

TOWN & COUNTRY PLANNING ACT 1990

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

ACQUISITION OF LAND ACT 1981

**LONDON BOROUGH OF MERTON (RAVENSBURY NO 1)**

**COMPULSORY PURCHASE ORDER 2022**

**STATEMENT OF CASE**

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

Planning Inspectorate Reference: APP/PCU/CPOP/T5720/33030220

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## 1 Introduction and Background

- 1.1 This Statement of Case (the **Statement**) has been prepared on behalf of the London Borough of Merton (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 Rules (the **Guidance**) (Document 52).
- 1.2 On 13 June 2022 the Council made the London Borough of Merton (Ravensbury No 1) Compulsory Purchase Order 2022 (the **Order**) which was submitted along with supporting documents, (including the Council's Statement of Reasons (Document 3)) to the Secretary of State for Levelling Up, Housing and Communities (the **Secretary of State**) for consideration and confirmation. Authorisation to make the Order was given by the Council's Cabinet on 21 March 2022 (Document 11)
- 1.3 Objections to the Order were received. The Secretary of State by way of a letter dated 12 September 2023 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**) (Document 2).
- 1.5 The Council made the Order pursuant to sections 226(1)(a) of the Town and Country Planning Act 1990 (the **1990 Act**), section 13 of the Local Government (Miscellaneous Provisions) Act 1976 (the **1976 Act**) and section 203 of the Housing and Planning Act 2016 (the **2016 Act**) (Documents 47, 49 and 50 respectively). 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 facilitate the regeneration and construction of the Ravensbury Estate Phase 2 to 4.
- 1.7 The Ravensbury Estate regeneration forms part of the wider Estates Regeneration Programme (the **Scheme**) within the London Borough of Merton. The Scheme seeks to deliver the regeneration of three residential housing estates in the London Borough of Merton, those being the Ravensbury Estate, the High Path Estate and the Eastfields Estate (together to be referred to as **the Estates** for the purpose of this document).
- 1.8 In order to secure the delivery of the Scheme, the Council intends to make a number of Compulsory Purchase Orders (**CPOs**) for the acquisition of third party property and rights on the Estates. The CPOs will be phased to reflect the Developer's proposed construction programme for the Scheme from 2022 – 2036. As well as the Order, two further CPOs for the Scheme have been made to date: the London Borough of Merton (Eastfields No 1) CPO 2022 concerning Phase 1 of the Eastfields Estate and the London Borough of Merton (High Path No.1) Compulsory Purchase Order 2022 concerning Phases 2 and 3 of the High Path Estate.
- 1.9 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.

- 1.10 All documents referred to in this Statement are listed in the table in Section 14 below.

### **The Developer**

- 1.11 The Scheme will be delivered and financed by Clarion Housing Group (the **Developer**). Although the term 'Developer' is used at all times in this Statement of Case, many of the actions attributed to Clarion / the Developer will in practice have been undertaken by former manifestations of the organisation which is now known as Clarion, in particular Merton Priory Homes or Circle Housing Merton Priory.

- 1.12 Merton Priory Homes (also known as Circle Housing Merton Priory) was formed in 2010, which became a subsidiary within the Circle Housing Group. In November 2016, the Circle Housing Group (the parent company of Merton Priory Homes) merged with the Affinity Sutton Group to form a new parent company, Clarion Housing Group Ltd (this is a charitable housing association). Clarion Housing Group is comprised of various companies, which together form the largest housing group in the country, owning and managing over 125,000 homes.

### **Evolution of the Scheme**

- 1.13 Pursuant to an agreement dated 22 March 2010, the Council's social housing stock - which included properties within the Estates - was transferred to the Developer (the **Stock Transfer Agreement**). The Stock Transfer Agreement included a legal obligation requiring the Developer to undertake a programme of property improvements to bring the transferred stock in line with the requirements of the Government's Decent Homes Standard (the **Decent Homes Programme**) (Document 29).

- 1.14 Whilst considering the Decent Homes Programme, stock condition surveys procured by the Developer generated concerns that refurbishment was not a viable option but rather that it might be more beneficial and sustainable to completely replace those homes in the poorest condition.

- 1.15 In 2013, the Developer began considering regeneration-based alternatives for the housing stock on the Estates and since 2014, the Council has been exploring the regeneration of the Estates in consultation with residents, the Mayor of London's office, Transport for London, the Developer and other interested parties. The Developer has also been actively consulting and engaging with residents and homeowners on the Estates about the possibility of regeneration.

- 1.16 As well as active engagement, the Council has analysed the evidence provided by the Developer to support the case for regeneration. The Council and the Developer signed the 10 Commitments (Document 30) in September 2014 which have provided the backbone of the project to ensure that residents remain at the heart of decision-making.

- 1.17 In order to take the Scheme forward, the Council took the in-principle decision to explore the production of an 'Estates Local Plan'. In January 2016, the Council resolved to consult on the draft Estates Local Plan and also resolved to finalise a revised delivery timetable for the implementation of the Decent Homes Programme on the Estates with the Developer. The Council then undertook to prepare and consult on the Estates Local Plan to guide and

support the regeneration of the Estates. The Estates Local Plan was formally adopted by the Council as part of the Development Plan in February 2018 (Document 44).

### **The Scheme**

- 1.18 The Scheme is an ambitious regeneration project that is supported by the Council. It represents a significant long-term investment which sees the existing residents being at the heart of the regeneration project. The Scheme will provide sustainable communities through the creation of new, well-designed high-quality neighbourhoods aimed at fundamentally improving the quality of life and life-chances for existing and future generations living in the Estates. The Council believes that the Scheme will provide significant social, economic and environmental improvements for existing residents.
- 1.19 The Scheme envisages the provision of up to 3,272 new homes (subject to the grant of a new planning application for High Path Phases 4-7B (please see Section 5 below)). The breakdown of these new homes is as follows:
- High Path Phase 1 (Kickstart): 134 homes;
  - High Path Phases 2 –7: up to 2,138 homes;
  - Ravensbury Phase 1 (Kickstart) 21 homes;
  - Ravensbury Phases 2-4: up to 179 homes; and
  - Eastfields: up to 800 homes.
- 1.20 Phase 1 of Ravensbury Estate has already been carried out and no compulsory purchase order was required. Reserved matters for Ravensbury Phases 2-4 and the current detailed design plans for 179 new homes in Phases 2-4 were approved on 9 December 2019. Ravensbury Phase 2 has commenced but a further small parcel of unregistered land is required (for access purposes) to be acquired in connection with that Phase. As such, Ravensbury Estate Phase 2 is therefore the subject of the Order, together with Phases 3 and 4. However when the Council refers to benefits of the Order in this Statement, such reference is to Ravensbury Phases 3 and 4 only, as there is no impediment to the delivery of housing on Ravensbury Phase 2.
- 1.21 The High Path Estate and Eastfields Estate also benefit from planning permissions for the Scheme, please see the Appendix for further details.
- 1.22 Throughout the Scheme there will be no loss of social/affordable housing, indeed, the Scheme will result in an additional 227 affordable homes within the High Path Estate (to be split at 60% Social Rent and 40% Shared Ownership) as the Developer addresses historic overcrowding in the three Estates, when rehousing the existing social/affordable tenants.
- 1.23 An agreement dated 26 April 2019 pursuant to section 106 of the 1990 Act secured various obligations in relation to the Estates (Document 18) (the S106 Agreement). All three estates are linked in viability terms.
- 1.24 All of the Developer's existing social/affordable tenure tenants and resident homeowners have been given the opportunity to stay in new homes in the newly regenerated Estates. This is the case on all three Estates. This 'offer' is consistent with the Developer's Residents'

Offer published in May 2015 updated in 2018 and again in 2023, a copy of which is attached at Document 31.

### **The Order**

- 1.25 The Order forms part of the 2022 CPOs in conjunction with the Eastfields Order and the High Path Order and which are the first CPOs being brought forward in respect of the Scheme, The Order relates to land comprising part of the Ravensbury Estate and includes the land shown shaded pink, edged red or shaded blue on the Order Map (the **Order Land**) (Document 2). The Order Land comprises part of Phases 2 to 4 of the Ravensbury Estate. The Order Land includes all of the new homes being proposed as part of Phases 3 and 4.
- 1.26 The Council supports the Order; the acquisition of the Order Land will facilitate delivery of new and significantly improved housing for existing tenants and homeowners on part of the Ravensbury Estate and will also enable regeneration of other parts of the Ravensbury Estate to come forward, since the homes provided on the Order Land will enable the relocation of existing residents in subsequent phases of the Ravensbury Estate regeneration.
- 1.27 Phases 3 and 4 of the Ravensbury Estate regeneration (of which the Order Land forms part), will facilitate delivery of 179 new homes on the Ravensbury Estate of which 51 of the new homes will be affordable rented/social rented and 74 new homes will be private homes. All of these homes are part of the Order Land.
- 1.28 The overall break down of Phases in the Ravensbury Estate is:
- Phase 1: 21 homes
  - Phase 2: 54 Homes;
  - Phase 3: 51 Homes; and
  - Phase 4: 74 Homes
- 1.29 On 15 January 2018, the Council's Cabinet resolved 'in-principle' for the Council to use its compulsory purchase powers, if necessary, to bring forward the Scheme (Document 7). This resolution was ratified by Full Council on 7 February 2018 (Document 8). Full Council subsequently acknowledged on 2 February 2022 that, in line with the statutory framework governing the making of CPOs under S.226 of the 1990 Act and the Council's constitution, Full Council's further ratification was not required in order to make future orders to carry out the Scheme (Document 10). Cabinet then subsequently passed a resolution on 21 March 2022 for the Council to make the Order as described in this Statement in respect of the Order Land specifically (Document 11).

## **2 Ravensbury Estate – Existing and Proposed Regeneration**

### **The Estate – Existing**

- 2.1 The Ravensbury Estate covers a total area of 4.58 hectares and is located in the Ravensbury ward. The perimeter of the Ravensbury Estate is bound by the curved alignment of the busy Morden Road to the north and west. Part of Ravensbury Park abuts the estate to the south and Morden Road Industrial Estate is located to the east. The

Ravensbury Estate sits just to the north of the River Wandle and the Estate is a quiet residential area with no through road. The Ravensbury Estate is on a predominantly level site, with private gardens to houses and green spaces surrounding the flatted blocks. It is almost entirely enveloped by a skyline of large mature trees.

