

<b>CABINET</b>	<b>DATE</b> 23 March 2022	<b>ITEM NO</b> 5
<b>TITLE</b> To provide an update and to seek approval to make a Compulsory Purchase Order (CPO) and related processes to facilitate the assembly of land required to deliver the Woolwich Exchange project pursuant to the CPO Indemnity Agreement in furtherance of Local Plan and Spray Street Supplementary Planning Document.	<b>WARD (S)</b> Woolwich Riverside	
<b>CHIEF OFFICER</b> Director of Regeneration Enterprise & Skills	<b>CABINET MEMBER</b> Regeneration & Growth	
<b>DECISION CLASSIFICATION</b>  Key Decision  <ul style="list-style-type: none"> <li>• Non-exempt report</li> <li>• Exempt Appendices 3 and 6 to 9 and 15 by virtue of paragraph 3 of Schedule 12A to the Local Government Act 1972 (as amended): Information relating to the financial or business affairs of any particular person including the authority holding that information.</li> <li>• Non-exempt Appendices 1,2, 4, 5, 10 to 14, and 16</li> </ul>	<b>IS THE FINAL DECISION ON THE RECOMMENDATIONS IN THIS REPORT TO BE MADE AT THIS MEETING?</b>  Yes	

### **Non-Technical Summary**

- I. Cabinet is being asked to decide to use its Compulsory Purchase powers. To make such a decision it is necessary for the report to cover certain legal requirements and as a result this report is technical.
- II. Cabinet Members making the decision need to have full regard to the whole technical report and appendices and not just this non-technical summary.

- III. However, as the Council always wishes to promote awareness, involvement and engagement in its decision taking, this non-technical summary is provided to explain in plain English what and why Cabinet is being asked to take the decision.
- IV. The Council wish to regenerate Woolwich by making it a more attractive place to live, work and have fun. Part of this means knocking down some buildings and replacing them with new ones which have new shops, restaurants, offices, houses, and leisure uses such as a cinema and new leisure centre as well as better pavements and open spaces.
- V. The part of Woolwich that this report relates to is the area known as Spray Street (also known as Woolwich Exchange) which is the land between Spray Street, Beresford Square, Burrage Road and Plumstead Road (A205).
- VI. This part of Woolwich looks and feels run down. It could look better and create more jobs, energy efficient homes and uses such as a cinema, restaurants, shops and offices that make Woolwich Town Centre a better place to be. In short, better use of this land could be made to provide many of the things people need and want. The Council will also ensure the new development is more energy efficient and reduces the carbon footprint of new development in an attempt to tackle climate change.
- VII. The location of Spray Street is important in supporting the link between the Royal Arsenal and the Town Centre. Some people who live in the Royal Arsenal don't spend their time and money in Woolwich. If they did this would benefit local people in supporting local businesses and therefore jobs. Also with new houses on site more people get the chance to live in Woolwich and have access to good homes.
- VIII. The Council set out its intention to regenerate Spray Street in a Masterplan of Woolwich in 2012, its main town planning document (The Core Strategy) in 2014 and then in some planning guidance produced in 2015 which set out more detail about the layout and design.
- IX. Writing it in a plan doesn't make it happen though. The Council doesn't build development like this as it doesn't have the money or expertise. So, the Council sought a developer to work with the Council in building the new development.
- X. The developer was chosen and has got planning permission to rebuild the site for houses, a cinema, shops, restaurants and workspace.

- XI. However, neither the Council nor the developer own the land necessary to build what planning permission has been approved for.
- XII. The Council own some land and the rest is in various private ownerships. The Council and the developer have been talking to those private owners about buying their land off them for some years. Some wish to sell and others don't or are not sure.
- XIII. However, the Council has powers known as Compulsory Purchase, which allows the Council to take legal ownership of the land. Owners get the opportunity to object via the Secretary of State (a Minister of the Government) and if they are forced to sell their land they are compensated.
- XIV. For the Council to be able to use its Compulsory Purchase powers a process must be followed.
  - a. The Council must find out who owns, leases or occupies land in the area affected by the new development.
  - b. Resolve in a public meeting (this one) to use its powers
  - c. Make a Compulsory Purchase Order – advertising this, posting notices and telling people who are affected
  - d. Ask the Secretary of State to confirm the Order
  - e. Consider objections and if decided by the Secretary of State hold a public inquiry where objectors and the Council get to state their case to someone independent
  - f. The independent person (an Inspector) considers all the points of view and makes a recommendation to the Secretary of State
  - g. If the Order is approved the Council then takes possession of the land and finally financial compensation is agreed.
- XV. The Council is aware that it is not just about buying property - for some it is their home or business and as such the Council wants to be sure it is helping those people as best it can to continue to live and work by helping them relocate.
- XVI. The Council cares about all people in the area, particularly as many of them who live and work there now are from groups who tend to be more disadvantaged.
- XVII. Councils by law have to consider how certain groups of people are affected by a Council decision such as this and take action to ensure they are not unfairly or disproportionately disadvantaged by the process.

- XVIII. In making the decision to use Compulsory Purchase powers Council officers have provided elected Councillors with information in this report and its appendices which confirm the following;
- a. The Council has a record of who owns, leases and occupiers property in the Spray Street area affected by the new development
  - b. The Council has tried and will continue to try to buy the land interests of these persons without the need to 'force' them to sell through the Compulsory Purchase process
  - c. The Council will continue to work with all those within the area to try and relocate their homes and businesses and support them in doing so
  - d. The Council has undertaken something called an Equalities Impact Assessment which considers how people with "protected characteristics" are affected by the decision to use Compulsory Purchase powers and this recommends various things the Council can do to help those people including continuing to review how people are impacted throughout the process
  - e. The Council has a legal agreement with a developer who will cover the Council's costs of doing a Compulsory Purchase process and eventually buying the properties
  - f. That that developer has secured a planning permission and listed building consent which if they owned the land they could build
  - g. That the Council has and will appoint specialist advisors to help it through the process including the technical legal process.
- XIX. The Council is committed to making Woolwich better. In doing that some people will have their lives affected. The difficult decision for the Council is whether the 'wider public interest' is more important than the private rights affected.
- XX. On balance, this report recommends that the public interest is more important and particularly when having regard to the measures in place to support those affected by the new development, including the potential for relocation and that most affected will be entitled to financial compensation.
- XXI. The Councillors who make this decision, are assured by their Officers, that all reasonable steps are being taken to help those people affected to minimise the impact on their lives.
- XXII. If for any reason more information is required or something in this report doesn't make sense then please do use the contact phone numbers at the end of the report for help.

## I. Decision required

That Cabinet is requested to agree the following recommendations:

- I.1. To note that detailed planning permission (Planning Reference No; 20/3385/F) and listed building consent (Reference No. 20/3386/L) were granted on 23 December 2021 by the Council ("**Planning Consents**") for the implementation of the Council's regeneration plan set out in the Spray Street Supplementary Planning Document ("**SPD**"), now more commonly known as Woolwich Exchange project (the "**Project**") in furtherance of the Planning Condition in the Conditional Land Sale Agreement ("**CLSA**") between the Council and Spray Street Quarter LLP (SSQ);
- I.2. To note that there has been public engagement by the Council and Developer in respect of the promotion of the Project as summarised in section 8 of this report and the Statement of Reasons (at Appendix 2). Overall, the general public have supported the Council's ambition to develop this area within Woolwich with the purpose of improving the mix of uses, cleaning up the land, creating public realm and creating opportunities for new homes and businesses in central Woolwich.
- I.3. To agree to the making and promotion of the Compulsory Purchase Order ("**CPO**") (or CPOs as required) pursuant to ss.226(1)(a) and 226(3)(a) of the Town and Country Planning Act 1990 (as amended), s.13 of the Local Government (Miscellaneous Provisions) Act 1976, s.172 of the Housing and Planning Act 2016 (in accordance with the procedures in the Acquisition of Land Act 1981) and other relevant powers, for the purposes of facilitating the comprehensive re-development of the Order Land in order to deliver the Project and to submit the CPO to the relevant Government office (acting on behalf of the Secretary of State for Levelling Up, Housing and Communities ("**Secretary of State**")) for confirmation to enable the acquisition of the Order Land;
- I.4. To approve the Statement of Reasons (at Appendix 2) ("**Statement of Reasons**") which sets out the justification for making the Royal Borough of Greenwich (Woolwich Exchange) Compulsory Purchase Order 2022 in relation to the acquisition of all interests in land (other than those of the Council) and new rights in land as described in the Order Schedule (at Appendix 3) as shown on the Order Map (at Appendix 4) (the "**Order Land**") and pursuant to the **Order** (at Appendix 5) as are required to deliver the Project (together the "**CPO Documents**") and to authorise the Director of Regeneration, Enterprise and Skills ("**DRES**") acting with a delegated power in consultation with the Director of Legal and Human Resources to make minor amendments as necessary to the CPO Documents

and otherwise promote a Compulsory Purchase Order ("**CPO**") to confirmation and implementation in accordance with paragraph 1.12 of this report;

