



Finance, Policy and Resources Committee

Meeting Date:

Monday, 20 September 2021

Agenda

Meeting Time:

7:00 pm

Meeting Venue:

Clarendon Hall - York House (watch the
webcast online : <https://richmond.public-i.tv/core/portal/home>)

A handwritten signature in black ink, appearing to read 'Mark Maidment'.

Mark Maidment, Chief Executive

Members

Councillor Gareth Roberts (Chair)
 Councillor Michael Wilson (Vice-Chair)
 Councillor Richard Baker
 Councillor Richard Bennett
 Councillor Aphra Brandreth
 Councillor Robin Brown
 Councillor Ian Craigie
 Councillor Paul Hodgins
 Councillor Lesley Pollesche

**Democratic
 Services
 Officer**

Kathryn Thomas
 Tel: 020 8891 7860
 Email: kathryn.thomas@richmond.gov.uk

**IF YOU REQUIRE A COPY OF THIS AGENDA FRONTSHEET IN BRAILLE,
 LARGE PRINT, ON AUDIO TAPE, OR IN A COMMUNITY LANGUAGE, PLEASE
 CONTACT DEMOCRATIC SERVICES 020 8891 7275. MINICOM 020 8891 7120.**



Follow us on Twitter
[@lbrut_democracy](https://twitter.com/lbrut_democracy)

PLEASE NOTE:

1. This meeting may be filmed for live or subsequent broadcast via the Council's internet site. At the start of the meeting the Chair will confirm if all or part of the meeting is being filmed. The images and sound recording may be used for training purposes within the Council. Generally the public seating areas are not filmed. However, the layout of the venue means that the Council is unable to guarantee a seat/location that is not within the coverage area (images and sound) of the webcasting equipment.

By entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes.

2. To find out how to register to speak at meetings please follow the link below or contact the Committee administrator: http://www.richmond.gov.uk/participating_in_council_meetings

The deadline for registration is 12noon on the working day prior to the meeting

3. For those members of the public with hearing difficulties induction loops have been fitted in the Council Chamber, Terrace Room, Salon and Room 7. In addition, there is an infra-red system installed in the Terrace Room. Neck loops and stetholoops are available in the Reception Office.
4. Members are reminded that they are required to securely dispose of agenda packs that contain private information.

York House
Twickenham
TW1 3AA

10 September 2021

This agenda is printed on recycled paper.

Nese keni veshtersi per te kuptuar kete botim, ju lutemi ejani ne recepcionin ne adresen e shenuar me poshte ku ne mund te organizojme perkthime nepermjet telefonit.

Albanian

এই প্রকাশনার অর্থ বুঝতে পারায় যদি আপনার কোন সমস্যা হয়, নিচে দেওয়া ঠিকানায় রিসেপশন-এ চলে আসুন যেখানে আমরা আপনাকে টেলিফোনে দোভাষীর সেবা প্রদানের ব্যবস্থা করতে পারবো।

Bengali

જો તમને આ પુસ્તિકાની વિગતો સમજવામાં મુશ્કેલી પડતી હોય તો, કૃપયા નીચે જણાવેલ સ્થળના વિશેષજ્ઞ પર આવો, જ્યાં અમે ટેલિફોન પર ગુજરાતીમાં ઇન્ટરપ્રિટીંગ સેવાની ગોઠવણ કરી આપીશું.

Gujarati

اگر در فهمیدن این نشریه مشکل دارید، لطفاً به میز پذیرش در آدرس قید شده در زیر رجوع فرمایید تا سرویس ترجمه تلفنی برایتان فراهم آورده شود.

Farsi

إذا كانت لديك صعوبة في فهم هذا المنشور، فنرجو زيارة الإستقبال في العنوان المعطى أدناه حيث بإمكاننا أن نرتب لخدمة ترجمة شفوية هاتفية.

Arabic

اگر آپ کو اس اشاعت کو سمجھنے میں کوئی مشکل ہے تو، براؤزر میں نیچے دیئے ہوئے ایڈریس کے استقبال پر جا کر ملیئے، جہاں ہم آپ کیلئے ٹیلیفون انٹرپرائزنگ سروس (ٹیلیفون پر ترجمانی کی سروس) کا انتظام کر سکتے ہیں۔

