



Report to the Secretary of State for Trade and Industry

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An Inspector appointed by the Secretary of State for Trade and Industry

Date 16 October 2006

THE REGIONAL DEVELOPMENT AGENCIES ACT 1998

ACQUISITION OF LAND ACT 1981

Application by

The London Development Agency

For Confirmation of

**The London Development Agency
(Lower Lea Valley, Olympic and Legacy)
Compulsory Purchase Order 2005**

Public Inquiry opened on 9 May 2006

File Refs: LDN23/G5750/2/5 (parts 1 & 2)
LDN23/G5750/8/2 (parts 1 – 6)
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GLOSSARY

Class B1 use	Business use: The Town & Country Planning (Use Classes) Order 1987 (as amended)
Class B2 use	General industrial use: The Town and Country Planning (Use Classes) Order 1987 (as amended)
Class B8 use	Storage or distribution use: The Town and Country Planning (Use Classes) Order 1987 (as amended)
CBHA	Community Based Housing Association
CCHP	Combined Cooling, Heating and Power
CHP	Combined Heating and Power
CLHC	Clays Lane Housing Co-operative
CPO	Compulsory Purchase Order
CTRL	Channel Tunnel Rail Link
CTRL box	Channel Tunnel Rail Link – below ground open section cutting
DLR	Docklands Light Rail
EIA	Environmental Impact Assessment
ES	Environmental Statement
Games	The Olympic and Paralympic Games
IBC	International Broadcast Centre
ITLA	Independent Tenant Liaison Advisor
JPAT	Joint Planning Authorities Team
LDA	London Development Agency
MOZ	Major Opportunity Zone
MPC	Main Press Centre
OAPF	Opportunity Area Planning Framework
ODPM	Office of the Deputy Prime Minister
ODA	Olympic Delivery Authority
Olympics	The Olympic and Paralympic Games
OLY1	Outline Planning Permissions Refs: 2004/0001 (Hackney), P/04/001 (Newham), PA/04/001 (Tower Hamlets), & 2004/006 (Waltham Forest)
OLY2	Outline Planning Permissions Refs: 2004/0002 (Hackney) & 2004/0007 (Waltham Forest)
OLY3	Outline Planning Permission Ref: P/04/003 (Newham)
OLY4	Outline Planning Permission Ref: PA/04/0004 (Tower Hamlets)
OLY5	Outline Planning Permission Ref: P/04/005 (Newham)
PPC	Pollution Prevention and Control
RPG3	Strategic Guidance for London Planning Authorities
RPG9	Regional Planning Guidance for the South East
RPG9A	The Thames Gateway Planning Framework
RSL	Registered Social Landlord
SNU	Safer Neighbourhoods Unit
TMO	Tenant Management Organisation
UDP	Unitary Development Plan

1. INTRODUCTION

Summary of Recommendation:-

I recommend that the Compulsory Purchase Order be confirmed, with modifications, subject to the fulfilment of certain pre-conditions.

The Order

The London Development Agency (Lower Lea Valley, Olympic and Legacy) Compulsory Purchase Order 2005

- 1.1.1 The Compulsory Purchase Order was made under Section 20(1) of the *Regional Development Agencies Act 1998* and the *Acquisition of Land Act 1981* by The London Development Agency on 16 November 2005.
- 1.1.2 The Order is made '*for the purposes of securing the economic development and the regeneration of land, promoting business efficiency, investment and competitiveness, promoting employment, enhancing the development and applications of skills relevant to employment and contributing towards the achievement of sustainable development within its area and for the purposes incidental thereto, namely by the development of the land which will result in the significant regeneration of the area by the provision of the main facilities for the 2012 Olympic and Paralympic Games, the Legacy facilities and the development of the Stratford Rail Lands*'.¹
- 1.1.3 Some 400 objections were made to the Order within the time allowed; and with late objections, a number of which were received during the Inquiry, the final number increased to almost 450 objections. At the close of the Inquiry 136 objections had been expressly withdrawn. 83 Objectors were heard at the Inquiry, including a collective case for a group of 58 residents living within the Order Lands.
- 1.1.4 The main grounds of objection are:- the effect of the Order on businesses and residents within the Order Lands; the objectives of the Order could be attained by excluding certain lands; the Order is outside the LDA's statutory powers, contrary to *Circular 06/2004* and in conflict with Human Rights.

Procedural Matters and Statutory Formalities

- 1.2.1 On 27 February 2006 I held a Pre-Inquiry Meeting at The East Wintergarden, 43 Bank Street, Canary Wharf, London.
- 1.2.2 I opened the Public Inquiry into the Order on 9 May 2006 at ExCel London, One Western Gateway, Royal Victoria Dock, London and subsequently sat on 10 - 12, 16, 17, 19, 23 - 25 May, 1, 2, 6 - 9, 13, 14, 20 - 23 June, and 4 - 7 July 2006. Thereafter the venue was transferred to City Aviation

¹ CD1 The London Development Agency (Lower Lea Valley, Olympic and Legacy) Compulsory Purchase Order 2005 (16 November 2005)

House, London City Airport, Royal Docks, London and the Inquiry sat there on 11, 12, 18 - 21, 24 - 28, 31 July and 1, 2, 4 August 2006. In total I sat for 41 days.

- 1.2.3 I was ably assisted throughout the Inquiry, and in writing this report, by my Inspector colleagues, Ms Laura Graham, Mr Emyr Jones and Mr Rob Barker. Mr Alan Netley, a Planning Officer in the Planning Inspectorate, provided diligent professional support; and Mr Graham Groom, of Persona Associates, managed the programming and documentation for the Inquiry. I am grateful for their respective contributions.
- 1.2.4 I, and those assisting me, inspected the Order Lands on an unaccompanied basis on various dates before and during the Inquiry. Accompanied visits were made to the Waterden Crescent Travellers' site on 13 July and to the Clays Lane Gypsy site and the Clays Lane Estate on 18 July 2006.
- 1.2.5 At the opening of the Inquiry the LDA confirmed that it had complied with all statutory requirements.² No matters were raised.
- 1.2.6 The CPO includes Schedules cross-referenced to the Order Maps (Sheets 1 - 14) which detail the extent, description and situation of each plot of land within the Order. The Schedule gives details of owners, lessees, tenants, occupiers and other qualifying persons on the basis of information available before the Order was served.³ Plot addresses and descriptions in this report are taken, generally, from the Order Schedule.
- 1.2.7 Since the making of the Order, there are a number of plots, or interests, that the LDA is no longer seeking to acquire. A fully revised Schedule and a revised set of Order Maps were submitted on the final day of the Inquiry.⁴ The LDA asks the Secretary of State to modify the Order by omitting these plots and interests before confirming the Order.

Organisation of the Report

- 1.3.1 My report is structured in 7 sections. Section 1 provides an introduction and I describe the Order Lands in Section 2. Section 3 contains the general case for the LDA; Section 4 sets out the cases for the Objectors and responses by the LDA; and the Unopposed Lands are referred to in Section 5. My conclusions follow at Section 6 and my recommendation is to be found in Section 7. The appendices contain lists of appearances and documents.
- 1.3.2 In the reporting of the cases for the Objectors, I have set out each Objector's interest(s) in the plot in question as far as it could be ascertained. Most are taken from the Schedule to the Order, but some have been updated as a result of further information. I have endeavoured to reflect the information provided, although it cannot be taken to be authoritative without sight of

² LDA/2 Compliance Bundle

³ CD1 The London Development Agency (Lower Lea Valley, Olympic and Legacy) Compulsory Purchase Order 2005 (16 November 2005)

⁴ INQ/5 & INQ/6

documentary evidence to show proof of title/interest, and there are instances where the response by the LDA contests the claimed interest.

- 1.3.3 Also, in the reporting of the cases, I have not distinguished between objections heard at the Inquiry and those where there was no appearance. In so far as that is relevant, reference to the appearances in Appendix 1 will provide that information.
- 1.3.4 As is normal practice, I set out the gist of the cases for the parties, supplemented as appropriate by a selective use of footnotes and source documents. The Inquiry documents include a full transcript of proceedings and the LDA's written responses, where made, to written representations are also listed as documents. In 2 instances, Objectors withdrew their objections after appearing at the Inquiry. As requested by the LDA, the evidence produced by both parties remains before the Secretary of State. I have reported these Objections, indicating that they were subsequently withdrawn, but I have not referred to them in my conclusions.
- 1.3.5 I have used a number of abbreviations throughout the report and a glossary of terms used precedes this section of the report. In addition, the River Lea is sometimes spelt Lee; however, I have used Lea, other than when referring to the River Lee Navigation and the Lee Valley Regional Park Authority.
- 1.3.6 The reporting and consideration of the objections is arranged on a Local Areas basis, to reflect the areas used in the Environmental Statement (ES), which accompanied the Olympic and Legacy planning applications. Whilst I have retained the Local Area references (e.g. Local Area Ac) I have in some instances amended the name of the area to provide greater identity and relevance to the objections made.

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2. THE ORDER LANDS AND SURROUNDINGS

Introduction

- 2.1 This section of the report is intended to provide a general context for, and a brief description of, the Order Lands. More detailed descriptions of individual areas can be found at the start of the Local Areas in Section 4 of the report.
- 2.2 The Order Lands cover some 339 hectares of land in East London, within the 4 London Boroughs of Newham, Hackney, Tower Hamlets and Waltham Forest.
- 2.3 There are 3 main elements to the Order, namely:- land required to construct the facilities for the Olympic Games in 2012 and their legacy; land required to implement the planning permissions granted for the Stratford Rail Lands (hereafter referred to as the Stratford City development); and land required for the relocation of some residents and businesses affected by the proposals. There is some overlap between the first 2 elements in that part of the Stratford City development will provide facilities for the Olympic Games.

Land required for the Olympic and Stratford City proposals

- 2.4 The land required for the Olympic and Stratford City proposals comprises the bulk of the Order Lands within the part of the Lower Lea Valley which stretches from the Lea Bridge Road and Hackney Marshes in the north, to the mouth of the River Lea, where it meets the River Thames, in the south.
- 2.5 The heart of the Order Lands lies between the East Cross Route (A12) and Ruckholt Road (A106) to the north-west, Leyton Road (A112) and the Lea Valley railway line to the east, Stratford High Street (A11) and the Great Eastern railway line to the south-east, and the River Lea and River Lee Navigation to the west.
- 2.6 One of the dominant features of the Order Lands is transport infrastructure. The A11 is a major route between Central London and East London and beyond. The A12 provides a dual carriageway link between the Blackwall Tunnel and the North Circular Road and M11 motorway. Stratford is an important rail interchange with connections for the Great Eastern Line (the main line from Liverpool Street to Ipswich and Norwich), the Lea Valley Railway (Liverpool Street to Hertford East), and the North London Line (which traverses north and west London). It also has London Underground (Central and Jubilee Lines) and Docklands Light Railway (DLR) links. Another important feature of the historic transport infrastructure of the area is the River Lea, and its associated watercourses, including the Lee Navigation (Hackney Cut), the Waterworks River, City Mill River and Bow Back River.
- 2.7 These transport links make the area highly accessible from external locations, but, within, it is fragmented due to the limited opportunities for crossing the railways and waterways. The main road links through the area are provided by Carpenters Road (A115), which runs from the A11 in a north-westerly

direction through the Order Lands; Waterden Road, providing a north/south link between the A12 and Carpenters Road; and Marshgate Lane/Pudding Mill Lane, providing a north/south link between Carpenters Road and the A11. The Greenway, a pedestrian/cycle route along the top of the Northern Outfall Sewer, crosses the Order Lands from West Ham in the east to Wick Lane in the west.