- 1.5. To note the status and ongoing progress made on behalf of the Council (either directly or by specialists appointed by the Council to assist) in identifying, negotiating and engaging with residential occupiers/owners and persons/businesses with an interest in land (including those who are affected by rights to light injuries) ("**Landowners**") affected by the Project as part of the preparatory work and investigations required to support a CPO for the Project and to note the status of such negotiations and engagement reported in the Schedule of Interests (Appendices 6 to 9) and an engagement dashboard summary (Appendix 10);
- 1.6. To note the Framework Relocation Strategy (Appendix 11) developed in conjunction with Spray Street Quarter LLP ("**SSQ**") and required to be developed further by SSQ as part of the implementation of the Planning Consents. SSQ is required to submit further details of a strategy to support the relocation of landowners affected by the Project and to implement the approved strategy as a condition of implementation of the Project pursuant to the approved planning permission and the S111 Agreement (defined below). There will be continuous engagement with Landowners during the promotion of the CPO and implementation of the Project;
- 1.7. To note the content and recommendations of the Equalities Impact Assessment (Appendix 12) undertaken on behalf the Council by an Equalities Impact Assessor, AECOM;
- 1.8. To note that the Equalities Impact Assessment is to be regarded as a living document which will be updated and acted upon throughout the CPO process with a formal update being prepared just prior to any CPO Inquiry (if there is one). This will provide any Inquiry with confidence that the Council has not only assessed Equalities Impacts but sought to address them. If there is no Inquiry there is no need for a formal update as there won't be a 'decision' required. However, the spirit and intention of what the Equalities Impact Assessment is trying to achieve will remain and be acted upon;
- 1.9. To note that the Equalities Impact Assessment demonstrates that there will be some impacts (positive and negative) on groups or individuals with protected characteristics and as such the Council and SSQ will seek to mitigate these impacts through specific actions such as through the relocation and compensation provisions;

- I.10. To note, account has been taken in the Equalities Impact Assessment of the Public Sector Equality Duty as well as the Council's own adopted Equalities policies;
- I.11. To note that SSQ intends to submit an application to the Council to stop up highways within and around the perimeter of the Order Land (as shown in details appended at Appendix 15) in furtherance of requirements to satisfy the Highways Condition in the CLSA and to support the case for the Order;
- I.12. To delegate to the Director of Regeneration, Enterprise & Skills in consultation with the Director of Legal and Human Resources, and the Director of Finance (where the issue relates to matters of appropriation as mentioned variously below) to proceed in accordance with all the recommendations of this report and to take all necessary steps to implement the resolutions of this report, as they relate to the delivery of the Project by CPO and having due regard to the requirements of the CLSA and CPO Indemnity Agreement ("**CPOIA**") in place with SSQ to include as follows:
  - I.12.1. That it is delegated to make any necessary amendments which do not affect the purpose or intention of the CPO to the CPO Documents before making the Order and to settle all other related documents (including all landowner and newspaper notices) before and after making of the Order;
  - I.12.2. That it is delegated to advertise and serve notice of the Order once made, to consider and to respond to, as is appropriate, any objections received to the made Order and to submit the Order to the Secretary of State for confirmation;
  - I.12.3. That it is delegated to progress any public inquiry, hearing and/or written representations, as directed by or on behalf of the Secretary of State, into the consideration of objections received to the Order and to promote and give effect to any other related procedural requirements including (but not limited to) the publication and service of all notices and the preparation and presentation of the Council's case and evidence at any public inquiry, hearing and/or in written representations;
  - I.12.4. That it is delegated to make all necessary decisions to prevent extinguishment of, grant and/or re-grant private rights of statutory undertakers in or over the Order Land as is considered necessary to secure confirmation of the CPO by either making a direction under section 236 of the Town & Country Planning Act 1990 and/or

entering into agreements with such affected parties, with or without SSQ, as is appropriate;

- I.12.5. That it is delegated, if the CPO is confirmed by the Secretary of State, to publish the Order and to promote and give effect to any other related procedural requirements including (but not limited to) the publication and service of all notices so as to bring the Order into effect;
- I.12.6. That it is delegated to take possession of the Order Land and/or vest the Order Land in the Council (or parts thereof) as is necessary to deliver the Project by making of a general vesting declaration(s) or issuing notice(s) to treat/notice(s) of entry or entering into temporary licences or other land contracts/agreements with affected CPO Landowners as appropriate in the circumstances;
- I.12.7. That it is delegated to address and promote, as necessary, the defence of any confirmed CPO against any judicial review or any other legal challenge made to the CPO;
- I.12.8. There will be a number of land and property acquisitions and without a delegation, each and every acquisition would require Cabinet approval. However, as these acquisitions are known about given this Cabinet decision to CPO it is proposed to reduce the administrative process for Members by delegating acquisitions within the CPO area to the Director of Regeneration Enterprise and Skills. As such, the Director of Regeneration Enterprise and Skills is delegated to make all decisions to acquire interests in the Order Land by agreement, the entering into of Option Agreements and the making of payments equivalent to statutory compensation (or payments as are deemed reasonable in the circumstances) and the provision of property or services in lieu of compensation, in contemplation of the Order being made and/or confirmed and/or implemented. When a property acquisition option is made the Director will make that decision and formally record it as a delegated decision. When a property is acquired (either after an option or directly without an option) a delegated report and decision will be recorded;
- I.12.9. To agree that all property acquisitions within the Order Land are delegated to the Director of Regeneration, Enterprise and Skills and for those which ordinarily would be considered a “key” decision shall not be processed as “key” delegated decisions;



- 1.12.10. That it is delegated, if the Order is confirmed and otherwise as is appropriate and necessary, to use the Council's powers pursuant to section 122 of the Local Government Act 1972 and section 203 of the Housing and Planning Act 2016 in order to appropriate to planning purposes and convert to compensation any rights or covenants (to which section 203 applies) in the Order Land and in any other land owned by the Council adjoining the Order Land which would otherwise impede the delivery of the Project (including rights to light);
- 1.12.11. That it is delegated, if the Order is confirmed, to settle all compensation amounts payable arising from the vesting of interests in the Order Land or Notice to Treat being served and possession being taken of the Order Land under the Order, if voluntary private treaty agreements cannot be reached or if compensation is reserved as part of any private treaty settlement or transfer agreements entered into with CPO Landowners and further to promote and give effect to all procedures and preparation and presentation of evidence as is necessary and appropriate to address such claims for compensation by mediation or by reference to the Upper Tribunal (Lands Chamber); and
- 1.12.12. That it is delegated to, promote, carry out and/or give effect to, in accordance with the CLSA and CPOIA, any other matters or procedures as are necessary and appropriate to promote and secure possession of the Order Land pursuant to or alongside the CPO in order to enable the Project to be carried out and furthermore to settle or determine all land compensation payable to CPO Landowners.
- 1.13. To agree to the provision of a fully recoverable cash flow facility, in accordance with the CPOIA, to enable the Council to undertake the necessary actions required to implement the decisions in this report. The Council will fully recover these sums from SSQ as set out in 1.14-1.15 and 4.20-4.21;
- 1.14. To note that the Council will undertake a procurement exercise in accordance with a framework agreement in order to select consultants to complete land referencing, business engagement, business relocation, EQIA and other relevant services post CPO resolution and that the costs of these services will be underwritten and fully recoverable by SSQ in accordance with the CPOIA;