- 2.2 A small parcel of land within the Ravensbury Estate (along the northern and western part of the site) is identified as being within the Wandle Valley Conservation Area; and it is adjacent to Ravensbury Park, which also falls within the Wandle Valley Conservation Area. No existing buildings within the Ravensbury Estate are located on the small parcel of land that lies within the Wandle Valley Conservation Area, and therefore no buildings will be demolished within the Conservation Area boundary. Furthermore, no new buildings will be erected within the Conservation Area boundary. While there are listed buildings within the vicinity of the Ravensbury Estate, there are no statutory or locally listed buildings falling within the Ravensbury Estate.
- 2.3 The Ravensbury Estate, as a whole, originally consisted of 192 existing residential units which were a mixture of two storey semi-detached and terraced family sized houses, two storey flats and Ravensbury Court, a four storey block of flats and maisonettes. The flat blocks and terraced houses have a brick construction. The semi-detached houses are of Orlit construction. Orlit is a prefabricated reinforced concrete method of construction that was common after the Second World War. Approximately 85% of the properties within the area of the Ravensbury Estate that is being redeveloped are tenanted and the rest privately owned.
- 2.4 There is an existing community room on the Ravensbury Estate situated at ground floor level, along Ravensbury Grove (western side). The community room provides approximately 84.5 sqm of floor space. Surrounding the residential properties are areas of amenity grassland, informal planting beds, scattered semi-mature trees and hard standing consisting of pavements, roads and car parking.
- 2.5 Vehicular access to the Ravensbury Estate is from Ravensbury Grove, which runs north to south through the Ravensbury Estate. Ravensbury Grove is an internal road, which is connected at the north to Morden Road which is one of the main vehicular access roads within the area. The Ravensbury Estate is accessible on foot either from along Morden Road or from the pedestrian footpath along the edge of the River Wandle. There is also an existing pedestrian bridge connecting the Ravensbury Estate to the footpath along the edge of the River Wandle.
- 2.6 The Ravensbury Estate was constructed quickly in two phases during the 1950s, using prefabricated building methods as a response to the Post-War housing shortage. The second phase of flats and houses reverted to a more traditional construction method. Cavity wall insulation and new UPVC windows were added in the 1980s and early 1990s but otherwise there have been no additions or changes to the buildings on the Ravensbury Estate since those original constructions.

### **Proposed Regeneration**

- 2.7 The redevelopment of the Ravensbury Estate will come forward in four phases. The phases have been designed to ensure minimum disruption to existing residents. The construction phasing proposed is currently as follows:

2.7.1 Phase 1 Complete



- 2.7.2 Phase 2 2021 – 2025 (underway)
- 2.7.3 Phase 3 2024 - 2026
- 2.7.4 Phase 4 2026 - 2027:
- 2.8 An indicative Phasing Plan in respect of the Ravensbury Estate is contained in Appendix 4 to the Statement of Reasons (Document 4)
- 2.9 Redevelopment of the Ravensbury Estate has already commenced pursuant to a planning permission granted on 9 May 2017 (ref: 16/P1968) which provides for delivery of Phase 1 of the Ravensbury Estate regeneration programme (the **Ravensbury Kickstart Phase**) (Document 13).
- 2.10 The Ravensbury Kickstart Phase involves the demolition of garages on Ravensbury Grove and the demolition of existing flats at 64-70 Ravensbury Grove (together the **Kickstart Area**). The redevelopment of the Kickstart Area provides 21 new residential units with associated vehicular access, parking, cycle and refuse storage and landscaping. The objective of the Ravensbury Kickstart Phase is to provide housing for residents from the existing Ravensbury Estate as later phases of the Estate's redevelopment take place ensuring that, so far as possible, no resident has to move twice.
- 2.11 Of the 192 original dwellings on the Ravensbury Estate, 101 are proposed to be demolished and the land upon which they are situated will be redeveloped. 97 of these existing dwellings will be demolished as part of Phases 2-4 of the Ravensbury Estate regeneration. The remaining 4 properties were demolished as part of Phase 1 of the regeneration of Ravensbury Estate.
- 2.12 91 properties on the Ravensbury Estate will be retained. These comprise a three and four storey 'walk up' maisonette flat / block (known as Ravensbury Court) (59 properties), which lies on the eastern side of Ravensbury Grove, 22 properties on Hengelo Gardens and 10 properties on Ravensbury Grove. All of these properties are built using brick and traditional methods of construction and they are all in sufficiently good condition that redevelopment is not required.
- 2.13 The core elements of the Ravensbury Estate's regeneration are as follows:
  - 2.13.1 demolition of all buildings within the red line boundary of the outline planning application site, which equates to the demolition of 97 existing homes and the existing community room. Homes to be demolished as part of the outline proposal include 86 affordable and 11 private homes. It is anticipated that the community room will be demolished as part of Phase 4. An additional 4 homes have also been demolished as part of Phase 1 (resulting in the demolition of 101 existing homes across all Phases in total);
  - 2.13.2 homes along Hengelo Gardens, and 1-11 (odd) and 56-62 (even) Ravensbury Grove are to be retained, (91 homes in total). Homes to be retained include 42 affordable and 49 private homes;
  - 2.13.3 provision of 179 new homes in a mix of houses and flats in Phases 2-4 of which there will be 125 new homes in Phases 3 and 4 all of which will be on the Order Land;

- 2.13.4 provision of 21 new homes in Phase 1 (the **Kickstart Site**);
- 2.13.5 a total of 92 of the 179 additional residential units in Phases 2-4 are required by the S106 agreement related to the Outline Planning Permission to be affordable units. However, the Developer will be providing 100 of these 179 new homes as affordable housing units which comprises 55.9% on a unit basis or 57.3% on a habitable room basis;
- 2.13.6 a community room will be constructed and will provide up to 159 sqm of D1 community floor space, almost double the size of the existing facility; and
- 2.13.7 a total of 22,681.2 sqm of public open space, private amenity space and semi-private amenity space will be provided.

### 3 **Land and Rights to be acquired**

- 3.1 The interests identified in the Schedule to the Order and the Order Map remain outstanding as at the date of this Statement of Case, and need to be acquired by the Council to enable the delivery of Phases 2 to 4 of the Ravensbury Estate regeneration. Full details of the owners and their outstanding interests to be acquired by the Council to facilitate the delivery of Phases 2 to 4 of the Ravensbury Estate regeneration, together with the new rights that need to be acquired, are contained in the Schedule to the Order and shown on the Order Map (Documents 1 and 2). The Developer has successfully negotiated the purchase of all other interests in the Order Land to facilitate the delivery of Phases 2 to 4.

#### **Land and Rights to be acquired**

- 3.2 The land proposed to be acquired is shown edged black and coloured pink on the Order Map. Existing rights over the land edged red on the Order Map are also proposed to be purchased compulsorily. Details of these interests are contained in Table 1 of the Schedule to the Order. For the avoidance of doubt, it should be noted that in respect of those properties listed within the Schedule where only a potential right is to be acquired over the Order Land, it is not proposed to acquire the freehold or leasehold titles of those properties.
- 3.3 The land to be acquired edged black and shaded pink includes small areas of unregistered land. The Council has been unable to trace the owners despite making diligent enquiries. None of the unregistered land is occupied by any residents or businesses.
- 3.4 The land over which new rights are sought as part of the regeneration of the Ravensbury Estate are shown edged black and coloured blue on the Order Map (the **Blue Land**). Details of the interests in the Blue Land to be compulsory acquired are contained in Table 2 of the Schedule to the Order.
- 3.5 The rights in respect of the Blue Land are proposed to be acquired to allow cranes to over sail that land during the construction process. The affected properties in respect of any new rights will not be redeveloped pursuant to the Order and there is no need to acquire the freehold or leasehold titles of the Blue Land. As with the property acquisitions, negotiations to secure these rights by private treaty agreement are ongoing and will continue in parallel with the formal CPO process.

## The Order Map

- 3.6 The Order Map identifies the Order Land, which includes the land shaded pink, edged in red and the Blue Land. Individual plot boundaries and numbers on the Order Map correspond with the Schedule in respect of the land shaded pink and the Blue Land. In addition, the Schedule lists other parties who may have a qualifying interest in the Order Land where known after reasonable enquiry. The Schedule has been based on information gathered through site inspections and enquiries, responses to notices issued under section 16 of the 1976 Act and inspection of Land Registry documents. There has been an extensive enquiry to identify land interests, but it is recognised that currently unknown interests may emerge in the course of proceeding with the compulsory purchase process.

## 4 The Purpose for which Land is to be Acquired

- 4.1 There is a real and present need for new housing, both in London generally and also specifically in the London Borough of Merton. Indeed, the Estates Local Plan expressly recognises the position in the following terms (at Paragraph 1.20):

*'There is a **substantial demand** for new homes in London and the south east. Increasing the supply of new homes to meet housing needs is a longstanding and well documented policy driver for successive governments'* (emphasis added).

- 4.2 It is against this backdrop that the Council resolved to pursue the Scheme, with the intention being that the Estates Local Plan 'will help deliver new homes for existing and future residents, helping Merton to meet its share of London's new homes of all types, sizes and tenures' (Paragraph 1.20).

- 4.3 In this regard the London Plan (Document 40) identifies a level of housing need of 52,300 new homes per annum across London, with a need of 918 homes per annum within Merton.

- 4.4 As such, it is evident that the need for more and better housing in Merton is pressing.

- 4.5 Both the Scheme more generally, and the regeneration of the Ravensbury Estate specifically, will increase housing provision and so materially contribute towards meeting this housing need.

## Condition of Estates

- 4.6 When the Developer acquired responsibility for all of the Council's housing stock, they committed to improving the accommodation as well as the quality of life for residents. However, as explained, in working towards this goal, stock condition surveys undertaken identified that significant refurbishment and maintenance was required. The Developer therefore began a comprehensive review across all the various housing estates for which it was responsible which included the three Estates, to determine whether refurbishment was the best solution or whether it might be more beneficial and sustainable to replace homes in the poorest condition with new properties.

- 4.7 The Developer undertook technical surveys and financial planning work, which concluded that while refurbishment was the preferred option for some of the housing estates, other estates (including the Ravensbury Estate) required both significant refurbishment, significant ongoing maintenance work and financial investment to raise – and keep – the housing stock to the required standard. Whilst incremental refurbishment works would

improve the internal housing quality in the short to medium term, comprehensive regeneration and redevelopment was determined to be the most effective way of delivering long term sustainable Decent Homes which would deal with the high levels of overcrowding and provide quality green spaces and public realm.

- 4.8 As already noted, on 7 February 2018, the Council adopted the Estates Local Plan, which now forms part of the Council's Local Plan alongside its Core Planning Strategy and Sites and Policies Plan. The Estates Local Plan was adopted with the intention that it would guide redevelopment proposals for the Estates that come forward in the next 10-15 years, in order to ensure that development proposals create well designed, high quality neighbourhoods aimed at fundamentally improving the quality of life for existing and future generations living in the area. At the heart of the Estates Local Plan is an acknowledgment that the existing housing stock on the Estates is largely sub-standard and that regeneration is the most viable option for delivering housing to Decent Homes Standards.