- 2.8 The western parts of the main Order Lands, including Hackney Wick, parts of Fish Island, Marshgate Lane, and Carpenters Road, are primarily industrial in nature. Two bus depots are located adjacent to Waterden Road and a Travellers' site is to be found nearby in Waterden Crescent. With a few notable exceptions, such as the Bow Industrial Park, older, poor quality, industrial land and buildings characterise the area as a whole, with much land vacant or under-utilised. The environmental quality is generally poor, with fly tipping evident, notably along railways and waterways. The LDA no longer seeks to acquire a significant part of Fish Island South and it also seeks the omission of most of the plots off Barbers Road and Cooks Road, to the west of Pudding Mill Lane.
- 2.9 The area now known as Stratford City comprises former railway sidings defined by loops of railways north-west of Stratford town centre. The Channel Tunnel Rail Link (CTRL), currently under construction, crosses this area below ground level (the CTRL box) and an international station serving it is also under construction. This area has been used for the disposal of material excavated from the tunnels which has resulted in ground levels being raised by several metres. To the north of this area, there is an industrial estate, including a number of cold stores. Much of the Stratford City area is inaccessible and the Order includes various parcels of land off Leyton Road, which are required to facilitate access, as part of the Stratford City planning permissions. Part of the Stratford Shopping Centre Mall, was also included in the Order for similar reasons, but it is no longer required by the acquiring authority.
- 2.10 To the east of Stratford City is land known as Chobham Farm. This is bounded to the east by Leyton Road and Major Road, to the south by the Great Eastern Road and to the west by the Lea Valley railway line. The Order includes part of this area, which is currently largely vacant apart from compounds and storage areas associated with the CTRL works, and other land required to provide access to the Stratford City site.
- 2.11 To the north of Stratford City is the Clays Lane area which has the only significant concentration of residential development within the Order Lands. It comprises the Clays Lane Estate of social housing, 2 tower blocks and other student accommodation (known as the Parks Estate and now vacant), and the Clays Lane Gypsy site. To the north and west is the Eastway Cycle Circuit, a hard-surfaced cycle track of about 1.6 kilometres, set in an undulating landscape of mature scrub, bushes and trees. Between the Cycle Circuit and the River Lea are the Manor Garden Allotments.
- 2.12 The Cycle Circuit and Allotments are within the Lee Valley Regional Park, as is the Eton Manor Sports Ground, now closed and with no public access,

which lies to the north of the A12 East Cross Route. Land to the east of Eton Manor and Temple Mills Lane, referred to as Lea Interchange, is currently in use for waste management activities, including skip hire. Further to the north, beyond Ruckholt Road, the Order Lands include East Marsh, an area of sports pitches, and part of the more extensive Hackney Marshes. A small area of land at the eastern edge of the New Spitalfields Market site is included in the Order, but it is no longer required by the acquiring authority.

- 2.13 The Order Lands also include areas off Stratford High Street at Warton Road, Rick Roberts Way and Livingstone Road. These areas comprise mainly industrial premises of varying type and quality, and some land that has already been cleared for development. Adjacent to West Ham station, vacant land, formerly part of the Abbey Mills chemical works, and adjoining land is included in the Order.

Land required for relocation

- 2.14 Three sites were included in the Order to facilitate the relocation of the residents of the Clays Lane Gypsy site and the Waterden Crescent Travellers' site. The Wallis Road triangle at Hackney Wick, to the west of the main Order Lands, is bounded by the North London Railway Line to the north, Wallis Road to the south and Chapman Road to the west. It houses a number of industrial units, of varying age and quality, and in one instance the business owners live on site. Land off Lea Bridge Road, to the north-west of the main Order Lands, at Otley Terrace, is no longer required by the acquiring authority. Similarly the acquisition of part of the car park of the Showcase Cinema, Jenkins Lane, Beckton, at the junction of the A13 and A406 (North Circular Road), is no longer being pursued.
- 2.15 The site of the former Scottish and Newcastle Brewery warehouse at Wyke Road, between the main Order Lands and the A12 East Cross Route, is included in the Order for the relocation of one of the bus depots from Waterden Road.
- 2.16 Sites at Thames Wharf have been included in the Order to facilitate the relocation of waste management businesses. These sites are to the south of the main Order Lands, between the mouth of the River Lea and the Royal Victoria Dock, and comprise mainly vacant land.

3. THE GENERAL CASE FOR THE LONDON DEVELOPMENT AGENCY (LDA)

A: The regeneration of the Lower Lea Valley and the role of the Olympic Games

The policy framework - The strategic background

- 3.1 The general locality of the Order Lands was included in the East Thames Corridor Study Area in *Regional Planning Guidance for the South East* (RPG9: March 1994).⁵ The corridor, which extended from Docklands through East London to the north Kent coast, was recognised to be of strategic importance in its potential to attract and accommodate substantial levels of development, alongside improvements in environmental quality.
- 3.2 *The Thames Gateway Planning Framework* (RPG9A: 1995) identified this corridor as 'The Thames Gateway' and aimed to set the framework for a sustained and sustainable programme of economic, social and environmental regeneration.⁶ Stratford was seen as having one of the most accessible locations, justifying its inclusion in Thames Gateway's western focus. RPG9A recognised that realising the vision for the Gateway required a long-term programme over 20-30 years and that there was a legacy of environmental degradation with significant contamination.
- 3.3 *Strategic Guidance for London Planning Authorities* (RPG3: May 1996) was prepared within the context of RPG 9.⁷ RPG3 noted that parts of the capital had been left with worn out buildings, large tracts of derelict land and outdated infrastructure, and identified a number of areas, mainly in the Lea Valley, that contained large sites for redevelopment. It also identified a series of key regeneration locations, including Stratford and the Lower Lea.
- 3.4 *RPG9* was revised in 2001; its core strategy endorsed the implementation of *RPG9A* and identified Priority Areas for Regeneration.⁸ These included East London/Lower Lea Valley, where it was noted that the need for urban renaissance was as pressing as anywhere in the country.
- 3.5 The above documents, in so far as they apply to London, have been replaced by *The London Plan*, adopted in 2004.⁹ It identifies the Lower Lea Valley and Stratford as 'Opportunity Areas' where the Mayor will work with strategic partners to prepare planning frameworks that set out a sustainable development programme.
- 3.6 The Lower Lea Valley Opportunity Area, which is identified as the core location for the London Olympic bid for 2012, stretches from Hackney Wick and Leyton in the north to the Thames in the south.¹⁰ *The London Plan*

⁵ CD4 Regional Planning Guidance for the South East RPG9 March 1994

⁶ CD5 The Thames Gateway Planning Framework RPG9A

⁷ CD6 Strategic Guidance for London Planning Authorities RPG3

⁸ CD7 Regional Planning Guidance for the South East RPG9 March 2001

⁹ CD16 The London Plan: Spatial Development Strategy for Greater London February 2004

¹⁰ CD25 Appendix of Plans, Plan No 6

recognises that the Olympics would provide a major catalyst for change and regeneration in East London, especially the Lower Lea Valley, leveraging resources, spurring timely completion of already programmed infrastructure investment and leaving a legacy to be valued by future generations.

- 3.7 In relation to the Stratford Opportunity Area, *The London Plan* indicates that the relevant planning framework should seek to create a new commercial centre establishing a new business quarter for London complemented by strategically significant new retail and leisure provision, sufficient to ensure that Stratford develops to be a new metropolitan town centre for East London.
- 3.8 Overall, it is intended to accommodate 104,000 additional homes and 249,000 new jobs in the East London sub-region by 2016. This will require more detailed strategic guidance to address issues of sub-regional significance through *Sub-Regional Development Frameworks* and *Opportunity Area Planning Frameworks (OAPFs)*.
- 3.9 *Draft Alterations to the London Plan*, published in October 2005, propose a much higher minimum target for annual housing provision, together with individual borough targets. The combined target for the Lower Lea Valley Boroughs is proposed to increase from 4,140 to 8,440 homes per year.¹¹ Corresponding *Draft Sub-Regional Development Frameworks for East and North London*, published in May 2005 and July 2005 respectively, are intended to provide non-statutory guidance on the implementation of *The London Plan* policies. The *Frameworks* identify the Lower Lea Valley, together with Stratford, as the fulcrum tying together the Thames Gateway to the east and the London-Stansted-Cambridge Corridor to the north.
- 3.10 Support for major growth in the Thames Gateway and the London-Stansted-Cambridge Corridor is to be found in the *Sustainable Communities Plan: building for the future*. It recognises that area-based regeneration partnerships will need to be established to deal with issues of land assembly, infrastructure provision and masterplanning. In this regard, the London Thames Gateway Development Corporation was established in 2004 to promote and deliver sustainable regeneration and growth within the context of national policies and *The London Plan*.

The policy framework - The local context

- 3.11 The Unitary Development Plans (*UDPs*) of the 4 Lower Lea Valley Boroughs also provide a focus for regeneration and improving environmental quality. All of the *UDPs* will, in due course, be replaced by *Local Development Frameworks*, but these are at an early stage of preparation.
- 3.12 *The Hackney UDP*, adopted in 1995, generally seeks to: preserve and enhance areas of open space; protect and enhance the amenity and recreational value of watercourses; retain and increase the provision of sports grounds; and improve pedestrian and cycle access to the Lea Valley Park.¹²

¹¹ LDA/10

¹² CD8 London Borough of Hackney UDP

Policies applying to Defined Employment Areas generally seek to safeguard employment land and prevent its loss, with the Waterden Road/Hackney Wick Defined Employment Area noted for the uniqueness of its location in forming a prominent gateway to the Borough.

- 3.13 Supplementary Planning Guidance in the *Lower Lea Valley Joint Area Action Plan & Opportunity Area Planning Framework* identifies Hackney Wick as a key location for the creation of a wide ranging Employment Park and a major commercial centre with scope, in its southern section, for a mix of employment and housing.¹³ The preferred location for the provision of open space is the area immediately adjacent to the River Lea, with part of Arena Fields identified as being appropriate for the provision of sports and recreational facilities.
- 3.14 *The Tower Hamlets UDP*, adopted in 1998, identifies the substantial portion of the Order Lands within Tower Hamlets as Industrial Employment Areas where the aim is to retain and expand growth in employment.¹⁴ A number of green chains adjacent to waterways in the Fish Island area are identified for nature conservation and in linking open spaces.
- 3.15 *The Newham UDP*, adopted in 2001, identifies a string of major development opportunity sites, referred to as the 'Arc of Opportunity', stretching from Stratford through the Lower Lea Valley, Royal Docks and London City Airport to Beckton, which are intended to act as a catalyst for further development and regeneration.¹⁵ Major Opportunity Zones (MOZs) include the Stratford Rail Lands (MOZ1), West Ham Station Area (MOZ4), Union Street (MOZ2) and Thames Wharf & Limmo (MOZ7), each of which is wholly or partially within the Order Lands.
- 3.16 Related policies identify preferred land uses and additional housing, employment and community facility targets for new development. The role of existing employment is reflected by the identification of a number of Principal Employment Areas where industry is expected to be retained and expanded. Principal Employment Areas wholly or partly in the Order Lands include land along the River Lea, the Marshgate Lane area, Bridgewater Road and Chobham Farm.
- 3.17 More detailed guidance in relation to MOZ policies is set out in the *Lower Lea Valley Planning Framework* which has been adopted as Supplementary Planning Guidance by the London Borough of Newham.¹⁶ This identifies development nodes at Stratford, West Ham and Canning Town. In turn, the *Rail Lands Framework Plan (2004)*, also adopted as Supplementary Planning Guidance, envisages the Stratford City development as a new metropolitan centre serving east London that will be accessed predominantly by public transport. It recognises the need to provide high quality transport links with surrounding sites, particularly the existing town centre.