- 1.15. To note that there is an agreed process in place for agreeing and claiming all the Council's costs relating and following this decision as set out in paragraph 1.13 above from SSQ on a quarterly basis;
- 1.16. To agree that the contents of Appendices 3 and 6 to 9 and 15 to this report be exempt from publication on the grounds that they contain information relating to the financial or business affairs of a particular person (including the authority holding that information) under Paragraph 3, Part I of Schedule 12A of the Local Government Act 1972 (as amended) and to agree that this exempt information contained in the confidential Appendices shall not be released to the press or public.

## **2. Links to the Royal Greenwich high level objectives**

2.1. This report relates to the Council's agreed high level objectives as follows:

- **A Great Place to Grow Up**

Provide facilities that encourage families, young people, and adults to enjoy new opportunities and experiences.

- **Delivering Homes Through Economic Growth**

The Project will deliver new high-quality, multi tenure homes in a range of sizes, including affordable homes. The regeneration will also provide new facilities for businesses and other leisure and community uses such as a cinema, places to eat and a children's nursery.

- **Economic Prosperity for All**

The Project will be delivered in the heart of Woolwich to attract visitors from across the local area. It will provide new leisure and business facilities providing employment and in turn improving town centre footfall and increasing social mobility.

- **A Great Place to Be**

The Project will improve the frontage onto the surrounding streets including, Woolwich New Road, Burrage Road, Spray Street, A206 Beresford Street. It will also improve the night-time and leisure offer within Woolwich town centre, including a new five screen cinema, set within the reimaged Grade II listed Former Covered Market.

- **Ensure a healthy and safe living environment**

The Project will improve access to public realm increasing permeability through the site and to wider environs. More natural surveillance of public spaces, mixed use development to create activity throughout the day and evening and high quality landscaping features has been designed into the

development with the intention of reducing the opportunity to commit crime or anti-social behaviour.

- **A cleaner, greener Greenwich**

Much of the Spray Street area contains run down, energy inefficient buildings and open spaces that are uncared for and regularly fly tipped. The replacement buildings will meet the building performance standards set out in the London Plan. The development will reflect the Council's transport hierarchy which reduces the need for car use as part of the Council's objectives in relation to carbon reduction.

- **A strong, vibrant and well run borough**

The Council would prefer not to have to use its CPO powers, however it is prepared to use these powers to ensure positive public benefits can accrue within a managed timeframe to ensure certainty to residents, businesses and investors in the borough. The CPOIA ensures that the Council's costs in relation to the CPO and acquisition are met by the developer who will implement the Council's ambition for this part of Woolwich as set out in our Local Plan and Spray Street SPD. The delegation of acquisitions and compensation provisions are designed to minimise delays and bureaucracy.

### **3. Purpose of Report and Executive Summary**

3.1. The purpose of this report is to:

3.1.1. update Cabinet so as to note progress and outcomes on matters relating to promotion of the Project relating to:

3.1.1.1. the planning application and related listed building consent application;

3.1.1.2. negotiations with all affected CPO Landowners and businesses – including the application of the Framework Relocation Strategy;

3.1.1.3. wider community engagement;

3.1.1.4. preparations relating to the making of a CPO;

3.1.1.5. the outcome of the Equalities Impact Assessment;

3.1.1.6. that the Council will undertake a procurement exercise in accordance with a framework agreement in order to select specialist consultants to support the Council's role in

progressing the and that these costs will be underwritten by SSQ; and

- 3.1.1.7. SSQ's proposals to submit an application to the Council to stop up highways within and around the perimeter of the Order Land any objections to which may be heard together with the CPO at a co-joined inquiry.

seek authority to:

- 3.1.1.8. make a CPO (having regard to the case for intervention and the supporting CPO Documents appended at Appendices 2 to 5);
- 3.1.1.9. promote the Order to confirmation by the Secretary of State (taking all relevant and necessary steps);
- 3.1.1.10. if the Order is confirmed, to bring the Order into effect and vest/take possession of the Order Land under the Order;
- 3.1.1.11. if the Order is confirmed, to settle land compensation payable arising out of the promotion of the Order; and
- 3.1.1.12. approve a cash flow budget which will operate as a revolving and fully recoverable facility to ensure that the Council's costs can be paid in advance of recovery of these sums from SSQ in accordance with the CPOIA. Note this budget will vary from time to time and be agreed with the Directors of Regeneration, Enterprise and Skills and Finance before spend is incurred

3.2. A summary of the CPO process is provided at Appendix 13 and a summary of the estimated CPO Delivery Programme is provide at Appendix 14.

3.3. A headline summary of the Statement of Reasons (which sets out the justification and reasons for making a CPO) is provided as Appendix 1.

3.4. A site plan which shows the extent of development as submitted (and approved) as part of the planning application process is provided as Appendix 16.

#### **4. Introduction and Background**

## **Background to Woolwich Exchange**

- 4.1. Woolwich Town Centre is designated as an “opportunity area” in the London Plan (2015) and Royal Borough of Greenwich Core Strategy (2014).
- 4.2. Cabinet adopted a Masterplan for Woolwich in (April 2012) which identified a number of potential sites that should be regenerated as a contribution to the overall delivery of this policy. One such identified site was the Spray Street area (now known as Woolwich Exchange) and this is covered by the Spray Street Supplementary Planning Document (SPD) which Cabinet adopted in January 2015, the key objectives of which are to:
  - Contribute to Woolwich’s growth into a Metropolitan Town Centre;
  - Create a landmark high quality mixed use development which will help integrate the Royal Arsenal and Crossrail Station into the town centre;
  - Increase and diversify housing development;
  - Improve the built environment quality and create a gateway to the town centre;
  - Expand and improve the cultural and leisure offer to create a destination;
  - Increase permeability and connections to the town centre; and
  - Attract and retain people within Woolwich Town Centre.
- 4.3. The SPD sets out the vision for Spray Street as a mixed use area to include a cinema, retail units, public realm, cafes and restaurants, flexible office/business space and residential accommodation.
- 4.4. The ownership of the Order Land is fragmented and in multiple third party land holdings. Occupiers include a mix of shops, flats, places of worship, former education and workshop spaces with a small amount of residential space. The Council currently owns the freehold interest in the Plumstead Road Covered Market (approximately 7% of the total site area). The fragmented land ownership of the Order Land is recognised by the SPD but this does not negate the need for comprehensive development to be achieved.
- 4.5. Given the multiplicity of land ownership and complexity of developing on a brown field site in a town centre, Cabinet approved an approach whereby the Council would provide a lead in ensuring that a comprehensive scheme would come forward given the ‘good planning’ benefits and marriage value of

comprehensive development by appointing a private sector partner who specialises in town centre mixed use developments.

