

The Secretary of State for Housing,
Communities and Local Government
The Planning Casework Unit
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Your Ref: PCU/S19/Q5300/3258665
Our Ref: (REN)FMO.MKF.SAT.CRT001.1547
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Dear Sir/Madam

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

**Application by the London Borough of Enfield for a certificate under Section 19 and
Schedule 3 of the Acquisition of Land Act 1981 Ref PCU/S19/Q5300/3258665**

**CPO plot numbers: 101, 102, 104, 105, 106, 109, 112 and 113
Our client: The Canal & River Trust**

We are instructed by the Canal & River Trust ("the Trust").

As the Secretary of State is aware Enfield Council ("the Council") has made the above Order. Our client is listed as having an interest in plots 101, 102, 104, 105, 106, 109, 112 and 113 and has objected to the Order. We attach a copy of our objection to the Order for ease of reference (albeit we have removed the "private and confidential" heading inadvertently included).

In addition the Council has also made an application in respect of open space to the Secretary of State under section 19 and Schedule 3 of the Acquisition of Land Act 1981 in respect of plots 102, 104, 105, 106 109 and 112.

On behalf of the Trust we hereby object to the application. We should be obliged if you would acknowledge receipt.

We would particularly draw the Secretary of State's attention to our comments in our letter of objection to the CPO in respect of open space as reiterated below:

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The proposed extent of compulsory acquisition will prejudice the Trust's ability properly to manage its estate and the operation and maintenance of the waterway and adjoining land. The Trust cannot effectively perform its statutory functions without retaining freehold ownership of the Plots. The Council have not effectively engaged with the Trust to understand the implications of proposing to compulsorily acquire interests/rights in respect of the River Lee Navigation and the Towpath.

For example it is proposed to acquire outright the Trust's interests in plot 106 for construction of a flood relief channel underneath the Towpath, whereas in contrast plot 109 seeks to create a range of new rights. It is not apparent why the plot 109 approach could not similarly have been applied to plot 106. The effect of doing so would be to create different management regimes for plots, 106 and plots 109 and the Towpath between the two which is less than ideal and somewhat impractical. There is also the question as to the removal of Trust rights over plots such as plot 106 and the adverse impact this will have on its operation and access.

Similarly it is not clear from the Order why the Acquiring Authority considers it necessary to acquire plot 101 outright, but rely on creating new rights in respect of plot 109.

Indeed the statements in the Statement of Reasons to the effect that 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 is disingenuous. It is unclear how precisely that continued use is to be guaranteed. Moreover the Statement of Reasons is expressly silent on the impact upon the Trust's management of its estate, as distinct from use. The Trust's potential future use of land for the furtherance of its objectives for example by the creation or improvement of mooring will be circumscribed by the Order.

Without prejudice to any further representations that the Trust may make it should be noted that the 1981 test that is cited in the Statement of Reasons relates to the effect of the new rights being both no less advantageous to the persons in who it is vested and to the public than it was before. We would respectfully submit that the Council has focused on the second part of the test and overlooked the first.

It should be noted that the proposed compulsory acquisition of plot 106 for which a certificate is also sought will notwithstanding the basis upon which the application is made, ie s19 (1)(b), will demonstrably adversely impact upon the Trust's management of and the operational potential of the towpath. The loss of that plot should be considered in the round together with the impact of the new rights sought over the other Trust plots cited in the CPO and application. The net impact of the imposition of new rights in this context is clearly less advantageous to the Trust in whom the land is vested than presently.

We also note that the application does not comply with the requirements of Guidance in respect of the information which is to accompany it. Guidance question 237 posits the question: "what information should be provided when applying for a certificate under section 19 of and/or Schedule 3 to the Acquisition of Land Act 1981?" The answer is "The land, including any new rights, should be described in detail, by reference to the compulsory purchase order, and all the land clearly identified on an accompanying map. This should show the common/open space/fuel or field garden allotment plots to be acquired in the context of the common/open space/fuel or field garden allotment space as a whole, and in relation to any proposed exchange land" (our emphasis). No plan or map has been provided clearly showing the open space in context. The open space plan provided does not do this; it is simply

the affected plots extracted from the Order Map. In order properly to assess such application it is necessary for the Secretary of State to be clearly informed as to the impacts on open space in the context of the open space in the area. In not providing such detail, the application as it presently stands is deficient and arguably defective.

Yours faithfully

A handwritten signature in cursive script that reads "Ward Hadaway".

Ward Hadaway