

**The London Borough of Merton**  
**(Eastfields No 1)**  
**Compulsory Purchase Order 2022**

**STATEMENT OF REASONS**

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# THE LONDON BOROUGH OF MERTON

## (EASTFIELDS NO. 1) COMPULSORY PURCHASE ORDER 2022

### STATEMENT OF REASONS FOR THE MAKING OF THE ORDER

#### 1 Introduction and Background

- 1.1 This document is the Statement of Reasons prepared by the London Borough of Merton (the **Council**) which sets out the background to, and reasons for, the making of the London Borough of Merton (Eastfields No.1) Compulsory Purchase Order 2022 (the **Order**) which is to be submitted to the Secretary of State for Levelling Up, Housing and Communities for confirmation.
- 1.2 The Council has made the Order pursuant to Section 226 (1)(a) of the Town and Country Planning Act 1990 (the **1990 Act**), Section 13 of the Local Government (Miscellaneous Provisions) Act 1976, Section 203 of the Housing and Planning Act 2016 and the Acquisition of Land Act 1981. This Statement of Reasons is provided in compliance with paragraph 186 of the Department for Levelling Up, Housing and Communities "Guidance on Compulsory Purchase Process and The Crichel Down Rules" July 2019 (the **CPO Guidance**).
- 1.3 The Council's purpose in making the Order and seeking its confirmation by the Secretary of State for Levelling Up, Housing and Communities, is to enable the Council to acquire compulsorily the land and the new rights over land included in the Order to facilitate the regeneration and construction of Eastfields Estate Phase 1 (**Eastfields Phase 1**).
- 1.4 The Eastfields Estate regeneration forms part of the wider Estates Regeneration Programme (the **Scheme**) proposed by the Council in the borough. 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 known as **the Estates** for the purpose of this document).
- 1.5 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 – 2034.

- 1.6 In conjunction with this Order, the Council is also bringing forward the London Borough of Merton (Ravensbury No.1) Compulsory Purchase Order 2022 (the **Ravensbury Order**) and The London Borough of Merton (High Path No. 1) Compulsory Purchase Order 2022 (the **High Path Order**) (together with this Order, the **2022 CPOs**) as part of the next phase of redevelopment across the three Estates.

### **The Developer**

- 1.7 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 Reasons, 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.
- 1.8 Merton Priory Homes (also known as Circle Housing Merton Priory) was formed in 2010 as a result of the transfer of the Council's social housing stock to Merton Priory Homes, 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, holding over 125,000 homes.

### **Evolution of the Scheme**

- 1.9 Pursuant to an agreement dated 22 March 2010, the Council's social housing stock was transferred to the Developer (the **Stock Transfer Agreement**). The Stock Transfer Agreement between the Council and the Developer included a legal obligation requiring the Developer to undertake a programme of property improvements known as Decent Homes; these are well underway across the transferred housing stock.

- 1.10 Whilst considering the programme of improvement that needed to be undertaken, stock condition surveys undertaken on behalf of the Developer gave rise to concerns as to whether refurbishment was actually a viable option or whether, in some circumstances it might be more beneficial and sustainable to replace homes in the poorest condition with new properties. In 2013 the Developer began exploring regeneration-based alternatives for the housing stock on the Estates.
- 1.11 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 and other interested parties as well as with the Developer. The Developer has also been actively consulting and engaging with residents and homeowners on the Estates about the possibility of regeneration. As well as active engagement, the Council have analysed the evidence provided by the Developer to support the case for regeneration. The Council and the Developer signed the 10 Commitments in September 2014 (Appendix 2) which have provided the backbone of the project to ensure that residents remain at the heart of decision-making.
- 1.12 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.

### **The Scheme**

- 1.13 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.

1.14 The Scheme envisages the provision of up to 2,704 new homes. The breakdown of these new homes is as follows:

- High Path Phase 1 (Kickstart): 134 homes;
- High Path Phases 2 –7: up to 1570 homes;
- Ravensbury Phase 1 (Kickstart) 21 homes;
- Ravensbury Phases 2-4: up to 179 homes; and
- Eastfields Phases 1-3: up to 800 homes.

1.15 In respect of Eastfields Phase 1, a revised outline planning permission for this element of the Scheme was obtained on 15 March 2022.

1.16 Reserved matters for Eastfields Phase 1, to which the Order relates was granted on 29 April 2022 (reference: 21/P4430).

1.17 Phase 1 of the 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. Phase 2 is being carried out but a small parcel of unregistered land is required to be acquired for access purposes. Phases 2-4 are therefore the subject of the Ravensbury Order being progressed in tandem with this Order.

1.18 Reserved matters were also approved on 3 October 2019 for the majority of High Path Phase 2, to which the Order relates, for the construction of 113 new homes. Reserved matters for the Nelson Grove Road Garages, which will form part of a separate construction Phase 2A is required to deliver this sub-Phase, were approved on 31 March 2022 (ref: 22/P0085).