Urdu

ਜੇਕਰ ਤੁਹਾਨੂੰ ਇਸ ਪਰਚੇ ਨੂੰ ਸਮਝਣ ਵਿਚ ਮੁਸ਼ਕਲ ਪੇਸ਼ ਆਉਂਦੀ ਹੈ ਤਾਂ ਹੇਠਾਂ ਦਿੱਤੇ ਗਏ ਪਤੇ ਉੱਪਰ ਰਿਸੈਪਸ਼ਨ 'ਤੇ ਆਓ ਜਿੱਥੇ ਅਸੀਂ ਟੈਲੀਫੋਨ ਤੇ ਗੱਲਬਾਤ ਕਰਨ ਲਈ ਇੰਟਰਪ੍ਰਿਟਰ ਦਾ ਪ੍ਰਬੰਧ ਕਰ ਸਕਦੇ ਹਾਂ।

Punjabi

Civic Centre, 44 York Street, Twickenham, TW1 3BZ
42 York Street, Twickenham, TW1 3BW
Centre House, 68 Sheen Lane, London SW14 8LP
Old Town Hall, Whittaker Avenue, Richmond, TW9 1TP
Or any library

1. Apologies

To receive apologies for absence.

2. Declarations of Interest

In accordance with the Members Code of Conduct, Members are requested to declare any interests orally at the start of the meeting and again immediately before consideration of the matter. Members are reminded to specify the agenda item to which it refers and the nature of the interest.

3. Minutes (PAGES 7 - 16)

To consider the minutes of the meeting held on 28 June 2021.

4. Petitions

To receive petitions in accordance with the Council's Petitions Scheme. Petitions securing 500 or more signatures may be submitted to the Committee for consideration.

5. Ward Concerns

Up to two ward councillors may attend each committee meeting to present a ward concern. Ward councillors must provide written notification to Democratic Services of their intention to submit a ward concern, no later than 12 noon, six working days before a committee meeting.

a) Councillor Crouch (Twickenham Riverside Ward) has given notice that he wishes to present a Ward Concern on "Garfield Road Pocket Park/Remembering the Pandemic".

6. Twickenham Riverside: updated Compulsory Purchase Order report (PAGES 17 - 32)

**Twickenham
Riverside**

This report provides an update on the CPO decision taken by this Committee at its meeting on 28th June 2021.

7. Ham Close: In principle use of Compulsory Purchase Order powers (PAGES 33 - 44)

**Ham, Petersham
and Richmond
Riverside**

This report provides the Committee with an update to the Ham Close regeneration (the Scheme) and details on the project's progress and next steps. It also gives details and seeks approval, in principle, for the use of the Council's compulsory purchase powers to facilitate the delivery of the Scheme. This would provide certainty and allow the preliminary processes required for the making of a Compulsory Purchase Order (CPO) to be carried out at the same time as negotiations with landowners are ongoing. Committee authority will still need to be sought in the future for the Council to formally resolve to make a CPO to acquire any property interest that is required for the Scheme that cannot be secured via a negotiated settlement.

8. Funding of temporary sports facilities at the REEC project (PAGES 45 - 50)

This paper provides an update on the progress of Richmond Education and Enterprise Centre (REEC) Project and the requirements for a temporary sports hall for the Richmond upon Thames school.

9. Economic Recovery update (PAGES 51 - 68)

All Wards

This report provides an update on the economic recovery measures agreed by this committee in September 2020, responding to the impacts of the pandemic on the local economy and labour market, and forward plans based on current economic conditions.

- 10. Capital Programme and Funding Review (PAGES 69 - 80)**
This report provides the review of the current six-year capital programme. The report looks at the programme approved in February 2021, details changes since outturn 2020/21, new schemes, and looks at how the capital programme is funded.
- 11. Q1 Quarterly Monitoring report (PAGES 81 - 94)**
This report is being presented to the Finance, Policy and Resources Committee to provide an overview of the revenue and capital budget management and to summarise the actions being taken where appropriate.
- 12. Corporate Q1 Budget Monitoring Report 2021/22 (PAGES 95 - 116)**
This report is being presented to the Finance, Policy and Resources Committee to provide an overview of the Council's revenue and capital budget management and to summarise the actions being taken where appropriate.
- 13. Medium Term Financial Strategy (PAGES 117 - 144)**
This report provides Committee with an update to the Medium Term Financial Strategy.
- 14. Richmond Corporate Plan key performance indicator results for Quarter 1 (Q1) 2021/22 and key programmes and projects progress updates (PAGES 145 - 154)**
This report provides an update to the Finance, Policy and Resources Committee on performance against key indicators for Quarter 1 (Q1) 2021/22.
- 15. Corporate Complaints Report for 2020-21 (PAGES 155 - 194)** **All Wards**
This report provides an annual report summarising the Council's complaints performance, including an analysis of the complaints received by Richmond Council for all services during the financial reporting year 2020/21. Wherever possible comparative analysis with previous years is included.
- 16. Voluntary Sector Infrastructure and Capacity Building Services (PAGES 195 - 212)** **All Wards**
This report describes the approach taken to identify new priorities for the delivery of voluntary sector infrastructure and capacity building services provided by Richmond Council for Voluntary Service (RCVS) and seeks agreement to the refreshed service design which forms part of the direct contract award for the period 4 January 2022 to 3 January 2026.
- 17. Community Outreach Programme (PAGES 213 - 242)** **All Wards**
This report outlines work of the outreach programme so far and requests authority to extend the Outreach work for a further two years, to allow for a targeted approach which will focus on engaging with residents who are subject to one or more of the nine Protected Characteristics, as defined by the Equalities Act, 2010, and in addition to add a criterion of financial insecurity.
- 18. Antisocial Behaviour Case Review (Community Trigger) (PAGES 243 - 264)**
This report sets out the arrangements for carrying out ASB (Anti-social Behaviour) Case Reviews for all the relevant bodies within the Council's administrative area.
- 19. Local Land Charges - HMLR Transition Payments. (PAGES 265 - 270)** **All Wards**
This report recommends ring-fencing of Her Majesty's Land Registry