### **Case for regeneration at the Ravensbury Estate**

- 4.9 The Ravensbury Estate was constructed in two phases in the 1950s, and the life span of much of the existing building stock on the Ravensbury Estate is limited. Continual repair and upgrade work is required to meet habitable standards of living. Specific housing stock issues include the following:

- 4.9.1 There are a high number of Orlit homes on the western half of the Ravensbury Estate. Orlit is a prefabricated reinforced concrete method of construction that was common after the Second World War. Under the Housing Defects Act 1984, Orlit homes are classed as defective. This means that mortgage lenders will not offer security against them, similarly the Developer faces difficulties in obtaining securitisation on such properties. Orlit homes are no longer fit for meeting housing needs in the medium to long term.
- 4.9.2 Condition surveys completed identified a number of hazards within the units including damp, mould, excess cold, crowding, entry by intruders, provision of amenities, sanitation, falls on level surfaces and stairs. Defects were also noted to wall finishes, windows, boilers and external doors.
- 4.9.3 Baily Garner LLP conducted internal surveys in 2016 (Document 34) which identified that 16% of kitchens and 33% of bathrooms were deemed old and in poor condition. 66% of boilers were also deemed old and at the end of their life.
- 4.9.4 A 2015 Housing Needs Survey (Document 32) concluded that 85 existing households lived in "unsuitable" housing; overcrowding was cited as the principal cause, emphasising the need not only to improve, but also increase the amount of available housing stock.
- 4.9.5 Access at the Ravensbury Estate is also a fundamental issue. There are no direct pedestrian links between the Ravensbury Estate and Morden Road other than a narrow alley from Rutter Gardens or the much longer route via Ravensbury Grove. Access to Wandle Road, where the frequent 118 bus route can be accessed, requires a circuitous route through the park or using the back alley. The route from Morden Hall Park through or past the Ravensbury Estate to Ravensbury Park is also poorly defined, with the entrance to Ravensbury Park

being narrow and unclear. Within the Ravensbury Estate it is not clear that there are pedestrian routes through it, connecting it with its surroundings.

- 4.9.6 As a result of the initial work conducted by the Developer to identify which Estates within their Merton portfolio were most in need of work, the Ravensbury Estate was determined to be of the utmost priority.

#### **Alternatives Considered**

- 4.10 In deciding on a partial regeneration of the Ravensbury Estate, two alternative options were considered:

4.10.1 Full regeneration; and

4.10.2 Refurbishment (to either decent Homes Standard or an 'enhanced standard').

- 4.11 No consideration was given to a "do nothing" approach.

- 4.12 Full regeneration was not considered to be a reasonable alternative because:

4.12.1 There are 72 Orlit houses on the Ravensbury Estate which are all located on the western portion of the Estate (to the west of Ravensbury Grove). The homes located on the eastern portion (to the east of Ravensbury Grove), which contains Ravensbury Court and Henglo Gardens, are not of Orlit construction, and are in good repair so that they do not need to be replaced. These form their own block with good separation distances between it and the other properties on the Ravensbury Estate. As such, the demolition and redevelopment of that part of the Estate which requires regeneration can take place, whilst leaving Ravensbury Court and Henglo Gardens unaffected from a structural and physical point of view.

4.12.2 The western portion of the Ravensbury Estate comprises predominantly tenanted properties in the Developer's ownership. At the time of the original analysis there were only 11 leaseholders or freeholders. This significantly reduces the number of third party interests that need to be acquired, helping to reduce associated site assembly costs.

4.12.3 Given specific housing needs requirements associated with re-providing homes to the leaseholders and freeholders that would be subject to acquisition, there are limitations on the quantum of residential accommodation that can be appropriately provided on the Ravensbury Estate. The results of this analysis indicated that a full regeneration would not be able to generate a significant further uplift in residential floors pace. The inability to deliver a significant increase in the number of homes means the site assembly costs associated with acquiring properties in Ravensbury Court and Hengelo Gardens become comparatively expensive. This, combined with the significantly higher costs of undertaking a full redevelopment, would mean that a full regeneration would not be viable, justified or effective.

- 4.13 Refurbishment was discounted due to the significantly high cost, over £36,000,000. Whilst refurbishment would improve the quality of the existing stock, the longevity of the improvements would be limited before the condition began to decline again (so that

significant further investment would be required). Refurbishment works alone offer very limited potential to optimise the housing potential of the Ravensbury Estate as a whole.

- 4.14 The Developer has decided that partial regeneration is the most cost effective way of delivering longer term sustainable Decent Homes through the provision of new, well designed, energy-efficient homes that will meet the needs of residents now and in the future.
- 4.15 An assessment carried out for the Developer by Savills dated October 2016 (Document 35) concluded partial regeneration was considered to be the most appropriate in terms of delivering key planning policy objectives at national, regional and local levels as it is the only option that is able to deliver significant increases in the quality and quantity of residential accommodation, as well as improvements to the general environment of the Ravensbury Estate.

#### **Improvements delivered by the Ravensbury Estate Regeneration**

- 4.16 The Ravensbury Estate regeneration is consistent with the Estates Local Plan. The Estates Local Plan sets out that regeneration will be expected to provide a range of choices and benefits including:
  - 4.16.1 high quality well designed neighbourhoods;
  - 4.16.2 wider housing mix;
  - 4.16.3 private outdoor space for all residents;
  - 4.16.4 better quality green spaces and community facilities; and
  - 4.16.5 job creation opportunities.
- 4.17 The proposed redevelopment will also be an opportunity to provide much needed new homes by making more efficient use of brownfield land, improving the quantity, quality and mix of new homes on the Ravensbury Estate.
- 4.18 The Ravensbury regeneration:
  - 4.18.1 optimises the housing potential of the Ravensbury Estate and ensures that this large brownfield site is used effectively, delivering a net uplift of up to 100 homes (and no net loss of affordable housing) helping to meet the increased housing need in Merton, and London as a whole;
  - 4.18.2 has a high quality design, with the overall proposed scale, massing and design of the proposed development being fully supported by the Council's Urban Design team. The proposal was also presented to the 'Design Review Panel' on September 2016 and July 2017.
  - 4.18.3 includes improvements in terms of access that will ensure improvements to pedestrian routes across the Ravensbury Estate and to nearby parks, bus and tram stops, with routes being linked into the proposed and existing street networks. The entrance into the Ravensbury Park has also been sensitively planned into the wider scheme to provide a positive contribution in terms of

legibility and provide enhanced amenity, safety and overall biodiversity the surrounding open space;

4.18.4 provides a good level of community space and open space; and

4.18.5 includes a Design Code (Document 36) which sets key principles and design parameters that inform and control the design for future reference in the Reserved Matters applications and the detailed design of future phases. These include: landscape and public realm, built form, architectural quality and materials and building typologies.

4.19 The Estates Local Plan also makes it clear that any regeneration proposals that come forward should include a commitment to keeping the existing community together in each neighbourhood, as well as for existing residents to have a guaranteed right to return to a new home in their regenerated neighbourhood. The Ravensbury Estate regeneration provides for precisely such a commitment.

## 5 **Planning considerations**

5.1 In making the Order, the Council has had regard to its statutory development plan and other relevant local policy and guidance, together with other material considerations as required by section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the 1990 Act. A comprehensive appraisal of the Scheme and all relevant planning policy is set out in the Officer's report to the Council's Development and Planning Application Committee on 8 March 2018 (Document 9) and 15 June 2023 (Document 12).

### **Planning Permissions**

5.2 Redevelopment of the Ravensbury Estate has already commenced pursuant to a planning permission granted on 9 May 2017 (ref: 16/P1968) which provides for delivery of Phase 1 of the Ravensbury Estate regeneration programme (the **Ravensbury Kickstart Phase**) (Document 13).

5.3 The remaining Phases (2-4) of the Ravensbury Estate were granted outline planning permission on 29 April 2019 (ref: 17/P1718) (Document 14), along with the remaining phases of the High Path Estate (ref 17/P1721) (Document 21) and the whole of the Eastfields Estate (ref 17/P1717) (as amended by section 73 application dated 15 March 2022 (reference 21/P4078)) (Document 16).

5.4 Reserved matters were also approved on 9 December 2019 for 179 new homes in Phases 2-4 (reference: 19/P1845) (Document 15).

5.5 A Section 106 Agreement was also entered into on 26 April 2019 relating to the planning permissions granted on 29 April 2019 (Document 18). The Section 106 Agreement ties the Estates together in viability terms.

5.6 Given that outline planning permission has been granted for the Scheme, and that reserved matters for the development that underpins the Order on the Order Land has been granted, the following paragraphs do not address planning issues at length, but instead summarise briefly the key planning policy objectives.

## **Estates Local Plan**

- 5.7 The Estates Local Plan (Document 44) forms part of the Council's Local Plan and sits alongside its Core Planning Strategy (Document 41), Sites and Policies Plan (Document 42) and the South London Waste Plan (Document 43).
- 5.8 The Estates Local Plan primarily guides how new homes will be delivered via a coordinated strategy considering the social, economic and environmental opportunities and provides the framework for sustainable development of these areas.
- 5.9 The Estates Local Plan sets out the overarching vision that underpins the whole Estates regeneration.
- 5.10 The Estates Local Plan also sets out an overarching "Case for regeneration" of the Estates, which makes it clear that the existing housing stock faces a multitude of shortcomings.
- 5.11 The Estates Local Plan goes on to identify a vision for each Estate and in particular with reference to the Ravensbury Estate (Policy OEP1 (b) (iii) page 28) states:

*Ravensbury will be a Suburban Parkland Setting. The creation of a new neighbourhood that relates well to the wider parkland and which protects and enhances local heritage, landscape quality and biodiversity. Characterised by buildings arranged as traditional streets and spaces that improve links to the surrounding area, allow for the landscape to penetrate the site whilst simultaneously improving flood mitigation and increasing the number of homes whilst retaining the character of its suburban parkland setting.*

## **National Planning Policy Framework (NPPF)**

- 5.12 The revised NPPF was published in September 2023 (Document 39). As national policy, the document aims for sustainable development to strengthen and support the economy, communities and the environment (paragraphs 7 and 8).
- 5.13 Paragraph 8 of the NPPF defines the three over-arching objectives of the planning system to deliver sustainable development:
- 5.13.1 Economic – helping to build a strong economy by ensuring that enough of the right type of land is available in the right places;
  - 5.13.2 Social – supporting communities by ensuring that a sufficient number and range of homes can be provided and fostering a well-designed and safe built environment; and
  - 5.13.3 Environmental – protecting and enhancing the environment by making effective use of land, helping to improve biodiversity, using natural resources prudently and minimising waste and pollution.
- 5.14 The Scheme is consistent with sustainable development principles of the NPPF.



## **London Plan**

5.15 The Mayor of London's new London Plan (Document 40) was formally adopted in March 2021. It provides a strategic spatial strategy within Greater London and forms part of the Council's development plan. The London Plan sets out a number of objectives:

5.15.1 building strong and inclusive communities;

5.15.2 making the best use of land;

5.15.3 creating a healthy city;

5.15.4 delivering the homes Londoners need;

5.15.5 growing a good economy; and

5.15.6 increasing efficiency and resilience.

