the Canal waterway wall to be undertaken, a schedule of repairs required and evidence that such works have been completed to be submitted to and approved in writing by the local planning authority. A bridge risk assessment is also secured by a separate condition. This will ensure that any potential impact of the construction of the bridge on the Canal and its infrastructure is mitigated.
- 8.12.7 **Plots 109 and 112 when burdened with new rights will be no less advantageous to the persons in who it is vested and to the public than it was before (Schedule 3, Paragraph 6(1)(a) of the 1981 Act)**
- 8.12.8 The Council also seeks to acquire new rights over approximately 407 square metres of open space identified as Plots 109 and 112 in the Schedule to the Order and the Order Map (130 square metres and 277 square metres respectively). The land subject to this application is owned by the Canal and River Trust and forms part of the Canal Towpath.
- 8.12.9 Plot 109 includes the continuation of the new bridge discussed above in relation to Plots 102, 104 and 105. The same rights are therefore sought and the justification for seeking those rights applies equally to this application in relation to Plot 109. The bridge will be constructed in the air space above Plot 109 and no bridge abutments will be installed on the Towpath.
- 8.12.10 In addition, rights are sought on Plot 109 to enable construction of accessibility and public realm improvement works around the landing of the new bridge, to create accessible links from the Towpath to the new bridge. Works may also be required to reinforce walls along with Canal to accommodate the new bridge. The works will improve the quality and connectivity of the Towpath around the area of the new bridge. As mentioned above, planning conditions will ensure works to the Canal associated with the new bridge are appropriately carried out and the acquisition of these rights ensures that the Council has the ability to undertake any such works to the Canal.
- 8.12.11 In relation to Plot 112 the new rights are required to install a low level flood mitigation barrier adjacent to the Towpath. The rights to enter the land for the purpose of maintenance and repair and of the barrier are also sought. This barrier is required to mitigate the increase in flood risk caused by the development in the adjacent industrial area. The flood restraint barrier would not impact on visual amenity within the street scene or neighbouring amenity. The flood mitigation barrier will also extend on to Plot 109.
- 8.12.12 The installation of the flood barrier will be alongside the Towpath; it will be attached to the existing vehicle barrier to provide a continuous flood barrier. The barrier has minimal impact on the width of the Towpath as such the installation will not affect the ongoing use or operation of the Towpath for the benefit and enjoyment of the Canal and River Trust or the public. The Towpath's status as a public right of way and part of National Cycle Route 1 is not affected by the works or by the Order.
- 8.12.13 The works on Plots 109 and 112 do not affect or impact the continued use of the Towpath for all purposes. In addition, the public realm and accessibility

improvements as well as the connectivity benefits of the new bridge mean that acquisition of the new rights will increase the opportunities for the public to use and enjoy the open space. As such the open space when burdened with new rights will be no less advantageous to the persons in whom it is vested and to the public than it was before.

8.12.14 **Plot 106: the acquisition of land in respect of Plot 106 does not exceed more than 209 square metres (250 square yards) in extent and that the giving of exchange land is unnecessary (section 19(1)(b) of the 1981 Act)**

8.12.15 The Council seeks to acquire all interests in approximately 58 square metres of open space. The land falls within the ownership of the Canal and River Trust and forms part of the Towpath. As part of the regeneration the Council proposes to undertake flood alleviation works which will facilitate residential development on the remainder of the Meridian Water. As part of these works a flood relief channel will be created between the Towpath and the proposed flood compensation areas on Edmonton Marshes (Plots 127-135 (inclusive) and 137 on the Order Map). Acquisition of Plot 106 is required to ensure the free passage of flood water from the Towpath to the flood relief channel and for the future maintenance and protection of the flow route.

8.12.16 The flood flow will be over the Towpath and will not affect the ongoing use or operation of the Towpath for the benefit and enjoyment of the Canal and River Trust or the public. The Towpath's status as a public right of way and part of National Cycle Route 1 is not affected by the works or by the Order. It will also not affect the appearance of the Towpath. As such the giving of exchange land is unnecessary.

8.13 Implementing accessibility improvements to the Canal (and other waterways in this area) is one of the key aims of the regeneration. A new bridge in this location will assist with wider connectivity of the new development (and surrounding areas) with the open space. These works will result in an increase in accessibility and public enjoyment of the Canal and Towpath.

8.14 Overall with the SIW and Phase 2 development there will be a net increase in the open space within Meridian Water, as well as the accessibility and qualitative improvements to the open space consisting of the Canal and Towpath.

8.15 **Utilities**

8.16 Gas mains underneath Plot 92 are owned by Cadent Gas Limited. These mains lead to a gas governor on plot 93 which is proposed to be relocated as part of the SIW. These mains will therefore become redundant and re-routed to the relocated gas governor (see paragraph 8.13 below).

8.17 Plot 93 is owned by Cadent Gas Limited and includes a gas governor. It is proposed to relocate this as part of the Phase 2 planning permission to an alternative location within Meridian Water. The Council has identified a plot of land in its ownership which is a short distance from the existing gas governor and which it considers to be suitable for the proposed relocation. This was put forward as a relocation proposal in a meeting July 2019 between the respective design engineers of the Council and Cadent. The Council has prepared Heads of Terms to Cadent for the relocation of the gas governor to the new

location and a land swap of the freehold interests of the existing and proposed gas governor site. The terms proposed would leave Cadent in an equivalent position to that which exists at present at no cost to Cadent. Heads of Terms were issued to Cadent in August 2020 and they confirmed agreement in principle to the terms proposed. The Council is seeking to formally progress the agreement with Cadent with the aim that the acquisition and land swap will proceed by private treaty agreement.