(HMLR) transition payments received in relation to the migration project, with transfer to the Local Land Charges (LLC) budget upon receipt.

20. Additional Budget Requests (PAGES 271 - 274)

This report is being presented to the Finance, Policy and Resources Committee to approve the funding of the budget requests outlined in the report.

21. Forward Plan (PAGES 275 - 278)

To consider the Forward Plan for committee business.

LONDON BOROUGH OF RICHMOND UPON THAMES

REPORT TO: Finance, Policy and Resources Committee

DATE: 20 September 2021

REPORT OF: Director of Environment and Community Services

TITLE OF DECISION Ham Close Regeneration – In principle use of Compulsory Purchase Powers

WARDS: Ham, Petersham and Richmond Riverside

KEY DECISION? [YES]

IF YES, IN FORWARD PLAN? [YES]

1. MATTER FOR CONSIDERATION

- 1.1. This report provides the Committee with an update to the Ham Close regeneration (the Scheme) and details on the project's progress and next steps.
- 1.2. It also gives details and seeks approval, in principle, for the use of the Council's compulsory purchase powers to facilitate the delivery of the Scheme. This would provide certainty and allow the preliminary processes required for the making of a Compulsory Purchase Order (CPO) to be carried out at the same time as negotiations with landowners are ongoing. Committee authority will still need to be sought in the future for the Council to formally resolve to make a CPO to acquire any property interest that is required for the Scheme that cannot be secured via a negotiated settlement.

2. RECOMMENDATIONS

- 2.1. Note the information given in this report.
- 2.2. Agree in principle that the Council will use compulsory purchase powers pursuant to section 226 of the Town and Country Planning Act 1990 (as amended) to acquire the land and any rights within the area described in the report and shown on the plan attached to this report, the Council being of the view that compulsory acquisition of the land may be necessary in order to secure the delivery of the Scheme and to bring forward its benefits in a timely way.
- 2.3. Authorise Officers to carry out preparatory work for the use of its compulsory purchase powers, including, subject to the 'In Principle' decision being made, serving statutory requisitions for information on land owners and appointing land referencing agents (if considered necessary) to thoroughly investigate all land interests, appointment of other consultants as required for the potential CPO (either by the Council directly or with RHP), the preparation of a Statement of Reasons and all other necessary documentation.

- 2.4. Authorise officers to enter into an indemnity agreement with Richmond Housing Partnership (**RHP**) under which RHP will reimburse the Council for all costs incurred by it in connection with preparing and making of a CPO, including the acquisition costs of those interests which are still to be acquired, will be detailed in the further report to this Committee setting out the justification for making a CPO.