5.16 The Scheme will play a key role in achieving the objectives under the London Plan.

## **Core Planning Strategy**

5.17 The Core Planning Strategy (Document 41) forms part of the Council's Local Plan and sets out the spatial strategy for the borough and the key elements of the planning framework.

5.18 Strategic Objective 3 of the Core Planning Strategy is:

*"To provide new homes and infrastructure within Merton's town centres and residential areas, through physical regeneration and effective use of space. This will be achieved by a range of actions including through the delivery of higher density new homes that respect and enhance the local character of the area."*

5.19 The Scheme is not only consistent with Strategic Objective 3 but it is also supported by key Core Planning Strategy policies such as CS9 (Housing Provision), CS8 (Housing Choice) and DMH2 (Housing Mix).

5.20 Also of relevance to the Scheme is the Council's draft Local Plan which was submitted to the Secretary of State on 2 December 2021 (Document 45). The Stage 2 Examination has taken place. As of August 2023, the planning inspectors are considering revisions to the draft Local Plan made during the course of the examination alongside additional clarification and information that they requested. The next update should be available by November 2023.

5.21 The key strategic housing policies which support the Scheme in the draft Local Plan include H11.1 (Housing Choice) and H11.2 (Housing Provision). Once adopted, these strategic policies will replace the Council's Core Planning Strategy. The draft Local Plan will not supersede any policies in the Estates Local Plan.

## **Other Relevant Policy and Guidance**

5.22 The Mayor of London's Housing Supplementary Planning Guidance (March 2016, updated August 2017) (Document 46) includes the guidance relevant to estate regeneration. The

guidance states the overarching objectives for any estate regeneration scheme will usually be to:

- 5.22.1 deliver safe and better quality homes for local people;
- 5.22.2 increase the overall supply of new and affordable homes; and
- 5.22.3 improve the quality of the local environment through a better public realm and provision of social infrastructure (e.g. schools, parks, or community centres).

5.23 The Scheme and the Ravensbury Estate regeneration comply with these objectives.

### **Conclusions**

5.24 The Scheme, the proposed regeneration of the Ravensbury Estate, and the regeneration of the Order Land in particular benefit from strong policy support at national, regional and local level. The development plan and other relevant local policy and guidance all support the Ravensbury Estate regeneration as proposed and the Council is satisfied there is no viable alternative to deliver its benefits.

## **6 The Council's Power to Acquire Land Compulsorily**

6.1 Section 226 of the 1990 Act confers power on a local authority to acquire land compulsorily for development and other planning purposes.

6.2 Section 226(1)(a) of the 1990 Act allows a local authority to acquire compulsorily any land within its area if the acquisition will facilitate the carrying out of development, re-development or improvement on or in relation to that land.

6.3 The power to acquire land compulsorily conferred by section 226(1)(a) of the 1990 Act is subject to subsection (1A), which provides that the acquiring authority must not exercise the power unless it thinks that the proposed development, redevelopment or improvement is likely to contribute to the achievement of any one or more of the following objectives:

- 6.3.1 the promotion or improvement of the economic well-being of its area;
- 6.3.2 the promotion or improvement of the social well-being of its area;
- 6.3.3 the promotion or improvement of the environmental well-being of its area.

6.4 The CPO Guidance (Document 52) states that a compulsory purchase order should only be made where there is a compelling case in the public interest.

6.5 The CPO 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.

## **7 Justification for the use of CPO powers**

7.1 The purpose of the Order is to secure the acquisition of all relevant interests in the Order Land to facilitate the vital redevelopment of the Ravensbury Estate.

- 7.2 If the relevant interests are not able to be acquired the redevelopment of the Phases 2 to 4 element of the Scheme would be severely compromised as all of the units to be acquired lie within the main redevelopment area of these parts of the Estate. Seeking to construct new development around these few outstanding interests would not only compromise the construction process but it would also compromise the Council's aims to deliver the wider regeneration benefits of the comprehensive redevelopment of the Ravensbury state. It would severely impact on the place-making benefits, the wider social benefits, the delivery of affordable housing, and the delivery of higher quality homes - the existing units are of Orlit construction and will remain unsuitable accommodation so the wider benefits for tenants would be lost.
- 7.3 The Council maintains that there is a compelling case in the public interest for the making of the Order and that an appropriate balance has been struck between public and private interests in that the development will make a positive contribution to the promotion or achievement of the economic, social and environmental well-being of its area. For those private interests that will be the subject of the CPO, the Council is satisfied that the Residents' Offer and the Developer's 10 Commitments (Document 30) adequately addresses the loss of those interests.
- 7.4 The overarching consideration for the Secretary of State in deciding whether the Order should be confirmed is set out in paragraph 12 of the CPO Guidance:
- 7.4.1 *"A compulsory purchase order should only be made where there is a compelling case in the public interest.*
- 7.4.2 *An acquiring authority should be sure that the purposes for which it is making a compulsory purchase order sufficiently justify interfering with the human rights of those with an interest in the land affected. Regard should be had, in particular, 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."*
- 7.5 In the context of that overarching consideration, having regard to Paragraph 106 of the CPO Guidance, the following issues should be considered:
- 7.5.1 whether the purpose for which the land is being acquired fits with the adopted planning framework for the area;
- 7.5.2 the extent to which the proposed redevelopment of the Ravensbury Estate would contribute to the achievement of the promotion and/or improvement of the economic, and/or social, and/or environmental well-being of the Council's area;
- 7.5.3 the potential financial viability of the proposal to redevelop the Ravensbury Estate, general funding intentions and the timing of available funding;
- 7.5.4 impediments to implementation of the proposed regeneration and whether that regeneration has a reasonable prospect of going ahead; and
- 7.5.5 whether the purposes for which the proposed Order Land is to be acquired could reasonably be achieved by any other means within a reasonable timeframe.
- 7.6 The issues summarised above are addressed below.

## **Whether the purpose for which the land is being acquired fits with the adopted planning framework for the area**

- 7.7 The Order will help deliver the Council's vision for the regeneration of the Ravensbury Estate. That regeneration is supported in a variety of policy documents, namely the London Plan, the Estates Local Plan, the Core Planning Strategy, and the National Planning Policy Framework, as well as relevant guidance documents. The planning framework is set out in more detail in Section 5 of this Statement.
- 7.8 Once adopted, the regeneration of the Ravensbury Estate will also be supported by the Council's draft Local Plan which was submitted to the Secretary of State in December 2021 and is currently at Stage 2 examination.
- 7.9 The Council is therefore satisfied that the promotion of the Order is in accordance with the strategic objectives of the adopted planning framework. Please see paragraphs 5.7 to 5.22 of this Statement for a consideration of the relevant planning policy framework.

## **Contribution to the social, economic and environmental well-being of the area**

- 7.10 Section 226(1)(a) of the Act directs that an acquiring authority may not exercise the powers under this section unless it thinks that the proposed development, redevelopment or improvement is likely to contribute to the economic, social or environmental well-being of the area for which the Authority has administrative responsibility.
- 7.11 As set out in this Statement, the Ravensbury Estate – and indeed the Estates in general – face a number of major shortcomings. As detailed above, the Council has undertaken a comprehensive investigation of the options for the repair and/or redevelopment of the Estates and it has determined that regeneration is the most viable means to achieve the Estates Local Plan objectives. The Ravensbury Estate regeneration, as part of this wider Scheme, will make a very material contribution to the economic, social and environmental well-being of the area.

## **The Scheme Generally**

- 7.12 Promotion or improvement of *economic well-being* will occur through the increased vitality and viability of the Estates. The main economic benefits previously identified for the Scheme as a whole will be:
- 7.12.1 a total investment of c.£1.8 billion in the Estates and wider Merton area;
  - 7.12.2 The creation of approximately 4,584 gross temporary construction jobs (equating to 459 permanent construction jobs);
  - 7.12.3 Increased economic activity by reason of increased employment and expenditure during the construction phase of the Scheme; and
  - 7.12.4 Increased economic activity by reason of increased employment and expenditure during the operational phase of the Scheme and the introduction of expanded residential uses.
- 7.13 Promotion or improvement of *social well-being* will be delivered by:

- 7.13.1 provision of new, well-designed, energy-efficient homes that will meet the needs of residents now and in the future;
  - 7.13.2 up to 3,272 new homes across all three Estates (pursuant to the Proposed OPA in respect of the High Path Estate – *see the Appendix for more information*). With 1,175 existing homes being demolished across all three Estates, this results in a net uplift of up to 2,097 new homes;
  - 7.13.3 the provision of c. 29% affordable housing overall across the Estates on a habitable rooms basis which includes no net loss of affordable housing;
  - 7.13.4 an improved housing mix better suited to meet the needs of existing affordable housing tenants on the estates having regard to the Housing Needs studies undertaken for each estate; and
  - 7.13.5 improved pedestrian, cycle and vehicular access links to improve permeability and to foster the creation of a healthy and safe community.
- 7.14 Promotion or improvement of *environmental well-being* will occur through the following main environmental benefits:
- 7.14.1 redevelopment of a brownfield site;
  - 7.14.2 provision of new, well-designed, energy-efficient homes that will meet the needs of residents now and in the future;
  - 7.14.3 enhancement of the townscape through the replacement of outdated buildings with a contemporary and well-designed residential development. The public realm will be improved and heritage assets appropriately and respectfully treated within the Scheme;
  - 7.14.4 increased housing density appropriate to the suburban locations of the Estates and to national and local planning policy;
  - 7.14.5 provision of efficient layouts and high quality public open space, community and recreational facilities; and
  - 7.14.6 replacement of poorly insulated properties by new, energy efficient homes.