- 4.6. In May 2014, the Council commenced a process to identify a suitable developer to acquire the Covered Market site and deliver a comprehensive mixed use development of the Order Land. In December 2014, Cabinet agreed to select a bid from a partnership between Notting Hill Commercial Properties Ltd (now Notting Hill Genesis) and St Modwen Developments Limited as preferred bidder to deliver a mixed use redevelopment of Woolwich Exchange and to acquire the Covered Market. In 2016, the parties subsequently formed a formal legal entity known as Spray Street Quarter LLP ("**SSQ**").
- 4.7. In May 2016, Cabinet noted the outcome of the negotiations with the preferred partner in respect of the sale of the former Woolwich Covered Market and agreed to enter into a CLSA and CPOIA with SSQ LLP. In consequence, SSQ agreed, amongst other things, to meet the Council's costs in land assembly including and arising from the use of its CPO powers.
- 4.8. The CLSA is conditional (and only becomes unconditional) on satisfaction of a number of conditions which includes, amongst others, a:
  - Planning Condition;
  - Site Assembly Condition; and
  - Highways Condition.

### **Planning Condition**

- 4.9. SSQ is required to fund, prepare and use reasonable endeavours to secure an implementable planning permission for the development and in a form that demonstrates to the Council that they have addressed the SPD and Woolwich Masterplan and that the proposals contribute to the wider regeneration of Woolwich.
- 4.10. SSQ submitted an application for planning permission for redevelopment of the Order Land in January 2018.
- 4.11. The Covered Market was listed (Grade II) in October 2018 leading to a requirement for retention of the building (listed primarily due to the nature and type of its roof structure). In addition, the Council subsequently designated the Woolwich Conservation Area in May 2019, which includes 1a – 13 Woolwich New Road and the structures to their rears, including 13a and 13c Spray Street (all of which are situated within the Order Land). This gave rise to the desire to retain the key elements of the historic buildings on

Woolwich New Road. To accommodate the Listing and Conservation Area designation it was necessary for the developer to redesign the scheme.

- 4.12. SSQ submitted a revised application for planning permission in November 2020 together with a corresponding application for Listed Building Consent relating to the redevelopment of the Covered Market.

### **Site Assembly Condition**

- 4.13. Satisfaction of the Planning Condition will in turn provide a basis for the acquisition (draw down) of land by SSQ in accordance with phases of development (details of which are to be approved by the Council).
- 4.14. SSQ is required to try to purchase the third party owned land within the Order Land through private treaty negotiation. Notwithstanding this, a CPO was envisaged likely to be necessary to secure all of the land required to facilitate comprehensive redevelopment in accordance with the SPD and which would include a means of extinguishing any rights to light, cleaning title and undertaking appropriation (as necessary). In terms of appropriation, this is principally relevant to any land presently owned by the Council that is not held for planning purposes, such as the Covered Market and other land (that is unregistered and considered likely to be owned by the Council) comprising highways/footways and other land in/and around the site, to the extent that the development is expected to interfere with any third party rights in such land.
- 4.15. Under the terms of the CLSA/CPOIA, upon SSQ satisfying the Planning Condition and undertaking sufficient private treaty negotiations to secure interests in the Order Land by voluntary acquisition, it is entitled to call on the Council to commence a CPO process and to consider making a CPO.

### **Highway Order Condition**

- 4.16. This Condition requires that SSQ within 4 months of the granting of planning permission submit applications for the necessary highway orders to the Council.

### **Further Background to CPO**

- 4.17. Having regard to the Woolwich Masterplan and SPD, in November 2017 Cabinet resolved to note:
  - 4.17.1. the progress and proposed next steps to take forward the Spray Street Quarter regeneration project including an update on the

promotion of a planning application and a land assembly process (and the preparatory work and investigations required) to support a potential CPO process; and

- 4.17.2. the proposed appointment of property consultants, land referencing agents, a business adviser, and an Equalities Impact Assessor to obtain and collate information on the ownership and occupation of the Order Land and work closely with landowners and businesses to support site assembly and relocation where practicable.
- 4.18. As such, alongside a continued period of negotiation, it was resolved that the Council carry out appropriate preparatory works in anticipation of the event that authorisation to make a CPO is sought at a later stage. This authority also enabled the Council, working in conjunction with SSQ, to gather information to find out more about the occupants of the Order Land so that a detailed strategy to support their relocation could be developed. This authorised activity included:
- 4.18.1. Land referencing: The process of determining the land interests required to the redevelop the Order Land (an exercise to collect and record information everyone who has either a legal interest in or a right to occupy the land that the Council proposes should be acquired);
  - 4.18.2. Business engagement: with a consequence of land assembly resulting in the displacement and relocation of existing businesses, the Council appointed a business advisor whose principal objectives has been to ensure business owners are kept informed of the redevelopment process and to provide support and advice to local businesses to help them to relocate. It was recognised that relocation of businesses from this site is likely to be challenging as there is not a ready supply of suitable alternative retail accommodation in Woolwich town centre and the surrounding area. Whilst there is no obligation on the Council to relocate displaced businesses, it was considered prudent for the Council to develop a relocation strategy to assist and support those local businesses where reasonably practicable. A relocation strategy, developed by the Council and SSQ, sets out the process in which existing occupiers will be assisted in relocating to alternative accommodation;
  - 4.18.3. Compliance with Equality Act 2010: it is important that the Council fulfils its duty under S149 of Equality Act 2010 by identifying those persons with protected characteristics likely to be affected by the Project and to determine the impacts and mitigation measures



available when considering whether to utilise CPO powers. This is especially important on this site as a large percentage of the business owners are from the Black, Asian and Minority Ethnic community. It was therefore resolved to appoint an Equalities Impact Assessor to address the potential impact of the Project in respect of race, gender, disability, age, sexual orientation and faith/religion, as relevant. The Assessor was required to prepare a baseline report that will set out the views of local people and businesses, identify the concerns of local businesses that will be affected by the development, appraise the equality effects and impact on businesses and set out how the Council can mitigate the impact of any proposed CPO process.

- 4.19. In November 2017, Members were not being asked to authorise the use of CPO powers but to authorise the undertaking of initial preparatory work to help inform possible use of CPO at a later date. The Director of Regeneration, Enterprise and Skills approved the appointment of advisors in December 2017 to facilitate the identified activities as part of landowner negotiations and preparation of a CPO on behalf of the Council.

#### **Appointment of Consultants/Revolving Facility**

- 4.20. The CPOIA provides that SSQ will reimburse the Council for services it provides (directly or which it chooses to sub contract to a specialist provider) in order to facilitate the Order.
- 4.21. The selection of consultants to work with the Council will be conducted in accordance with the Public Contracts Regulations 2015 and the Council's Contract Standing Orders.
- 4.22. The mechanics of the invoicing and payments to third parties is as follows:
- 4.22.1. third parties submit invoices to the Council;
  - 4.22.2. the Council pays third party suppliers;
  - 4.22.3. the Council claims the third parties costs incurred on the Project back from SSQ; and
  - 4.22.4. SSQ reimburse the costs claimed by the Council.

#### **Planning Permission/Listed Building Consent**

- 4.23. In order for the Council to promote a CPO, it must be satisfied that there is an absence of insurmountable impediments to delivery of the Project in the

event that the CPO is confirmed. One such potential impediment is the need for planning permission and any related consents.

4.24. The Council and SSQ have been working together to generate proposals for a vibrant mixed-use development at Woolwich Exchange. SSQ has carried out extensive stakeholder consultation and has met with GLA, Historic England, TfL and the Greenwich Design Review Panel. There were also public consultation events in June 2016, April 2017 and February 2020.

4.25. Following completion of an agreement between the Council and SSQ pursuant to s.111 of the Local Government Act 1972 on 20 December 2021 (the "**S111 Agreement**"), on 23 December 2021 the Local Planning Authority granted planning permission (ref: 20/3385/F) for the Project subject to planning conditions for:

*“Demolition of existing buildings (excluding the Grade II listed Former Woolwich Covered Market and elements of 1a-c to 11 Woolwich New Road (odds)) and the construction of a mixed use development comprising residential dwellings (Class C3), commercial, business and service uses (Class E), community use (within Class E, Class F1 (f) and/or F2(b)), drinking establishment(s) (sui generis) and a cinema (sui generis), new public square and new public realm with hard and soft landscaping, highways works, parking, access and servicing arrangements, plant, infrastructure and associated works. Internal and external alterations to the Former Woolwich Covered Market.”*

4.26. Condition 5 of the planning permission requires submission and approval of a phasing plan before any development can commence. SSQ is yet to submit this plan for approval but anticipates carrying out the Project in at least two or more phases, with the first phase comprising the Covered Market (as a requirement of the CLSA) and land west of Parry Place.

