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Date: 19 March 2021
Your ref: EJ/A160-3/Broadwater
Our ref: LEG PP JXK 63519
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Also By Email: [REDACTED]

Dear Sirs,

**The London Borough of Haringey (Tangmere and Northolt) Compulsory Purchase Order 2021
“CPO”**

Your Clients:

[REDACTED] – 26 Tangmere
[REDACTED] – 26 Tangmere
[REDACTED] – 29 Tangmere
[REDACTED] – 29 Tangmere
[REDACTED] – 72 Tangmere
[REDACTED] – 122 Tangmere
[REDACTED] – 122 Tangmere

Your objection letter dated 1st March 2021 addressed to the Secretary of State in relation to the above CPO on behalf of the above named, has been forwarded to the Council.

I firstly take this opportunity to confirm that the Council remains committed to reaching agreement with all remaining parties as far as reasonably possible to acquire the outstanding interests in the Order land. The CPO has been made in parallel to facilitate vacant possession being achieved within a prescribed period to achieve certainty for the required demolition of the two structurally unsafe blocks (Tangmere and Northolt), noting that negotiations have been ongoing for over two years. In addition, I am advised that active negotiations have been taking place with the Council’s representatives in relation to seeking to agree terms for the sale of the above four properties (nos. 26, 29, 72 and 122 Tangmere) with the respective parties. I would emphasise again that these negotiations will continue.

Turning to the content of your letter of 1st March 2021, I would respond as follows:

- 1. There is no statutory support for the construction of replacement housing involving the demolition of an already densely populated area of housing. The reliance of the Council on s17 of the Housing Act 1985 and the Acquisition of Land Act 1981 is inappropriate.**

As outlined in Section 4 of the Council’s Statement of Reasons, significant structural issues have been identified with the Tangmere and Northolt blocks on the Broadwater Farm Estate, which

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puts both buildings at risk of progressive collapse. Following a Section 105 (Housing Act, 1985) consultation, the Council's Cabinet made the decision to authorise demolition of both blocks and to replace them with at least the same number of socially rented homes. In replacing the residential units from Northolt and Tangmere, the Council will be able to achieve a qualitative housing gain. Current plans in development also seek to achieve additional social rented homes, which would result in a qualitative and quantitative housing gain.

The Ministry of Housing, Communities & Local Government's (MHCLG) *Guidance on Compulsory purchase process and The Crichel Down Rules* ('the Guidance') states that "*Section 17 of the Housing Act empowers local housing authorities to acquire land, houses or other properties by compulsion for the provision of housing accommodation. Acquisition must achieve a quantitative or qualitative housing gain*". As the Council will achieve a qualitative housing gain as a minimum following the acquisition of interests in Tangmere and Northolt, the Council is content that the use of Section 17 of the Housing Act (1985) and the Acquisition of Land Act (1981) powers, are appropriate in this circumstance.

I would direct your attention in particular to Sections 3, 4 and 5 of the Council's Statement of Reasons providing further details on the structural issues and suitability of the use of Section 17 (Housing Act, 1985) powers to acquire these properties if necessary as a last resort.

- 2. The proposed construction of replacement housing accommodation in that location without delivering a quantitative housing gain suggests there is no compelling case in the public interest for the making of the Compulsory Purchase Order. The Council claim they will simply "*explore all options to deliver a quantitative gain if possible*" [para 1.9 statement of reasons]. The construction of new housing on the Broadwater Farm Estate should be part of a masterplan for the modernisation of the entire estate to include more affordable homes.**

As previously confirmed, the Guidance makes clear that compulsory purchase powers are appropriate in this instance noting that the acquisition results in "*a quantitative or [our emphasis] qualitative housing gain*". The Tangmere and Northolt blocks at Broadwater Farm have significant structural issues that could result in progressive collapse. The replacement of the residential units within these blocks with new housing will result in a qualitative gain to the Council's housing stock. The Council's Statement of Reasons for the CPO makes clear throughout that the Council will replace the residential units at Tangmere and Northolt with new council homes to ensure a qualitative gain is achieved. As you rightly identify, the Statement of Reasons also states that the Council will "*explore all options to deliver a quantitative gain if possible*" and I am informed by client officers that all options currently being developed by the architects for the scheme consider both a qualitative and quantitative housing gain on the estate.