### **Ravensbury Estate and the Order Land**

- 7.15 In respect of the Order Land, the proposed regeneration will improve the social, economic and physical environment of the Ravensbury Estate specifically by developing a new mixed tenure neighbourhood where all homes are built to a high quality with their own outside space with well-designed and maintained public open space.
- 7.16 The Ravensbury Estate regeneration will help to address the socio-economic inequalities of the area. It has been recognised that the immediate area of Ravensbury Estate has a distinct socio-economic profile compared to the borough as a whole and generally contrasts with the socio-economic conditions of the borough as a whole. Specifically, the following characteristics have been identified:

- 7.16.1 high levels of youth unemployment constrain the skills and occupational profile of the local population which will impede access to higher value employment opportunities. This constrains the spending power of residents, contributes to further inequalities in skills in the Borough and local area, reducing residents' economic prosperity and social well-being;
  - 7.16.2 the projected increase in the child population, alongside low levels of income and high unemployment in the area will heighten concerns over child poverty; and
  - 7.16.3 the poor quality living environment, limited housing opportunities and affordability issues will also adversely affect economic and social prospects contributing to poor levels of health; higher levels of deprivation; further health risks associated with overcrowded dwellings; an unattractive living environment; and reduce social cohesion.
- 7.17 The economic consequences of the COVID-19 pandemic have not yet been fully captured by local statistics but it is likely that this will exacerbate the existing issues faced by the local community.
- 7.18 Promotion or improvement of *economic well-being* will occur through:
- 7.18.1 the creation of 60 temporary constructions jobs on a two year annual basis throughout the construction period of Ravensbury Phases 3 and 4;
  - 7.18.2 investment in Ravensbury Phases 3 and 4 is anticipated to generate £12.4 million in gross value added, of which £1.1 million will be net additional to the local area and £3 million to the Council;
  - 7.18.3 the addition of £1.1 million of gross value invested into the local area;
  - 7.18.4 there is potential for on-site training in construction which could develop local skills which in turn will benefit the local economy;
  - 7.18.5 the anticipated uplift of an additional 155 persons within the residential population which would unlock an additional:
    - (a) £175,000 additional Council Tax revenue per annum once Ravensbury Phases 3 and 4 are fully occupied; and
    - (b) £1.5 million of additional residential expenditure of which £900,000 is likely to be in the retail and hospitality sectors once Ravensbury Estate Phases 3 and 4 are fully occupied;
  - 7.18.6 the development will be liable to Community Infrastructure Levy (CIL) payments, and these monies can be utilised by the Council to fund improvements in social infrastructure, including to education, healthcare and community facilities, leisure and open space; and
  - 7.18.7 the New Homes Bonus will enable the Council to retain a greater proportion of the Council tax revenue to be made available to spend in the borough.
- 7.19 These benefits should be viewed in tandem with the benefits of the regeneration of Phase 1 of the Eastfields Estate and Phases 2 and 3 of the High Path Estate.

- 7.20 Promotion or improvement of *social well-being* will be delivered by:
- 7.20.1 the redevelopment of Phases 3 and 4 of the Ravensbury Estate providing 51 affordable homes out of the 125 being constructed in these Phases;
  - 7.20.2 the proposed housing development reinforcing the attractiveness of Ravensbury Estate as a vibrant and balanced community;
  - 7.20.3 a new replacement community room facility being proposed which will be larger than the existing facility; new residents associated will bring an increase in disposable income of £4.4 million; and
  - 7.20.4 the proposal increasing the supply of high quality housing, creating an attractive living environment in the area and providing better quality affordable housing.
- 7.21 Promotion of environmental *well-being* will occur through:
- 7.21.1 the redevelopment of a brownfield site;
  - 7.21.2 the provision of new, well-designed, energy-efficient homes that will meet the needs of residents now and in the future;
  - 7.21.3 the enhancement of the townscape through the replacement of outdated buildings with a contemporary and well-designed residential development;
  - 7.21.4 public realm improvements;
  - 7.21.5 provision of an efficient layout and a high quality public open space;
  - 7.21.6 provision of community and recreational facilities; and
  - 7.21.7 replacement of poorly insulated properties by new, energy efficient homes.
- 7.22 These benefits should be looked upon in tandem with the benefits of the regeneration of Eastfields Phase 1 and High Path Phases 2 and 3.
- 7.23 For the above reasons, the Council considers that the well-being tests set out in section 226 are fully satisfied in respect of the Order as made and submitted for confirmation.

**Viability of the regeneration and general indication of funding intentions**

- 7.24 The Developer has considerable experience and resources. It manages over 125,000 homes across 176 local authorities. It is the largest housing association in the UK and is one of the country's leading housebuilders, set to build a high volume of high quality homes of all tenures during the next ten years.
- 7.25 The Developer has an impressive track record of working on large regeneration schemes across the UK.
- 7.26 To support the Scheme as a whole, the Council and the Developer varied the existing Stock Transfer Agreement dated 22 March 2010, in particular the Development and Disposals Clawback Agreement also dated 22 March 2010, to suspend clawback payments unless the Scheme achieves a surplus.

- 7.27 The Developer has shared with the Council details of projected costs and revenues and its financial strategy for delivery of the Ravensbury Estate regeneration pursuant to the planning permissions. The Developer has confirmed they have sufficient resources to carry out the development and do not anticipate requiring external, development-specific, funding. The Developer's Board resolved on 30 September 2021 to reaffirm its commitment to delivering the Scheme even though there is anticipated still to be a deficit between the costs of the Scheme and the income generated by the sale of the private units.
- 7.28 The Council does not consider there to be any funding impediment to acquiring the Order Land and the delivery of that part of the Ravensbury Estate regeneration being brought forward pursuant to the Order. The Developer is fully committed to delivering this element of the Estate's regeneration, (and indeed the wider regeneration of the Estate and the wider Scheme), having expended considerable resources to date on acquiring relevant interests, negotiating to acquire further interests by agreement, and in obtaining the main planning approvals required to authorise and deliver it.
- 7.29 The Developer has entered into an indemnity agreement with the Council dated 7 February 2019 which fully indemnifies and provides protection for the Council in relation to all costs associated and arising in the preparation and making of the Order, acquisition of Order Land and the payment of compensation arising from such acquisition.
- 7.30 The Council is satisfied, having regard to the Developer's resources, its standing as the UK's largest housing association, its reaffirmed commitment to the Scheme and the requirements of the Guidance, that the 2022 CPOs are deliverable and that, having regard to national guidance, there is sufficient probability that the proposed regeneration of the Estates will proceed.

#### **Prospect of Scheme proceeding: Implementation of the Scheme**

- 7.31 The Council is confident that there is no impediment to the successful delivery of the regeneration of Ravensbury Estate.
- 7.32 As set out above, the Council has granted outline planning permission for the regeneration of each of the Estates. The Council envisages that the related orders can successfully be obtained.
- 7.33 Stopping Up orders are required in respect of Phases 2 to 4 of the redevelopment of the Ravensbury Estate. These will be along Hatfield Close and a small section of Ravensbury Grove. These areas are shown on the Stopping Up plan at Appendix 5 of the Statement of Reasons (Document 3). The stopping up order required in respect of Rutter Gardens (within Phase 2 of the Ravensbury Estate regeneration) has been granted.
- 7.34 The Council's investigations have revealed no other legal, financial or physical impediment and the Council is confident that there is a good prospect of the Scheme proceeding.

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

- 7.35 As discussed above, other options to meet the obligation to provide housing stock to Decent Homes standards were discounted as not being cost effective or delivering the significant benefits of the Scheme.



- 7.36 As regards the Ravensbury Estate, in order to deliver its regeneration the Developer requires unencumbered ownership with vacant possession of all the property interests which will form part of the new development.
- 7.37 The Council and the Developer have made considerable efforts to acquire all land interests on the Ravensbury Estate by agreement but the prospects of acquisition of all interests in the Order Land by agreement within a reasonable timescale are unlikely.

### **Conclusions regarding the need for the Order at this time**

- 7.38 In pursuing the Order, the Council has carefully considered the balance to be struck between the effect of acquisition on individual rights and the wider public interest in the redevelopment of the Order Land. Interference with rights under the European Convention on Human Rights (as further set out in Section 10 of this Statement) is considered by the Council to be justified, in order to secure the economic regeneration and environmental and public benefits which the proposed regeneration will bring.
- 7.39 The Council is satisfied that the redevelopment of the Order Land will have a positive impact on the social, environmental and economic well-being of the area, as the redevelopment will provide an overall improvement in the quality of life for local residents. Compulsory acquisition of individuals' property situated within the Order Land is necessary to allow this comprehensive redevelopment to proceed, and for these benefits to be delivered.
- 7.40 Due to the substantial public benefit which would arise from the regeneration of the Ravensbury Estate, it is considered that the use of compulsory purchase powers is both necessary and proportionate, and that there is a compelling case in the public interest for the making and confirmation of the Order. It is considered that the Order does not constitute any unlawful interference with individual property rights.
- 7.41 All of the Order Land is required to deliver the comprehensive redevelopment of Phases 2 to 4 of the Estate's regeneration. There is no certainty that the necessary land and interests can be assembled by agreement within a reasonable period and as such the Order is necessary, although efforts to acquire all interests by negotiation will continue in parallel.

## **8 Consultation and Engagement**

- 8.1 The Council and the Developer have been firmly committed to understanding the aspirations of residents of the Estates and their views have helped shaped masterplan proposals. The Developer has engaged in a comprehensive consultation process with local residents and statutory consultees across each of the Estates, details of which are set out below:
- 8.1.1 The Developer started consultation with residents about the future of the Estates in the summer of 2013.
- 8.1.2 In 2013 feasibility studies and summer consultation events encouraged residents to join the conversation about the future of their homes and introduced the idea of replacing homes in the three neighbourhoods.
- 8.1.3 In winter 2013 the decision to explore regeneration was taken based on feedback from consultation events. The (then) Merton Priory Homes Board decided that regeneration would be the best way of delivering long-term improvements in the three neighbourhoods.

- 8.1.4 2014 - Design stage. Architects were selected to support the proposed regeneration of the three Estates.
- 8.1.5 In summer 2014 a series of consultation events were held including coffee mornings, drop-in events, design workshops, community events and one-to-one meetings. These events were held locally and focussed on:
- (a) Getting to know the architects and what their role would be;
  - (b) Walkabouts so the architects could get a better understanding of the neighbourhood from the residents' point of view;
  - (c) Visits to other regeneration schemes in London; and
  - (d) Gathering and presenting feedback from residents on the design ideas.
- 8.1.6 Landlords, homeowners and tenants were provided with specific information about what regeneration would mean for them and the choices available to them.
- 8.1.7 September 2014 – Ten Commitments. The Council and the Developer signed up to Ten Commitments to the residents of the three neighbourhoods (discussed in detail below).
- 8.1.8 October 2014 - draft master plans were presented. Residents were shown potential layout for neighbourhoods and homes. Over 400 people attended these events to view the plans and look at the wide variety of housing types proposed. Three drop-in events were held on each Estate (Saturdays and weekday evenings) and there were home visits to the elderly and vulnerable.
- 8.1.9 May 2015 - Master plans and Residents Offer. Revised master plans were presented to residents. The Residents' Offer (discussed below) was published setting out the guaranteed package of financial support that residents would be entitled to if regeneration were to go ahead. Three consultation events were held for residents of each Estate. Support was also provided by a dedicated member of staff from the Citizens Advice Bureau to provide residents with free, impartial and confidential advice.
- 8.1.10 June 2015 - Independent residents' survey. An independent survey was carried out by Membership Engagement Services. There was a 52.5% response rate achieved with the views of 634 residents collected. Overall 50.5% of respondents agreed that regeneration would be the best for their household and 58.4% agreed that the regeneration would be the best for their neighbourhood overall.
- 8.1.11 October 2015 - decision to proceed with initial planning applications. The Developer's Management board gave its approval for the submission of initial planning applications.
- 8.1.12 January 2016 - consultation on draft designs for first new homes. Residents of High Path and Ravensbury were invited to a series of events throughout January to view proposals for the first new homes on their neighbourhoods.