- 1.19 In respect of High Path Phase 3, revised outline planning permission for this element of the Scheme was obtained on 21 January 2022 and reserved matters for High Path Phase 3 is due to be submitted in Summer 2022.
- 1.20 Throughout the Scheme there will be no loss of social/affordable housing, indeed, the number of social/affordable bed-spaces provided will increase as the Developer addresses historic overcrowding in the three Estates, when rehousing the existing social/affordable tenants.
- 1.21 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 and updated in 2018, a copy of which is attached at Appendix 3.
- 1.22 The Council supports the Scheme and is convinced that it will contribute significantly to improving the economic, social and environmental well-being of the area.
- 1.23 The Developer is in discussions with residents and the Council about amended the Scheme in respect of Phases 4-7 of High Path. However, the Developer has confirmed its commitment to delivering redevelopment pursuant to the 2022 CPOs and delivery of such is not contingent on any new or revised planning permission being granted for Phases 4-7.

### **The Order**

- 1.24 The Order forms part of the first CPOs brought forward in respect of the Scheme, in conjunction with the Ravensbury Order and the High Path Order and relates to land comprising part of the Eastfields Estate and includes the land shown shaded pink, edged red or shaded blue on the Order Map at Appendix 1 (the **Order Land**). As noted above, the Order Land comprises Phase 1 of the Eastfields Estate – see the Order Map at Appendix 1 and the indicative Phasing Plan at Appendix 4. The Order Land includes all of the new homes being proposed as part of the construction of Eastfields Phase 1.



- 1.25 In addition to the land interests that need to be acquired within the relevant phases, there are properties within the wider Eastfields Estate and around the perimeter of the Eastfields Estate which may have rights over the Order Land which may need to be acquired and/or over which new rights are required to undertake the development.
- 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 Eastfields Estate and will also allow enable regeneration of other parts of the Eastfields Estate to come forward, since the homes provided on the Order Land will enable the relocation of existing residents in subsequent phases of the Eastfields Estate regeneration.
- 1.27 Eastfields Phase 1 (which comprises the Order Land) will facilitate delivery of 201 new homes on the Eastfields Estate of which 143 (71%) new homes will be affordable rented/social rented and 58 new homes will be private homes to replace existing private homes for resident homeowners. All of these homes are part of the Order Land. Please note all 201 homes being provided as part of Phase 1 are 100% replacement homes. None of these new homes will be for sale.
- 1.28 The overall forecasted break down of Phases in the Eastfields Estate is:
- Phase 1: 201 Homes (the breakdown is set out at paragraph 1.27 above)
  - Phase 2: 125 Homes (122 affordable homes and 3 private homes); and
  - Phase 3 474 Homes (467 private homes and 7 replacement 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. This resolution was ratified by full Council on 7 February 2018, although full Council subsequently acknowledged on 2 February 2022, that their further ratification was not required in order to make future orders to carry out the Scheme, in line with the statutory framework governing the making of CPOs under section 226 of the Town and Country Planning Act 1990 and the Council's

constitution. The Cabinet then 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.

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

### **The Estate – Existing**

- 2.1 The Eastfields Estate covers a total area of approximately 6.87 hectares and is located in the Figges Marsh ward. The perimeter of the Eastfields Estate is bound by Acacia Road to the north, Long Bolstead Recreation Ground to the east, Streatham Park Cemetery to the south and by residential dwellings fronting onto the adjacent Hammond Avenue to the west. Further north is St Mark's Church of England Academy, along with a purpose-built BMX track. The nearest town centre to the Estate is Mitcham district centre located approximately 800m west of the site. No part of the Eastfields Estate comprises a Conservation Area although a small proportion of the site along the southern and eastern boundaries is designated as open space. There are no statutory or locally listed buildings falling within the Eastfields Estate, although the locally listed crematorium is within proximity of the Eastfields Estate. No other designated heritage assets are within the vicinity of the Estate.
- 2.2 The Eastfields Estate is self-contained and comprises identical 3 storey buildings containing flats and houses (with integral garages) with flat roofs located around the perimeter of the Estate which surround a central open space and consists of 466 existing residential units with an inward layout. Several of the blocks have fenced private gardens. The central open space is primarily amenity grassland with scattered mature trees. There is also an existing ball court within the Estate measuring approximately 550 sqm adjacent to the south eastern boundary. Approximately 53% (245 of the 466 existing dwellings) of the properties within the area of the Eastfields Estate that is being redeveloped are tenanted and the rest privately owned.
- 2.3 The Eastfields Estate was historically located in semi-rural land and was not developed until the 1870s when a fireworks factory occupied most of the site. The Estate was re-developed in the mid-1970s and has remained largely unchanged. The Developer has advised that all 466 existing dwellings on the Eastfields Estate have UPVC windows. Works to replace the old communal heating system with individual boilers for each unit was completed in 2010. No other major works have been carried out.