3. DETAIL

Background

- 3.1. A CPO is a statutory mechanism that a Council (and certain other public bodies) can use to acquire land compulsorily, where there is a compelling case in the public interest. Though a registered housing provider, RHP does not meet the criteria of 'Public Body' and therefore does not have CPO powers in its own right. The Council has been working with RHP for several years to enable the delivery of the Ham Close regeneration. RHP, and their selected developer partner Hill, will be submitting a planning application later this year, with construction to start later in 2022 (subject to planning permission). RHP will need all of the land and leasehold properties at Ham Close to deliver estate regeneration, landscaping and community facilities proposed. RHP have been working to acquire properties by agreement since December 2019, in line with their Customer Offer from 2016. If RHP cannot acquire all of the land by agreement, then it must rely on the Council to use its CPO powers.
- 3.2. Ham Close is a housing estate in the Ham, Petersham and Richmond Riverside ward comprising 192 flats. It was built in the early 1960s. In July 2000, the Council transferred ownership of all council homes including the properties at Ham Close to Richmond Housing Partnership (**RHP**). RHP is a not-for-profit housing association that aims to provide decent quality, affordable homes and housing related services to people unable to rent or buy in the private housing market. The estate remains owned and managed by RHP, subject to some land retained by the Council (such as estate roads and the community centre) and a number of individual leaseholders.
- 3.3. The flats at Ham Close are of poor construction, with inadequate insulation by today's standards. Many have condensation and damp issues. The flats are also undersized compared to modern space standards and none benefit from any private amenity space. In addition, there are no lifts, leaving a number of flats inaccessible to people with disabilities. It was widely understood that there is a need for some form of development. All evidence pointed to the fact that substantial building works will need to be undertaken to extend the life of the original buildings.
- 3.4. Due to these issues, since 2013 the Council and RHP have worked in partnership to consider the future of Ham Close and how best to resolve these problems.
- 3.5. In 2013 a report was commissioned by the Council and RHP from the Prince's Foundation for Building Community following an initial consultation with residents and stakeholders on the future of the estate. That report considered options for making the improvement of living standards at Ham Close and highlighted five key principles on which the future vision for the estate should be based:
 1. Remaining in the Community: Any resident of Ham Close wishing to remain in the community, should be able to do so.

2. Retain and enhance green space: Green space is a key asset to the area, and improvements should be made to enhance its setting and character, and to reduce the perception of anti-social behaviour.
 3. Create a heart to Ham Close and Ham, retain and support a village feel: Community Members value the village setting of Ham Close, but many feel it lacks a centre or 'heart'. Redevelopment could provide a centre for Ham Close and Ham, as well as help retain and improve its village feel.
 4. Better integrate Ham Close: The buildings in Ham Close are seen as disconnected from Ham's village setting. An improved layout could better integrate the estate into the wider community.
 5. Improve community facilities: Community facilities could be improved, for instance by collocating the youth centre, clinic and library.
- 3.6. Since that time the Council and RHP have been working together to explore the feasibility of regeneration options, based on the above principles.
- 3.7. In summer 2015, following the July budget, the Government introduced the need for all housing associations to reduce their rents over a four-year period from 2016 to 2020. This has a significant impact on RHP's long term finances and in turn limits its ability to deliver certain asset management projects and meant that consideration had to be given to the refurbishment and infill options that were originally proposed as part of the Uplift programme. As a result of these considerations RHP and the Council no longer considered refurbishment and infill as an option for Ham Close and began exploring a full redevelopment approach. It was established due to the significant costs of refurbishing the original buildings to a decent standard, that this was not feasible or viable. Further, it would not meet the five principles for the improvement of Ham Close set out above. Therefore, comprehensive regeneration of the existing estate was considered the only viable option for improving living standards, whilst also providing wider benefits such as additional housing, new communities facilities and addressing poor integration with the wider Ham area.
- 3.8. On 22nd February 2018 Richmond Council's Cabinet received and approved a report which provided an update on the proposed development of Ham Close and set out the proposed delivery approach and collaboration arrangements with Richmond Housing Partnership, including a land ownership strategy. The February 2018 Cabinet agreed that the Council should enter into contract with RHP and set out a number of development principles including LBRuT duties which included-
- "[LBRuT to] Use its Compulsory Purchase powers if necessary, to support the project and to exercise such powers in a timely manner to assist with achieving vacant possession and land assembly in accordance with the development programme."
- 3.9. A further report was submitted and approved on 15th November 2018 providing an update on the development and approving delegated authority to the Director of Environment and Community Services to enter into any other legal agreements necessary to support the delivery of the Collaboration Agreement and land transfer including, if necessary, a potential variation to the agreement. The report also noted and supported previous approvals made by the Council at the Cabinet meeting of 22nd February 2018.

- 3.10. Details of the various consultations and engagement session that have led to the current position are set out in section 8 below.
- 3.11. Within the Council's Local Plan (adopted in 2018 and re-adopted in 2020) Ham Close has been allocated for comprehensive regeneration including demolition of the existing buildings and new-build, re-provision of all residential and non-residential buildings, plus the provision of additional new residential accommodation. The policy states full redevelopment of the Site is expected to deliver an optimisation of the use of the land by providing high quality living spaces for both existing as well as new residents of Ham Close.