- 8.1.13 April 2016 – consultation on revised designs for first new homes. Residents of High Path and Ravensbury were invited to a series of consultation events to view revised proposals for the first new homes.
- 8.1.14 November 2016 – master plan consultation. Consultation events in each Estate were held to discuss the latest master plan proposals. These included designs for the neighbourhoods, house types and phasing plans, ahead of outline planning applications being submitted.
- 8.1.15 In addition, statutory consultation has been carried out as part of the Estates Local Plan process and each outline planning application in accordance with the legislative requirements.
- 8.1.16 In 2017, numerous letters were issued to residents concerning various topics such as: design workshops which were held across several evenings during the period from January to March, updates regarding the planning position of Ravensbury Estate and seeking residents' views on their re-housing requirements/preferences, and a general newsletter was issued in Summer 2017 providing an updating on the regeneration.
- 8.1.17 In 2018, pre-demolition work began for the first 21 new homes and letters/newsletters were issued to keep residents informed of the same, an 'inside your home' workshop was held in September, and in Autumn a further newsletter was issued providing an update on the regeneration and setting out timescales for all four construction phases.
- 8.1.18 In Spring 2019, a newsletter was issued to residents confirming the first new homes were being constructed. In July, letters were issued to residents to confirm where possible residents had been matched to replacement homes in Phase 1.
- 8.1.19 In September 2019, Ravensbury Live was established which is an online portal providing floorplans, photos and videos of the progress of the Ravensbury Estate regeneration. Flyers have been issued to local residents to publicise Ravensbury Live and to inform them about how they are able to sign up to the portal.
- 8.1.20 In 2020, newsletters were issued to provide an update on the regeneration to residents in Summer and Winter.
- 8.1.21 In 2021, several newsletters were issued to residents with updates and timescales of the regeneration of all three estates. Clarion also offered a series of drop-ins to discuss resident queries, one to one discussions and website updates were undertaken.
- 8.1.22 In January 2022, an event was held to enable residents to meet the contractor for Phase 2 of the Ravensbury Estate regeneration, Henry Construction. Residents were issued letters to inform them of this.
- 8.1.23 Also in January 2022, notices were served under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 with online sessions held for residents.

- 8.1.24 Numerous Merton Community Panel events have been held since January 2022.
  - 8.1.25 In March and June of 2022, newsletters were issued to residents to provide an update on the regeneration.
  - 8.1.26 In January, March and June of 2023, newsletters were issued to residents providing an update on the Ravensbury Estate regeneration.
  - 8.1.27 A residents meeting was held on 13 July and 9 August 2023.
  - 8.1.28 In addition, statutory consultation has been carried out as part of the Estates Local Plan process and each outline and reserved matters planning application in accordance with the legislative requirements.
- 8.2 In addition, the Developer has broadened its level of community engagement by sending a quarterly newsletter to all existing residents, informing residents of the latest updates on the regeneration proposal.
- 8.3 The Developer has also been in consultation with the Council as local planning authority throughout the planning application process as well as with statutory consultees. Feedback from this consultation has informed the planning applications.
- 8.4 Throughout the consultation exercise, all responses received have been thoroughly reviewed and considered and amendments to the proposals have been incorporated on an iterative basis. The result of this detailed exercise was the submission of four significant outline planning applications together with two Kickstart planning applications that ensured residents would only need to move once.

### **Ravensbury Estate - Engagement**

- 8.5 In relation to the Ravensbury Estate specifically:
- 8.5.1 Thirteen public consultation events were held between July 2013 and November 2016. The design team consulted with existing residents, the local community and key stakeholders including the following groups:
    - (a) Existing residents of Ravensbury;
    - (b) Neighbouring residents and businesses;
    - (c) Local amenity groups, including: Friends of Ravensbury Park, Morden Hall Park, Wandle Trust and Living Wandle, National Trust, London Wildlife Trust, Architectural Liaison Officer; and
    - (d) The local MP and local councillors.

## **9 Efforts to acquire by agreement and residents' offer**

- 9.1 The Council is exercising its powers under section 226(1)(a) and section 226(3)(a) because it has not been possible for the Developer to acquire by agreement all interests that are required to deliver Phases 2 to 4 of the Ravensbury Estate regeneration, and it is not certain that the Developer will be able to acquire the remaining land by agreement. Although the owners of the interests have been approached on a number of occasions by the Developer

with a view to purchasing their interests, agreement for purchase has not been reached because the owners have either not yet decided which of the options available to them they wish to exercise or they are waiting for as long as possible before selling their interests to the Developer.

- 9.2 Single ownership and control of the Order Land is necessary to enable the Ravensbury Estate regeneration to proceed. It is not considered likely that the Developer will be able to acquire all the necessary interests by agreement within a reasonable period. The Council is therefore satisfied that the use of compulsory purchase powers is necessary and justifiable in the public interest.
- 9.3 In order for the 2022 Scheme to be delivered, as at the end of February 2022 the following interests will need to be acquired (as at 20 October 2023):
- 9.3.1 Within Eastfields Phase 1, 39 property interests remain to be acquired;
  - 9.3.2 Within High Path Phases 2 and 3, 18 property interests remain to be acquired;
  - 9.3.3 Within Ravensbury Phases 2 to 4, 1 property interest remains to be acquired.<sup>1</sup>
- 9.4 Following the Order being made, the Developer has also continued its efforts to seek to acquire all interests voluntarily. Since the Order was made, the following three interests within the Ravensbury Estate which are listed within the Schedule to the Order have been acquired by the Developer by agreement:
- 9.4.1 26 Ravensbury Grove;
  - 9.4.2 32 Ravensbury Grove; and
  - 9.4.3 14 Hatfield Close.
- 9.5 The Council considers that the use of its CPO powers to acquire both the outstanding interests in the Order Land and the new rights is necessary, since the Developer has not been able to achieve this by agreement and it is unlikely that it would be able to do so within an acceptable timescale without the Order. The Ravensbury Estate regeneration cannot proceed unless these interests are acquired. The Council is satisfied that the acquisition of these interests will facilitate the proposed regeneration, which will lead to the redevelopment and will contribute to economic, social and environmental improvements to the area.
- 9.6 In making its assessment of the justification for the Order, the Council has taken into account the rights of third parties protected by the European Convention on Human Rights which may be affected by the Order (as referred to in Section 10 of this Statement). In addition, the Council has had full regard to its public sector equality duty under section 149 of the Equality Act 2010 (as referred to in Section 11 of this Statement).
- 9.7 The Council acknowledges that when proposing large scale regeneration, there are considerable uncertainties and challenges for residents. The Council and Developer have undertaken significant consultation with residents. The consultations undertaken are

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<sup>1</sup> As of the end of October 2023, the Developer has acquired 277 property interests across the Scheme area through voluntary sales under the terms of the 2015 residents offer (as updated by the 2018 and 2023 resident offers). Of these, 173 property interests are at High Path, 93 property interests are at Eastfields and 13 property interests are at Ravensbury.

detailed fully in Section 8 of this Statement. To support the Scheme and to ensure fairness for residents, the Council and Developer agreed a series of promises to residents, known as the Ten Commitments (Document 30) which are:

- 9.7.1 The Developer will consult with residents, consider their interests at all times, and address concerns fairly.
  - 9.7.2 Current homeowners will be entitled to at least the market value of their home should they wish to take the option to sell their home to the Developer.
  - 9.7.3 Existing tenants will keep all their rights, including tenancy conditions and the associated rent level, in the new neighbourhood as they do now.
  - 9.7.4 Current tenants will be entitled to be rehoused in a new home of appropriate size considering the number of people in their household.
  - 9.7.5 All new properties will be more energy efficient and easier to heat than existing properties, helping to keep down residents' fuel bills.
  - 9.7.6 The Developer will keep disruption to a minimum and will do all it can to ensure residents only move once if it is necessary to house them temporarily while their new home is being built.
  - 9.7.7 The Developer will offer extra help and support for older people and / or disabled residents throughout the regeneration works.
  - 9.7.8 The Developer will continue to maintain the homes of residents across the three neighbourhoods throughout the planning process until regeneration starts, including ensuring a high quality responsive repairs service.
  - 9.7.9 Any growth in the number of homes will be consistent with the Council's Development Plan so that it is considered, responsible and suitable for the area.
  - 9.7.10 As a not for profit organisation, the Developer will not profit from any regeneration and will use any surplus to provide more housing or improve existing neighbourhoods.
- 9.8 The Developer has made a detailed Residents' Offer (Document 31). They have also made a series of commitments on repairs and maintenance. These service elements, while not directly relevant to the Scheme, are of considerable importance to residents.
- 9.9 The Residents Offer details the Replacement Home Option which is offered to those resident homeowners who were living on one of the three Estates on the 27 May 2015 (when the Residents Offer was published). The Replacement Home Option confirms:
- 9.9.1 If you are currently a freeholder you will be offered a freehold on your new property.
  - 9.9.2 If you are a leaseholder you will be offered a new long lease on your new property.
  - 9.9.3 The Replacement Home will be at least as large as the home it replaces, unless you choose to move to a smaller home.

- 9.9.4 Every Replacement Home will have private outdoor space (i.e. a garden, balcony or roof terrace) irrespective of whether the original home had this or not.
- 9.9.5 If you live in a house you will be offered a house, if a flat a new flat and a maisonette a new maisonette.
- 9.9.6 The new home will have the same number of bedrooms as the existing home had when it was first built.
- 9.9.7 There will be a Replacement Home for every resident homeowner who chooses to stay.
- 9.9.8 They will be entitled to a £3,000 disturbance allowance.
- 9.10 The Developer has committed, where possible, to moving resident homeowners straight into their new Replacement Home, i.e. without the need to be temporarily housed. The phasing plans for all three Estates' regenerations have been designed to accommodate this approach. For a small number of existing resident homeowners this may not be possible, for example as a consequence of their choice of location and its position in the phasing plan. The Developer may be able to offer a temporary home in their Estate or another part of Merton.
- 9.11 A disturbance payment of £3,000 will be available. Resident homeowners won't be charged rent in their temporary home as long as they agree to the terms set out in the Residents Offer regarding accepting the market value plus 10 per cent for their existing home, the value of the new home and the licence agreement for the temporary home.
- 9.12 The Council is satisfied that a strong Residents' Offer has been made that treats residents fairly and ensures communities within the Estates can remain consistent and cohesive after the regenerations.
- 9.13 The Developer also made offers to all persons listed within the Order whose rights over the Order Land are to be acquired. A summary of the engagements are as follows:
  - 9.13.1 In March 2023, offer letters were sent to 14 interest holders;
  - 9.13.2 To date, 8 interest holders have engaged with the Developer's agent further to the offer letters;
  - 9.13.3 To date, 8 interest holders have agreed compensation levels 'in-principle – heads of terms have been issued with a view to entering into deeds of release / agreements; and
  - 9.13.4 To date, 6 interest holders have not responded to the offer letters.