¹³ CD17 Lower Lea Valley Joint Area Action Plan & Opportunity Area Planning Framework

¹⁴ CD 12 London Borough of Tower Hamlets UDP

¹⁵ CD 11 London Borough of Newham UDP

¹⁶ CD 13 Lower Lea Valley Planning Framework

- 3.18 The *Waltham Forest UDP – First Review*, adopted in March 2006, generally seeks to protect the open character of Metropolitan Open Land, including that at Eton Manor Sports Ground and Temple Mills which are included in the Order Lands.¹⁷ Employment land adjacent to the Lea Valley Line and Temple Mills Lane, also included in the Order Lands, is designated as a Main Industrial Zone where suitable industrial and business uses are encouraged. In addition, the *UDP* identifies the Lea Valley Regeneration Corridor, which includes parts of the Order Lands, where the regeneration of industrial and business locations are fundamental to the physical, economic and social transformation of the corridor.

The policy framework - The Lower Lea Valley Regeneration Strategy

- 3.19 In July 2004 the LDA, in partnership with the Greater London Authority, and in consultation with the 4 Lower Lea Valley Boroughs, commissioned the preparation of a Lower Lea Valley Regeneration Strategy. The London Thames Gateway Development Corporation has agreed to join with the LDA and the Boroughs to co-sponsor the Regeneration Strategy so that it will become the Strategic Regeneration Framework for the Lower Lea Valley area of the London Thames Gateway Development Corporation.
- 3.20 When finalised, the Regeneration Strategy will comprise 2 core documents, the *Lower Lea Valley OAPF* and *Lower Lea Valley Vision*. These will provide a long-term strategy that will promote a series of regeneration opportunities. A *Consultation Draft OAPF* was published in April 2006.¹⁸ Following formal consultation it is intended that it will be issued as Mayoral guidance and become the planning framework for the Lower Lea Valley Opportunity Area, as designated in *The London Plan*. *The Vision*, which is yet to be published, will set out the aspirations of the London Thames Gateway Development Corporation and its partners for regeneration and change; and explain the core outputs of the Regeneration Strategy under a series of key themes.
- 3.21 The draft *OAPF* covers an extensive area including Hackney Wick in the Borough of Hackney, Leyton in the Borough of Waltham Forest, Leaside (Fish Island and Bow, Bromley-by-Bow, Poplar Riverside, Blackwall and Leamouth) in the Borough of Tower Hamlets, and the Newham Arc (Stratford, Three Mills, West Ham, Canning Town and Thameside West) in the Borough of Newham. It outlines thematic principles related to sub-areas of the study area, the majority of which fall wholly or partly within the Order Lands, and it identifies the potential for land-use change within the sub-areas and their infrastructure implications.

The physical and social characteristics of the Lower Lea Valley and impediments to regeneration

- 3.22 With some limited exceptions, the general character of the Lower Lea Valley is one of environmental, economic and social degradation. This is due to historic land use patterns; the fragmented urban structure; a high proportion

¹⁷ CD32 Waltham Forest UDP First Review

¹⁸ CD27 Lower Lea Valley OAPF - Consultation Draft

of strategic utilities services; deficiencies in the provision of amenities; and limited opportunities for the local population. The Lower Lea Valley has suffered from being seen as a utilitarian, functional area and has thus attracted lower land value uses and infrastructure. Transport infrastructure in the Valley includes rail freight facilities, railway sidings, major highways and bus depots. With a few notable exceptions, development has not incorporated the highest standards of design.

- 3.23 Regeneration of the Lower Lea Valley has been very difficult to achieve due to a combination of physical, social, economic and administrative barriers.¹⁹ Physical impediments include the capacity of local utilities networks; ground contamination; severance caused by transport infrastructure, and the associated difficulties of access within the area; flood risk; and an unattractive environment.
- 3.24 The physical problems of the area stem, primarily, from its long history of industrial activity which has left a generally high risk of pollution and contamination. The River Lea and its associated watercourses form an important element of the landscape and character of the Valley. However, due to the adjoining land uses, the decline in waterborne goods traffic and the discharge of effluent, many sections of the waterways have been neglected and fail to realise their potential as ecological, recreational and landscape assets. The general appearance of physical neglect is holding back the potential for attracting inward investment.
- 3.25 The area suffers from a high level of socio-economic deprivation. Wards in and adjoining the Lower Lea Valley are generally within the 10% most deprived in England, with some in the 5% most deprived.²⁰ These areas exhibit high unemployment, a low proportion of managerial and skilled jobs, poor health, and high crime rates. The population is generally younger than average, ethnically diverse, and has a high level of transience.
- 3.26 The area has a high proportion of jobs in the industrial sector (36%, compared to 20% for London as a whole). Of particular note is the proportion of industrial employment in waste management businesses which is 7 times higher than in London as a whole. Industrial employment density is very low and the number of jobs in this sector is declining.
- 3.27 Social impediments include a lack of high quality social and community facilities that are needed to create sustainable communities and to support families and children. In economic terms, the quality and perception of the physical environment creates a negative image which depresses land and property values, whilst also raising development costs, and thereby affecting the viability of redevelopment opportunities. Administratively, the involvement of 4 Boroughs leads to complexities of local governance and a lack of co-ordination.
- 3.28 Private sector development alone would be unlikely to achieve sustainable communities as market-led housing development would concentrate on the

¹⁹ JP/1 (paragraphs 3.25 to 3.55)

²⁰ CD25 Appendix of Plans Plan 15

provision of small apartments rather than family housing. At the same time, investment in employment floorspace would be likely to focus on office development at Stratford City, with limited investment in diversifying the economic base elsewhere; and there would be limited provision of social infrastructure such as open space, schools and community services.

- 3.29 Effective regeneration on a large scale requires a multi-agency public sector partnership approach; a focussed and committed public sector delivery organisation; and a catalytic event(s), process or infrastructure scheme. In the last 5 years these factors have come together in the Lower Lea Valley to create the conditions in which real and effective regeneration is achievable. Factors include the work of the Lower Lea Valley Matrix Group, the establishment of the London Thames Gateway Development Corporation, the successful bid for the 2012 Olympic and Paralympic Games and the subsequent establishment of the Olympic Delivery Authority (ODA).
- 3.30 While some development would have occurred without the Olympic Games, the nature and scale would not have achieved the social, economic and physical transformation of the Valley. There would have been pockets of significant change, for example around Stratford City, but these changes on their own would not have stimulated large scale regeneration elsewhere.

The Olympic Games as the catalyst for regeneration

- 3.31 The Olympic Games will provide the catalyst for regeneration and its catalytic effect will be felt in 4 stages through the preparation of the bid; preparation of the site; the Games themselves; and the Legacy development. The bid has already created a focus for London, bringing together local authorities and other agencies and the award of the Games has confirmed the structural arrangements, funding and timing, and it has initiated the land assembly. In turn, the construction phase will generate a large number of jobs in the construction industry; and the holding of the Games will create a focus on the area, engendering a sense of pride and ambition. The Legacy development will include sports facilities, infrastructure, utilities upgrades and environmental improvements. In addition, sites will be made available for further housing and employment development in a location where a new quarter of London will have been created.
- 3.32 It is the fourth stage, the Legacy of the Games, which is the most important element in providing the lasting outcome and delivering the wider public benefit. Much has been learnt from the experience of former host cities and it is recognised that a successful Legacy must be the focus from the outset and the holding of the Games must be designed to deliver that objective. In this regard, in Sydney and Athens, the scale of the infrastructure created has left a legacy of buildings which are difficult to use; whereas the experience of Barcelona, where the Games were better matched to the needs of the city, provides a more appropriate model for London.
- 3.33 Regeneration of the Lower Lea Valley, as a whole, will require significant development by the private sector; and that will need to be preceded by a significant change in the way investors perceive the area in order to achieve a

sustainable mix of uses, supported by new infrastructure and amenities. The Olympic and Legacy developments, and their achievements in the area of the Olympic Park, will, in turn, demonstrate the potential benefits that can be achieved throughout the Lower Lea Valley as a whole.

- 3.34 Acquisition of the Order Lands will enable a strategic approach to be adopted to address contamination, to implement strategic infrastructure for the benefit of the entire Lower Lea Valley and wider communities (including transport, open space and social facilities) and to achieve environmental improvements that could not otherwise have been contemplated. However, to achieve this, comprehensive remediation will be essential; and that will require an area programme and wholesale site assembly to realise economies of scale, prevent cross-contamination and to enable remediation to be phased across different areas thereby allowing the movement of large quantities of material around the site.
- 3.35 The scale of the development proposed for the Games and the Legacy will require the introduction of new local utilities networks to supply energy and water and to dispose of waste and storm water. It will provide more sustainable utility systems and allow for their expansion over the wider area as other development comes forward. The Games and Legacy will also require new roads and pedestrian and cycle routes which will remedy the problems of fragmentation and severance within the area and between it and adjoining areas.
- 3.36 Work will be undertaken as part of the preparation for the Games to address the degraded condition of the waterways and resultant poor water quality; and the high voltage power lines across the area will be placed underground. The benefits of this work will extend to a much wider area than defined by the Order Lands.
- 3.37 The fixed timescale for the construction of the Olympic development provides certainty in the timing of investment, which will be of assistance to the private sector as it starts to bring forward development elsewhere in the Valley. Crucially, the Olympic and Legacy development, the establishment of the ODA and a public sector financial package will guarantee that funds are available to implement the change that is needed.
- 3.38 There will be a number of less tangible, but nonetheless important, benefits which are expected to result from the Olympic Games. These will include promoting interest and participation in sport and other healthy living initiatives; building local community pride and social cohesion, celebrating the multi-cultural and multi-ethnic character of London and in particular the communities of East London; focusing the world's attention on this deprived part of East London, thereby stimulating inward investment; and promoting wider growth in tourism with economic benefits far beyond the local area.
- 3.39 Although the quantification of these benefits is very difficult to estimate now, or measure in the future, the experience of other Olympic Games demonstrates that they are considerable, and it is expected that their

contribution to the realisation of the broader intentions of the Government's *Sustainable Communities Plan* will be significant.