- 8.18 Plot 94 is the location of a substation operated by Eastern Power Networks which is proposed to be relocated as part of the Phase 2 planning permission to an alternative location within Meridian Water.
- 8.19 Plot 108 is owned by Eastern Power Networks and plot 110 is the location of a substation operated by Eastern Power Networks. From the Council's investigations it appears plot 108 was the intended location for the substation but in practice the substation was installed in plot 110. There is no substation located in plot 108.
- 8.20 The Council is seeking to reach agreements with Eastern Power Networks for the relocation and reinstatement of the operational substations for which there remains an ongoing operational requirement and for such relocation to occur in a timely manner in a way that will not impact upon Eastern Power Networks' statutory undertaking. The Council has contacted Eastern Power Networks and will continue to discuss the matter with Eastern Power Networks with a view to reaching an agreement on this basis.
- 8.21 Plot 133 is owned by Thames Water Utilities Limited who contend this area is 'operational land' being necessary to carry out its statutory functions in accordance with the Water Industry Act 1991. Plot 133 has underground water pipes used by Thames Water Utilities Limited. The Council does not consider the existence of pipes under this land to be sufficient to establish that the land is necessary to carry out Thames Water's statutory functions. The Council has asked Thames Water Utilities Limited to provide evidence to demonstrate that Plot 133 was acquired for the purposes of its undertaking, but to date no information has been received. In any case the Council considers plot 133 can be acquired without serious detriment to the carrying on of the statutory undertaking of Thames Water. The Council has designed the flood alleviation works (see section 3 above) so that the excavation and lowering of ground levels will be carried out avoiding Thames Water's underground pipes and apparatus. Access will be maintained to the underground pipes to allow Thames Water to maintain its apparatus during the flood alleviation works and earthworks and after the works are completed.
- 8.22 Negotiations are ongoing between the surveyors acting for the Council and Thames Water with the aim of achieving a private treaty agreement. These negotiations are focussed on the commercial terms but include provision for asset protection measures to ensure the underground water pipes are protected in accordance with Thames Water's requirements.
- 8.23 In addition, there is an electricity pylon sited on plot 133 which is connected to overhead transmission line operated by National Grid Electricity Transmission plc. The overhead transmission line also oversail plots 131, 132 and 135. The excavation works will exclude the area occupied by the pylon and the National Grid apparatus will remain in-situ and will be unaffected by the works. Access to the transmission lines will be maintained. No interest is to be acquired from National Grid Electricity Transmission, but the Council has agreed to enter into an asset protection agreement to ensure that the operational

equipment is protected. A draft agreement has been shared between the parties and it is anticipated that this will be completed shortly.

- 8.24 In addition, the Council's searches have revealed further electricity substations within Plot 39 and Plot 72. Diligent enquiries with statutory undertakers and investigations indicate that these are private substations. There is no indication that either substation was acquired by a statutory undertaker for the purposes of its undertaking.

9 Human Rights Considerations

- 9.1 Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with the European Convention on Human Rights (**ECHR**). Articles 6 and 8 and Article 1 of the First Protocol are potentially relevant to the compulsory purchase of land:-

9.1.1 Article 6 provides that everyone is entitled to a fair and public hearing in the determination of his civil rights and obligations.

9.1.2 Article 8 provides that everyone has the right to respect for his private and family life and that there shall be no interference by a public authority with the exercise of this right except in accordance with the law, where there is a legitimate aim and where it is fair and proportionate in the public interest.

9.1.3 Article 1 of the First Protocol provides for the peaceful enjoyment of possessions (including property) and that no one shall be deprived of possessions except in the public interest and subject to the conditions provided for by law.

- 9.2 It is well settled that the compulsory purchase of land is not contrary to the ECHR if it is undertaken in the public interest and in accordance with the law and procedures laid down by statute. The requirements of the ECHR are reflected in paragraphs 12 and 13 of Guidance:

"12. A compulsory purchase order should only be made where there is a compelling case in the public interest.

An acquiring authority 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 affected. Particular consideration should be given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention".

"13. The minister confirming the order has to be able to take a balanced view between the intentions of the acquiring authority and the concerns of those with an interest in the land that it is proposing to acquire compulsorily and the wider public interest. The more comprehensive the justification which the acquiring authority can present, the stronger its case is likely to be.

However, the confirming minister will consider each case on its own merits and this guidance is not intended to imply that the confirming minister will require any particular degree of justification for any specific order. It is not essential to show that land is required immediately to secure the purpose for which it is to be acquired, but a confirming minister

will need to understand, and the acquiring authority must be able to demonstrate, that there are sufficiently compelling reasons for the powers to be sought at this time.”

- 9.3 In making this Order, the Council considers that there is a compelling case in the public interest to justify the confirmation and exercise by the Council of powers of compulsory acquisition over the Order Land so as to secure the social, economic and environmental public benefits.
- 9.4 No plots within the Order Land contain residential properties and only one business with a protected tenancy needs to be compulsorily acquired as a result of the Order or the SIW. The Council is in discussions with the occupying business.
- 9.5 Impacts on existing businesses will be mitigated by the Council. Measures to minimise detrimental impact upon access for IKEA and the Arriva Bus depot are explained above in section 3. The Council has also engaged in a significant programme of dialogue with existing businesses to understand and appropriately mitigate any effects during construction.
- 9.6 Those whose interests are acquired under the Order will be entitled to compensation in accordance with relevant statutory provisions.
- 9.7 The Council is of the view, therefore, that the need to acquire the Order Land in the public interest outweighs any detrimental impact upon persons having interest in any of the Order Land, and consequently that the Order is compatible with the ECHR.

10 **Public Sector Equality Duty**

- 10.1 The Council has had due regard to the considerations listed in section 149 of the Equality Act 2010 and has taken this into account in the assessment of the Order.
- 10.2 An Equalities Impact Assessment (**EQIA**) by Ottaway Strategic Management Ltd was commissioned by the Council to consider the impacts of the Order. The EQIA concluded that there are no direct negative equality impacts identified against any of the protected characteristics. However, there are some groups with protected characteristics who are likely to experience proportionately higher consequences of the Scheme and these are:
- 10.2.1 White other staff, including Eastern European, Turkish and Greek;
 - 10.2.2 BAME Staff;
 - 10.2.3 Women in properties in third party ownership; and
 - 10.2.4 Older members of the workforce potentially less able to re-engage in the labour market if their jobs are lost to the relocation programme.
- 10.3 The EQIA proposed several mitigation measures to address these indirect impacts which the Council intends to implement as the Scheme progresses.
- 10.4 The EQIA also acknowledges significant potential positive impacts of the Scheme resulting from the Order (discussed above in section 6 but including for example, new homes, social infrastructure and employment growth) and that these benefits will likely impact on all the aforesaid groups having protected characteristics.