Although the Council is not developing a 'masterplan' for the estate, a comprehensive Urban Design Framework (UDF) for the estate is in development in collaboration with local residents. The UDF considers the new and replacement housing and seeks to make further improvements to the wider estate such as the streets, facilities and outdoor spaces. It has been agreed with the

local planning authority that the UDF can fulfil the policy requirements for a masterplan, so long as the UDF is prepared in consultation with residents. The UDF will be submitted as a supporting document to any planning application.

I would direct your attention in particular to Sections 3, 5 and 6 of the Council's Statement of Reasons which provides more detail on the requirements for the use of these powers and an overview of the wider scheme, including the development of the UDF.

- 3. The Council has failed to adequately or at all, consider the alternative to demolition. There is a perfectly sensible and alternative option of strengthening and refurbishing the existing accommodation which has not been properly investigated and costed by the Council. We ask the Secretary of State to give the plan the proper scrutiny of a public enquiry [sic].**

On 26th June 2018, the Council's Cabinet considered options regarding the future of the Tangmere and Northolt blocks on the Broadwater Farm Estate. In relation to long-term options, the Council's Cabinet considered the option of strengthening and refurbishing the blocks as well as the option of demolition and rebuilding. The cost of addressing the structural elements alone was estimated at £25.6 million for both blocks, rising to over £33 million if they were refurbished to bring the flats up to the Decent Homes Standard. It is worth noting that the structural issues identified at Northolt and Tangmere were more significant than those identified on the other blocks on the estate, with both Tangmere and Northolt the only blocks to fail the lower of the two tests (both failed the 17kN/m² test). Further visual surveys were carried out in June 2020, which confirmed that the original findings remained accurate. It is anticipated that associated strengthening and refurbishment costs to resolve these issues would have subsequently increased in line with inflation.

The report presented to the Council's Cabinet outlined the estimated costs of both strengthening / refurbishment and demolition / rebuild and this was considered by the Council's Cabinet when determining its preferred option. Following this decision, a Section 105 (Housing Act, 1985) consultation was undertaken with residents of the two blocks to obtain their views as to whether the blocks should be demolished and replaced, or whether they should be strengthened and refurbished. A significant majority of residents (91% of respondents in Tangmere and 81% of respondents in Northolt) supported demolition and rebuild.

For more information on these options, please see Sections 4 and 5 of the Council's Statement of Reasons and Section 6 of the June 2018 Cabinet report.

4. **The Council has provided insufficient detail about the funding position of its proposed works and whether the CPO has sufficient certainty. This matter deserves the proper scrutiny of a public enquiry [sic]. The long history of under investment by the Council into the estates at Broadwater Farm are material to the question of relative costings for the competing options.**

Section 8 of the Council's Statement of Reasons outlines the funding available for the proposed works, with the Council's Housing Revenue Account (HRA) New Build Budget of £383m (over the five-year period 2020/21 to 2025/26) able to fund the entirety of the replacement homes on the Broadwater Farm Estate if necessary. In addition to this, an application has been made to the Greater London Authority (GLA) for £20m of grant funding to supplement the Council's contribution. Early discussions with the GLA have been positive and no issues are expected with the bid. In addition to this application, the Council would be eligible to apply for further grant funding from the GLA should the anticipated quantitative housing gain be realised on the estate.