- 2.4 The Estate is in the Mitcham Eastfields area of the Borough and is approximately 300m from the relatively new Mitcham Eastfields Railway Station, located on the Thameslink Sutton branch line. Local bus services 152 and 463 run from Tamworth Lane and Grove Road to Coulsdon, Mitcham and New Malden. The Eastfields Estate has a Public Transport Accessibility Level rating 3 which is expected to improve as a result of the Scheme which would improve the frequency and capacity of the Thameslink service operating from Mitcham Eastfields.
- 2.5 The Eastfields Estate is accessed via Acacia Road to the northwest and Woodstock Way, via Clay Avenue to the northeast of the Estate. Clay Avenue also forms a vehicular route around the internal perimeter of the Estate. Access for vehicles around the internal perimeter of the Estate is broken along both the northern and southern sides of the site: on the southern part of the site by a gate for emergency vehicles which is sometimes open for through traffic.

### **Proposed Regeneration**

- 2.6 Redevelopment of the Eastfields Estate has not yet commenced. Unlike both Ravensbury Estate and High Path Estate, there is no kick-start element to the proposed regeneration of Eastfields Estate and Phase 1 is subject to the Order.
- 2.7 The whole of the proposed regeneration of the Eastfields Estate was granted outline planning permission on 29 April 2019 (ref: 17/P1717) which was varied on 15 March 2022 (ref: 21/P4078), along with the remaining Phases (2-7) of the High Path Estate (ref 17/P1721) and the remaining phases of the Ravensbury Estate (ref 17/P1718). The planning position is set out in more detail at section 5 to this Statement.
- 2.8 All 466 existing dwellings (comprising 221 private and 245 affordable units) on the Eastfields Estate are proposed to be demolished and redeveloped in accordance with the outline planning permission (as varied). Homes to be demolished as part of the outline proposal for Phase 1 include 78 affordable/tenanted units and 74 private units.
- 2.9 The core elements of the Eastfields Estate's regeneration are as follows:

- 2.9.1 As mentioned above, demolition of all existing buildings and structures within the red line boundary of the outline planning application site, which equates to the demolition of 466 existing homes.
  - 2.9.2 Construction of up to 800 residential units (use class C3);
  - 2.9.3 A minimum total of 262 affordable units are to be delivered in Phases 1-3 as required by the S106 agreement related to the outline planning permission.
  - 2.9.4 a maximum of 275 sqm of commercial and/or community floor space (use classes A1, A2, A3, A4, B1, D1 and/or D2) with 201 residential dwellings and construction of 3 blocks in Eastfields Phase 1 all of which will be on the Order Land and 143 of the dwellings shall be delivered as affordable housing in Eastfields Phase 1 pursuant to the relevant reserved matters consent;
  - 2.9.5 The creation of new public open space and communal amenity spaces will be created including children's play space;
  - 2.9.6 The creation of new public realm space along with landscaping works and lighting;
  - 2.9.7 Car parking spaces including within ground level podiums;
  - 2.9.8 Cycle parking spaces for all land uses, including visitor cycle parking; and
  - 2.9.9 Associated highways and utilities works.
- 2.10 The redevelopment of the Eastfields Estate will come forward in three phases. The phases have been designed to ensure minimum disruption to existing residents. The construction phasing proposed is currently as follows:
- 2.10.1 Phase 1 2024-2026
  - 2.10.2 Phase 2 2027-2030
  - 2.10.3 Phase 3 2031-2032

2.11 An indicative Phasing Plan in respect of the Eastfields Estate is appended at Appendix 4 to this Statement.

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

3.1 The interests identified below remain outstanding and need to be acquired by the Council to facilitate the delivery of Phase 1 of the Eastfields Estate regeneration. The Developer has successfully negotiated the purchase of all other interests in the Order Land to facilitate the delivery of Eastfields Phase 1. Full details of the owners and their outstanding interests, together with the new rights that need to be acquired, are contained in the Schedule to the Order and shown on the Order Map.

#### **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. 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.

#### **New Rights**

3.4 The land over which new rights are sought as part of the regeneration of the Eastfields 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.

- 3.6 St. Mark's Church of England Academy benefits from rights over the Order Land that will need to be acquired as part of the regeneration of the Eastfields Estate but this will not affect Phase 1.

### **The Order Map**

- 3.7 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 CPO 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 Need for Development and Regeneration

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 has 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 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 Eastfields Estate specifically, will increase housing provision and so materially contribute towards meeting this housing need.

### **Condition of Estates**

4.6 As already noted earlier in this Statement, when the Developer acquired responsibility for all of the Council’s housing stock, they committed to improve 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 viable or whether it might be more beneficial and sustainable to replace homes in the poorest condition with new properties.

- 4.7 The Developer has undertaken technical surveys and financial planning work, which concluded that not only significant refurbishment, but also significant ongoing maintenance work and financial investment would be needed 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.
- 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 Eastfields Estate**

- 4.9 The Eastfields Estate was constructed in the early to mid 1970s using Wimpey No Fines concrete and clad in Escol steel panels. This was a form of pre-fabricated construction replacing the traditional brick or block walls and were then clad by pebble dash render. The life span of much of the existing building stock on the Eastfields 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 The principal areas of concern highlighted in a structural engineers report from October 2010 (Ellis and Moore Consulting Engineers Ltd)

are the longevity of the windows and the corrosion and poorly sealed joints of the cladding system of the properties. Condition surveys also highlighted issues including internal water damage from roof areas and heat loss through thermal bridging at various points around the buildings.