Current Position

- 3.12. In March 2020 RHP commenced a two-stage selection process to identify a developer to partner to deliver the regeneration of Ham Close. The first stage, shortlisting developers based on their previous experience concluded in July 2020 with a sufficient number of bidders to commence the second stage. The second stage, to provide proposals to deliver Ham Close, concluded in November 2020 and led to a short list of three moving forward to a period of negotiation through November and December 2020.
- 3.13. In February 2021 RHP received the final proposals from each bidder which they scored with the intention of selecting one as their development partner. After a competitive selection process (with which residents were involved - presentations by each of the short-listed developers were given to residents), RHP has selected Hill as its development partner for the regeneration.
- 3.14. RHP and Hill have now started the planning and design development stage of the project. An important part of the planning approach will be to consult with residents and local stakeholders on the proposals, including the initial concept designs. A consultation period with residents and stakeholders on a concept design based on the existing masterplan started in July 2021.
- 3.15. RHP intends for the planning application to be submitted in Winter 2021, with the intention to start the construction stages in 2022.

Land Assembly

- 3.16. The majority of the land required for the regeneration is within the freehold ownership of the Council or RHP. Of the 192 flats in Ham Close, 49 were owned on a long leasehold basis pursuant to their statutory right to buy or acquire.
- 3.17. RHP has been seeking to acquire these leasehold interests from the residents by agreement since 2016. In 2016 RHP adopted a 'Customer Offer' which sets out the offer being made to tenants, resident and non-resident leaseholders in the estate. This Customer Offer was subject to a review by TPAS (tenant engagement specialists) in September 2017 which found that the RHP offer met or exceeded all legal requirements and policy standards for such resident offers. The Customer Offer also meets the requirements of the Mayor of London's Good Practice Guide to Estate Regeneration.
- 3.18. To date RHP has successfully acquired 19 of the leaseholders, with 30 still outstanding.
- 3.19. Whilst RHP has made significant progress, it is envisaged that use of the Council's compulsory purchase powers to acquire the required parcels of land may be necessary in

order to assemble all of the land interests and rights required to develop the Scheme in a timely manner. Therefore, Committee authority is sought for an 'In Principle' decision to begin preparatory and planning work for the Council to use its compulsory purchase powers for all the land interests not yet in the ownership or control of the Council needed to facilitate the Scheme.

- 3.20. Although there has been significant progress with leaseholders to date, a number still remain to be acquired. Those discussions and negotiations will continue with all those affected leaseholders with a view to acquiring their land interests by agreement.
- 3.21. Committee should note that agreeing 'In Principle' to use compulsory purchase powers at Ham Close will not undermine due process of pursuing negotiation and fair acquisition terms for existing leaseholders. This approach of seeking a resolution to use CPO powers whilst continuing to try to negotiate acquisitions by private treaty agreement is in line with the Government's guidance for assembling land for schemes of this nature. The resolution now being sought will not of itself authorise the making of a CPO at this stage, but it will enable further work to be undertaken by Council and RHP to enable a decision about whether or not to make one or more CPOs at a later date. The 'In Principle' resolution should give leaseholders an indication that the Council is serious about land acquisition and so encourage them to negotiate in a meaningful way. Any decision to proceed with a CPO would be contingent on a compelling case having been assembled in support of the need to make a CPO for the regeneration of Ham Close, and on the relevant financial, legal and planning tests having been satisfied.

Land which is the subject of the CPO

- 3.22. The land which would potentially be included in the CPO (known as the Order Land) would be any remaining leasehold interests that have not agreed voluntary terms with RHP prior to making the CPO, and any other land within the estate where there are third party land interests which need to be dealt with in order for the scheme to proceed.
- 3.23. RHP and the Council will undertake a 'land referencing' exercise. The purpose of the land referencing exercise is to gather information from landowners about their land interests on the Council's behalf and to complete the schedule of the CPO which sets out all of the relevant land interests. It is possible that this exercise may uncover additional interests or rights that need to be acquired.
- 3.24. The remainder of the land required for the Scheme is already in the freehold ownership of RHP or Council (but may be included in the CPO if required, for instance if there are third party interests or rights).

Use of CPO Powers

- 3.25. The use of compulsory purchase powers requires a compelling case in the public interest to be made. Therefore, this report explains the context and justification for recommending that the Committee agrees an 'In Principle' recommendation to use such powers in this case.
- 3.26. In order to compulsorily acquire land the Council must have a relevant statutory power that authorises such acquisition. Further, the Council must use the most specific and appropriate power available to it. In the case of a CPO in connection with the Scheme the Council's planning powers under section 226 of the Town and Country Planning Act 1990 (the Act) are currently considered the most appropriate, as the Scheme would involve the redevelopment

of the estate, and would make a substantial positive contribution to the economic, social and environmental well-being of the area (both of which are statutory tests under section 226). At the time of making the CPO it would need to be ensured that the detailed proposal fulfils the requirements of this statutory power.