- 10.5 An EQIA was also prepared by the Council's Strategic Planning Team to support the ELAAP submission. The planning applications for Phase 1 and Phase 2 were each subject to an EQIA. The Phase 2 application currently pending consideration was accompanied by a socio-economic analysis as part of the Environmental Statement. No substantive negative impacts to persons or groups with protected characteristics were identified.
- 10.6 Additional regard has been given to any potential impact of the Order upon groups with the protected characteristics outlined by Section 149 of the Equalities Act 2010 and the provisions contained therein and an EQIA has been undertaken in respect of the making and subsequent implementation of the Order. The Council has considered and is implementing the suggested mitigation measures proposed in the EQIA. It is considered that due regard has been given to the impact of the SIW on all relevant groups within the protected characteristics schedule and that no equalities issues arise.
- 10.7 Further to this assessment, the Council's Property Managing agent has been instructed to provide support to businesses wishing to relocate as a result of the Meridian Water regeneration scheme at large. This support is in the form of communicating with businesses to identify property requirement, undertaking property searches and providing details of potential relocation properties as well as general property market information for the area.

11 Council's Response to Objections to the Order

- 11.1 In total, nine objections were made in respect of the Order. The position of each objector is summarised in the following paragraphs, together with a summary of the Council's response. The Council reserves the right to expand upon and add to the matters summarised below, when submitting evidence to the Public Inquiry to be held in respect of the Order.
- 11.2 **Objection Letter from Ward Hadaway on behalf of the Canal and River Trust dated 28 September 2020**
- 11.2.1 **Objection:** *The Council has failed to demonstrate that the CRT's land is required.*
- 11.2.2 **Response:** The specific justification for requiring the Order Land is set out in section 3 of this Statement. In relation to CRT's land which constitutes open space land, further detail is provided in section 8. Further technical detail in respect of the basis on which the interests/rights in the various plots are required, will be provided in evidence.
- 11.2.3 **Objection:** *The Council has failed to demonstrate proper consideration of alternatives.*
- 11.2.4 **Response:** CRT's land is principally affected by the Central Spine Road. The necessity for an east-west road through Meridian Water is firmly established in planning policy (section 4 above) and a broad corridor for that route has been safeguarded in the ELAAP. Given CRT's landownership, along the River Lee Navigation, an alternative route of the Central Spine Road avoiding CRT's land is essentially impossible. The precise alignment of the Central Spine Road has been chosen taking into account a number of factors including representations from landowners, the existing layout of the area (following the existing route of

Glover Drive) and transport planning consideration ensuring the route optimises transport connectivity of Meridian Water, as detailed in section 3 above. Further technical detail in respect of the rationale for the choice of the ultimate engineering design/route selected will be provided in evidence.

- 11.2.5 **Objection:** *The Council has failed to seek acquisitions by agreement.*
- 11.2.6 **Response:** The Council rejects this assertion. The Council and its agents have been engaging in negotiations to acquire the relevant interests/rights in land by agreement since November 2018. Records of communication and engagement with CRT will be presented in evidence to the Public Inquiry demonstrating the genuine and sustained efforts on the part of the Council to acquire by agreement.
- 11.2.7 **Objection:** *The Council has failed to identify and assess potential impacts on Trust's management and maintenance of its estate.*
- 11.2.8 **Response:** The Council has sought to liaise with CRT about the design of the SIW with a view to minimising impacts, and CRT's representations have been taken into account when designing the scheme. Meetings during the design of the SIW took place with CRT and the Council's planning and engineering consultants on 4 June 2018, 8 November 2018, 25 July 2018 and 27 February 2019. In addition a series of five meetings were held between CRT, the Council and Periscope (landscape architect for the scheme) during 2020 to discuss the proposed works along the Towpath. Records of engagement with CRT will be presented in evidence to the Public Inquiry. CRT was also consulted as part of the planning application for the SIW and its requirements were taken into account by the local planning authority when granting permission.
- 11.2.9 **Objection:** *CRT has engaged with consultations on planning policy and planning applications relating to Meridian Water. Whilst CRT has no objection to the principle of the regeneration, it raises concerns regarding the impacts on its operations.*
- 11.2.10 **Response:** CRT's representations have been taken into account in the design of the SIW and during the planning application process concerns raised by CRT were addressed. The officer report to the Council's planning committee relating to the SIW noted that CRT "*have been engaged in a number of rounds of pre-application discussions*" and the report concluded "*conditions are recommended in accordance with Canals and River Trust advice, to address all the matters that they have requested be covered by conditions*". The report also details several of CRT's concerns (including safety of steps down to the towpath, surfacing, lighting, impact on river walls, and enclosures) all of which have been addressed by planning conditions. The concerns of CRT relating to scheme design have therefore been addressed by the SIW planning permission. No challenge was made by CRT to the granting of the SIW planning permission.
- 11.2.11 **Objection:** *CRT has requested clarification of delivery options for Phase 2.*
- 11.2.12 **Response:** As detailed in sections 3 and 6 above the Council have procured a development partner, Vistry Partnerships for the first sub-phase of Phase 2.

Vistry have also been selected to deliver Phase 1. Vistry are an experienced regeneration specialist, with over 100 sites currently under construction in England and the Council is confident that Vistry can deliver the first sub-phase of Phase 2. The Council's delivery strategy for the remaining parts of Phase 2 are discussed in section 3 above.