4.27. Listed building consent (ref: 20/3386/L) was also granted on 23 December 2021 for:

*“Internal and external alterations, repair and refurbishment works to the Grade II listed Former Woolwich Covered Market to facilitate the change of use of the building to a cinema (sui generis), together with food and beverage and retail uses (class E/sui generis) at the ground floor and mezzanine levels.”*

4.28. The S111 Agreement requires, amongst other things, SSQ to deliver a number of public benefits that are relevant to the case for intervention by

CPO. Some of which will also assist in mitigating impacts on Landowners affected and dispossessed by the Project:

- 4.28.1. Deliver a proportion of residential dwellings as 'affordable housing', subject to viability review through the planning process;
- 4.28.2. Comply with the requirements of a Framework Relocation Strategy (Appendix 11) (developed with the Council and to be developed further by SSQ as part of the implementation of a detailed relocation strategy) as part of the redevelopment of the Order Land under the planning permission. The relocation strategy will set out arrangements that includes the following activities:
  - 4.28.2.1. Regular newsletters or bulletins issued to occupiers advising of progress and the expected timescales for the development proceeding;
  - 4.28.2.2. Keeping of a register of potentially suitable properties regularly updated with the contact details of local agents so that occupiers know who they can approach to register their accommodation requirements and for assistance;
  - 4.28.2.3. Notification of potentially suitable relocation property where occupier requirements have been provided;
  - 4.28.2.4. Independent business relocation support through the Council and/or its appointed specialist consultant;

- 4.28.2.5. Opportunities to move into the new development (see below); and
  - 4.28.2.6. Financial support with relevant professional fees.
  - 4.28.3. Provide not less than 200 sq. m flexible and affordable business workspace to provide opportunities for start-ups or establishing local, independent SMEs and creative industries;
  - 4.28.4. Provide a 614 sq.m nursery.
  - 4.28.5. Provide not less than 500 sq. m of on-site small retail space for local micro, small and medium-sized enterprises; and
  - 4.28.6. Provide not less than 500 sq. m. of multi-use community floor space suitable for places of public worship and Halls or meeting places for the principal use of the local community.
- 4.29. SSQ has formally notified the Council that it accepts that satisfactory planning permission and listed building consent has now been secured in a manner that satisfies the Planning Condition for the purposes of that aspect of the conditionality under the CLSA.
- 4.30. The Council has added a webpage to its website that summarises the Project, provides details of the anticipated timings associated with delivery of the Project and provides easy access to the Framework Relocation Strategy and a schedule of available properties which may be suitable as relocation opportunities for affected businesses:  
[https://www.royalgreenwich.gov.uk/info/200200/regeneration/142/woolwich\\_regeneration/5](https://www.royalgreenwich.gov.uk/info/200200/regeneration/142/woolwich_regeneration/5). Key CPO documents will also be made available on this webpage once the CPO is made by the Council.

#### **Identification of and Negotiations with Affected Landowners**

- 4.31. The majority of the Order Land remains in third party ownership (and is therefore still fragmented) notwithstanding landowner engagement and attempts to negotiate undertaken by both the Council and SSQ for the private treaty acquisition of land with the Order Land.
- 4.32. Engagement commenced in January 2018 with identified affected landowners and occupiers. This engagement has included a sustained period of regular correspondence to affected landowners with project updates, requests for negotiation and landowner information. The Council's appointed advisors also visited properties within the Order Land to inspect and to discuss

matters with owners and occupiers. Workshops were also held for affected businesses. Questionnaires were sent to affected businesses and other occupiers, including residential occupiers.

- 4.33. The purpose of this exercise has been to identify all relevant persons with an interest in the Order Land (who are affected by the CPO) to make sure that all reasonable attempts have been (and will continue to be) made to contact them to seek to acquire their interest by agreement and to ensure that they are provided with details of the CPO and associated documents once the CPO is made.
- 4.34. Given the extensive nature of site development works, the construction method requires vacant possession of all of the Order Land and does not allow for existing business occupiers to remain on-site. Between 100 -150 existing businesses are expected to be displaced. This number varies at any given time due to the temporal nature of many of the business in the area). The Council has had regard to the Framework Relocation Strategy (Appendix 11) in its engagement with businesses and occupiers.
- 4.35. In total there are 52 freehold interests within the Order Land and approximately 140 leasehold/occupational interests in third party ownership. A breakdown of the individual properties/interests, along with a summary of the progress made in engagement to date and details of an assessment of compensation payable under CPO (including those who are affected by rights to light injuries) is set out at Appendices 6 to 9 of this report. In addition, a summary dashboard of this information is provided at Appendix 10. In summary, to date 92% of freeholders and 53% of leaseholders have engaged with the Council's appointed advisors communications. None of the residential occupiers have responded.
- 4.36. At this stage, a small number of affected landowners have indicated a willingness to dispose of their interests by agreement. The Council has worked with SSQ to devise a land acquisition strategy to facilitate the exchange of contracts by SSQ for the purchase of land within the Order Land (under option) in the event that negotiations can be concluded. To date, no acquisitions have been concluded albeit discussions are progressing.
- 4.37. Following the Local Planning Authority's resolution to grant planning permission and listed building consent for the Project, the Council has since September 2021 undertaken a concerted further period of engagement with affected parties including further requests for one-to-one meetings and visiting properties, including all of the churches and religious gatherings.

- 4.38. The Council and its specialist advisor has sought to contact all identified owners and occupiers (including statutory undertakers) as part of the land referencing exercise and requested landowner/occupier information – details of which have informed the information supporting the production of CPO Documents (see further below). This has included identifying and contacting parties outside of the area of the development site that have been assessed as likely to suffer an interference with a right to light enjoyed by their property and/or where SSQ has assessed that it will require air rights for the purpose of over-sailing cranes to enable construction to take place.
- 4.39. Further details of the extent of landowner engagement and status of negotiations is set out in Section 9 of the Statement of Reasons (Appendix 2).
- 4.40. There are no realistic prospects of bringing the Project forward and/or within a reasonable timeframe without the prospect of intervention utilising the Council's powers of compulsory purchase.

### **Progress of a Compulsory Purchase Order**

- 4.41. The Council has been carrying out preparatory works to prepare the case and associated information and documents to support the making of a CPO.
- 4.42. The Council and its advisors have been co-ordinating and preparing relevant CPO Documents on behalf of the Council resulting in the production of:
- 4.42.1. A (CPO) Order: appended at Appendix 5, this document comprises the Order to be made by the Council that will, subject to confirmation by the Secretary of State, authorise the exercise of its well-being powers of compulsory purchase under the Town and Country Planning Act 1990 and other enabling powers for stated purposes, namely to facilitate the carrying out of the Project;
  - 4.42.2. Order Schedule and Order Map: appended at Appendices 3 and 4, these documents show the extent of land and rights to be the subject of the CPO and details of all corresponding relevant persons with an interest in the Order Land as are discoverable and have been identified by the land referencing exercise;
  - 4.42.3. Statement of Reasons: appended at Appendix 2, this document sets out the justification and reasons for making the (CPO) Order and has been prepared in accordance with the Secretary of State's relevant guidance on the preparation of a CPO. A headline summary of the Statement of Reasons produced by the Council's advisors is appended as Appendix 1. The summary notes that a key conclusion

of the Statement of Reasons is that the redevelopment of the Order Land can only realistically be achieved within a reasonable timescale through the use of the Council's powers of compulsory acquisition. If the Order is not confirmed, it is considered that there is no realistic prospect that the public interest benefits and the Project objectives will be realised.