***The Olympic and Legacy proposals and the Stratford City development:-
The Olympic proposals***

- 3.40 Early in the masterplanning process, the northern part of the Lower Lea Valley was identified as the preferred location for the Olympic Park and the principal Olympic facilities. It was based on the opportunity of positioning the major venues on either side of a major new linear park alongside the River Lea.
- 3.41 In addition, it was recognised that the Park could sit within the natural boundaries of the A12 (East Cross Route) and Ruckholt Road (A106) to the north; the River Lee Navigation and River Lea to the west; the Lea Valley railway line, Stratford City development site, and the Waterworks River to the east; and the Bow Back River and the River Lea to the south. These features provided a clearly defined perimeter and an opportunity to create the security measures necessary for the duration of the Games.
- 3.42 The Olympic Masterplan makes highly efficient use of land to deliver the venues, related facilities and circulation space required to host the Olympic and Paralympic Games. The Masterplan places the venues along both sides of a central spine, with back-of-house areas, including warm-up, drug testing, treatment rooms, security, services and utilities, and media and broadcasting facilities behind the venues. The back-of-house areas will be linked by a secure Olympic Loop Road around the perimeter of the Olympic Park.²¹
- 3.43 The Main Stadium will be located on land between the River Lea to the north and west, the City Mill River to the east and the Greenway to the south. This location will be accessible on foot from the Stratford and West Ham stations with a walk of some 15 to 20 minutes. Separation of this order is needed to allow crowds to disperse along the route, thereby limiting the potential for a crush at either end. The site for the Aquatics Centre will be at the eastern end of Carpenters Road, relatively close to the Main Stadium.
- 3.44 The Indoor Arenas will lie in a row on a north/south axis, stretching from the A12 to the North London Line, to provide a major visitor draw in the Park's north-western quadrant. Similarly, the Velodrome and BMX track are to be located at the northern end of the Park, providing a visitor draw easily accessible from the northern access.
- 3.45 The Athletes' Village, which will accommodate up to 17,000 athletes and officials during the Games, is to be located on the eastern side of the Park in an area that includes parts of the Stratford City site and Clays Lane. After the Games it will be converted to a new residential quarter forming part of the wider Stratford City development. The Masterplan shows the International Broadcast Centre (IBC) and Main Press Centre (MPC) located at the southern end of the Olympic Park.

²¹ CD25 Appendix of Plans, Plan 23

- 3.46 The design of the Olympic Park balances the desire to bring as many people together as possible with the need to have sufficient space for effective passive crowd management and the capacity of the transport system. Three pedestrian access points are proposed, ensuring that the arrival and departure of spectators will be dispersed across the Olympic Park.²² The need to get large numbers of spectators across roads, railways and waterways in a short time requires the use of 4 land bridges up to 80 metres in width, which will be designed to support landscaping.
- 3.47 The eastern access, via the Stratford City Land Bridge for spectators arriving from Stratford Regional and International stations, will be the primary access into the Olympic Park.²³ The southern access, at the Greenway Land Bridge, will cater for spectators arriving from West Ham station and the southern coach drop-off. The northern access, over the Temple Mills Land Bridge, will provide for spectators using the northern coach drop-off and disabled parking.
- 3.48 Adequate pedestrian circulation space is also required within the Olympic Park to ensure that crowd control does not compromise spectators' enjoyment and safety and to ensure that all venues can be evacuated simultaneously in an emergency. A fourth land bridge at Carpenters Road will link the northern and southern parts of the Olympic Park, providing access across Carpenters Road and the North London line.

***The Olympic and Legacy proposals and the Stratford City development:-
The Legacy proposals***

- 3.49 The Legacy Masterplan was developed simultaneously with the Olympic Masterplan to provide a clear physical framework for the long-term future of the Olympic Park.²⁴ It establishes the location and configuration of green space; the disposition and nature of new development; and the location of key elements of new infrastructure. It also establishes the physical features that will be delivered to ensure that the fragmentation of the area caused by waterways, railways and major highways will be overcome, thereby achieving a far more integrated urban fabric. In addition, it shows how the buildings, landscape, roads, bridges and infrastructure created for the Olympic Games will contribute to the physical character, cultural potential and sporting significance of the Lower Lea Valley.
- 3.50 The Legacy development will provide the potential for development of modern employment floorspace which will accommodate some 10,000 – 11,000 jobs.²⁵ This will represent a net gain of around 4,500 jobs in the area of the Olympic and Legacy planning permissions, excluding employment at Stratford City.²⁶

²² CD25 Appendix of Plans, Plan 24

²³ CD25 Appendix of Plans, Plan 26

²⁴ CD25 Appendix of Plans, Plan 21

²⁵ LDA/11

²⁶ LDA/19

- 3.51 The Legacy proposals will also introduce new communities into the Lower Lea Valley, bringing new life and activity and supporting a range of community facilities. Over 9,000 homes will be provided at key locations, particularly those that are well integrated with public transport facilities and in areas which provide a setting of parkland or waterways, with a target that half of these will be affordable. Over 3,000 of the overall number will be provided within the Athletes' Village and will be available for conversion to general residential use immediately after the Games.
- 3.52 The community facilities to be provided include 2 new primary schools; one located between the River Lea and the River Lee Navigation (Hackney Cut) and the other in the north of the Order Lands. Temporary Olympic buildings will be removed, but the roads, drainage and utilities which supported them will remain to benefit and encourage subsequent development.
- 3.53 The Olympic venues with a sustainable future use, established through a detailed business plan, including the Main Stadium (at a reduced capacity), the Aquatics Centre, one indoor sports arena, the Velodrome and BMX track, and the Hockey pitches will be retained to provide valuable sports and recreation facilities for communities in the East End of London, where such facilities are relatively scarce at the moment.
- 3.54 The Legacy proposals will transform the quantity and quality of open spaces within the Order Lands and form a key link in the chain of open spaces linking Hackney Marshes in the north with the River Thames in the south. There are some 101 hectares of open space within the Order Lands, about 76 hectares of which are accessible to the public. However, the network of open spaces is fragmented, and does not meet the needs of the local communities, due to the relatively poor quality of many sites, and the lack of accessibility by public transport.
- 3.55 The open spaces within the Order Lands will be taken out of use to enable site preparation and construction to commence at the required time. There are proposals to relocate some of the open spaces. Eastway allotments will be temporarily relocated to Marsh Lane in the London Borough of Waltham Forest, pending long-term relocation back to the Olympic Park after the Games. The sports pitches at East Marsh will be relocated elsewhere on Hackney Marshes. It is expected that East Marsh will be required for only 2 years for Olympic development and will then be reinstated as public open space and Common Land.
- 3.56 The preferred site for the relocation of the Eastway Cycle Circuit is at Hog Hill in the London Borough of Redbridge, which would meet the needs and requirements of the Board of British Cycling and of the users of the existing facility.²⁷ However, the Hog Hill facility is unlikely to be available until September 2007, although the LDA is seeking to put in place temporary measures to maintain a level of provision for the period between the closure of the Eastway circuit and the opening of Hog Hill.²⁸

²⁷ LDA/AG/5

²⁸ LDA/29

- 3.57 The proposals will provide about a 15% increase in total open space within the Order Lands, including a doubling of publicly accessible open space. The scale of investment associated with the Olympic development will enable a comprehensive approach to be taken to the design of future open spaces and the early provision of high quality formal and informal open spaces alongside new development. A variety of environments will be created including waterways, wetlands, grassland, woodland and scrub. In addition, an integrated programme of remediation will ensure that contaminants are removed and invasive species are eradicated.
- 3.58 In order to serve the new development resulting from the Legacy Phase, significant additional infrastructure is to be constructed (either as part of the Olympic Park or during the Legacy Construction Phase). This includes new roads, footpaths and cycleways, both through the site and connecting it to the surrounding areas, bridging the various waterways and rail lines that currently fragment the area. The majority of the Olympic Loop Road will also be retained together with the bridges which carry it over waterways. As a result, the Legacy Phase will deliver significantly enhanced links within and across the Order Lands.
- 3.59 This new infrastructure will, in turn, support the delivery of new bus services through the area and provide pedestrian access to the local rail, underground and DLR stations, as well as providing high quality links to and from surrounding areas. It would thus overcome the current access problems and create a fully permeable area such that, overall, significant positive benefits in public transport and local connectivity and accessibility would be secured in the Legacy Phase.

***The Olympic and Legacy proposals and the Stratford City development:-
The Olympic and Legacy planning permissions***

- 3.60 Planning applications for the proposed Olympic and Legacy developments were submitted with an Environmental Statement (ES) to the 4 Boroughs in January 2004.²⁹ The Boroughs, working in partnership with the London Borough of Greenwich and the Greater London Authority, formed an Olympic Joint Planning Authorities Team (JPAT) to process the applications. Through the JPAT, further information was requested under Regulation 19 of the *Environmental Impact Assessment Regulations* and this was submitted in May 2004.³⁰
- 3.61 The ES and the further information submitted in May 2004 were based on an Environmental Impact Assessment (EIA) of all 4 development phases (Pre-Olympic Construction, Olympic Games, Legacy Construction, and Post-Olympic Legacy).
- 3.62 Some significant adverse effects were identified across the phases but, taking mitigation into account, no significant residual adverse impacts were identified for the Post Olympic Legacy Phase. Significant positive impacts were also identified, primarily in relation to surface water, soil and ground

²⁹ CD20.10

³⁰ CD20.11

conditions, urban infrastructure, ecology and nature conservation, landscape and townscape, archaeology and built heritage, transport, and socio-economic effects.

- 3.63 In October 2004 the 4 Boroughs each granted planning permissions in relation to those parts of the proposed Olympic and Legacy developments which fell within their boundary. OLY1 enables the development of the principal Olympic Games venues and other facilities, as well as Legacy development including the transformation of venues and parkland.³¹ The OLY1 area overlaps with the Stratford City planning permission area where part of the Stratford City site was identified to provide accommodation for athletes.
- 3.64 OLY2 grants permission for the construction and use of part of East Marsh as a temporary northern coach drop-off and parking facility, as well as disabled parking to serve the Games and associated events, with subsequent restoration to playing fields.³² OLY3 relates to the construction and use of a temporary southern coach drop-off and parking facility to service the Games and associated events.³³ OLY4 is a permission for the construction and use of a temporary western drop-off and parking facility for VIPs to service the Games and associated events.³⁴ OLY5 is for the construction and permanent use of the West Ham Ramp to improve access for the Games, associated events and Legacy uses.³⁵
- 3.65 OLY1 is in outline, but it includes certain details in respect of ground engineering, highways access and siting of the Main Stadium, with OLY2 to OLY5 being full permissions. OLY3 and OLY4 relate only to development required during the Olympic Games. Agreement has been reached with the relevant local planning authorities that Legacy proposals for these areas will be brought forward at a later date as part of the wider Lower Lea Valley Regeneration Strategy which will be established through the *Lower Lea Valley OAPF*.
- 3.66 Across the 5 Olympic & Legacy planning permissions a number of conditions need to be met before development begins. Many of these require the submission and approval of additional information, including the submission of strategies, frameworks and other documents in compliance with the parameters, principles, thresholds, constraints and mitigation measures identified in the ES. A Section 106 agreement was completed in October 2004 which contains a number of obligations, the principal ones requiring compliance with the approved strategies.³⁶
- 3.67 There is a requirement for a total of 40 strategies, frameworks and other documents, 8 of which relate to the relocation of existing occupiers from the Order Lands, including the Business Relocation Strategy and the Residential

³¹ CD20.1 – CD20.4 and CD25 Appendix of Plans, Plan 11

³² CD20.5 – CD20.6 and CD25 Appendix of Plans, Plan 11

³³ CD20.7 and CD25 Appendix of Plans, Plan 11

³⁴ CD20.8 and CD25 Appendix of Plans, Plan 11

³⁵ CD20.9 and CD25 Appendix of Plans, Plan 11

³⁶ CD20.12

Relocation Strategy; 24 relate to the design, construction and operation of the Olympic facilities; and the remaining 8 relate specifically to Legacy elements of the development proposals. Since the planning permissions were granted, considerable progress has been made in carrying out the work required to satisfy the planning conditions, particularly in the preparation of a number of strategies where the subject matter could affect the implementation programme. This work has also informed more detailed design development of the Olympic Park.