- 11.2.13 **Objection:** *CRT has requested clarification of funding in light of the Covid-19 pandemic*
- 11.2.14 **Response:** HIF Funding remains unaffected by the Covid-19 pandemic, as such funding for undertaking the SIW remains. Further the Council funding for payment of compensation has also not been affected. The Council has a budget set aside to pay compensation, from a capital programme as described at 6.23 to 6.25 above.
- 11.2.15 **Objection:** *The CPO does not contain all the rights needed to implement the SIW planning permission, namely the CPO does not include rights of access to undertake surveys of the canal as required by planning condition.*
- 11.2.16 **Response:** The Order includes adequate rights to survey the Canal within the Order Land. To the extent that any surveys are required to the Canal wall, outside the Order Land, the Council will rely on the powers under section 172 of the Housing and Planning Act 2016. The surveys are for the benefit of CRT to ensure their assets are protected and to address the concerns they raised as part of the planning process.
- 11.2.17 **Objection:** *Details are requested of construction timescales, specifically in relation to the flood mitigation barrier (which is subject to a planning condition linking delivery to completion of the flood conveyance channel) to ensure that the mitigation barrier can be implemented within the lifetime of the planning permission.*
- 11.2.18 **Response:** Condition 3 of the flood mitigation barrier consent (ref: 20/00112/RE4) prevents construction of the barrier until the flood conveyance channel (under the SIW consent) has been completed. The flood barrier consent must be implemented within 3 years otherwise it will lapse, i.e. before 22 July 2023. The Council is finalising the procurement of a contractor to undertake the design and construction of the SIW works. This process is not complete, but the programme from the preferred contractor shows the following construction dates demonstrating the deliverability of the flood mitigation barriers within the required timeframes:
- (a) Completion of flood conveyance channel – 24 January 2023
 - (b) Construction of flood mitigation barrier – 25 January 2023
- 11.2.19 **Objection:** *The Council's basis of valuation underpinning negotiations is incorrect with reference to sections 6A to 6E of the Land Compensation Act 1961 and the identification of the 'scheme'.*

- 11.2.20 **Response:** The Council does not agree with CRT's interpretation of the statutory provisions. In any event, this is a valuation issue and not relevant to determination of the Order.
- 11.2.21 **Objection:** *The scope of the Order is excessive in the acquisition of freehold land rather than rights.*
- 11.2.22 **Response:** Wherever possible the Council has sought to acquire rights rather than a freehold acquisition and significant technical work was undertaken to establish precisely what powers are required in order to implement the SIW. In relation to CRT, the Council has sought to acquire rights over all land forming part of the Canal and Towpath to minimise the impact on CRT, save in relation to Plots 101, 106 (for the free passage of flood water over the Towpath) and 113 (for the delivery of the flood mitigation barrier) where outright acquisition is required. This is due to the Council needing to undertake permanent works or needing the ability to control any change to ground levels to ensure the flood mitigation measures operate as designed which is not possible without the freehold acquisition of land. The acquisition of the freehold of Plot 106 which forms part of the Towpath will not impact the use of the Towpath by the public or its status as a public right of way (see section 8 above).
- 11.2.23 Details regarding the necessity of the flood mitigation measures are set out in section 3 above and further technical evidence will be presented in evidence to the Public Inquiry. In summary in relation to the three CRT plots which are subject to acquisition under the Order:
- (a) In relation to Plot 101, it is required in order to construct the bridge abutment and to undertake the remediation and earthworks on the west bank;
 - (b) In relation to Plot 106, it is necessary to maintain the existing ground levels to ensure flood water flows over the Towpath and into the flood conveyance channel as designed in the flood mitigation strategy; and
 - (c) In relation to Plot 113, this is required to upgrade Towpath Road to create the new access arrangements to the Arriva Bus Depot as set out in paragraph 3.23.5.
- 11.2.24 **Objection:** *CRT has sought clarification whether rights of discharge or drainage into canal are sought.*
- 11.2.25 **Response:** Generally surface water drainage from the development is directed either to the Pymmes Brook (to the west of Zone 4 & 5) or the Edmonton Marshes area (to the east of Harbet Road). There are some areas of Zone 4 and 5 which cannot drain by a gravity sewer connection to the Pymmes Brook; it is proposed that run-off from these areas is discharged to the Canal. This is as set out in the drainage strategy included within the Flood Risk Assessment submitted with the Phase 2 and SIW planning application. The arrangement and volume of the discharges will be developed during the detailed design stage, when the appropriate application will be made to CRT. The CRT requirements for a discharge as set out in the CRT Code of Practice will be incorporated in the detailed design and implementation of the discharges.

11.2.26 **Objection:** *The acquisition of the freehold interests will prejudice CRT's ability to properly manage its estate and the operation and maintenance of the waterways and adjoining land and generally perform its statutory functions.*

11.2.27 **Response:** The Council disagrees that the acquisition of the land and rights in the Order will impact the maintenance and management of the Canal and Towpath. Further information is set out in section 8 above. The Order will facilitate works that will provide greater public access to the Canal which is in line with CRT's objectives. The limits on the extent to which the acquisition of interest/rights will impact upon CRT's operations will be further detailed in evidence.

11.3 **Objection submitted by Bryan Cave Leighton Paisner LLP on behalf of Tesco Stores Limited dated 24 September 2020**

11.3.1 **Objection:** *Plot 6 is shown coloured pink on CPO Map but it should be coloured blue as this schedule refers to new rights.*

11.3.2 **Response:** This is incorrect. Plot 6 is coloured blue on the CPO Map.

11.3.3 **Objection:** *Tesco has rights over Plots 1, 8 and 9 which are not shown in Table 2 of the Order.*

11.3.4 **Response:** The Council conducted diligent enquiries, including sending land information questionnaires to Tesco to which no response was received. The Council maintain that Tesco has no right over Plot 1 as any rights held ceased once the access road in question became an adopted highway. In relation to Plots 8 and 9, Tesco is recorded as having interests in these plots relating to a right of access in Table 2 of the Order.