4.9.2 Baily Garner LLP conducted internal surveys in December 2014 which further identified that 20% of kitchens and 38% of bathrooms were deemed old and in poor condition. 46% of electrical installations were both old and inadequate and a further 54% of boilers contained within units were deemed old and at the end of their life.

4.9.3 Baily Garner stated that from their experience of similar building types, it is likely that the infill between the steel cladding and the structure may have been filled and insulated with asbestos containing board material. Defective areas of asphalt to balconies and poor condition rear garden boundaries were also issues highlighted. Upgrade works, including new kitchens and bathrooms, and potentially boilers, are required for these buildings to meet Decent Home standards.

4.9.4 A 2015 Housing Needs Survey noted that the affordable accommodation is notably smaller on average than the market housing within Eastfields Estate: while 71.2% of the market properties are 3 bedrooms in size, 75.8% of the affordable accommodation is 1 bedroom in size.

4.10 The urban design of the Eastfields Estate is also a key issue. A 2015 urban design review study into the urban structure of the area found that the Estate is considered to be somewhat separated from its surroundings. While this accessibility is improved by the opening of Mitcham Eastfields Station in 2008, the railway line, the school grounds to the north and the extensive cemetery to the south and east act as barriers to movement to and from the existing Estate in a number of directions (notwithstanding the bus routes mentioned above). This increases the likelihood of more trips to be taken by car.

4.11 This separation is exacerbated by the distinct perimeter building layout of the Estate. The survey also reveals a clear separation between public space of the street outside the Estate, and the more private internal space despite numerous routes through the centre of the Estate. An intervisibility analysis also highlights that a large number of journeys through the area are made through areas where people are likely to feel unsafe, particularly the alleys into the areas which are not well overlooked. This is compounded by the fact that there are no non-residential land uses on the site at present to meet the needs of the residents of the Estate.

### **Alternatives Considered**

4.12 In deciding on a full regeneration of the Eastfields Estate, two alternative options were considered:

4.12.1 Option 1 - Refurbishment to Decent Homes (Merton Standard) which would comprise predominantly internal works, such as new kitchens, bathrooms, plumbing, electrics and insulation to improve the quality of the existing accommodation;

4.12.2 Option 2 - Refurbishment an Enhanced Standard which would comprise the refurbishment of all existing properties owned and managed by the Developer to a standard above Decent Homes. This would involve a programme of works including both internal improvements (such as new kitchens and bathrooms) and external works (such as new building cladding and roofs to improve thermal performance).

4.13 No consideration was given to a "do nothing" approach.

4.14 The decision was also made not to consider an option for the partial regeneration of Eastfields Estate for a number of site specific factors:

4.14.1 The existing stock was built at the same time and is all broadly of the same condition and so no part of the existing Estate would require less investment to keep as refurbished properties; and

- 4.14.2 The layout and urban design of the Estate is considered as being poor and so retaining any of the existing properties would not offer the best opportunity to deliver a high quality residential development which optimises the use of the land within the Estate.
- 4.15 Neither Option 1 nor 2 were considered to offer a reasonable alternative because:
- 4.15.1 They would not deliver significant increases in the quality and quantity of residential accommodation, or diversification of the housing mix, type and size of dwelling, or improvements to the general environment of the Eastfields Estate in accordance with key policy objectives at national, regional and local levels;
- 4.15.2 The jobs created by refurbishment of the Estate, while having a positive impact on residents in the local area, predominantly in trades and services, would be of shorter duration than those created if the Estate is fully regenerated and so the benefits are much more significant and wide-ranging;
- 4.15.3 Neither option would include the creation of any new non-residential land uses such as the introduction of any community space, nor would they present any ability to alter the layout and urban design of the existing Estate - both highlighted as being major concerns;
- 4.15.4 Neither option allows for the integration of parking and navigation throughout the Estate or the definition of streets or the creation of stronger connections from the Estate; and
- 4.15.5 There is limited or no potential for increasing the sustainability of the Estate through the introduction of sustainable drainage systems, green and brown roofs and ecological enhancements. Further, while Options 1 and 2 would both offer energy performance benefits, financial analysis demonstrates that the upgrades required would have significant payback periods, making these options less attractive.

- 4.16 Therefore, the positive benefits do not outweigh the potential drawbacks of both options in the long term, particularly in comparison with a full regeneration of the Estate.
- 4.17 Refurbishment was also discounted due to the significantly high cost, estimated to be over £79,828,810 as detailed in a Condition Survey Report & Life Cycle Cost Analysis Feb 2016 by Bailey Garner. 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 Eastfields Estate as a whole.
- 4.18 The Developer has decided that full 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.
- 4.19 An assessment carried out for the Developer by Savills dated October 2016 concluded that full regeneration of the Eastfields Estate 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 Eastfields Estate.