## 10 **Human Rights Considerations**

- 10.1 Section 6 of the Human Rights Act 1998 prohibits a public authority from acting in a way which is incompatible with the rights and fundamental freedoms set out in specified provisions of the European Convention on Human Rights (the **Human Rights**).
- 10.2 The Human Rights likely to be engaged in the process of considering, making, confirming and implementing a compulsory purchase order include those under Article 6 (right to a fair

and public hearing to determine a person's civil rights), Article 1 of the First Protocol (right to peaceful enjoyment of possessions) and Article 8 (right to respect for private and family life including a person's home).

- 10.3 Any interference with a Human Right must be necessary and proportionate. Compulsory purchase and overriding private rights must be justified by sufficiently compelling reasons in the public interest and must be a proportionate means of achieving the objectives of the Order. Similarly, any interference with rights under Article 8 (right to home life) must be "necessary in a democratic society" and proportionate. The requirements under the Convention are reflected in paragraphs 17 and 18 of the CPO Guidance:

*"17. 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 it is making a compulsory purchase order sufficiently justify interfering with the human rights of those with an interest in the land affected. Regard should be had, in particular, 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.*

*18. The confirming Minister has to be able to take a balanced view between the intentions of the acquiring authority and the concerns of those whose interest in land it is proposed to acquire compulsorily. The more comprehensive the justification which the acquiring authority can present, the stronger its case is likely to be. But each case has to be considered on its own merits and the advice in this Part is not intended to imply that the confirming Minister will require any particular degree of justification for any specific order. Nor will a confirming Minister make any general presumption that, in order to show that there is a compelling case in the public interest, an acquiring authority must be able to demonstrate that the land is required immediately in order to secure the purpose for which it is to be acquired."*

- 10.4 If a compelling case in the public interest can be demonstrated as the Council considers here, then this will meet the requirements of the Convention. In making this Order, the Council has carefully considered the balance to be struck between individual rights and the wider public interest. Having regard to the matters set out above a compelling case in the public interest exists for the making and confirmation of the Order. Interference with Human Rights, to the extent that there is any, is considered to be justified in order to secure the economic, social and environmental benefits which the Scheme will bring, namely the creation of new, well designed, high quality neighbourhoods aimed at fundamentally improving the quality of life for existing and future generations living in the area. This coupled with the significant level of public consultation, and a robust, fair offer to residents in the Estates means the Scheme minimises the interference with the rights of those affected.
- 10.5 Appropriate compensation will be available to those entitled to claim it under the relevant statutory provisions.
- 10.6 In relation to the requirements of Article 6 (right to a fair and public hearing), these are satisfied by the statutory procedures which include rights to object and to be heard at any public inquiry and by the right to statutory challenge under the Acquisition of Land Act 1981.



- 11 **Public Sector Equality Duty**
- 11.1 In discharging its functions, the Council has a statutory duty under section 149 of the Equality Act 2010 to have due regard to the need to:
- 11.1.1 eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  - 11.1.2 advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - 11.1.3 foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 11.2 The "relevant protected characteristics" are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.
- 11.3 A full Equality Impact Assessment (**EqIA**) was undertaken as part of the Estates Local Plan. EqIAs (dated March 2022) were also undertaken to re-examine the equalities impacts of the Scheme as a whole, with specific assessments carried out for each Estate (Document 37).
- 11.4 The EqIAs have considered the impact upon protected groups whose lives may be affected by the acquisition of land and rights, by the construction of the Scheme and/or by the completed Scheme. The protected categories that could potentially be affected by the Scheme are: age, disability and race/belief.
- 11.5 However, the EqIA concludes that the impacts of the Scheme will be broadly positive through:
- 11.5.1 Opportunity to reduce overcrowding amongst its tenanted households. Overcrowding is proportionately more likely to affect households from the BAME community and so the regeneration provides an opportunity to address inequality in this area. Significant amenity and size improvements will be provided for residents, with all new homes built to current space standards with private outdoor space.
  - 11.5.2 The regeneration is an opportunity to provide new lifetime homes for all tenants, this will enable older tenants (and homeowners) to remain independent in their own homes for longer. New homes can be adapted to meet the specific needs of disabled residents, 10% of all new homes will be fully accessible and adaptable for wheelchair users.
- 11.6 Steps are being taken to ensure that the acquisition and relocation processes are applied in a fair and non-discriminatory way. However, it is acknowledged that the process of redeveloping the Estates itself is likely to have a negative impact on older, disabled and vulnerable residents, due to the requirements to move house, potentially more than once, if temporary accommodation is necessary during the construction period. The greatest impact on equalities will be the mechanics of the Estates' regeneration including: the residents' offer; moving existing residents into new homes; addressing overcrowding; and minimising disruption during this extensive process.

- 11.7 The Developer has committed to designing the Phases to minimise the need to "double decant" and where at all possible older, vulnerable or disabled tenants will only be asked to move once, straight into a new home. Help will be provided to assist with such moves.
- 11.8 In promoting the Order and delivering Phases 2 to 4 of the Ravensbury Estate Scheme the Council and the Developer will seek to keep the existing community together with existing residents having a guaranteed right to return to a new home in their regeneration neighbourhood. The Ten Commitments and Residents Offer (discussed in Section 9 above) provide a strong mechanism to achieve this.
- 11.9 The EqIA will continue to be monitored and reviewed throughout the progression of the proposals in order to ensure that any future impact can be measured and mitigated against as necessary.
- 11.10 To conclude, steps are being taken to ensure that the acquisition and relocation processes are applied in a fair and non-discriminatory manner. Steps will also be taken to minimise the adverse effects on protected groups during construction and any such effects suffered by surrounding ethnic minority businesses. The proposals will bring a range of benefits to disabled and other protected groups including in relation to enhanced access, housing provision, lifetime homes.

## 12 Council's Response to Objections to the Order

- 12.1 In total, 3 objections were received in relation to the Order. However, one of these objections has subsequently been withdrawn following the Developer entering into a voluntary agreement with the relevant objector. This Statement does not set out the Council's response to that withdrawn objection. A schedule of the withdrawn objections is attached at Document 38.
- 12.2 Consequently, two objections remain outstanding. As they relate to the same property, the objections have been considered together. The position of the objections 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.
- 12.3 **Objection from resident of the property (the First Objector) and objection from resident and freehold owner of the property (the Second Objector) both dated 31 August 2022 - 217 Morden Road, Mitcham, CR4 4DJ**

12.3.1 **Objection:** *The First Objector has concerns of overcrowding as a result of their child who requires nightly care from qualified nurses meaning she requires her own bedroom. The First Objector wishes to remain within the estate in Council housing, specifically within the Phase 2 area of Ravensbury, and has written to the regeneration manager to consider the objectors specific circumstances. The objector submitted the objection when a reply was not received from the regeneration manager.*

12.3.2 **Response:** The Developer has been in regular contact with these objectors directly and via their consultants, Savills. With regard to the First Objector's (being the resident of the property only) wish to be moved from his parent's house and into Council housing within Phase 2 of the Ravensbury Estate, all social housing within the London Borough of Merton is allocated via the housing register

maintained by the Council in line with their statutory duties. The Developer has a nominations agreement which means 100% of void properties are offered to the London Borough of Merton for them to nominate a household from their housing register. The First Objector has not applied to join the housing register and the Developer is unable to house him and his family directly into social housing within the estate. Various options have been explored and the most recent negotiations in Autumn 2023 have resulted in this objector verbally agreeing to remove the objection provided he receives a firm commitment from the Developer to be provided with the first right of refusal to buy a shared ownership property within a later phase of the Ravensbury Estate regeneration. It is understood that the objector will be willing to withdraw the objection if this commitment can be made. The Developer is seeking internal approval to pursue this option.

12.3.3 The Developer remains open to resolving the concerns these objectors may have as soon as practicable and entering into suitable agreements to enable these objectors to withdraw their objections concerning this property. The Developer will continue to actively and regularly engage with these objectors to reach a resolution.

12.3.4 **Objection:** *The Second Objector (being the resident and freehold owner of the property) is in agreement with the scheme and the new proposed home. However, the objector's ground for objection are that they would like minor amendments to be made to the inside of the property.*

12.3.5 The Second Objector is supportive of the scheme and has selected a home to buy within Phase 2 of the redevelopment which has been reserved for the objector and their family to move into as soon as it has been completed. The Second Objector will benefit from the attractive terms of the Resident's Offer which means he will own the property outright despite the disparity in values between the new home and his previous home. If he sells or otherwise disposes of the property in the 11 years after the purchase of the new home, he will need to pay back the difference in value between the two properties on a reducing taper. After 11 years have passed, he will not need to pay back any of the difference in value. It has been agreed with the objector that various changes can be made to the property layout including changes to the internal walls to separate the kitchen from the living room, changes to the bathrooms, re-locating the side gate to allow for a 5-6 metre gap between the gate and the property, external power supply to the front and rear of the property. The Developer has also agreed to make a substantial payment to cover the costs incurred installing new doors to the ground floor elevation of the new home.

12.4 For the avoidance of doubt, please note that the remaining statutory objectors' names have been removed from this Statement on account of data protection and health and safety concerns.

### 13 **Details of Contacts for further information**

13.1 Those parties affected by the Order who wish to discuss matters with a representative of the Council and/or the Developer should contact:

13.1.1 For the Council – Simon Hogue at [mertoncpo@merton.gov.uk](mailto:mertoncpo@merton.gov.uk); and

13.1.2 For the Developer – Iona McConnell at Iona.McConnell@clarionhg.com.

13.2 A copy of the Order, the Order Map, the Appendices to this Statement and other documents may be viewed at:

London Borough of Merton  
Civic Centre  
London Road  
Morden  
SM4 5DX

#### 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 Electronic or hard copies can be provided on request. To request copies please contact Simon Hogue at mertoncpo@merton.gov.uk.