### **CPO Process**

- 4.43. Once the Order is made by the Council, it will be served on all relevant persons with an interest in the Order Land together with copies of relevant CPO Documents. Such persons will have a period of not less than 21 days to determine whether or not they wish to object to the Order.
- 4.44. The Council will consider the objections and decide whether or not to proceed to submit the Order to the Secretary of State.
- 4.45. In the event that objections are received (and are not all withdrawn), the Government's casework unit on behalf of the Secretary of State will determine whether or not to have an Inspector appointed to hear the objections. Given the nature and size of the project, it is likely that objections to this Project would be heard at a public inquiry.
- 4.46. The Council will respond to objections in a written statement of case followed by the preparation of further written Council and expert evidence (as is appropriate). At the inquiry, the Council will give oral evidence to the Inspector, who will also hear oral evidence and submissions from or on behalf of objectors.
- 4.47. Throughout this process, the Council would continue discussions and negotiations with objectors in order to resolve their objections by agreement. This process is likely to result in mitigation being agreed with objectors to address their particular concerns and circumstances. Once agreement is reached it is usual for objectors to withdraw their objections to the Order formally.
- 4.48. At the end of the inquiry, the Inspector will prepare a report of his/her recommendations to the Secretary of State and the Secretary of State will make a decision whether or not to confirm the Order. In the event that the Order is confirmed, it is subject to a 6 week period of legal challenge following publication of the Secretary of State's decision. Leading Counsel has advised that, as a result of section 25 of the Acquisition of Land Act 1981, once made, a compulsory purchase order can only be challenged in the High Court via the procedure set out in section 23 of that Act. Under this

procedure, High Court proceedings can only be commenced after the authorisation of an order i.e. after it has been confirmed by the Secretary of State. The result is that it is highly unlikely that a decision to make the Order by the Council now could be the subject of challenge in the High Court.

- 4.49. In the event that the Order is published and free of challenge, the Council is able to vest title in and/or take possession of the Order Land by making a general vesting declaration or issuing a notice(s) to treat/notice(s) of entry.
- 4.50. A summary of the CPO process is provided at Appendix 13 in the form of flowchart with indication periods for each of the above steps in the process. In the event of a public inquiry, the anticipated timeframe from the date of making of the Order to being able to take possession of the Order Land under the Order is expected to take in the order of 17/18 months. SSQ does not expect to require vacant possession of some or all of the Order Land until Autumn 2023. A summary of the estimated CPO Delivery Programme which shows the estimated timing of the CPO stages and the current estimated developer timings for construction activity is set out at Appendix 14.
- 4.51. The Council, in conjunction with SSQ, will seek to negotiate the payment of any compensation payable to relevant persons affected by the vesting or taking of possession under the Order. In the event that the value of the land acquired or vested under the Order cannot be agreed with the relevant landowner(s), then the Council may seek to enter into mediation with the relevant parties and/or the issue may be referred to the Upper Tribunal (Lands Chamber) for third party determination and award.
- 4.52. The matter of costs associated with the CPO process is addressed as part of the CLSA and CPOIA and details of which are summarised in the report on update of the CLSA and CPOIA.

### **Equalities Impact Assessment**

- 4.53. In preparing the Order, the Council has had regard to its statutory duties and obligations under the Equality Act 2010 and its own Equalities Policies in particular its obligations under Sections 149 and 150 of the Act in taking into account the differential impact the Order will have on various groups of persons with different characteristics.
- 4.54. In 2018, an Equalities Impact Assessment (EQIA) was undertaken by the Council's appointed Equalities Impact Assessor, Aecom. That report made a number of recommendations and identified the following groups sharing protected characteristic as being impacted upon:



- 4.54.1. Children and young people (0-24 years);
  - 4.54.2. Those with a disability and or long-term limiting illness;
  - 4.54.3. Black and Minority Ethnic communities (BME) including Africa, Middle Eastern and Asian communities; and
  - 4.54.4. Muslim and Hindu communities.
- 4.55. Aecom have prepared an updated EQIA (Appendix 12) to reflect further surveys carried at the end of 2021 and the changes to the Project design following the revised planning application that has resulted in the Planning Permission for the present Project.
- 4.56. It is inevitable and usual that the process of seeking information does not result in a complete picture of the nature and circumstances of everyone in occupation on a site such as that which is the subject of the proposed Order. There are many reasons why people may not come forward to provide information and occupiers have a choice whether or not to respond. The Courts have held, however, that when a person does not avail themselves of an opportunity to bring to the attention of a Council information relevant to the application of the public sector equality duty and/or human rights considerations, they will face considerable difficulties in raising them at a later stage. As a result, it is usual for further information relevant to the application of the public sector equality duty and/or human rights to emerge after the making of a CPO. This can be taken into account in the consideration of objections to the Order through the Secretary of State determination (confirmation) process.
- 4.57. It is intended then that the Equalities Impact Assessment should be regarded as a “living document”. It will be updated and acted upon throughout the CPO process with a formal update being prepared just prior to any CPO Inquiry. If there is no Inquiry there is unlikely to be need for a formal update as either the Council will be afforded an opportunity to self-confirm the CPO or the Secretary of State will form a decision based on the present information available. However, the spirit and intention of what the Equalities Impact Assessment is trying to achieve will remain and be acted upon. This will provide any Inquiry and Councillors with confidence that Council has not only assessed Equalities Impacts but sought to address them. As a consequence, it must be recognised that the recommendations contained within the Equalities Impact Assessment reflect the present state of knowledge and, as is usual in the CPO process, may change in the future.

- 4.58. The redevelopment of this site will have broadly universal benefits in the supply of new homes, leisure facilities, workspaces and public realm. In the construction phase the scheme is estimated to generate over 650 jobs and once built will sustain an estimated 200+ jobs. Better, more intensive use of this urban site is wholly in line with Government and Local planning policy. However, the Equalities Impact Assessment reveals that there are individuals and communities within the area with protected characteristics. In some cases these individuals and communities will be negatively affected by the proposals. As such, specific attention is drawn to acknowledging and then mitigating these negative impacts. The extent to which these effects can be minimised will depend on the successful implementation of a Relocation Strategy and measures set out under the s106/s111 agreement. In respect of right to light impacts, it is acknowledged where occupiers are tenants (including residents of Gill Court), they may not be the beneficiary of compensation and that some tenants have protected characteristics that could make them more vulnerable to negative effects and in turn has the potential to impact corresponding Human Rights.
- 4.59. The current recommendations of the Equalities Impact Assessment are summarised in Section 8 of the Assessment following the assessment of potential for impacts associated with housing, business and employment and community (including the churches). The overall conclusion of the Equalities Impact Assessment is that the conditions to the Planning Permission and the section 106/111 Agreement (entered into pursuant to the Planning Permission) contain a number of relevant mitigation measures. This includes the requirement for a Relocation Strategy. The mitigation required will ensure that reasonable and proportionate mitigation to reduce the impacts identified in the Assessment is provided by the Project. This is in addition to various positive impacts of the Project identified by the Equalities Impact Assessment, such as the increased availability of family, adaptable and wheelchair accessible housing within the Order Land, and the delivery of enhanced public realm and children's play space, which will make the Order Land safer and more accessible for all.
- 4.60. The Council is also required to have regard (as set out in the Statement of Reasons) to its duty under section 11 of Children Act 2004. This requires the Council to discharge its functions having regard to the need to safeguard and promote the welfare of children. The crucial factors for consideration are the health and education of children affected (displaced) by the Project. The Council has sought to identify whether the CPO has the potential to affect the welfare of children - the Equalities Impact Assessment has identified that several children are currently residing within the Order Land (noting that Newsteer has not been able to make direct contact with all residential occupiers notwithstanding reasonable attempts to do so). The Project results

in improved provision of health and education facilities within the area to mitigate the increase in population that will result from the redevelopment of the site. This provision should equally indirectly benefit persons with protected characteristics affected by the redevelopment who continue to reside in the Woolwich area following dispossession from the site. The provision can be summarised as:

- 4.60.1. The provision on an on-site health facility or financial contribution towards off-site provision by the Council elsewhere in the area; and
  - 4.60.2. The provision of a financial contribution towards the funding of additional school and nurse places by the Council within the local area.
- 4.61. There is also expected to be sufficient and adequate opportunity for any children displaced by the Project to relocate elsewhere within the Woolwich area and/or to reside within the new development once constructed, for which part of the new Project will be at affordable rents. Where children are relocated then the Council can ensure that measures are taken to ensure continuity of education and health care.