- 3.68 A number of other planning applications have been submitted which are relevant to the Olympic and Legacy proposals. Two sets of high voltage power lines run along approximately parallel routes, from West Ham to Hackney, and their presence would prevent the full implementation of the Olympic and Legacy developments and the Stratford City development. Revised proposals for the construction of two tunnels to enable undergrounding of the power lines and associated infrastructure were granted planning permission in January 2006 by the London Boroughs of Newham and Hackney. Furthermore, *The London Development Agency (Undergrounding of Power Lines, Lower Lea Valley) Compulsory Purchase Order 2005*, as amended, was confirmed by the Secretary of State in April 2006.³⁷ Work on undergrounding the power lines has commenced.
- 3.69 Subject to consultations and a legal agreement, the London Borough of Waltham Forest has resolved to grant planning permission for rail sidings at Lea Interchange, to replace those at Thornton's Field. A planning application for business accommodation at Orient Way to provide accommodation suitable for businesses relocated from the Order Lands, was due to be determined by the London Borough of Waltham Forest in June 2006.

***The Olympic and Legacy proposals and the Stratford City development:-
Amendments subsequent to planning permissions OLY1- OLY5 - Introduction***

- 3.70 Since the planning permissions were granted for the Olympic and Legacy developments, the design of the Olympic Park has evolved to enhance the Legacy benefits, to improve the operation and compactness of the Games, to reduce security risk, and to reduce both the amount of land to be compulsorily purchased and the impact on businesses which would otherwise have had to relocate. Since the Order was made the Olympic and Legacy Masterplans have been subject to 2 main revisions in January and June 2006.

***The Olympic and Legacy proposals and the Stratford City development:-
Amendments subsequent to planning permissions OLY1-OLY5: The January 2006 revisions***

- 3.71 These revisions were intended to improve integration with the Stratford City development, deliver enhanced Legacy benefits, reduce land-take, deliver improved security, and reduce costs. The principal changes relate to:-

³⁷ CD28

- Relocation of the IBC/MPC from the Pudding Mill Lane area into the Stratford City development, with part of the Pudding Mill Lane area being used for a decked car/coach park, associated access and security facilities;
- Repositioning of the Athletes' Village, using additional areas of Stratford City and sections of Clays Lane, to provide a closer integration with the Stratford City development. The remainder of Clays Lane and the Eastway Cycle Circuit would be used for additional Olympic facilities including Paralympic Tennis and Archery;
- Relocation of most of the VIP and Sponsors' car parking from Fish Island South into the permitted car parking facilities within the Stratford City development and the removal of coach parking to Chobham Farm; and ,
- A more land-efficient layout for the temporary southern coach drop-off and parking facility; and a redesign of the West Ham Ramp to reduce the impact on existing premises. In this regard plot 769 is no longer to be acquired.

3.72 The revisions do not change the land requirements for the main Olympic Park, which cannot be reduced without compromising the ability to deliver a safe and efficient Games, but they do result in the following areas within the Order Lands no longer being required:-

- Fish Island South – plots 255-271, 274-307, 309-328 and 330 within an area of land generally bounded by Wick Lane and the Greenway to the north, the East Cross Route (A12) to the west, and the River Lea to the north-east and east, extending south to the northern boundaries of the London Concrete depot and Bow West Freight Terminal;
- Pudding Mill Lane – plots 573, 670-676, 692-695, 697-706, 712, 713 and 716-724 within an area of land defined by the City Mill River to the east, Bow Back River to the east and south, and Marshgate Lane to the west, extending north to the southern boundary of 14 Marshgate Lane; and a further area of land, situated south of the Stratford to Bow Junction railway and Pudding Mill Lane station, west of Pudding Mill Lane, north of Barbers Road, along the western boundary of the Sortex Factory, extending south to Bow Bridge, including the factory premises, and east of the River Lea;
- New Spitalfields Market – plots 112 and 113 within an area of land forming the eastern part of the market site which is no longer required for the delivery of the rail carriage sidings at Lea Interchange;
- Stratford Shopping Centre – interests in the Shopping Centre, plots 447-454, are no longer required; and,
- The Gas Works and adjacent car dealership on Rick Roberts Way/Abbey Lane – comprising plots 760-764 are no longer required for the construction of the temporary southern coach drop-off facility (OLY3).

***The Olympic and Legacy proposals and the Stratford City development:-
Amendments subsequent to planning permissions OLY1-OLY5: The June 2006 revisions***

3.73 Since January 2006 the design team has continued to review the design and layout of the Olympic Park. This has been done in parallel with the Stratford City design team to ensure full integration of both proposals for the Games and in Legacy. Elements of the Masterplan which have been reviewed include the location of specific venues and other Olympic facilities; the

resultant impacts on access, movement and security; and the potential for more sustainable approaches.

- 3.74 The main changes to the Olympic Masterplan, as compared to those announced in January 2006, include:³⁸
- Moving the IBC/MPC from Stratford City to Hackney Wick in the north-west of the Olympic Park, where a dedicated transport interchange facility will also be provided, with the buildings being retained in Legacy;
 - Moving the Hockey venues to a site fronting the pedestrian concourse, adjacent to the IBC/MPC;
 - The Volleyball Arena, displaced by the IBC/MPC, is no longer required within the Olympic Park;
 - The Velodrome and outdoor BMX track have been moved to a more central position, and are to be retained in Legacy;
 - Paralympic Tennis and Archery have been moved to Eton Manor, and are to be retained in Legacy;
 - The temporary Fencing Hall has been reduced in scale and moved to a site immediately to the north-west of the Athletes' Village;
 - The temporary Basketball Arena displaced by the IBC/MPC has been moved to the site vacated by the Fencing Halls to the south of Carpenters Road and west of the River Lea; and,
 - The temporary Sponsors' Village and Security areas have been moved to within Stratford City where the IBC/MPC was previously proposed.
- 3.75 The changes also include the relocation of the Combined Cooling, Heating and Power (CCHP) plant from immediately south of the Aquatics Centre to Kings Yard in Local Area Bb, where it will, if practicable, be installed within the existing buildings. In addition, it is proposed to relocate the Clays Lane Gypsies to the area of Chobham Farm immediately north of the CTRL 'box' and to use the area south of the CTRL 'box' for further Olympic coach parking.
- 3.76 The revised Masterplan is in keeping with previous designs which lined venues along the central linear Olympic Park, with Field Hockey, Handball, Velodrome, BMX and Fencing venues in the northern portion. To the south of the Park, the Aquatics Centre, Main Stadium and Basketball Arena form the main cluster. The land bridges have been reduced in scale, where possible, and the proposed Beachy Road pedestrian bridge (plots 245 and 246), is no longer to be provided.³⁹ The revised design does not change the area or the boundaries of the land required for the Olympic Games.
- 3.77 The further changes to the Olympic Masterplan have been driven primarily by the objective of enhancing the long-term Legacy benefits. The revised Legacy Masterplan includes business space in the converted IBC/MPC. In addition, a first class sporting venue will be provided for Waltham Forest.⁴⁰

³⁸ LDA/14

³⁹ LDA/JP/4 Supplementary and Rebuttal Proof relating to bridges

⁴⁰ LDA/14

This will consist of the Paralympic Tennis and Archery facilities, together with the 2 Hockey pitches, and the Velopark, consisting of Velodrome, BMX Circuit, road and off-road cycling provision, as well as the existing football and rugby facilities on Hackney Marsh.

***The Olympic and Legacy proposals and the Stratford City development:-
Amendments subsequent to planning permissions OLY1-OLY5: The implications of the revisions***

3.78 The revisions to the Masterplan proposals announced in January 2006 and June 2006 are likely to be beneficial in environmental and socio-economic terms. The main benefits include:-

- Nearly a third of the previously affected businesses and 1,200 jobs, which were originally required to relocate, will now remain where they are;
- The total area likely to be affected by the environmental effects of disruption during construction will also be reduced; and
- The proposed changes will bring the facilities closer together within the Olympic Park resulting in an improved layout that would make the site even more secure for all users.

3.79 Some of the revisions are within the existing parameters and principles of the extant planning permissions. However, revisions to existing permissions or new planning permissions will be required in respect of:-

- The main Olympic Park, incorporating the design development of the revised Masterplan proposals;
- The Stratford City development, including consequential changes to the related highway permissions;
- Planning permission for the Chobham Farm area for Olympic and Legacy purposes; and,
- Planning permissions to enable the temporary use of structures and land for Olympic purposes.

3.80 These applications will be submitted when there is sufficient certainty that no further revisions will be required. Nonetheless, they are unlikely to raise issues which are materially different from those considered in relation to the original permissions; the environmental impacts are likely to be similar; and there is nothing to suggest that planning permission for the revised proposals will not be granted.

***The Olympic and Legacy proposals and the Stratford City development:-
Stratford City and its relationship with the Olympic and Legacy development***

3.81 Stratford City is a large-scale regeneration scheme, on a site of approximately 73 hectares, which will enhance Stratford's role as a metropolitan shopping centre and provide a significant residential component, predominantly in the northern section of the site. The Stratford City site lies to the north of the existing Stratford town centre and to the east of the main Olympic site. The existing and future infrastructure, particularly that relating to public transport serving Stratford, combined with the

availability, following completion of the CTRL, of a substantial area of former railway lands, makes Stratford especially suitable for mixed-use development on a major scale. It is an important development opportunity not only in terms of the Lower Lea Valley but also the whole of the Thames Gateway.

- 3.82 Outline planning permission has been granted for a comprehensive mixed-use development but implementation depends on various off-site works which are necessary to provide the required transport capacity. These comprise new link roads to connect the development to Waterden Road to the west, Temple Mills Road to the north, Leyton Road to the east and Carpenters Road/Warton Road to the south, together with an improved and widened Waterden Road, improvements to Carpenters Road and Warton Road, an enhanced junction between Warton Road and Stratford High Street and improvements to Temple Mills Lane.
- 3.83 However, the Stratford City developers are not able to implement the planning permissions without the intervention of a body with compulsory purchase powers. Certain land has, therefore, been included in the Order to enable off-site highway and other works, required for Stratford City, to be provided. Although the whole of the Stratford City site is included in the Order Lands, the interests of certain parties are expressly excluded in the Schedule as they are legally committed to constructing certain elements of the project required for the Olympic Games. In the unlikely event that this is not complied with, English Partnerships can step in to ensure that the infrastructure required for the Games is provided on time.⁴¹
- 3.84 The Stratford City project has an integral role with the Olympic and Legacy development and it will be important that as much of it as possible is completed in time for the Games. In particular, the Olympic Village is intended to be formed from parts of the housing development in Stratford City and it will be designed so that it can be converted to residential use immediately after the end of the Games. There is also some overlap in providing highway improvements. Although minor revisions will need to be made to the existing Stratford City planning permissions there is no reason to expect that revised planning permissions will not be granted.

