

**THE LONDON BOROUGH OF BARNET (GRAHAME PARK REGENERATION  
AREA) COMPULSORY PURCHASE ORDER No. 2 2022**

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**CLOSING SUBMISSIONS  
ON BEHALF OF  
L.B. BARNET**

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1. First of all, my prediction set out in my opening submission has worked well and the main elements of the case are to be found in the opening submissions and nothing that has been discussed today has dislocated any one of the propositions that were set out in those submissions.
2. The second point - in relation to the objector - is that clearly the case that the submissions made in opening has been shown to be sound. The evidence is of little, if any, material harm. One can understand why Mr Kay is concerned, but this is a matter that has been looked at carefully and it is clear that it does not warrant refusal to confirm the CPO. Mr Kay admitted, at least part of what he was doing was seeking to use the leverage that being the only objector and the difference to there being or not being an inquiry would provide him.
3. Finally, I thought I would briefly address what is contained in the opening submissions and evidence by reference to the government guidance. In particular paragraph 106 that notes ‘what factors will the Secretary of State take into account in deciding to confirm an Order under 226(1)(a)’:  

*Any decision about whether to confirm an order made under section 226(1)(a) will be made on its own merits, but the factors which the Secretary of State can be expected to consider include:*
4. First, is “*whether the purpose for which the land is being acquired fits in with the adopted Local Plan for the area or, where no such up to date Local Plan exists, with the draft Local Plan and the National Planning Policy Framework*”.

5. On that I would draw your attention in particular to paragraphs 23 to 28 of my opening submissions and section 4 of Mr Dillon's evidence.
6. What is proposed and what the CPO will enable is development that is very clearly of a piece with both national guidance, the development plan and the emerging plan. That is in terms of both the regeneration that turns a tired estate with considerable issues into a place that has the characteristics identified at para 3.30 of Ms Lavers Evidence, namely;
  - Transform Grahame Park to make it a place with a popular reputation where people choose to live.
  - Provide a genuinely mixed tenure neighbourhood across new and retained housing, combining affordable housing for rent and sale with homes for outright sale, and creating a balanced and sustainable community ...

I do not read them all out.

7. The regeneration is a critical feature of policy as is the provision of much needed additional homes – both market and affordable. Clearly, in my submission 'hand in glove' with policy.
8. Secondly in the government guidance is "*the extent to which the proposed purpose will contribute to the achievement of the promotion or improvement of the economic, social or environmental wellbeing of the area*".
9. Again, the scheme is resoundingly on the positive side of the ledger, essentially for the reasons why it is supported by planning policy and also by the Council's Housing Strategy and Growth Strategy. Again, the evidence of which I have summarised in my opening statement set out the reasons why this is so.
10. Thirdly, "*whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by any other means. This may include considering the appropriateness of any alternative proposals put forward by the owners of the land, or any other persons, for its reuse. It may also involve examining the suitability of any alternative locations for the purpose for which the land is being acquired*".

11. Firstly, landowners are not putting forward alternatives. The objector from whom we have heard today would like to see a lower rise development but the policy and practical realities are not in their favour. The scheme well and best meets the aims of policy, much better than would some as yet undefined and vague alternative. There is, in my submission, an enthusiasm among occupiers for the regeneration. Even Mr Kay noted that there is no alternative location on which to carry out the regeneration of the estate.
12. Finally, the Secretary of State's final factor is "*the potential financial viability of the scheme for which the land is being acquired. A general indication of funding intentions, and of any commitment from third parties, will usually suffice to reassure the Secretary of State that there is a reasonable prospect that the scheme will proceed. The greater the uncertainty about the financial viability of the scheme, however, the more compelling the other grounds for undertaking the compulsory purchase will need to be*". And then it goes on to talk about the timing of available funding.
13. Nobody has cast any doubt on the evidence about viability or the financial heft of both Choices for Grahame Park and NHG to bring the development about. I draw your attention in particular to Ms Lavers's evidence about the commitments that the NHG board have already made in terms of its forward funding.
14. The Secretary of State encourages us to look at these factors because they may indicate a reason against the confirmation of the CPO. In this case they all weigh heavily in favour of saying that this scheme needs to be encouraged and that the CPO that facilitates it should be confirmed.
15. I also want to mention paragraph 17 of Secretary of State's Guidance regarding undertaking negotiations in parallel with preparing and making a CPO, ending in the sentence that "*acquiring authorities are expected to provide evidence that meaningful attempts at negotiation has been pursued, or at least genuinely attempted, say for land where land ownership is unknown or in question*".
16. I submit in this case those meaningful attempts have clearly been made. What is being offered to residents is of significantly high quality in terms of the offers and well benchmarked against other schemes and is generous and more than consistent with

policy. See in particular Ms Lavers's evidence and paragraphs 44 to 59 of my opening submissions.

17. The other point from the guidance which I raised in opening is the compelling case in the public interest, which brings these points together. On that I refer you to my opening submissions and make the confident assertion that none have been found wanting in this Inquiry and all have been found justified.
18. Finally, in terms of Human Rights, I refer you to my opening statement but highlight that it is striking that no occupier of the land to be acquired has chosen to object. Were landowners sensitive about their Human Rights being infringed, they would have come to tell you. The reason they have not is that this is an excellent scheme which will achieve signal benefits, and which carefully looks after, as best as is feasible, those who will be dislocated by compulsory acquisition. And in those circumstances, it is my submission that the CPO should be confirmed to make sure that all of that can happen.

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**28<sup>th</sup> February 2023**