11.3.5 **Objection:** *The CPO will interfere with every pedestrian and vehicular access to Tesco as a result of the Central Spine Road and the North South Link Road.*

11.3.6 **Response:** The land acquired is limited to that area required to undertake works to create the Central Spine Road and the Northern Link, along with temporary rights to undertake those works. The land take does relate to access points but access will be maintained throughout the works being undertaken and will be of at least equivalent quality on completion of works. If agreement is not reached with Tesco, the Council is willing to provide formal undertaking to preserve access.

11.3.7 **Objection:** *Certainty that any adverse impacts on the continued operation of the Tesco store can be prevented is something that can only appropriately be attained by way of private treaty agreement between Tesco and the Council (with the advice of highways and other consultants).*

11.3.8 **Response:** Acquisition of the relevant interests necessary to deliver the SIW can be achieved by agreement or by way of the Order. The Council can achieve the aims of the SIW and protect Tesco's operations without agreement, but its strong preference would be to reach agreement with Tesco. Negotiations are ongoing with Tesco and draft Heads of Terms for an agreement have been exchanged.

- 11.3.9 **Objection:** *Risk of significant business disruption or even extinguishment.*
- 11.3.10 **Response:** The design of the SIW and the phasing of construction will allow Tesco's operations to continue uninterrupted.
- 11.4 **Objection by Montagu Evans on behalf of BS Pension Fund Trustee Limited (BSPF) dated 30 September 2020**
- 11.4.1 **Objection:** *BSPF support Tesco's objections regarding operational concerns for the existing Tesco store.*
- 11.4.2 **Response:** Addressed above in relation to Tesco's objections.
- 11.4.3 **Objection:** *BSPF have concerns that if the CPO is implemented but the SIW never delivered, this would impact upon Tesco / BSPF redevelopment proposals.*
- 11.4.4 **Response:** The Council has addressed this issue in draft Heads of Terms with Tesco (mentioned above) which provide for the ability for land to be transferred back to Tesco in the event that the SIW are not delivered. The Council is willing to give an undertaking to this effect.
- 11.4.5 **Objection:** *Compulsory acquisition is not necessary as BSPF has already indicated that it is prepared to vary its lease to enable the required works to occur.*
- 11.4.6 **Response:** As set out above, the Council must obtain compulsory purchase powers to ensure that the land and rights required to implement the SIW can be acquired within the necessary timeframe. The Council's strong preference remains to reach agreement with BSPF (and Tesco). As stated above, in relation to Tesco's objections, the Council is clear that compulsory acquisition and implementation of the SIW in the manner proposed, can be achieved without adversely impacting Tesco's operations.
- 11.4.7 **Objection:** *A consequence of the straightening of the Northern Link is the "orphaning" of Plot 13 (owned by IKEA). This creates an area of land between the Tesco / BSPF ownership and public highway which could affect the future redevelopment potential.*
- 11.4.8 **Response:** The 'orphaning' of Plot 13 arose as a result of the design of the SIW. Tesco and BSPF were consulted in respect of the planning application submitted in respect of the SIW (in respect of which permission was granted), and this issue was not raised. In any case, the land owned by Tesco and BSPF will remain adequately connected to the public highway. There is no technical justification to acquire Plot 13 to implement the SIW, therefore it would not have been proportionate or reasonable for the Council to seek compulsory acquisition of this land notwithstanding the issue concerning BSPF.

- 11.5 **Objection submitted by Shoosmiths on behalf of IKEA Properties Investments Ltd, IKEA Ltd, IKEA Leasing Ltd and Commerzbank Aktiengesellschaft dated 21 September 2020**
- 11.5.1 **Objection:** *The Council has not taken any reasonable steps to acquire the land by agreement and has not discussed any proposed terms for acquisition by private treaty.*
- 11.5.2 **Response:** The Council has engaged with IKEA throughout the design of the SIW and has proactively engaged with IKEA's concerns. The Council's records demonstrate significant and substantial engagement with IKEA amounting to sustained and genuine efforts to acquire the land required by agreement. In addition, numerous meetings have taken place between the Council and IKEA (and their respective consultant teams) regarding the design of the SIW and IKEA's requirements. The Council will address this matter and provide relevant records in evidence to the Public Inquiry.
- 11.5.3 **Objection:** *The Council has failed to respond to detailed requests for information by IKEA and their agent.*
- 11.5.4 **Response:** The Council is unaware of any outstanding requests for information and has, since receiving this objection, the Council has had a meeting with IKEA and has sought to clarify with IKEA's advisors what information is being referred to in this objection. No clarification has yet been provided. The Council is committed to working with IKEA and will provide any reasonable information requested.
- 11.5.5 **Objection:** *Severance of IKEA's Northern Car Park with no obligation for a replacement to be provided in advance of severance.*
- 11.5.6 **Response:** In response to IKEA's requests, and in consultation with IKEA, the Council has obtained planning permission for the relocation of the car park to the south of the Central Spine Road. The Council has agreed to pay for the cost of the relocation of the car park as part of a compensation package and has set this out in the form of draft Heads of Terms. Planning condition 18 attached to the SIW planning permission requires the accesses into the relocated car park to be in place prior to accesses to the Northern Car Park being altered. Planning permission for the new car park was granted on 18 June 2020 (Ref:20/00111/RE4). IKEA have appointed Mace to project manage these works. As such delivery and operation of the replacement car park will be wholly within the control of IKEA and IKEA has a duty to mitigate any losses. IKEA is fully aware of these proposals.
- 11.5.7 **Objection:** *Viability of the Scheme has not been demonstrated.*
- 11.5.8 **Response:** The overall viability of Meridian Water has been subject to significant scrutiny from MHCLG as part of the successful Housing Infrastructure Fund bid. As part of that bid, detailed information on financial viability was provided. Viability of the current development phases, Phase 1 and Phase 2 have been demonstrated at the planning application stage. The successful procurement of Vistry Partnerships to deliver Phase 1 and the first sub-phase of Phase 2 (after competitive tender processes) also demonstrates

the viability of the proposed development at Meridian Water to the wider market.

11.5.9 HIF Funding remains unaffected by the Covid-19 pandemic and there is no evidence to justify a conclusion that the Scheme has ceased to be viable.