5. **The Council's scheme amounts to forced displacement as there was no ballot on whether homes should be demolished or strengthened, modernised and refurbished. The consultation exercise was inadequate leading to little engagement. Para 5.21 of the Statement of Reasons suggest no more than 38 out of 104 properties at Tangmere responded positively. The Council has acted undemocratically by failing to properly engage.**

Following the findings of the structural surveys, the Council's main priority was to ensure the safety of residents living within the two blocks and a decision was made to rehouse residents as soon as practically possible. It is important to recognise that there is no statutory requirement to ballot residents in such circumstances. However, after considering the options available, the Council undertook a Section 105 (Housing Act, 1985) consultation in September and October 2018 to understand resident views on the options to strengthen or replace. As you will be aware, the relocation of Tangmere residents was the Council's highest priority due to the presence of piped gas and so work commenced on identifying suitable alternative accommodation for the Council's tenants as soon as possible. As further outlined in paragraph 5.21 of the Council's Statement of Reasons, it is considered that the lower response rate at Tangmere was due to tenants having either already moved out of the block or having made plans to leave the estate by the time the Section 105 consultation was undertaken.

Considerable effort was made to ensure residents were given the opportunity to respond to the consultation: questionnaires were distributed to all Tangmere and Northolt residents with the ability to reply by post or email; the materials were provided in multiple languages, large print and braille as required; and drop-in events and door knocking exercises were undertaken to maximise engagement (six drop-in sessions were run by Homes for Haringey and further sessions were arranged by the Independent Tenant and Leasehold Advisor). Although the response rate appears low, it is worthy of note that 91% of Tangmere residents (and 81% of Northolt residents)

that responded to the consultation, stated that their preference was for the blocks to be demolished and rebuilt, rather than strengthened and refurbished.

6. Some leaseholders are currently engaged in negotiations. The use of draconian compulsory purchase powers is premature and should only be used as a measure of last resort where negotiations fail. Therefore, there is not an adequate or compelling justification to confirm the proposed CPO in respect of our clients' land interests.

Negotiations have been ongoing since the rehousing and payments policy was agreed in 2018, but a small number of leasehold interests are yet to be acquired. Negotiations will continue with all remaining leaseholders throughout this process and the Council remains committed to reaching an agreement for the acquisition of remaining properties without the need to use its compulsory purchase powers. However, despite the negotiations that have taken place to date, there remain significant differences between the Council's valuations and the sums proposed by a small number of remaining leaseholders. The Guidance recognises that, although compulsory purchase is intended as a last resort, if acquiring authorities wait "*for negotiations to break down before starting the compulsory purchase process, valuable time will be lost*". Haringey's housing waiting list is already under pressure, a challenge that has been compounded by the additional strain caused by the Coronavirus pandemic and the essential rehousing of Tangmere and Northolt tenants due to the safety issues that were identified. The Council cannot afford for negotiations to continue indefinitely and are keen to commence the process of building new and replacement homes on the estate to cater for current and future generations.

The Council believes it is offering a fair market value for the properties in Northolt and Tangmere and all Tangmere resident leaseholders are eligible to utilise an interest-free equity loan to allow them to purchase a more expensive property elsewhere should they wish. To support and progress negotiations, changes have been made to these policies to improve the offer, which now allows leaseholders to purchase a property outside of the Borough of Haringey and above the standard 40% equity loan amount. Further details of these offers can be found in the Broadwater Farm Rehousing and Payments Policy, which is available by visiting the below webpage:

<https://www.haringey.gov.uk/bwf-policy>

Our negotiations will continue in parallel to this compulsory purchase process and we are happy to discuss the offers and options available to all remaining Tangmere leaseholders and/or their representatives.

I hope that I have adequately addressed the concerns you have raised on behalf of your clients and that I have reinforced the Council's reasoning for making the CPO as reasonable, necessary and proportionate. Noting that the Council is seeking confirmation of the Order, I would kindly request that you liaise with your clients to consider whether they are now content to withdraw their objections to the Order with the hope that negotiations for the purchase of the respective properties can continue in parallel to this compulsory purchase process.

Since you are acting for the above named clients, I have not sent a copy of this letter to them individually, but please let me know if you would like me to do so.

In addition, please do not hesitate to contact me should you have any further queries.

Yours faithfully,



Joanna Kromidias
Senior Solicitor – Property and Regeneration
for and on behalf of Head of Legal and Governance (Monitoring Officer)