### **Highway Works**

- 4.62. SSQ has submitted (awaiting validation) to the Council, as local highway authority, a stopping up order (pursuant to an application under section 247 of the TCPA 1990) to stop up parts of the existing footways within and around the perimeter of the Order Land (as shown in details appended at Appendix 15) in furtherance of requirements to satisfy the Highways Condition in the CLSA and to support the case that there are no impediments expected to prevent the project from being delivered. In the event, that there are any objections to that application, which are not withdrawn, it is expected that those objections could (subject to the determination of the Government's casework unit on behalf of the Secretary of State) be heard at a joint or concurrent inquiry to any CPO inquiry.

## **5. Available Options**

### **5.1. Option 1**

To continue to seek to reach agreement with all Landowners and persons with an interest in the Order Land by private treaty (without CPO). However, whilst progress is being made with private treaty negotiations, the fragmented nature of the Order Land and inclusion of areas of unknown ownership is such that there is no realistic prospect of satisfaction of the Land Condition under the CLSA on any reasonable time frame (if at all). This

option is also inconsistent with the Council's commitments to SSQ under the CPOIA in which the Council has previously resolved to consider the exercise of its powers of compulsory purchase in light of these circumstances. This option would not and could not deliver the objectives of the Project on any reasonable timescale.

## 5.2. **Option 2**

Amend the Project redevelopment area so as to avoid land required by CPO. However, the extent and nature of land interests still to be assembled is such that there are no alternatives to the Project anticipated to be available on any reasonable time frame that will deliver a viable alternative project or a project that meets the key objectives of the Project, notably the requirements of the SPD. This option would also require a new scheme and new planning permission. It would not and could not deliver the objectives of the Project.

## 5.3. **Option 3**

Make the CPO. This option provides a basis upon which the Council can deliver all outstanding land interests in the Order Land required to deliver the Project on a defined time line that can facilitate the satisfaction of the Site Assembly Condition in the CLSA. It would deliver significant and long sought after public benefits via the redevelopment of this area. It would do so on a timescale unmatched by any other option.

## 6. **Preferred Option**

- 6.1. The preferred option is to agree to the recommendations in this report and authorise officers to make and promote the CPO (Option 3) as the only option that provide a realistic prospect of securing the objectives of the Project on any reasonable time frame.

## 7. **Reasons for Recommendation**

- 7.1. There are no realistic prospects of bringing the project forward and/or within a reasonable timeframe without the prospect of intervention utilising the Council's powers of compulsory purchase.

## 8. **Consultation Results**

- 8.1. Consultations with the persons affected by the CPO as well as the wider community have taken place by Newsteer, on behalf of the Council, and SSQ as reported in this report and the Statement of Reasons (sections 4, 9 and 10).

8.2. Consultations have also taken place by Aecom on behalf of the Council, as part of the Equalities Impact Assessment, details of which are reported in the Assessment (Appendix 12).

**9. Next Steps: Communication and Implementation of the Decision**

9.1. On approval of the recommendations, the Council will:

- finalise all relevant CPO Documents and make the Order;
- publish the Order and take all relevant steps to prosecute the Order to its confirmation by the Secretary of State;
- publish the Order, if confirmed, to bring it into effect and vest and take possession of the Order Land pursuant to the Order, as confirmed, as appropriate;
- defend any legal challenge to Order, if confirmed, as appropriate; and
- address land compensation payable to the CPO Landowners.

**10. Cross-Cutting Issues and Implications**

Issue	Implications	Sign-off
<p><b>Legal</b> including Human Rights Act</p>	<p>This report seeks to make a CPO in relation to the Order Land as shown on the Order Map (Appendix 4) and to take all necessary action to support the development in accordance with existing legal agreements and the actions in this report.</p> <p>Leading Counsel has advised that, as a result of section 25 of the Acquisition of Land Act 1981, once made a compulsory purchase order can only be challenged in the High Court via the procedure set out in section 23 of that Act. Under this procedure High Court proceedings can only be commenced after the authorisation of an order i.e. after it has been confirmed by the Secretary of State. The result is that it is highly unlikely that a decision to make the Order by the Council now could be</p>	<p>Diana Barrett, Assistant Head of Legal Services – Regeneration and Property 15.02.22</p>

	<p>the subject of challenge in the High Court.</p> <p>The Council has the power to make and prosecute the CPO pursuant to ss.226 (1)(a) and 226(3)(a) of the Town and Country Planning Act 1990 (as amended), s.13 of the Local Government (Miscellaneous Provisions) Act 1976, s.172 of the Housing and Planning Act 2016 (in accordance with the procedures in the Acquisition of Land Act 1981) and other relevant powers, for the purposes of facilitating the comprehensive re-development of the Order Land in order to deliver the Project.</p> <p>The Council also has the power to enter into arrangements with those affected by the Order, including statutory undertakers, pursuant to s 236 of the Town and Country Planning Act 1990 (as amended), s 111 of the Local Government Act 1972 and s 1 of the Localism Act 2011 to transfer Order Land, protect interests in the Order Land and in respect of the treatment and payment of land compensation payable to CPO Landowners, as is appropriate.</p> <p>The Council has the power to appropriate land held or acquired by it for planning purposes pursuant to section 122 of the Local Government Act 1972 and section 203 of the Housing and Planning Act 2016 in order to convert any rights or covenants in the Order Land to compensation.</p>	
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	<p>Under Part 3 of the Council's Constitution (Responsibility for Functions), Cabinet is authorised to agree the recommendations in paragraph 1.</p> <p>This report seeks Cabinet approval to make the Order and all related documents and to take all relevant steps to promote the Order to confirmation and thereafter to publish the confirmed Order to bring it into effect, vest and take possession of the Order Land under it and to deal with the treatment of all land compensation payable to CPO Landowners. A summary (in the form of flowchart) of the relevant parts of the CPO process is provided at Appendix 13.</p> <p>The case for CPO is set out in the Statement of Reasons (prepared by external legal and technical consultants to the Council) which includes explanation of the need for regeneration, the purposes of the CPO and the justification for intervention by CPO and which concludes that there is no reasonable prospect that the Project will come forward in a reasonable timescale but for such intervention and that there is otherwise a compelling case in the public interest for such intervention. In arriving at this conclusion (and therefore in making a recommendation to make the Order), due regard has been given to the relevant tests and considerations taken into account by the Secretary of State as part of his determination as to whether to</p>	
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	<p>confirm the Order, following its making by the Council, namely:</p> <ol style="list-style-type: none"><li>1) the availability of powers to make the CPO and assemble all land interests required to deliver the Project;</li><li>2) consistency and conformity of the Project with relevant national and local planning policy, including:<ol style="list-style-type: none"><li>(a) the objectives of the Spray Street Masterplan SPD; and</li><li>(b) the presence of extant Planning Consents to deliver a viable Project funded by SSQ;</li></ol></li><li>3) the identification of well-being benefits associated with the Project leading to the delivery of economic, socio and environmental benefits to the area;</li><li>4) the absence of alternatives to deliver these objectives and the benefits of the Project within a reasonable timescale, having particular regard to the significant fragmentation of land interests in the Order Land meaning that the objectives and benefits of the Project are not anticipated to be able to be realised without the CPO;</li><li>5) the absence of other insurmountable legal, physical and financial impediments to delivery of the Project, save for the assembly of the Order Land by CPO;</li><li>6) the nature and extent of attempts (being at least reasonable) to acquire all land interests in the Order Land by</li></ol>	
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	<p>agreement ahead of and in parallel with promoting the Order (including the offer of reasonable assistance to relocate persons and businesses affected by the Project) and in particularly noting that there is no realistic prospect of securing all such land interests by agreement in a reasonable timescale;</p> <p>7) the extensive and concerted community and landowner engagement that has taken place in the lead up to making the Order undertaken by the Council and SSQ;</p> <p>8) the absence of other statutory orders/processes required to deliver the Project, save for road closure of footways and highway around the perimeter of the Order Land and parts of Parry Place and temporary and permanent road traffic orders to regularise the classes of traffic on the network around and through the Order Land – such orders be promoted by SSQ and for which SSQ has put in place a programme and measures to promote such orders alongside the CPO process, any objections to which are expected to be considered as part of co-joined inquiry into confirmation of the Order, where possible and relevant; and</p> <p>9) adequacy of appropriate consideration of impacts of the Project on the human rights under the Council's duties under the Human Rights Act 1998 and public sector equality duty rights of landowners affected by the</p>	
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	<p>Project having regard to the potential impact on individuals with protected characteristics pursuant to Section 149 and 150 of the Equality Act 2010, and section 11 of the Children Act 2004.</p> <p>Under Schedule 12A, Local Government Act 1972 paragraph 3, information may be exempt if it relates to the financial or business affairs of any particular person (other than the authority). Officers have reviewed the appendices and confirm that the Appendices marked as exempt satisfy these criteria and, accordingly, should be exempt from publication.</p> <p>The report author should consult with the Legal Department regarding the drafting and execution of any CPO Documents, notices, papers, evidence, contracts/agreements required to be entered into in consequence of the matters delegated to officers under the recommendations in this report.</p>	
<p><b>Finance</b> and other resources</p>	<p>Cabinet are requested to agree to the making and promotion of a Compulsory Purchase Order, and related decisions, for the purposes of facilitating the comprehensive re-development of the Order Land to enable the delivery of the Woolwich Exchange project.</p> <p>Agreement to the decisions contained in this report will require the Council to procure a number of third party and internal services to</p>	<p><i>Jason Coniam Accountancy Business Change Manager 21/02/2022</i></p>