11.5.10 **Objection:** *Alternative options have not been considered.*

11.5.11 **Response:** The principal impact on IKEA comes from the route of the Central Spine Road. As IKEA's land extends from the north to the southern boundary of Meridian Water there is no alternative to the Central Spine Road severing IKEA's land. As stated above, the necessity for the Central Spine Road is clearly set out in adopted planning policy where a corridor for the Central Spine Road was safeguarded. The correct forum to contest the principle of the Central Spine Road was through the examination procedures for the ELAAP. The Council have consulted with IKEA on various design options and responded to alternative proposals put forward by IKEA which have resulted in current design of the Central Spine Road.

11.5.12 Various alternatives to the Central Spine Road were considered. The Council will present detailed evidence to the Public Inquiry demonstrating how the final route and alignment was formulated, but in summary the principle of an east west route was established by the Core Strategy in 2010 and a number of alignment options of the main east-west connection through Meridian Water have been considered and evaluated.

11.5.13 In relation to the impact on IKEA through acquisition of rights to undertake works to Pymmes Brook (Plot 73), these are required to increase the height of the existing wall to provide flood mitigation as a result of the naturalisation of Pymmes Brook. In order to construct the increase in wall height, it is proposed to access the wall from the IKEA site, this is why the extent of Plot 73 adjacent to the Pymmes has been identified together with appropriate rights. Alternative options were considered and the Council's proposals were shared with IKEA and its engineering consultants. Technical evidence on this will be presented to the Public Inquiry.

11.5.14 **Objection:** *Insufficient information has been made available about the proposed scheme and when the IKEA land would be needed*

11.5.15 **Response:** As set out above the Council believes it has engaged proactively and effectively with IKEA in the design of the scheme and its proposed timetable for construction of the SIW.

11.6 **Objection Submitted by Hastingwood Securities Ltd on behalf of A&A Skip Hire Ltd dated 2 October 2020**

11.6.1 **Objection:** *The CPO impacts a valuable local business (A&A Skip Hire Ltd)*

11.6.2 **Response:** The Council has pursued internal enquiries with its Property department to ascertain whether there are any vacant properties in the Council's portfolio that could serve as a relocation site. Unfortunately the Council does not have any suitable sites for relocation. The Council has

subsequently commissioned its Property Managing Agent to conduct a search to for any suitable sites for relocation in north and east London. The Agent is liaising with the business to understand the most up to date property specification and acceptable radius for search.

11.6.3 The Council has also undertaken research into the provision of local skip hire businesses in the vicinity and found no evidence to suggest that the local market would not be able to absorb additional demand in case the business is relocated outside the area. Based on information provided by London waste planning authorities and the EA:

- (a) A&A Skip Hire Ltd received on average around 4% of transfer and treatment tonnage in 2014-2018 in Enfield and its share of tonnage has decreased to 2% in 2017-2018;
- (b) there are eleven transfer and treatment facilities in Enfield, with six in Edmonton with five more facilities in adjacent Haringey and Waltham Forest, with many having received tonnage in 2018 below their peak levels observed in 2014-2018; and
- (c) there are at least forty six companies with the same registered nature of business ('Treatment and disposal of non-hazardous waste') in Enfield, Haringey and Waltham Forest that have submitted their accounts to the Companies House since 2018, including 5 registered in the local postcode areas (N18, N17).

11.6.4 **Objection:** *Acquisition of land is not essential to achieve the stated purpose.*

11.6.5 **Response:** The Council requires Plot 136 for flood mitigation works as detailed in paragraph 3.2.24 above. Technical evidence will be presented to demonstrate the extent of the compensatory flood storage capacity required to allow for the residential development of Phase 2. In summary, to provide the required flood compensation it is necessary to maximise the extent of land where levels are reduced, this includes part of Plot 136. A drainage connection needs to drain out to the River Lee after any flood event has receded. This is achieved by connecting to an existing surface water drain within Harbet Road, which in turn outfalls to the River Lee. The headwall and pipe connection from the lowered area within Plot 136.

11.6.6 **Objection:** *The Scheme ignores the SIL designation.*

11.6.7 **Response:** The SIW have been designed to maintain access to the existing industrial uses. This is explained in paragraph 3.22.5 above. The Council's justification for the Order is clear that the land is designated as SIL and that the justification for the Order is based on existing planning policy (based around 5,000 homes and retention of the SIL). In addition to the main benefits of the SIW for the regeneration, the SIW also has connectivity benefits to the existing SIL (linking SIL to public transport; improvements to current poor estate road access).

11.7 **Objection submitted by National Grid Electricity Transmission (NGET) dated 29 September 2020**

11.7.1 **Objection:** *NGET will require appropriate protection of its apparatus including compliance with relevant standards for works within close proximity of its apparatus. Existing overhead lines are protected by Deeds of Easement which provide full rights of access to retain, maintain, repair and inspect.*

11.7.2 **Response:** The SIW will not impact NGET's apparatus – there is no land acquisition or extinguishment of rights. The Council has designed the SIW to accord with the necessary covenants and technical specifications. The Council is willing to enter into an asset protection agreement to safeguard the apparatus and has been in contact with NGET regarding this.

11.7.3 **Objection submitted by Savills on behalf of Thames Water Utilities Limited (TW) dated 23 September 2020**

11.7.4 **Objection:** *The property serves as a key site acting as a corridor for numerous pipelines and it is essential that an appropriate level of protection is secured to protect these assets and future assets that TW may wish to install. TW assert that insufficient engagement has been undertaken by the Council regarding: when land is required; how TW assets will be protected; assurances to TW that the severity of the risk to their assets is understood; and protection of their assets is being appropriately addressed with sufficient safeguarding in place. TW seeks exclusion from the Order or alternatively TW is prepared to discuss putting arrangements in place to protect its interests which would enable withdrawal of the objection.*

11.7.5 **Response:** The Council has been engaging with TW for a significant period of time and will provide records of its correspondence with TW as evidence of these efforts. During this time the Council has repeatedly sought information from TW on the status of this land and the protective measures required, without a substantive response. The Council believes the design of the SIW protects TW's apparatus. Further the Council is prepared to enter into an asset protection agreement to the extent that such agreement is necessary.