The land to be acquired and the LDA's approach to relocations - The land to be acquired

- 3.85 Although the underlying purpose of the Order is to secure regeneration, the means by which that is to be achieved is to provide the facilities to enable London to host the Olympic Games in 2012 as well as facilitating the implementation of Stratford City.
- 3.86 When the Order was made, the land comprising Stratford City was included within the Order, as the LDA wished to see the early implementation of this project due to its major scale and its essential link and contribution to the provision of the Olympic Games. Since then, the distinction which existed when the Order was made between the Olympic and Legacy development

⁴¹ LDA/GB/1 (paragraph 6.6) & LDA/GB/4

and Stratford City has become increasingly blurred as a result of the co-operation and agreement between the LDA and those interested in Stratford City.

3.87 Apart from Stratford City itself, the land included to provide highway access to it, and the relocation sites, the extent and location of the land included in the Order stems directly from the nature of the development proposed for the Olympic Games and the Legacy. Within the proposed Olympic Park, while the whole Olympic development has been designed with the Legacy very much in mind, the amount and location of the land which the LDA seeks to acquire by means of the Order is largely explained by the requirements of the Games themselves. The land required for the Olympic and Legacy development is now defined by the revised Masterplan.⁴²

3.88 In summary, the land requirement is driven by the following factors:-

- the desire to create a compact Games and to accommodate as many facilities within the Olympic Park as possible;
- the land required for specific venues and related back-of-house facilities which are essential to the operation of the venues during the Games;
- the access circulation and security requirements within the Olympic Park which are essential to the safe and efficient operation of the Games; and
- the land required for essential transport and access facilities, including coach parking and disabled parking areas, which need to be outside but immediately adjacent to the Olympic Park.

3.89 In addition, some parts of the Order Lands lie outside the main Olympic Park but they are, nonetheless, essential components of the Olympic and Legacy development. These include:-

- a number of plots so that new bridges can be provided;
- land to enable highways access to be provided to the Stratford City development;
- a small area of land adjacent to the River Lea and Bow Back Rivers to the north of Stratford High Street to allow improvements to the adjacent waterways;
- a number of plots for the purpose of relocating activities currently within the Park e.g. buses, travellers and waste management businesses.

3.90 As explained above, the evolution of the Masterplan for the Olympic and Legacy proposals, together with closer integration with the Stratford City proposals, has reduced the amount of land that the LDA is now seeking to acquire. In addition, further work has indicated that some of the plots outside the main Order Lands are no longer required, notably plots 1-5 and 789-792 for reasons given in the LDA's response to objections.

3.91 It is essential that all the land required for the Olympic venues and the Athletes' Village is in the LDA's control by the summer of 2007, at the latest. This will enable demolition and remediation to take place alongside

⁴² LDA/14

the installation of new services and infrastructure, with the construction of the Olympic Village commencing early in 2008 and work on the Main Stadium, Aquatics and Media facilities starting in spring/summer 2008. Commissioning and a test event would follow from mid-2011 onwards.

The land to be acquired and the LDA's approach to relocations – Relocations: General

3.92 From the outset it was recognised that a successful Olympic bid would displace domestic, business and other occupiers of land. The LDA has adopted a proactive approach to land assembly and relocation by seeking, as far as possible, to secure interests in land through negotiation and to achieve the successful relocation of all the occupiers. The LDA has given, and will continue to give, such reasonable assistance as it can to relocate those displaced. So far as most users are concerned, alternative premises will be available either in the LDA's property portfolio or in the general market. For Travellers and Gypsies, bus depots and businesses in the waste sector, it is recognised that suitable alternative sites are not readily available and sites for these purposes have been included in the Order (plots 102 – 106 (Wallis Road), plots 252 – 254 (Wyke Road) and plots 786 - 788 (Thames Wharf).

The land to be acquired and the LDA's approach to relocations – Relocations: Residential

3.93 Most of the residential occupiers living within the Order Lands are those at the Clays Lane Housing Estate, where there are some 370 residents in occupation of accommodation which provides homes for up to 450 persons. The LDA recognises that the proposals will involve disruption to residents and has undertaken to provide assistance to those in lawful occupation and to identify alternative accommodation that best matches their needs. The aim is to provide residents with a range of options to ensure their satisfactory relocation; and liaison with residents, and other relevant bodies, will continue in order to achieve this aim.

The land to be acquired and the LDA's approach to relocations – Relocations: Gypsies and Travellers

3.94 There are 2 authorised Gypsy and Traveller sites within the Order Lands, namely Waterden Crescent and Clays Lane. The LDA is endeavouring to secure the relocation of the occupants to appropriate sites. Although the Order included 3 relocation sites, the LDA no longer wishes to proceed with the acquisition of the sites at Otley Terrace (plots 1-5) and Jenkins Lane, Beckton (plots 789 – 792).⁴³ A site at Wallis Road (plots 102 - 106) remains within the Order Lands and a further site at Chobham Farm, Stratford (part of plot 372) also within the Order Lands, has been identified for the relocation of Travellers and Gypsies respectively.⁴⁴

The land to be acquired and the LDA's approach to relocations – Relocations: Businesses

3.95 Between November 2003 and February 2004, priority was given to making contact with all business occupiers to explain the context and purpose of land assembly, timescales, process and related implications. The LDA set out to

⁴³ LDA/AG/1 (paragraph 5.10) & LDA/ AG/06 (paragraph 1.2)

⁴⁴ LDA/ AG/06, paragraph 2.8

understand how individual businesses operated; the relative importance of proximity to markets, suppliers, staff and transport networks; and to identify any large and/or complex businesses that had complicated and/or long lead-in times for relocation.

- 3.96 In July 2004, the LDA wrote to each affected business. The letter offered support, encouraged negotiation and confirmed the date by which vacant possession would be required (either July 2007 or July 2009). It also invited businesses to appoint their own professional advisers. In addition, the LDA established a dedicated internal helpline and worked with the Royal Institution of Chartered Surveyors to set up and provide a confidential helpline to give assistance in the identification of suitable advisors. The LDA also agreed to pay the legal and surveying costs of business relocations over a year before the outcome of the Olympic bid was known.
- 3.97 Further measures included the appointment of 2 Business Support Officers, whose prime aim was to achieve successful business relocation and to advise relocated businesses on new market opportunities and business reorganisation. The LDA has set up an internal Olympic Land Team consisting of over 40 staff, and each business requiring to be relocated has an assigned LDA case officer, a LDA business support officer and an external agent acting on the LDA's behalf, to progress negotiations, help identify alternative sites, and assist with relocation plans.
- 3.98 The Order includes land occupied by over 300 businesses, although the January 2006 revisions reduced the number of affected businesses by more than 90. Around 75% of those still affected have identified a preferred site or shortlist of sites. It is estimated that the Order would displace approximately 227,000 square metres of industrial floorspace.
- 3.99 LDA-owned sites, close to the Order Lands, have a capacity of 100,000 square metres, with other LDA sites in the Thames Gateway being able to accommodate 283,000 square metres, and a further LDA site at Enfield will provide 8,400 square metres of floorspace. In addition, the database maintained by Gateway to London (the inward investment and business retention agency for the Thames Gateway area) identified 670,000 square metres of industrial and business floorspace in the north-east quadrant of London and the Thames Gateway area in January 2006.
- 3.100 Other services to assist with skills, training and development, or special consultancy have been offered. These include the Manufacturing Advisory Service, which is funded by the LDA and the Department of Trade and Industry. Its role is to review manufacturing processes and factory layouts with a view to improving efficiency and enabling businesses to operate from smaller premises or to expand production. Business Link for London offers a full diagnostic review of a business and the LDA offers a service helping businesses to find new staff.
- 3.101 The LDA is continuing to seek to achieve the relocation of businesses within the Order Lands and to secure the acquisition of interests by negotiation and, where necessary, to enter into agreements on the basis that consideration is to

be determined by the Lands Tribunal. However, there is no certainty that these negotiations will be successful and the Order should therefore be confirmed to secure a certain outcome.

B: Circular 06/2004 - Compulsory Purchase and the Crichel Down Rules

3.102 This Circular provides guidance on the factors which a confirming Minister may have regard to in deciding whether or not to confirm a CPO. Appendix B is of particular relevance to Orders made by regional development agencies. The general proposition is that there must be '*a compelling case in the public interest*' and the confirming Minister will need to balance the intentions of the acquiring authority and the concerns of those whose interest in land it is proposing to acquire. The Circular identifies a number of matters which will be relevant to the Secretary of State's decision. These are set out below.

(a) *Compliance with statutory procedures*

3.103 The statutory procedures have been complied with.⁴⁵

(b) *The powers of the LDA*

3.104 Under the *Regional Development Agencies Act 1998*, the LDA has 5 purposes:

- to further the economic development and regeneration of its area;
- to promote business efficiency, investment and competitiveness in its area;
- to promote employment in its area;
- to enhance the development and application of skills relevant to employment in its area; and
- to contribute to the achievement of sustainable development in the United Kingdom where it is relevant to do so.

3.105 The Act gives the LDA powers to acquire land compulsorily for its purpose or purposes incidental thereto. The evidence submitted demonstrates beyond doubt that the Order has been made so as to achieve the above purposes and, above all, to achieve regeneration. A few Objectors have contended that acquiring land for the Olympic Games is not within the LDA's powers. However, the Olympic Games are a means to an end and the overall process of preparing for, and staging, the Olympic Games will make a huge contribution to the regeneration of the Lower Lea Valley.

(c) *The condition of the land included in the Order and its recent history*

3.106 The condition of the Order Lands and the desirability of regeneration are set out in an earlier part of the General Case for the LDA. Particular attention is drawn to the Secretary of State's decision to confirm the CPO which will secure the removal of some 6 kilometres of overhead power lines in the

⁴⁵ LDA/2 Compliance Bundle

Lower Lea Valley, and his acceptance of the Inspector's conclusions about the condition of the area and the need for regeneration.⁴⁶

(d) Whether the LDA has established the basis and justification for its actions through its adopted strategy

3.107 The LDA's adopted strategy has emerged against the background of the regional policy which pre-dated the Agency's coming into existence and through a process of assessing priorities for investment. The *2005-2008 Corporate Plan* identified priorities for investment in Stratford and the Lower Lea Valley; and the same priority for the Lower Lea Valley has been carried forward into the adopted *2006-2009 Corporate Plan*.⁴⁷

(e) Whether the land included in the Order is needed for regeneration or other purposes of the LDA or ancillary purposes

3.108 The Order is justified in general terms by the need to regenerate the Lower Lea Valley and the need to provide facilities for the Olympic Games, which will make a significant contribution to achieving this aim as will the Stratford City scheme. At the detailed level, most plots are required initially to create the Olympic Park and thereafter for Legacy purposes. Some plots are required for the ancillary purpose of relocating uses at present within the Olympic Park area. Others are required to provide access to Stratford City, and this can also properly be regarded as being ancillary to regeneration.