- 3.27. Detailed advice to acquiring authorities on the use of compulsory purchase powers is set out in the Guidance on Compulsory Purchase Process and the Criche! Down Rules published by the Ministry of Housing Communities and Local Government (the Guidance). The Guidance provides helpful information on the matters which the Secretary of State will take into account when considering whether or not to confirm a CPO, so should be fully considered by Members now in relation to the 'In Principle' use of its compulsory purchase powers and later with reference to the making and implementing of the CPO that may be considered in future. These matters and how they relate to the Scheme are considered below.
- 3.28. The Guidance states that in considering whether or not to confirm a CPO, the Secretary of State will have regard to the extent to which the purpose for which the land is being acquired fits with the adopted Local Plan for the area or, where no such up to date Local Plan exists, with the draft Local Plan and National Planning Policy Framework (NPPF). The Council's Local Plan was adopted in July 2018 and re-adopted March 2020. Policy SA 15 allocates Ham Close for comprehensive regeneration including demolition of the existing buildings and new-build, re-provision of all residential and non-residential buildings, plus the provision of additional new residential accommodation. The development proposed therefore fits within the Council's adopted planning policy. The development providing additional new, high quality homes, as well as an uplift in affordable housing also meets wider Council Local Plan policies, as well as strategic policies set out in the London Plan.
- 3.29. In addition, the NPPF sets out the Government's policies on planning and how these are expected to be applied. The NPPF makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are three dimensions to sustainable development: economic, social and environmental. In principle promoting the development of Ham Close already embodies sustainable development as defined in the NPPF in terms of the emphasis on redevelopment in order to create sustainable development in line with economic, social and environmental objectives to improve people's quality of life. The emphasis on supply of new homes; creating a sustainable community in a high quality, safe and healthy local environment where people want to live; and improving the link between land use and transport are all in line with these NPPF objectives.
- 3.30. The Guidance states that the Council must demonstrate a 'compelling case in the public interest', and that the public benefits that will arise from the purpose for which the land is to be acquired (i.e. the Scheme) outweigh the impact on those affected (including their relevant human rights which are likely to include the right to respect for private and family life (Article 8) and the protection of property (First Protocol, Article 1)). The Council must demonstrate both the need for the Scheme in general and the need to acquire every parcel of land included in the CPO. Based on legal advice and the Guidance, officers are of the view that such a compelling case can be demonstrated from the desirability of implementing the Scheme and in particular from the substantial wider benefits resulting from it, which include:
- 3.30.1. meeting ambitions set out in the Local Plan, including in direct relation to this site;

- 3.30.2. replacement of poor quality, and in some cases defective housing stock with modern homes that meet high standards of accommodation in accordance with planning policy;
 - 3.30.3. an uplift of up to 260 new homes;
 - 3.30.4. 221 affordable homes which is a net uplift of 78 affordable homes from the existing estate;
 - 3.30.5. economic and employment benefits;
 - 3.30.6. provision of new modern community facilities (including the re-provision of the existing community facilities);
 - 3.30.7. new green infrastructure within the development;
 - 3.30.8. new energy efficient housing, putting into action some of the targets set out in the Council's Climate Change and Sustainability Strategy; and
 - 3.30.9. improving the cycling and pedestrian environment and accessibility through Ham Close, linking to the Council's Cycling Strategy and Active Travel Strategy.
- 3.31. Part of the justification for obtaining confirmation of a CPO would involve demonstrating that compulsory acquisition powers are necessary because the land required cannot be acquired by agreement. Compulsory purchase is seen as a last resort (although the Guidance acknowledges it can be progressed in parallel with negotiation)) and the acquiring authority must be able to show that it has made genuine attempts to acquire the land by negotiation. RHP has made significant efforts to acquire all interests by voluntary agreement.
- 3.32. A comprehensive Customer Offer has been made to all existing residents in Ham Close which is consistent with the Compensation Code, including to RHP tenants, resident and non-resident leaseholders. In summary the Customer Offer provides:
- 3.32.1. that all tenants will be offered a new home at the redeveloped Ham Close, along with a Home Loss Payment in line with the statutory amount at the time of the acquisition (currently £6,300);
 - 3.32.2. tenants will be entitled reasonable disturbance payments up to a maximum of £5000 (for costs such as redirecting post, disconnecting and reconnecting appliances, new curtains and carpets or the re-fitting or altering of carpets and curtains);
 - 3.32.3. that all leaseholders will be offered either a new home within the redeveloped Ham Close on a like for like basis i.e same number of bedrooms as existing (a new 125 year lease at no extra cost) or compensation at the market value of their property plus a home loss payment of 10% of the market value up to the statutory maximum amount at the time of the acquisition (currently £63,000);
 - 3.32.4. leaseholders can use shared equity option for the new home if the new home is worth more than the existing home as part of the commitment to offer everyone the opportunity to remain in their community;