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

- 4.20 The Eastfields 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:
- 4.20.1 high quality well designed neighbourhoods;
  - 4.20.2 wider housing mix;
  - 4.20.3 private outdoor space for all residents;
  - 4.20.4 better quality green spaces and community facilities; and

4.20.5 job creation opportunities.

4.21 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 Eastfields Estate.

4.22 The Eastfields regeneration:

4.22.1 optimises the housing potential of the Eastfields Estate and ensures that this large brownfield site is used effectively, delivering a net uplift of up to 334 homes (and no net loss of affordable housing) helping to meet the increased housing need in Merton, and London as a whole;

4.22.2 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 3 November 2021. A summary of the review revealed that the Eastfields Estate masterplan performed well against the 'Build For Life' 12 questions, which offer a tool kit aimed at assessing residential quality for new developments;

4.22.3 includes improvements in terms of access that will ensure improvements to pedestrian routes across the Eastfields Estate and to nearby parks, bus and tram stops, with routes being linked into the proposed and existing street networks.

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

4.22.5 includes a Design Code 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.

4.23 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 Eastfields 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 Planning Committee on 8 March 2018.
- 5.2 Planning permission was granted for the Scheme through three outline planning permissions references 17/P1717, 17/P1718 and 17/P1721 on 29 April 2019. Two Kickstart planning permissions were granted for the Kickstart Area at Ravensbury and the High Path Phase 1 site on 9 May 2017 and 5 October 2017 respectively.
- 5.3 As previously mentioned, the planning application for reserved matters of Phase 1 of the Eastfields Estate was granted by the Council on 29 April 2022 (reference: 21/P4430)
- 5.4 In respect of Eastfields Phase 1, revised outline planning permission for this element of the Scheme was obtained on 15 March 2022 (reference: 21/P4078).
- 5.5 All outline planning permissions for the three Estates are linked with one overarching section 106 agreement which was completed on 26 April 2019. The effect of the joint section 106 agreement is to link the regeneration of the Estates in viability terms, which in-turn helps to ensure that the re-development of all Estates can be delivered through the Scheme.
- 5.6 Section 106 agreements were also entered into separately in relation to the Kickstart Area at Ravensbury and High Path Phase 1.
- 5.7 Given that outline planning permission has been granted for the Scheme, and for the development that underpins the Order on the Order Land in particular, the following paragraphs do not address planning issues at length, but instead summarise briefly the key planning policy objectives.

## **Estates Local Plan**

- 5.8 The Estates Local Plan forms part of the Council's Local Plan and sits alongside its Core Planning Strategy, Sites and Policies Plan and the South London Waste Plan.
- 5.9 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. The regeneration of the Estates as a single comprehensive programme has been presented to the Council as the basis of being able to deliver regeneration.
- 5.10 The Estates Local Plan sets out the overarching vision that underpins the whole Estates regeneration.
- 5.11 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.
- 5.12 The Estates Local Plan goes on to identify a vision for each Estate and in particular with reference to the Eastfields Estate (Policy OEP1 (b) (i) page 28) states:

*Eastfields will be a contemporary compact neighbourhood. A new neighbourhood which demonstrates innovative design, reimagining suburban development by maintaining a distinctive character through the creation of a contemporary architectural style encompassing a variety of types, sizes and heights for new homes overlooking traditional streets and the improvement of links to the surrounding areas.*

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

- 5.13 The revised NPPF was published in July 2021. As national policy, the document aims for sustainable development to strengthen and support the economy, communities and the environment (paragraphs 7 and 8).

5.14 Paragraph 8 of the NPPF defines the three over-arching objectives of the planning system to deliver sustainable development:

5.14.1 Economic – helping to build a strong economy by ensuring that enough of the right type of land is available in the right places;

5.14.2 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

5.14.3 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.

5.15 The Scheme is consistent with sustainable development principles of the NPPF.

### **London Plan**

5.16 The Mayor of London's new London Plan was formally adopted in 2021. The current version was published in March 2015 (consolidated with amendments since 2011). 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:

5.16.1 building strong and inclusive communities;

5.16.2 making the best use of land;

5.16.3 creating a healthy city;

5.16.4 delivering the homes Londoners need;

5.16.5 growing a good economy; and

5.16.6 increasing efficiency and resilience.

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

### **Core Planning Strategy**

5.18 The Core Planning Strategy 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.

5.19 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."*

5.20 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).

5.21 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. The Examination in Public will take place in 2022.

5.22 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**

5.23 The Mayor of London's Housing Supplementary Planning Guidance (March 2016, updated August 2017) includes the guidance relevant to estate regeneration. The guidance states the overarching objectives for any estate regeneration scheme will usually be to:

5.23.1 deliver safe and better quality homes for local people;

5.23.2 increase the overall supply of new and affordable homes; and

5.23.3 improve the quality of the local environment through a better public realm and provision of social infrastructure (e.g. schools, parks, or community centres).