11.8 **Undated objection submitted by the Lee Valley Regional Park Authority (LVRPA)**

11.8.1 **Objection:** *Efforts to compulsorily acquire the LVRPA's land are unnecessary, excessive and disproportionate. The LVRPA state that the Council recently withdrew from negotiations regarding a potential land swap which demonstrates that the acquisition of the Order land could have been dealt with by agreement.*

11.8.2 **Response:** The Council has been engaging with LVRPA regarding acquisition of the land for some time. Recently the parties agreed 'in-principle' terms for a land swap. However, when the Council's internal approval process was undertaken the land swap was not given approval. The negotiations took place in good faith, but the Council had to withdraw the offer in light of its legal duty under the Local Government Act 1972 to seek 'best consideration' when disposing of land. The Council is willing to engage on the basis of a straight purchase of the required land and is ready to make an appropriate financial offer on this basis. The very fact of the parties having tried but failed to reach

agreement regarding the voluntary sale/acquisition of the relevant interests demonstrates that powers of compulsory acquisition are indeed needed in order for the Council to acquire the interests necessary to deliver the SIW.

- 11.8.3 Further, this element of LVRPA's objection demonstrates that the LVRPA has no fundamental objection to disposing of this land and that its statutory functions do not prevent it from disposing of the land to the Council for the purposes of the SIW and the Scheme. Indeed, in response to the SIW planning application LVRPA responded stating "*the LVRPA has no fundamental objection to disposing of this land nor do any of its statutory functions prevent it from disposing of the land to the Council for the purposes of the SIW and the Scheme*".
- 11.8.4 **Objection:** *Inclusion of land is contrary to the Park Act 1966 and the Park Plan and the public interest. The purpose for the acquisition of the land is to facilitate a housing led mixed use scheme. This is inconsistent with the purposes for which the LVRPA hold the land and neither would they further LVRPA's statutory purpose or function.*
- 11.8.5 **Response:** The development which is facilitated is not on the land being acquired from the LVRPA. Conversely the land being acquired from the LVRPA will be improved and made available for public recreation and uses consistent with the LVRPA's statutory function. The land is currently degraded and not accessible to the public. The Park Plan 2000 identifies the land as part of a Landscape Investment Area (**LIA**), which are areas with negative, visually or physically fragmented and degraded character and "*require landscaping for identifiable recreational, leisure or nature conservation activities to bring them up to the higher standard seen in more attractive parts. They therefore present a major opportunity for both the development of recreational activities and landscape improvement. These areas often require significant intervention. LIAs are largely comprised of derelict or degraded land or of inappropriate development of poor design and scale*". The Council's proposals to develop a country park on the land to be acquired from LVRPA after completion of the SIW are entirely consistent with the Park Plan. The completion of the country park is secured by the section 106 agreement relating to the Phase 2 planning permission.
- 11.8.6 LVRPA's objection also contradicts its own consultation response to the SIW planning application which stated the LVRPA "*welcomes this application and supports the creation of Edmonton Marshes within the Regional Park*"
- 11.8.7 **Objection:** *The Council's Cabinet resolution to make the Order from January 2020 is outdated and needs to be comprehensively reviewed.*
- 11.8.8 **Response:** The Council does not consider that the January 2020 Cabinet resolution is outdated. The Council complied fully with the requirement of the January 2020 Council Cabinet resolution. This included further reports to the relevant directors in August 2020 prior to the making of the CPO seeking the relevant authorisations specified within the Council's Cabinet resolution, which considered the material circumstances right before the making of the Order (which included updates of relevant matters including funding, planning and the

public health context, as well as the impacts of the Covid-19 pandemic– see section 3 above).

11.8.9 **Objection:** *The use of compulsory acquisition power is not necessary in order to acquire the Authority's legal interest and appears that it may have been improperly influenced by other factors.*

11.8.10 **Response:** As set out in this Statement, the Council considers that the land required to construct the SIW cannot be acquired within a reasonable timeframe without the use of compulsory purchase powers. Negotiations have taken place with LVRPA (as set out above) but have failed to reach an agreement satisfactory to both parties. No improper purposes or motives have influenced the Council's decision making and the potential for the use of compulsory purchase powers in facilitate the regeneration Meridian Water has long been recognised by the Council, including in adopted planning policy.

11.8.11 **Objection:** *It would be unlawful to grant the Order in the terms sought – these are drafted in wide terms. However the justification advanced by LB Enfield is case specific. It would be ultra vires not to limit the scope of the Order to the scheme upon which the order is promoted.*

11.8.12 **Response:** The Council is unclear what is meant by this ground of objection. If further details are provided by LVRPA the Council will respond.

12 Conclusion

12.1 In this Statement the Council has set out of its case for making the Order. In summary:

12.1.1 the purpose of the Scheme accords with relevant national planning policy and local policy objectives for the securing of the social, economic and environmental well-being of the of the area, and in particular in and around Meridian Water and the wider Upper Edmonton area;

12.1.2 the Council already owns or controls a substantial part of the Order Land and development partners have been procured for early phases of development. Further, the Council has secured significant capital grant from Homes England through the HIF to enable construction of the SIW;

12.1.3 confirmation of the Order will enable certain assembly of all required land, to enable delivery of the SIW. The SIW are required to enable the implementation of Phase 2 and all subsequent phases of Meridian Water. Given the number of third-party interests in the Order Land, the only way that this can be achieved, within a reasonable timeframe, is through the exercise of compulsory purchase powers;

12.1.4 the economic, social and environmental benefits of the Scheme are substantial. The Scheme will deliver at least 5,000 low-carbon homes, 1,500 permanent high-quality jobs as well as thousands of meanwhile and construction jobs that will be targeted at the local population in order to address inequalities and deprivation in this part of the borough. The ambitious sustainability strategy makes Meridian Water an exemplar sustainable development. Through carbon and environment positive action, the delivery of extensive green and blue

networks, and the implementation of a zero waste and circulate economy, the scheme will make an important contribution to addressing the challenges of resource depletion and biodiversity loss and will help to tackle climate change.