- 3.32.5. non-resident leaseholders are offered the same financial compensation and replacement property options as resident leaseholders;
- 3.32.6. all leaseholders will be entitled to reasonable disturbance payments and reasonable legal costs of conveyancing; and
- 3.32.7. RHP will pay for a nominated surveyor to carry out an independent valuation, if the leaseholder does not agree with the property valuation.
- 3.33. The Customer Offer was subject to a review by TPAS (tenant engagement specialists) in September 2017 which found that the RHP offer met or exceeded all legal requirements and policy standards for such resident offers. The Customer Offer also meets the requirements of the Mayor of London's Good Practice Guide to Estate Regeneration. RHP has been engaging with residents extensively and is continuing to do so. The Guidance expects that those efforts will continue, and detailed evidence of those further efforts should be available prior to the making of a CPO. The negotiations will be detailed in the full report to the Committee in due course.
- 3.34. The Council must also demonstrate that there are no other impediments to proceeding with the Scheme, for example the need for planning permission, other consents or physical constraints. The planning application in relation to the proposals is due to be submitted for determination in Winter 2021. It is anticipated that the Local Planning Authority will have determined the application by Spring 2022. It is also anticipated that a stopping up order will be required in relation to the highways that currently cross the site – this will be applied for at the appropriate time, and officers are not aware of any reason why this would not be confirmed. The Council is not aware of any other material impediments at this time.
- 3.35. The Council would have to demonstrate that it has, or will obtain, the resources necessary not only to pay compensation for the land but also to implement the Scheme. The reason for this requirement is to avoid a situation in which private land has been acquired compulsorily for a purpose which, in the event, cannot be achieved for lack of funds. The Scheme will be funded by RHP, through their partnership with the Hill, its own resources and grant funding. The funding required to deliver the Scheme and pay all compensation will be detailed in the full report to the Committee in due course.

Resources Implications

- 3.36. At this stage, the Council is being asked to only make an 'In Principle' decision to use its powers. A full detailed assessment of the financial implications and costs of making a CPO will be prepared and presented to this Committee in a further report should a CPO be required. The funding required that is directly related to the 'In Principle' use of CPO powers is primarily limited to professional fees as the CPO is prepared.
- 3.37. The work required to prepare for the use of CPO powers, including all work needed to support the making of such an order will be managed and coordinated by officers from the Council and RHP. RHP has appointed specialist legal advisors and is due to appoint further specialist CPO advisors to provide advice and support. RHP is also due to appoint a land referencing firm. The purpose of the land referencing exercise is to gather information from landowners about their land interests on its behalf and to complete the schedule of the CPO which sets out all of the relevant land interests. The Council will also seek its own legal advice on the CPO process, to ensure that it complies with its statutory duties and to validate the CPO work led by RHP and its advisors.

- 3.38. All costs associated with the preparatory stage will be met by RHP, who although working in partnership with the Council, as owner of Ham Close is leading on promoting the Scheme. Council officers are satisfied that RHP has sufficient resources to undertake the necessary preparation and will be working closely with RHP to ensure the preparation is comprehensive. The Council and RHP will enter into an indemnity agreement to protect the Council's position in this respect.
- 3.39. In summary, under a CPO, property or rights are acquired and the owner receives a right to receive statutory compensation calculated in accordance with the rules set out in the legislation. This is usually calculated as the open market value for the interest but disregarding any increase (or decrease) in value attributable to the Scheme for which the land is acquired. Affected parties may also be entitled to other compensation for loss payments and disturbance depending on circumstances. The Council will be legally responsible for paying all compensation to landowners through the CPO process, but these costs will be covered by RHP as noted above.
- 3.40. As part of the preparatory works, there will be a full financial modelling of cost implications of acquiring the land following a successful CPO which will be reported to Committee in due course.

4. COMMENTS OF THE DIRECTOR OF RESOURCES ON THE FINANCIAL IMPLICATIONS

- 4.1. The Director of Resources comments that the 'In Principle' decision to use CPO powers will not have any direct financial implications for the Council, as all preparatory works and acquisition/compensation costs incurred by the Council will be funded by RHP. This will be covered by the proposed indemnity agreement.
- 4.2. Depending on how successful the process of acquiring through negotiation is the requirement for the CPO, the estimated cost of any CPO and relevant budget approvals for the CPO and reimbursement of costs from RHP will be the subject of a future report to this Committee.