	Document	Date
<b>A - The Order and Accompanying Documents</b>		
1	The Order and Order Schedule	13 June 2022
2	The Order Map	13 June 2022
3	The Statement of Reasons	
<b>B - Plans and Drawings</b>		
4	Indicative Phasing Plan	
5	Estates Plan	
6	Stopping up Plan	
<b>C – Council Reports and Authorisations</b>		
7	London Borough of Merton Cabinet Report	15 January 2018
8	London Borough of Merton Full Council Report	07 February 2018
9	Officer report to Council Planning Committee	08 March 2018
10	London Borough of Merton Full Council Report	02 February 2022
11	London Borough of Merton Cabinet Report	21 March 2022

12	Officer report to Council Planning Committee on 15 June 2023	18 May 2023
<b>D - Planning Permissions and Supporting Documents</b>		
13	Ravensbury Phase 1 Planning Permission (ref: 16/P1968)	09 May 2017
14	Ravensbury Estate Outline Planning Permission Phases 2-4 (ref: 17/P1718)	29 April 2019
15	Ravensbury Estate Phases 2-4 Reserved Matters (ref: 19/P1845)	09 December 2019
16	Eastfields Estate Outline Planning Permission (reference: 17/P1717) as amended by section 73 application reference 21/P4078	15 March 2022
17	Eastfields Estate Phase 1 Reserved Matters Approval (ref: 21/P4430)	29 April 2022
18	Section 106 Agreement (the Extant OPA S106 Agreement)	26 April 2019
19	High Path Phase 1 Permission (ref: 16/P3738)	05 October 2017
20	High Path Phase 1 Section 106 Agreement	17 October 2017
21	High Path Extant OPA (ref 17/P1721)	29 April 2019
22	Variation to High Path Extant OPA (ref 21/P1932)	19 July 2019
23	Variation to High Path Extant OPA (ref 21/P2806)	21 January 2022
24	Variation to High Path Extant OPA (ref 22/P1740)	14 October 2022
25	High Path Phase 2A/2B Reserved Matters Approval (ref: 19/P1852)	03 October 2019
26	High Path Phase 2A Reserved Matters Approval (ref: 22/P0085)	31 March 2022
27	High Path Phase 3A Reserved Matters Approval (ref: 22/P2199)	12 December 2022
28	High Path Phase 2A Certificate of Lawfulness (ref: 22/P1653)	13 August 2022
<b>E - Other Scheme related Documents</b>		
29	Decent Homes Programme	
30	The 10 Commitments	September 2014

31	Developers Residents Offer	2023
32	2015 Housing Needs Study	February 2015
33	Urban Design Review Study	March 2015
34	Condition Survey Report - Baily Garner LLP	June 2016
35	Savills Assessment	October 2016
36	Design Code	November 2017
37	Equality Impact Assessments	March 2022
<b>F – Objections</b>		
38	Schedule of withdrawn objections	
<b>G - Planning Policy and Guidance Documents</b>		
39	National Planning Policy Framework	September 2023
40	The London Plan	2021
41	Core Planning Strategy– Merton Council	July 2011
42	Sites and Policies Plan – Merton Council	July 2014
43	South London Waste Plan	March 2012
44	Estates Local Plan	07 February 2018
45	Draft Local Plan – Extract Policies H11.1 and H11.2	Submitted 02 December 2021
46	Mayor of London's Housing Supplementary Planning Guidance	August 2017
<b>H - Legislation and Guidance</b>		
47	The Town and Country Planning Act 1990 (section 226)	
48	The Town and Country Planning Act 1990 (section 70(2))	
49	The Local Government (Miscellaneous Provisions) Act 1976 (section 13)	
50	Housing and Planning Act 2016 (section 203)	
51	Planning and Compulsory Purchase Act 2004 (section 38(6))	

52	Guidance on Compulsory Purchase and the Criche! Down Rules	July 2019
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## Glossary

### Definitions Used in this Statement of Case

**1976 Act:** Local Government (Miscellaneous Provisions) Act 1976;

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

**2022 CPOs:** the Order, the Eastfields Order and the High Path Order;

**Council:** the Mayor and Burgesses of the London Borough of Merton;

**CPO Guidance:** Guidance on Compulsory Purchase and the Crichel Down Rules for the Disposal of Land acquired by, or under the threat of, Compulsion published in July 2019 by the Ministry for Housing Communities and Local Government;

**Developer:** Clarion Housing Group, formerly Circle Merton Priory Homes and Merton Priory Homes;

**Eastfields Estate:** the Eastfields Estate, Mitcham as shown edged red on the Estates' Plan marked 'Eastfields Estate';

**Eastfields Order:** the London Borough of Merton (Eastfields No.1) Compulsory Purchase Order 2022;

**Estates:** the Eastfields Estate, the High Path Estate and the Ravensbury Estate;

**Estates' Plan:** the plans showing all three Estates at Appendix 6;

**High Path Estate:** the High Path Estate, South Wimbledon as shown edged red on the Estates' Plan marked 'High Path Estate';

**High Path Order:** the London Borough of Merton (High Path No.1) Compulsory Purchase Order 2022;

**NPPF:** the National Planning Policy Framework, June 2019;

**Order:** the London Borough of Merton (Ravensbury No 1) Compulsory Purchase Order 2022;

**Order Land:** the land included within the Order and is shown on the Order Map appended to this Statement;

**Phase 1:** the first construction phase of the Ravensbury Estate shown outside of the redline area on the Phasing Plan and marked 'Phase 1';

**Phase 2:** the second construction phase of the Ravensbury Estate shown hatched purple on the Phasing Plan;

**Phase 3:** the third construction phase of the Ravensbury Estate shown hatched blue on the Phasing Plan which includes the Order Land;

**Phase 4:** the fourth construction phase of the Ravensbury Estate shown hatched green on the Phasing Plan which includes the Order Land;

**Ravensbury Estate:** the Ravensbury Estate, Morden as shown edged red on the Estates' Plan marked 'Ravensbury Estate'; and



**Scheme:** the Developer's proposals for regeneration of the Estates.

## Appendix – Planning Permissions for the Estates

Please see below a summary of the various planning permissions issued to date in respect of each Estate relating to the Scheme.

### 1 High Path Estate:

1.1 A detailed 'kickstart' permission granted on 5 October 2017 for High Path Phase 1 (reference 16/P3738) for 134 new homes (the **High Path Phase 1 Permission**) (Document 19).

1.2 An agreement dated 17 October 2017 pursuant to section 106 of the 1990 Act secured various obligations in relation to the High Path Phase 1 Permission (Document 20). The Phase 1 Permission has been built out in full.

1.3 Outline planning permission granted on 29 April 2019 for High Path Phases 2-7 with reference 17/P1721) (Document 21) (subject to variations with references 21/P1932 granted to 19 July 2019 (Document 22), 21/P2806 granted on granted on 21 January 2022 (Document 23) and 22/P1740 granted on 14 October 2022 (Document 24)). The current description of development reads:

*"(with all matters reserved, except in relation to parameter plans) for the comprehensive phased regeneration of High Path Estate comprising demolition of all existing buildings and structures; providing up to 1570 residential units (C3 Use Class); provision of up to 9,900 sqm of commercial and community floorspace (including replacement and new floorspace, comprising: up to 2,700 sqm of Use Class A1 and/or A2, and/or A3 and/or A4 floorspace, up to 4,100 sqm of Use Class B1 (office) floorspace, up to 1,250 sqm of flexible work units (Use Class B1), up to 1,250 sqm of Use Class D1 (Community) floorspace; up to 600 sqm of Use Class D2 (Gym) floorspace); provision of new neighbourhood park and other communal amenity spaces, including children's play space; public realm, landscaping, lighting; cycle parking (including visitor cycle parking) and car parking (including within ground level podiums), associated highways and utilities works". (the **Extant OPA**)*

1.4 An agreement dated 26 April 2019 pursuant to section 106 of the 1990 Act secured various obligations in relation to the Extant OPA (Document 18). This agreement also secured planning obligations in relation to outline planning permissions granted in respect of the Eastfields and Ravensbury Estates and bound all three estates together in viability terms.

1.5 Reserved matters in relation to the Extant OPA have been granted as follows:

1.5.1 reference 19/P1852 for Phase 2 granted on 3 October 2019 for the construction of 113 homes and to which the Order relates (Document 25);

1.5.2 reference 22/P0085 for Phase 2A granted on 31 March 2022 for the Nelson Grove Road Garages (Document 26). This permission has been built out; and

1.5.3 reference 22/P2199 for Phase 3A granted on 12 December 2022 for the demolition of the existing houses at 50-60 Pincott Road and the provision of a multi-use games court including associated landscaping, lighting and highways work (Document 27).

1.6 Temporary Phase 2A is now complete and a Certificate of Lawfulness of Existing Development (reference 22/P1653) was granted by the Council on 13 August 2022 confirming the implementation of the Extant OPA (Document 28).

1.7 A reserved matters application for Phases 3B and 3C (which will include demolition of the buildings in Phase 4) was validated on 10 January 2023 and allocated reference number 22/P3688 for:

*"Demolition and site clearance and the construction of buildings for residential dwellings (and associated communal open space and play space), non-residential floor space, an energy centre, public open space comprising a new public square, public realm and landscaping works, cycle and car parking spaces together with associated highways and utilities works including underground refuse stores."*

This reserved matters application will be updated following Government confirmation of the requirements of the fire safety (second staircase) regulations.

1.8 The Extant OPA is subject to a pending non-material amendment (reference 23/P0515) to allow for some conditions to be discharged in respect of individual plots, rather than on a phase wise basis.

1.9 A new outline planning application for Phases 4 to 7B was submitted and was validated on 18 January 2023 with reference number 22/P3686 for revised proposals for part of the phased regeneration of the High Path Estate comprising demolition of all existing buildings and structures and the erection of buildings to deliver new homes, flexible non-residential floor space (including retail, leisure, business and community uses); provision of public open space (including remainder of neighbourhood park) and other communal amenity spaces including children's play space, public realm, landscaping, lighting, cycle parking and car parking together with associated highways and utilities works. The application relates to phases 4-7B (based on the illustrative phasing) (the **Proposed OPA**).

1.10 On 15 June 2023, the Council's Development and Planning Applications Committee unanimously resolved to grant planning permission for the Proposed OPA subject to conditions and planning obligations being secured (Document 12). The Proposed OPA is now going through GLA Stage 2 review.

1.11 A variation of Extant OP A S106 Agreement is currently being negotiated by the Council and the Developer to bind the planning permission to be granted pursuant to the Proposed OPA.

## 2 **Ravensbury Estate:**

2.1 Full planning permission was granted on 9 May 2017 for Phase 1 of the Ravensbury Estate (reference: 16/P1968) (Document 13).

2.2 Outline planning permission was granted on 29 April 2019 for Phases 2-4 of the Ravensbury Estate regeneration (reference: 17/P1718) (Document 14).

2.3 Reserved matters were approved on 9 December 2019 for 179 new homes in Phases 2-4 (reference: 19/P1845) (Document 15).

3 **Eastfields Estate:**

- 3.1 Outline planning permission was granted on 29 April 2019 for phases 1-4 of the Eastfields Estate regeneration (reference 17/P1717) (as amended by section 73 application dated 15 March 2022 (reference 21/P4078)) (Document 16).
- 3.2 Reserved matters for Eastfields Phase 1, to which the Eastfields Order relates was granted on 29 April 2022 (reference: 21/P4430) (Document 17).