5.24 The Scheme and the Eastfields Estate regeneration comply with these objectives.

### **Conclusions**

5.25 The Scheme, the proposed regeneration of the Eastfields 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 Eastfields Estate regeneration as proposed and the Council is satisfied there is no viable alternative to deliver its benefits.

## 6 **Explanation of the use of the enabling powers**

- 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 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 Eastfields Estate.

7.2 If the relevant interests are not able to be acquired the redevelopment of the Eastfields Phase 1 element of the Scheme would be severely compromised as all of the units to be acquired lie within the main redevelopment area of this part 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 Eastfields Estate. 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.

7.3 The Council is convinced that there is a compelling case in the public interest for the making of the Order and that, if confirmed, the Order would strike an appropriate balance 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 adequately addresses the loss of those interests.

7.4 The overarching consideration for the Secretary of State in deciding whether an 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 Eastfields 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 Eastfields 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 Eastfields 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 Eastfields Estate will also be supported by the Council's draft Local Plan which was submitted to the Secretary of State in December 2021.



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.

**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 section 4, the Eastfields 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 Eastfields 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 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) with opportunities for apprenticeships for local people in respect of Eastfields;

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 2,704 new homes across all three Estates. With 1,175 existing homes being demolished across all three Estates, this results in a net uplift of up to 1,530 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.

### **Eastfields 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 Eastfields 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 Eastfields Estate regeneration will help to address the socio-economic inequalities of the area. Eastfields 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 as worsening in respect of Eastfields Phase 1:
  - 7.16.1 Increased unemployment and a large proportion of residents in receipt of out-of-work benefits relating to poor health;
  - 7.16.2 Low quality housing and residential environments which is likely to heighten concerns over child poverty; and
  - 7.16.3 Levels of youth unemployment constraining the skills and occupation profile and long-term employability of the local population.
- 7.17 The economic consequences of the ongoing 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 gross temporary construction jobs on a three-year annual basis throughout the construction period of Eastfields Phase 1 which would support five net additional jobs at a local level;

- 7.18.2 Investment in Eastfields Phase 1 is anticipated to generate £19 million in gross value added, of which £1.7 million will be net additional to the local area and £4.7 million to the Council;
- 7.18.3 The anticipated uplift of an additional 230 persons within the resident population of Eastfields Phase 1 which would unlock an additional:
- (a) £135,000 in additional Council Tax revenue per annum once fully occupied; and
  - (b) £1.1 million of additional residential expenditure is anticipated of which £400,000 is likely to be in the retail and hospitality sectors, once Eastfields Phase 1 is fully occupied;
- 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 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
- 7.18.6 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 Promotion or improvement of *social well-being* will be delivered by the following:
- 7.19.1 Of the 201 homes being constructed in Eastfields Phase 1, 143 will be affordable homes all of which form part of the Order Land;
  - 7.19.2 The proposed housing development will reinforce the attractiveness of Eastfields Estate as a vibrant and balanced community; and
  - 7.19.3 The proposal will increase the supply of high quality housing, creating an attractive living environment in the area and providing better quality affordable housing.
- 7.20 Promotion of environmental *well-being* will occur through:

- 7.20.1 The redevelopment of a brownfield site;
  - 7.20.2 The provision of new, well-designed, energy-efficient homes that will meet the needs of residents now and in the future;
  - 7.20.3 The enhancement of the townscape through the replacement of outdated buildings with a contemporary and well-designed residential development;
  - 7.20.4 Public realm improvements;
  - 7.20.5 Provision of an efficient layout and a high quality public open space;
  - 7.20.6 Provision of community and recreational facilities; and
  - 7.20.7 Replacement of poorly insulated properties by new, energy efficient homes.
- 7.21 These benefits should be looked upon in tandem with the benefits of the regeneration of High Path Estate Phases 2 and 3 and the Ravensbury Estate Phases 2 to 4.
- 7.22 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**

- 7.23 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.
- 7.24 The Developer has an impressive track record of working on large regeneration schemes across the UK.
- 7.25 To support the Scheme as a whole, which as things stand is not viable, 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.

- 7.26 The Developer has shared with the Council details of projected costs and revenues and its financial strategy for delivery of the Eastfields 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.
- 7.27 The Council does not consider there to be any funding impediment to acquiring the Order Land and the delivery of this element of the Eastfields Estate regeneration. The Developer is fully committed to delivering this element of the Estate's regeneration, (and indeed the wider regeneration of the Estate), 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.
- 7.28 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.
- 7.29 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 CPO Guidance, that the 2022 CPOs are deliverable and that, having regard to national guidance, there is sufficient probability that they will proceed.

**Reasonable prospect of Scheme proceeding: Implementation of the Scheme**

- 7.30 The Council is confident that there is no impediment to the successful delivery of the regeneration of Eastfields Estate.

7.31 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.

7.32 The Council's investigations have revealed no other legal, financial or physical impediment and the Council is confident that there is a more than reasonable 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.**

7.33 As discussed above in section 4, 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.

7.34 As regards the Eastfields 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.

7.35 The Council and the Developer have made considerable efforts to acquire all land interests on the Eastfields 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**

7.36 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 of Reasons) 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.