(f) The use to be made of the land to be acquired

3.109 An acquiring authority should have a clear idea as to how it intends to use the land, although there is no presumption that the land is required immediately. It is also recognised that it may be appropriate for a regional development agency to assemble land for which it has no specific detailed development proposals. Details of how the LDA intends to use the land for the Olympic and Legacy development and the Stratford City scheme together with certain ancillary purposes, is set in an earlier part of the General Case for the LDA.

(g) The resources to implement the Order and the scheme for which the land is required

3.110 The principal role of the LDA is to acquire the land for the Olympic Games and secure whatever remediation is necessary; and the ODA will have responsibility for constructing the Olympic facilities. Funding for the acquisition and the development will be provided by contributions from the National Lottery, London council tax, the LDA, the private sector and Central Government. In addition, the Government has given a guarantee to the IOC to act as the ultimate guarantor, so there can be no doubt about the resources being available.⁴⁸ It is also envisaged that the LDA will be responsible for implementing the Legacy development and, at that stage, the

⁴⁶ CD28 The London Development Agency (Undergrounding of Powerlines, Lower Lea Valley) Compulsory Purchase Order 2005

⁴⁷ CD14 London Development Agency Corporate Plan 2005-2008
CD31 London Development Agency Corporate Plan 2006-2009

⁴⁸ LDA/DH/1 (Appendix DH1 - Letters from the Prime Minister and the Chancellor of the Exchequer

improvements to the environment and infrastructure, which will have occurred, will create conditions that will be attractive to private sector developers and investors.

(h) *Whether there is a reasonable prospect of the scheme for which the land is required going ahead and that it will not be blocked by any impediments to implementation*

- 3.111 Where planning permission or other consents are required, there should be no obvious reason as to why they should not be granted. However, the Circular recognises that in some circumstances, it is appropriate for a regional development agency to seek to acquire land before full planning permission has been granted or other statutory procedures completed.
- 3.112 As a result of the amendments made to the Olympic and Legacy Masterplans, in January and June 2006, new planning permissions will be required. However, the revisions do not change the principal features of the approved proposals and there will be no significant new environmental impacts which would justify the refusal of planning permission.
- 3.113 Development control powers have been granted to the ODA and decisions will be taken by a planning committee that will include representatives of the 4 constituent London Boroughs. This will ensure that all relevant policies and material considerations are taken into account and that decisions are made within an appropriate timescale.
- 3.114 The extant planning permissions include a number of conditions which require approval of a wide range of matters, including various strategies relating to, for example, the relocation of businesses and residents. Some progress has been made in discharging these conditions, but the process is by no means complete. However, the intention of the planning conditions, and the need to submit strategies, was to ensure that appropriate mechanisms would be put in place to address these subjects. As such, they were never intended to provide details in relation to specific relocation opportunities or to supervise the arrangements made with individual businesses or residents.
- 3.115 In any event, when the new applications are submitted, the rationale of the relocation strategies may well have been overtaken by events as the relocation of businesses will largely be in place, as will the relocation of local residents. In both cases the ODA, as the local planning authority, will need to consider whether such conditions would be necessary and appropriate having regard to the guidance in *Circular 11/95: The Use of Conditions in Planning Permissions*.
- 3.116 Other approvals will be required, notably the permanent and temporary stopping up of a number of highways. Nonetheless, the ES and subsequent planning permissions, including an extensive consultation process, did not identify any insuperable problems and it can be anticipated that, as long as there is an appropriate technical solution, there is no reason to believe that any required consent will not be obtained.

- 3.117 The evidence demonstrates that there is no obvious reason as to why any of the permissions, consents or licences which may be required will not be granted. Even if it were to be concluded that there is some doubt about the ability to secure some permission or approval, it would, nevertheless, be open to the Secretary of State, based on *Chesterfield Properties PLC v. Secretary of State for the Environment*, to conclude that the public interest lies in making a decision which enables the preparations for the Olympic Games to continue.⁴⁹
- (i) ***If Objectors have put forward alternative proposals, the likelihood of such proposals being implemented and the extent to which they may conflict with the LDA's proposals as regards timing and regeneration of the surrounding area***
- 3.118 This is covered in the responses to individual objections, where relevant.
- (j) ***Whether regeneration is, on balance, more likely to be achieved if the land is acquired by the LDA***
- 3.119 The LDA's objective is to achieve regeneration of the Order Lands and ultimately of the Lower Lea Valley generally. No Objector has suggested, nor is it conceivable, that any other person or body could or should undertake regeneration of this scale. A few Objectors have contended that they could achieve regeneration of specific plots, but that would be nothing more than an individual redevelopment project rather than regeneration in the holistic sense.
- (k) ***Whether development by the LDA will displace private sector development***
- 3.120 One of the consequences of the implementation of the proposals will be to draw in private sector development within a comprehensively planned context. Nonetheless, it is acknowledged that a number of relatively modern business premises will have to be demolished. The majority of those owners and occupiers have reached agreement with the LDA to relocate and they will be compensated for any additional costs incurred. None of these can, therefore, be regarded as being disadvantaged within the meaning of the Circular.
- (l) ***The quality and timing of the LDA's proposals***
- 3.121 The LDA's proposals are directed at the regeneration of a significant proportion of the Lower Lea Valley, with the prospect that regeneration will be induced in adjacent parts of the area. It is acknowledged that some regeneration would have been achieved over time in the absence of the Olympic Games, but it would not have been of the same scale. In addition, it would not have been as comprehensive in nature, or comparable in the degree and timing of investment. The LDA's proposals are, therefore, of the highest quality and there are no rival proposals which are of a comparable scale.

⁴⁹ LDA/31 (paragraph 112 - *Chesterfield Properties PLC v. Secretary of State for the Environment* (1997) 76 P & CR 118)

(m) *Whether the case in favour of confirmation is of sufficient weight to justify interfering with the Human Rights of those who have interests in the land affected*

3.122 The *Human Rights Act 1998* makes it unlawful for any public authority to act in a way which is incompatible with one of the rights set out in the *European Convention on Human Rights*. This reinforces the basic requirement that the ownership of property is a constitutional right which must carry substantial force and can only be overridden if the public interest warrants it. A further dimension which flows from the Act is the concept of proportionality, as explained in *Baker v. First Secretary of State*.⁵⁰

3.123 The LDA has demonstrated that it has, at all material times, been acutely aware of the effect on those living, working and owning property in the area. Nonetheless, the public benefits likely to be derived from the scheme far outweigh those effects. The LDA has demonstrated that its approach to land assembly has been entirely consistent with the principle of proportionality and, where appropriate, plots and interests have been removed from the Order. The LDA takes the view that the acquisition of all of the remaining plots in the Order is the only way of securing the public benefit likely to be derived from the proposals. Furthermore, this Inquiry, combined with the right to challenge the Secretary of State's decision in the High Court, meets the requirements for a 'fair trial'.

(n) *Acquisition by negotiation*

3.124 Whilst compulsory purchase is intended to be a last resort, the Circular recognises that it may often be sensible to commence formal compulsory purchase procedures as negotiations proceed. Early dialogue, long before the Bid was won, started with the businesses and landowners and, since then, remarkable progress has been made in acquiring almost 90% of the land in the Order by agreement. Heads of terms have also been agreed for a further 2.5% and another 3% is in the hands of public bodies who have not objected to the Order.⁵¹ By the close of the Inquiry, 29 businesses had completed transactions; 58 had agreed heads of terms; and 108 had identified a relocation site. Nonetheless, it will not be possible to acquire every plot by agreement and the Order is required to enable the LDA to gain control of the land by July 2007.

(o) *To what extent does the Order affect special types of land*

3.125 Special kinds of land include land acquired by statutory undertakers, local authority owned land, and land forming part of a common, open space, or an allotment. Such lands are afforded some protection against compulsory acquisition.

3.126 Agreements have been entered into with all of the statutory undertakers who objected to the Order, as well as with the London Borough of Tower Hamlets, the London Borough of Newham, and the City of London.⁵² An

⁵⁰ LDA/31 (paragraph 146 - *Baker v. First Secretary of State* [2003] EWHC 2511)

⁵¹ Transcript Day 41 (pages 7 & 8)

⁵² LDA/31 (paragraphs 159 & 160)

agreement has also been concluded with the London Borough of Hackney. Although an agreement is yet to be reached with the London Borough of Waltham Forest, that authority did not object to the Order and Section 17 of the *Acquisition of Land Act 1981* does not apply.

- 3.127 In terms of the general situation regarding public open space, commons and allotments, equivalent exchange land is normally required, or special parliamentary procedures must be invoked, where land within these categories is included in a CPO. However, that does not apply in this case, as a result of Section 36(3) of the *London Olympic Games and Paralympic Games Act 2006*, because it would not be feasible to provide an equivalent amount of exchange land immediately. Nonetheless, there will be a significant improvement in the quantity and quality of provision in the Legacy phase.
- 3.128 Crown Land cannot normally be compulsorily purchased as legislation does not bind the Crown unless it is stated to the contrary. The *London Olympic Games and Paralympic Games Act 2006* makes special provision to enable regional development agencies to acquire Crown Land but it has not been necessary to rely on this provision.
- 3.129 When the Order was made, the Stratford City site was Crown Land, but it ceased to be so when it was transferred to English Partnerships in February 2006. A number of other plots were understood to be held by the Crown, but it has subsequently transpired that the majority are held by the local authorities or Transport for London as highway land. The Secretary of State for Transport has confirmed that any residual plots not already transferred to Transport for London will be transferred and that land at Temple Mills Lane will be transferred to the LDA.⁵³
- 3.130 In any event, insofar as other plots are concerned, the interests of the Crown have been expressly excluded in the Order schedule. The fact that the freehold interest in certain plots is held by the Crown does not mean that lesser interests held by non-Crown bodies or persons cannot be acquired compulsorily. Although the Circular implies that non-Crown interests can only be acquired when the enabling legislation is one of those listed, there is no authority to support that and it is believed to be incorrect.

C: Summary of the case for confirmation

- 3.131 The Secretary of State will have to decide whether the LDA has made a sufficiently compelling case to justify confirmation of the Order. That decision will involve balancing the case for confirmation against the cases advanced by Objectors. The Secretary of State will need to consider whether the LDA has made a sufficient connection between the Olympic Games and regeneration. The LDA believes there is a very strong likelihood that hosting the Games will lead to substantial, long-term regeneration.