	<p>deliver the required supporting information to make and promote a CPO, as set out in the body of this report.</p> <p>Agreement is sought by Cabinet to provide a cash flow facility to permit the forward funding of these costs. The CPOIA, originally agreed in September 2016 and varied by Cabinet at its meeting of 23 February 2022, contains provisions that the Council will forward fund these costs, being recoverable from the SSQ quarterly in arrears.</p> <p>The costs incurred are fully recoverable when the Council and SSQ agree the sums in advance and in line with the Compensation Schedule, with actual costs not to exceed the Approved Expenditure detailed in the CPOIA. The Council will need to ensure pro-active management of the CPOIA and timely agreement of costs with the SSQ to ensure full recovery is achieved.</p> <p>Cabinet is asked to agree to delegate to the Director of Regeneration, Enterprise and Skills authority to make all decisions to acquire interests, enter options agreements and make associated payments within the Order Land. A formal decision will be presented to the Director for each, which will need to demonstrate any costs to be incurred have been agreed by the SSQ in advance under the CPOIA, to ensure these are fully recoverable by the Council.</p>	
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	<p>The report asks for a delegation in order to appropriate to planning purposes and convert to compensation any rights or covenants (to which section 203 applies) in the Order Land and in any other land owned by the Council adjoining the Order Land which would otherwise impede the delivery of the Project (including rights to light). Financial implications will be considered as appropriations are presented for approval.</p>	
<p><b>Equalities</b></p>	<p>Decision-makers are reminded of the requirement under the Public Sector Equality Duty (s149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups.</p> <p>The decisions recommended through this paper could directly impact on end users. The impact and the effects across different groups has been assessed. Appropriate mitigation has been developed and further recommendations have been set out to remove and minimise adverse effects and enhance benefits of the Project for different groups. The results of this assessment is also available in the equality impact assessment attached at Appendix (12).</p>	<p>David Falco, Regeneration &amp; Development Manager 01/02/2022</p>

	<p>The Council is also required to have regard to its duties under the Children Act 2004. These are addressed above.</p> <p>The Equality Impact Assessment is to be regarded as a living document which will be updated from time to time through the CPO process (as in necessary) to reflect changes to the assessment of the potential impacts and to the mitigation of those impacts in response to the receipt of additional information and/or any other change in circumstances. Officers will report back when any material changes to the Equality Impact Assessment are made.</p> <p>The Project is assessed as giving rise to neutral, positive and negative effects on protected characteristic groups and residual effects are reliant on the successful application of identified mitigation as part of the Project and the taking forward of recommendations.</p> <p>The Project is therefore expected to fulfil the commitments set out in the Council’s Equality and Equity Charter and support the Council’s Equality Objectives 2020-2024.</p>	
<b>Climate change</b>	<p>The Council agreed its Carbon Neutral Plan in December 2021. This included seven key strands, one of which was ensuring that we should seek to reduce emissions from new buildings.</p> <p>The development has secured planning consent, and this included</p>	<p>David Falco, Regeneration &amp; Development Manager 01/02/22</p>

	<p>requirements for Climate Change Mitigation and Adaptation. Under the National Planning Policy Framework, Planning Practice Guidance and the London Plan.</p> <p>These requirements include Climate Change Mitigation; Sustainable Design and Construction; Renewable Energy; Overheating and Cooling; Urban Greening; and Green Roofs and Development Site Environs.</p>	
<b>Procurement &amp; Social Value</b>	<p>The decisions recommended through this report have a direct implication on procurement and social value. Procurement support will be provided to ensure compliance with the Public Contract Regulations 2015 and Contract Standing Orders. Social value outcomes will be considered.</p>	<p>Pius Appiah Senior Procurement Business Partner – DRES  15/02/2022</p>

## **II. Report Appendices**

II.1. The following documents form part of the report but Appendices 6-9 should be exempt from publication:

Appendix 1	Summary of the Statement of Reasons
Appendix 2	Statement of Reasons
Exempt Appendix 3	Order Schedule
Appendix 4	Order Map
Appendix 5	Order
Exempt Appendix 6	Freeholder landowner tracker
Exempt Appendix 7	Leaseholder / occupier tracker
Exempt Appendix 8	Schedule of church interests
Exempt Appendix 9	Rights of Light / crane over-sailing tracker
Appendix 10	Engagement dashboard summary
Appendix 11	Framework Relocation Strategy
Appendix 12	Equalities Impact Assessment
Appendix 13	Flowchart of CPO process
Appendix 14	Estimate CPO Delivery Programme

Exempt Appendix 15 Highway stopping up proposals  
Appendix 16 Approved planning permission site plan

## **12. Background Papers**

Cabinet report (17 December 2014)	Sale of covered market and SSQ regeneration – appointment of preferred bidder
Cabinet report (18 February 2015)	Adoption of Spray Street Supplementary Planning Document
Cabinet report (19 May 2016)	Sale of Covered Market and SSQ regeneration – CLSA and CPOIA. Authority to proceed with completion of agreements
Cabinet report (15 November 2017)	Spray Street Quarter Regeneration update on development proposals and site assembly
DAR (19 December 2017)	Spray Street Regeneration: Appointment of consultants to support land assembly
DAR (20 November 2018)	Spray Street Regeneration extension of appointment of G L Hearn – Property Services and Dentons – Legal Services
Cabinet report (23 February 2022)	Woolwich Exchange (formerly Spray Street development) Deed of Variation to the Conditional Land Sale Agreement and Compulsory Purchase Order Indemnity Agreement

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