7.37 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.

7.38 Due to the substantial public benefit which would arise from the regeneration of the Eastfields 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. The compulsory purchase process enables objections to be submitted and a Public Inquiry to be held to consider those objections. The parties directly affected by the Order will be entitled to compensation in accordance with the statutory compensation code.

7.39 All of the Order Land is required to deliver the comprehensive redevelopment of Phase 1 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. The Developer's decision to retain some of the homes and replace others was a consequence of its consultation with residents.
- 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. Leaflets and letters were

issued to Eastfields' residents confirming planning applications were being prepared in October 2015.

- 8.1.12 October to December 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. Newsletters and leaflets were issued to residents of Eastfields Estate throughout the spring and summer of 2016 with updates on next steps.
- 8.1.13 February 2017 - design training workshops took place in February 2017 to assist residents in understanding technical drawings and what makes good design and newsletters were issued in Winter 2017 to confirm that the outline planning application had been submitted to the Council along with a planning guide to the Eastfields outline planning application aimed at residents.
- 8.1.14 October 2018 – the updated residents offer was issued to residents of Eastfields Estate along with newsletter updates confirming outline planning permission was granted.
- 8.1.15 April and October 2019 – design consultations were held in respect of the detailed designs for phase 1 of the Eastfields Estate regeneration with architects available to answer residents' queries and to present options for landscaping, ball court facilities, a possible gardening project and opportunities to get more involved in the regeneration as part of a steering group.
- 8.1.16 July 2019 - a steering group was set up consisting of tenants and resident homeowners. This group monitors and reviews the progress of the project, including community engagement and community issues.
- 8.1.17 Summer 2020 – Eastfields regeneration newsletter was sent to residents to update them on Phase 1.

- 8.1.18 Autumn 2021 – Eastfields regeneration newsletter was sent to residents to update them on Phase 1.
- 8.1.19 November 2021 - a letter was issued to residents confirming that the section 73 application for Eastfields Estate was submitted to the Council and provided information about how to comment on the application.
- 8.1.20 January 2022 – a letter was issued to residents to explain the reasoning behind section 16 notices and the section 16 notices themselves were issued to residents.
- 8.1.21 January 2022 – a letter was issued to residents confirming that the reserved matters application for Eastfields Phase 1 was submitted to the Council and provided information about how to comment on the application.
- 8.1.22 January 2022 - webinars for residents were held on 18 and 25 January 2022, giving residents a chance to raise questions regarding the compulsory purchase process.
- 8.1.23 January 2022 – notices served under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 with online sessions held for residents.
- 8.1.24 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 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 three significant outline planning applications together with two Kickstart planning applications that ensured residents would only need to move once. All applications received very significant support and were the subject of positive recommendations by the Council to grant planning permission. All three Estates now have outline planning permission granted with reserved matters applications having been granted for the Ravensbury Estate Phases 2-4, High Path Phase 2 and Eastfields Estate Phase 1.

### **Eastfields Estate**

8.5 Public consultation events have been held from July 2013 to January 2022 and will continue to be held. The design team consulted with existing residents, the local community and key stakeholders including the following groups:

8.5.1 Existing residents of Eastfields Estate;

8.5.2 Councillors for Merton Council and Figges Marsh and Siobhain McDonagh MP (MP for Mitcham & Morden);

8.5.3 Neighbouring residents and businesses; and

8.5.4 Local amenity groups, including: Lonesome Primary School, St Mark's Church of England Academy, Figges Marsh Safer Neighbourhood Team, Mitcham Community Forum, Acacia Centre, St. Mark's Centre, BMX Track, Streatham Park Cemetery, Streatham Jewish Cemetery, L&Q Housing Trust, YMCA – London South West, Tamworth House Medical Centre, Streatham Vale Baptist Church, The Church of St. Olave, Pollards Hill Baptist Church, Figges Marsh Surgery.

## 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 Phase 1 of the Eastfields 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 Eastfields Estate regeneration to proceed. It is possible 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 As of the end of February 2022, the Developer has acquired 229 freeholds and long leases across the Scheme area through voluntary sales under the terms of the 2015 residents offer. Of these 130 are at the High Path Estate, 88 at the Eastfields Estate and 11 at the Ravensbury Estate.
- 9.4 In order for the 2022 CPOs to be delivered, as at the end of February 2022 the following interests will need to be acquired:
- 9.4.1 Within Eastfields Phase 1, 33 freeholds and 14 long leases will need to be acquired;
  - 9.4.2 Within High Path Phases 2 and 3, 18 freeholds and 29 long leases have yet to be acquired;
  - 9.4.3 Within Ravensbury Phases 2 to 4, 3 freeholds and 1 long leases have yet to be acquired.

- 9.5 In total across Eastfields Estate there are 94 freehold and 39 long lease interests yet to be acquired.
- 9.6 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 Eastfields 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.
- 9.7 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).