5. COMMENTS OF THE ASSISTANT DIRECTOR, PROPERTY SERVICES

- 5.1. Negotiations with residents have been ongoing since 2016 and will continue regardless of a decision that the Council considers using its Compulsory Purchase powers to assemble the land required to deliver the Ham Close redevelopment proposals.
- 5.2. The CPO is proposed to be made under Section 226 of the Town and Country Planning Act 1990. The CPO must be pursued in accordance with legislation. The Council should only make the CPO if it is of the view that there is a compelling case in the public interest. If the Secretary of State agrees, he or she may confirm the CPO.

6. COMMENTS OF THE COUNCIL'S EXTERNAL LEGAL ADVISERS

- 6.1. The Council has engaged Pinsent Masons LLP to advise it on the potential CPO, working with RHP and its advisors. Pinsent Masons have reviewed this report, and the key legal duties and tests, and policy tests, are set out in the other sections of the report.

7. CONSULTATION AND ENGAGEMENT

- 7.1. The Council and RHP are committed to consulting with and engaging with residents and stakeholders. In line with the Corporate Plan priority to make sure residents have a real say over issues that affect them, the Scheme has been subject to extensive consultation including:
- 7.1.1. initial consultation on the future of Ham Close in 2013;
 - 7.1.2. consultation was undertaken in 2015 based on an Uplift Regeneration Study and using feedback from earlier consultation;
 - 7.1.3. consultation on the proposed masterplan in October 2016;
 - 7.1.4. resident workshops and feedback events have been held on June/July 2016, Spring 2017 and October 2017;
 - 7.1.5. resident regeneration update meeting held in November 2020; and
 - 7.1.5.1. consultation launched on 22 July 2021 along with a series of consultation events on the proposals for the redevelopment. This consultation has a dedicated website: www.hamcloseconsultation.co.uk.
- 7.2. In addition, RHP has been engaging with residents of Ham Close on the project consistently since 2015 to ensure they are kept fully up to date with the proposals and progress. For example, there is a dedicated website (<https://www.hamclose.co.uk/>) which provides updates and details on the proposals. RHP has also published at least four newsletters per year since 2015 and a series of FAQs were created answering resident questions. A Stakeholder Reference Group was also established to provide residents and stakeholders with a forum to confirm any concerns they may have and identify specific information which they require to fully understand the regeneration proposal. The steps taken so far achieve the aims of the Mayor of London's Good Practice Guide to Estate Regeneration, in giving local people full and transparent consultation / engagement.
- 7.3. A Resident Engagement Panel (funded by RHP and set up by TPAS on behalf of residents) was established in August 2020 to hold RHP to account in respect of the regeneration. All tenants and leaseholders of Ham Close are eligible to be members of the Panel.
- 7.4. The allocation of Ham Close as a site for comprehensive redevelopment by the Council's Local Plan was subject to statutory consultation and examination by an inspector. There will be statutory consultation (by the Council as local planning authority) on the planning application once it has been submitted.

8. WIDER CORPORATE IMPLICATIONS

8.1.

POLICY IMPLICATIONS / CONSIDERATIONS
All relevant policies are being considered and advice sought where required.
RISK CONSIDERATIONS
A full project risk register is kept by Richmond Housing Partnership

EQUALITY IMPACT CONSIDERATIONS

All necessary Equality Impact Needs Assessments will be prepared for the Planning Application and future Committee decisions. In addition, RHP will undertake a full Equalities Impact and Need Assessment which will be reported to Committee prior to making a CPO.

ENVIRONMENTAL CONSIDERATIONS

All relevant environmental policies and requirements will be considered as part of the design development for the regeneration. There are no environmental implications for this specific report pertaining to the use of CPO powers.

9. BACKGROUND INFORMATION

Corporate Plan

Local Plan

Better Homes for Local People – The Mayor's Good Practice Guide to Estate Regeneration

Guidance on Compulsory Purchase and the Crichel Downs Rules last updated in July 2019 by the Ministry for Housing Communities and Local Government

10. APPENDICES

Appendix 1 – Site Map

11. CONTACTS

Paul Chadwick

Director of Environment and Community Services

Paul.Chadwick@richmondandwandsworth.gov.uk

Appendix 1 – Site Plan



Notes/Revisions:

- Rev:
 - A First Issue
 - B Boundary changes around edge of Green
 - C Final boundary amendment to suit a sketch community centre building
 - D Plot the boundary updated

Date	Drawn	Checked
30/04/18	ALH	ALH
17/05/18	ALH	ALH
05/07/19	PK	CD
07/02/20	JM	CD

Date	Checked	Checked By
APRIL 2018	RHP	RHP
ALH	ALH	ALH
CD	CD	CD
Scale: 1:1250 @ A3	Drawn: 17-114	Revision: B