12.2 For the reasons set out in this Statement, the Council considers that there is a compelling case in the public interest for the making and confirmation of the Order.

13 Details of Contacts for further information

13.1 All those owners and occupiers affected by the Order, who wish to speak to the Council's agents regarding the purchase of their interests are requested to contact:

Matthew Bodley MRICS
Matthew Bodley Consulting
5th Floor
15 Hanover Square
London W1S 1HS

Tel: 020 7399 0600

Email: matthew@matthewbodleyconsulting.com

13.2 If any person affected by the Order wishes to discuss it with an officer of the Council, he/she is requested to contact:

Paul Gardner
Meridian Water Team
Silver Street
Enfield
EN1 3XA

14 List of Documents

14.1 In the event that it becomes necessary to hold a public inquiry into the Order, the Council may refer to the documents listed in the table below. The list is not exhaustive and the Council may also refer to additional documents in order to address any objections made to the Order.

14.2 All of the documents listed are available to view on line at the following website address: www.enfield.gov.uk/MeridianWaterCPO. Electronic or hard copies can be provided on request. To request copies please contact Madi Mukhametaliyev in writing at Silver St, London EN1 3XA, by telephone on 0208 132 3059 or by Email: Madi.Mukhametaliyev@enfield.gov.uk.

	Document	Date
The Order and Accompanying Documents		
1.	The Order and Order Schedule	13 August 2020
2.	The Order Map	13 August 2020
3.	The Statement of Reasons	August 2020

Plans and Drawings		
4.	Plan showing the extent of the Meridian Water Area	
5.	Plan showing the Meridian Water Development Zones	
6.	Plan showing the Strategic Infrastructure Works	
7.	Plan showing the Phase 2 Masterplan	
Reports and Authorisations		
8.	Council's Cabinet report (approving the Meridian Water budget and financial model)	16 October 2019
9.	Council's Cabinet report (authorising the making of the Order)	22 January 2020
10.	Council Decision Approval Report (approving making of the Order in line with Cabinet resolution)	4 August 2020
Planning Policy and Guidance Documents		
11.	National Planning Policy Framework	February 2019
12.	Core Strategy	2010
13.	Edmonton Leaside Area Action Plan	January 2020
14.	The London Plan 2016	January 2017
15.	The London Plan – Publication Version	December 2020
16.	The Upper Lee Valley Opportunity Area Planning Framework	July 2013
17.	Mayor's Transport Strategy, Greater London Authority	2018
18.	Healthy Streets for London, Transport for London	2017
19.	Guidelines for Planning Bus Services, Transport for London	2012
Planning Permissions and Supporting Documents		
20.	Planning permission and section 106 agreement relating to the Phase 1 planning permission (reference: 16/01197/RE3)	10 July 2017
21.	SIW planning permission (re: 19/02717/RE3)	22 July 2020
22.	Flood barrier planning permission (ref: 20/00112/RE4)	23 July 2020

23.	Planning committee report relating to the SIW planning applications (ref: 19/02717/RE3)	24 March 2020
24.	Planning committee report relating to the Phase 2 planning application (ref: 19/02718/RE3)	24 March 2020
25.	Flood Risk Assessment, Arup	January 2020
26.	Transport Assessment, Arup	July 2019
27.	Equalities Impacts Assessment, Ottaway Strategic Management Ltd	July 2020
28.	Meridian Water Regeneration Framework: Investing in Enfield's Future	February 2016
29.	Meridian Water Employment Strategy	February 2020
30.	Meridian Water Environmental Sustainability Strategy	September 2020
Legislation and Guidance		
31.	The Town and Country Planning Act 1990 (section 226)	
32.	The Local Government (Miscellaneous Provisions) Act 1976 (section 13)	
33.	Guidance on Compulsory Purchase and the Criche Down Rules	July 2019

Glossary

Definitions Used in this Statement of Case

1976 Act: Local Government (Miscellaneous Provisions) Act 1976

1981 Act: Acquisition of Land Act 1981

1990 Act: Town & Country Planning Act 1990 (as amended)

Canal and Towpath the River Lee Navigation and its adjacent towpath on the east bank

Coronavirus (COVID-19): CPO Guidance – published by the Ministry of Housing Communities and Local Government on 13 May 2020 and last updated on 27 May 2020

EA: Environment Agency

ECHR: the European Convention on Human Rights

ELAAP: the Edmonton Leaside Area Action Plan

Guidance: Guidance on Compulsory Purchase and the Crichel Down Rules published in February 2018 by the Ministry of Housing Communities and Local Government (updated July 2019)

LBH: the London Borough of Haringey

LVRP: Lee Valley Regional Park

NPPF: the National Planning Policy Framework published 24 July 2018 and updated 19 June 2019

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

Order Land: the land included within the Order and is shown on the Order Map (Document 2)

Council: the London Borough of Enfield

Meridian Water: the area shown outlined red on the plan at Document 4

Meridian Water Station: the Meridian Water railway station constructed as part of Phase 1

MHCLG: Ministry of Housing, Communities and Local Government

Scheme: the Council's proposals for regeneration of Meridian Water

Phase 1: the first development phase of the Scheme (forming part of Zone 1) for which planning permission was granted on 10 July 2017 under reference 16/01197/RE3 within the area shown labelled 1 on Document 5

Phase 2: the second development phase of the Scheme (comprising Zone 4, 5 and part of Zone 2) for which a planning application has been made under reference: 19/02718/RE3 within the area

shown labelled 4 and 5 on the plan at Document 5 and the details of the redevelopment shown on Document 7

Secretary of State: the Secretary of State for Housing, Communities and Local Government

SIL: Strategic Industrial Location

SIW: the strategic infrastructure works subject to the Order required to enable delivery of the Scheme for which a planning permission has been granted under reference: 19/02718/RE3 shown on Document 6