### **Commitments to Residents and Residents Offer**

- 9.8 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 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 (Appendix 2) which are:
- 9.8.1 the Developer will consult with residents, consider their interests at all times, and address concerns fairly.
- 9.8.2 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.

- 9.8.3 Existing tenants will keep all their rights, including tenancy conditions and the associated rent level, in the new neighbourhood as they do now.
- 9.8.4 Current tenants will be entitled to be rehoused in a new home of appropriate size considering the number of people in their household.
- 9.8.5 All new properties will be more energy efficient and easier to heat than existing properties, helping to keep down residents' fuel bills.
- 9.8.6 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
- 9.8.7 the Developer will offer extra help and support for older people and / or disabled residents throughout the regeneration works.
- 9.8.8 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.
- 9.8.9 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.
- 9.8.10 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.
- 9.9 The Developer has made a detailed Residents' Offer (Appendix 3). 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.
- 9.10 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:

9.10.1 If you are currently a freeholder you will be offered a freehold on your new property.

9.10.2 If you are a leaseholder you will be offered a new long lease on your new property.

9.10.3 The Replacement Home will be at least as large as the home it replaces, unless you choose to move to a smaller home.

9.10.4 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.

9.10.5 If you live in a house you will be offered a house, if a flat a new flat and a maisonette a new maisonette.

9.10.6 The new home will have the same number of bedrooms as the existing home had when it was first built.

9.10.7 There will be a Replacement Home for every resident homeowner who chooses to stay.

9.10.8 They will be entitled to a £3,000 disturbance allowance.

9.11 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 on the Eastfields Estate this may not be possible, as unlike both the Ravensbury Estate and the High Path Estate, it does not have a kick-start site to enable new homes to be built before the need to demolish the existing homes. The Developer may be able to offer a temporary home in their Estate or another part of Merton.

- 9.12 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.
- 9.13 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.

## 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 (**EqlA**) was undertaken as part of the Estates Local Plan. EqlAs (dated March 2022) have also been undertaken to re-examine the equalities impacts of the Scheme as a whole, with specific assessments carried out for each Estate.
- 11.4 The EqlAs 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 categories that could potentially be affected are: age, disability and race/belief.
- 11.5 However, the EqlA concludes broadly that the impacts of the Scheme will be 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 construction 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 Phase 1 of the Eastfields 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 **Related Orders and Applications**

### **Road Closure Orders**

- 12.1 As stated above, the Order is being made in parallel with the High Path Order and the Ravensbury Order.
- 12.2 The Council envisages that Stopping Up Orders will be required to successfully deliver Phase 1 of the Eastfields Estate regeneration.
- 12.3 It is anticipated that Stopping Up orders will also be required in Phases 2 and 3 of the redevelopment of the Eastfields Estate. An indicative plan showing the areas to be stopped-up is attached at Appendix 5 to this Statement.

### **Further Information**

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

12.4.1 For the Council – Louise Round at [mertoncpo@merton.gov.uk](mailto:mertoncpo@merton.gov.uk); and

12.4.2 For the Developer – Iona McConnell at [Iona.McConnell@clarionhg.com](mailto:Iona.McConnell@clarionhg.com).

### **Inspection of the Order and Order Documents**

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

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

## 13 **List of Documents**

- 13.1 In the event that it becomes necessary to hold a public inquiry into the Order, the Council may refer to the documents listed 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:

- The Order, Order Schedule and Order Map;
- Cabinet report and minutes authorising the making of the Order;
- National Planning Policy Framework 2021;
- The London Plan 2021;
- The Core Planning Strategy;
- The Estates' Local Plan;
- The emerging Merton Local Plan;
- Any planning permissions granted at the date of the Inquiry which relate to the 2022 CPOs or the Scheme as a whole, including any related plans or documents submitted and/or approved as part of any permission; and
- Guidance on Compulsory Purchase Process and the Crichel Down Rules July 2019.

**Definitions used in this Statement of Reasons**

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

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

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

**Council:** 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 outlined in red on the Estates' Plan marked "Eastfields Estate";

**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 outlined in 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, July 2021;

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

**Order Land:** the land included within the Order and is shown on the plan appended to this Statement at Appendix 1;

**Phase 1:** the first construction phase of the Eastfields Estate being the land subject to planning permission granted on 29 April 2019 (ref: 17/P1717)

**Phase 2:** the second construction phase of the Eastfields Estate shown indicatively shaded green on the Phasing Plan which includes the Order Land;

**Phase 3:** the third construction phase of the Eastfields Estate shown indicatively shaded purple on the Phasing Plan;

**Ravensbury Estate:** the Ravensbury Estate, Morden as shown outlined in red on the Estates' Plan marked "Ravensbury Estate";

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

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

15      **Appendices**

Appendix 1 – Order Map;

Appendix 2 - 10 Commitments in September 2014;

Appendix 3 - Developer's Residents' Offer published in May 2015;

Appendix 4 - Phasing Plan in respect of the Eastfields Estate;

Appendix 5 - Stopping Up plan(s); and

Appendix 6 – Estates' Location Plans.