⁵³ Transcript Day 41 (page 4)

- 3.132 The Secretary of State will also need to consider whether the LDA has established the need to acquire all the Land in the Order (apart from those plots to be omitted). As outlined above, apart from Stratford City, the access and the relocation sites, this need is largely driven by the specific requirements of the Olympic Games, although those requirements have been interpreted and applied to the masterplanning process with the Legacy very much in mind.
- 3.133 It has to be acknowledged that it is unusual for the development for which a CPO has been made to be evolving during the course of the Inquiry. However, it would not have been possible to finalise the design of the Olympic Park and venues before the Order was made; and it would not have been sensible to undertake detailed design work before the announcement that London had been selected. If it were to be regarded as necessary for the plans to be finalised, the opportunity to provide the Olympic Park within the required timescale would have been lost, together with the regeneration benefits. In any event, it is not necessary to know exactly how every feature has been designed or where it will be located. The design principles outlined above have driven considerations of the amount of land required.
- 3.134 Having regard to all the evidence and submissions, the LDA contends that there is a compelling case in the public interest that the Order be confirmed with the modifications as set out in the revised Order Schedule and Order Map.⁵⁴

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⁵⁴ INQ/5 & INQ/6

4. THE OBJECTIONS

4.1.0 Local Area Aa – Hackney Wick Industrial Area

- 4.1.1 Local Area Aa is located in the north-west of the Order Lands. It is defined to the west by the River Lee Navigation (Hackney Cut); the Eastway to the north; the River Lea to the east; and the North London railway line to the south.
- 4.1.2 The principal land use is the Hackney Wick Industrial Area on either side of Waterden Road, which runs generally parallel with the River Lea. It comprises a variety of industrial units, bus depots, and the vacant and derelict site of the former Hackney Stadium. It also includes the East Cross Centre, with its range of relatively modern buildings used for logistics and storage/self-store units; the Waterden Crescent Travellers' Site; and the Kingsway International Christian Centre, which is required to relinquish its occupation following enforcement action.
- 4.1.3 The area has a long history of industrial use; it has some well functioning utilitarian uses and large areas that are less effectively used and/or detract from the local environment. Parts of the area, notably the western banks of the River Lea, have been subject to fly-tipping; the streetscape is poor, with Waterden Road subject to heavy traffic.

Plot Number: 9

Address: Land at Temple Mills Road/Eastway⁵⁵

Objector 92: Omila Properties Ltd (previous owner of an adjoining premise)

Objector 194: East London Bus & Coach Co Ltd (owner of an adjoining premise)

Plot Description

38,096 square metres of public roads and footways known as the Eastway, Homerton Road, Quartermile Lane, Temple Mills Road and the East Cross Route (A102M) on bridge over part, verges and land thereto, land under the A102M, part width of bed and banks of the River Lea, with bridge known as Temple Mills Bridge and bridge under construction over parts, situated south of New Spitalfields Market, east of Waterden Road and north of the Hackney Wick to Stratford railway

Case for Objector 92 and Response by the London Development Agency

- 4.1.4 As reported for plot 57.

Case for Objector 194 and Response by the London Development Agency

- 4.1.5 As reported for plot 46.

⁵⁵ Plot lies partly in Local Areas Ab and Ae and partly outside any designated Local Area

Plot Numbers: 25 & 26

Address: Units A, B & C Eastway Commercial Centre

Objector 172: Hoo Hing Ltd (occupier)

Plot Descriptions

Plot 25: 3,343 square metres of warehouses known as Hoo Hing Cash & Carry, access ways, yards and forecourts

Plot 26: 986 square metres of warehouse known as Hoo Hing Oriental Foods and forecourt

Procedural matter

4.1.6 In its objection dated 14 December 2005, the Objector refers to its ownership and occupation of Unit A, Eastway Commercial Centre, which it states is identified as plot 26 in the Order Schedule. In fact, Unit A is part of plot 25 in the Order. The Order Schedule also shows that the Objector has an interest in plots 25 and 26. In the circumstances, I have treated this objection as relating to both plots.

Case for Objector 172

4.1.7 The Company has recently invested considerable capital in the refurbishment of the property which is central to its operations and critical to its continued success as an importer and wholesaler of oriental foods. The Company's property and interest is not required for the purposes of the Order as the Objector's land is located at the periphery of the area to be acquired. It is considered that the proposed developments and objectives which have given rise to the making of the CPO can be fulfilled by an alternative configuration or, otherwise, be adequately and properly secured without the need to acquire the site. To confirm the Order would be contrary to Section 20 of the *Regional Development Agencies Act 1998* and/or paragraph 14 of Appendix B to *Circular 06/2004*.

4.1.8 The impact of the proposed acquisition on the business would be severe. The acquisition of the Company's interest cannot be properly or reasonably justified and acquisition is unreasonable, disproportionate and in conflict with the company's *Convention Rights*.

4.1.9 The support given by the Government to the Olympic Bid and the proposals together with the objectives for development in the Lower Lea Valley is such that the Secretary of State as confirming authority in respect of the proposed Order cannot be considered as an 'independent and impartial tribunal' or otherwise act, or give the appearance of acting, fairly in determining whether the Order should be confirmed in spite of the company's objection. The Order and the Order making and confirming process is therefore flawed and contrary to the Company's *Convention Rights*.

Response by the London Development Agency

- 4.1.10 The plot is located within the security boundary of the Olympic Park. It is required for the Olympic Loop Road and back-of-house facilities for the hockey venue during the Olympic and Paralympic Games. In Legacy, it will accommodate highway infrastructure, development land and parkland.
- 4.1.11 The first meeting with the Objector to discuss relocation took place in April 2004, as the area was targeted as a priority for regeneration and would have been required even if the Olympic bid was unsuccessful. The LDA has forwarded details of some 15 properties to the Objector and various meetings have been held. The Inward Investment Agency and Gateway to London have also forwarded details of numerous other properties.
- 4.1.12 The LDA had proposed 2 LDA-owned sites, at Beckton Waterside and the Leyton Food Cluster, as relocation sites. The latter was considered acceptable by the Objector, subject to the freehold being made available, and Heads of Terms were agreed. However, it now appears that planning permission may not be forthcoming for the cash-and-carry element of the Objector's business. The LDA is keen to assist in identifying a further site and it will meet with the Objector to discuss the way forward.

Plot Number: 27

Address: Units D1, D2 & D3 Eastway Commercial Centre

Objector 234: Mr & Mrs S R Metcalfe (owners)

Plot Description

1,064 square metres of warehouses known as Hingley Meats and Polarwan Meat together with forecourts and hardstanding

Case for Objector 234

- 4.1.13 The Objectors' plot is not required for the development described in the Order. The LDA's response, set out below, fails to demonstrate that the plot is required for any built development; and only one meeting has been held over a period of many months, no offer has been made and promised valuation figures are still awaited.

Response by the London Development Agency

- 4.1.14 The plot is required for the creation of facilities for the Olympic Games within the Olympic Park and the subsequent Legacy development. The general case establishes that the Games will bring huge benefits. These benefits must be balanced against the effect on the Objectors and the need to use the area in which the Objectors plot is situated outweighs the disruption to them. The general case also demonstrates the LDA's approach to assisting businesses, identifies the employment and other benefits that the regeneration envisaged will bring, and records the significant positive impacts identified in the ES. There have been negotiations with the Objectors, but no agreement has yet been reached.

Plot Number: 34

Address: Unit E Eastway Commercial Centre

Objector 34: Lucky Wholesale (lessee and occupier)

Plot Description

935 square metres of warehouse known as Lucky Wholesale, forecourt and hardstanding, with advertising hoarding, telecommunications equipment and car wash facility

Case for Objector 34

4.1.15 The wider benefits of holding the Games in London are recognised. However, the impact on the business and the Objector's property interests has not been fully considered. Furthermore, the potential for future growth of the business, or improvements to the property, are constrained by the proposals. Inadequate consideration has been given to the protection, preservation and relocation of employment-generating business within the CPO zone. Insufficient time has elapsed to render it necessary for a CPO to be issued where there remains a reasonable prospect of obtaining requisite lands by agreement.

Response by the London Development Agency

4.1.16 The plot is required for the creation of facilities for the Olympic Games within the Olympic Park and the subsequent Legacy development. The general case establishes that the Games will bring huge benefits, something which the Objector accepts. The general case also demonstrates the LDA's approach to assisting businesses, identifies the employment and other benefits that the regeneration envisaged will bring, and records the significant positive impacts identified in the ES.

4.1.17 There will, inevitably, be some disruption to existing businesses but this is far outweighed by the benefits that would be achieved. There has been contact with the Objector's agent, but no agreement has yet been reached.

Plot Numbers: 36, 38 & 39

Plot 36 Address: Part of the Eastway

Plot 38 Address: Substation north of 59 Eastway

Plot 39 Address: 59 Eastway

Objector 105: BOC Ltd (owner of Plots 38 & 39 which adjoin Plot 36)

Plot Descriptions

Plot 36: 2,877 square metres of part of public road and footway, situated between Gainsborough Road Bridge and the Petrol Express filling station

Plot 38: 19 square metres of electricity substation and enclosure

Plot 39: 12,975 square metres of industrial premises, works and land used for open storage known as the BOC Depot

Case for Objector 105

4.1.18 Given the location of these plots, on the extreme periphery of the Order Lands, the proposal could proceed without acquiring the Objector's land. The proposed acquisition would cause material disruption and damage to the Objector's business operations. Due to the relatively low employment rate, there would be significant difficulties in acquiring a suitable relocation site.

Response by the London Development Agency

4.1.19 The plots are situated within the proposed Olympic Park and the general case demonstrates the need to acquire all the land therein. The Objector has provided no evidence to support the other grounds of objection and the general case demonstrates the considerable efforts made to assist those who need to relocate. Negotiations have been taking place with the Objector since 2003, but no agreement has yet been reached.

Plot Numbers: 40, 43 & 44
Plot 40 Address: Arena Field Recreation Ground
Plot 43 Address: Land between Arena Field Recreation Ground and the River Lee Navigation
Plot 44 Address: Further land between Arena Field Recreation Ground and the River Lee Navigation

Objector 347: Hackney Environment Forum (unknown)

Plot Descriptions

Plot 40: 57,536 square metres of recreation ground, with adjoining disused premises, access way and hardstanding, situated south of the Eastway and east of the River Lee Navigation

Plot 43: 4,478 square metres of scrubland and path

Plot 44: 4,647 square metres of scrubland, footpath known as the Lea Valley Pathway and part of disused footbridge leading to Gainsborough Primary School

Case for Objector 347

4.1.20 Parts of Hackney Marshes, including Arena Field, are designated as Metropolitan Open Space and registered as Common Land. There is no recognition of the necessity to provide replacement land or information about such replacement land for these areas of Hackney Marshes.

Response by the London Development Agency

4.1.21 The LDA's general case covers issues relating to open space, including Common Land and exchange land. Arena Field is required for the IBC and MPC during the Olympic Games, and it will be part of an employment area in the Legacy phase.

Plot Number: 45
Address: Waterden Crescent Travellers' Site

Objector 315: Waterden Crescent Residents Group

Case for Objector 315 and Response by the London Development Agency

4.1.22 As reported for plot 353 in Local Area Ac.

Plot Numbers: 46, 47, & 60-62
Plots 46 & 47 Address: Stagecoach Waterden Road Garage, 44 Waterden Road
Plots 60 - 62 Address: Stagecoach Stratford Garage, Waterden Road

Objector 194: East London Bus & Coach Company Ltd (part of Stagecoach plc) (owner of plots 46 & 47, lessee and occupier of plots 60, 61 & 62)

Plot Descriptions

- Plot 46:** 11,507 square metres of bus depot known as Hackney Bus Depot, workshops, offices, garages, hardstanding and parking areas, with bank of the River Lea
- Plot 47:** 40 square metres of electricity substation
- Plot 60:** 15,187 square metres of bus depot, workshops and garage, access ways, parking areas and hardstanding, situated west of Waterden Road and south of the site of the former Hackney Stadium
- Plot 61:** 277 square metres of part of hardstanding to bus depot, situated at the south-west corner of the depot
- Plot 62:** 26 square metres of electricity substation, situated at the north-east corner of the bus depot

Case for Objector 194

- 4.1.23 Stagecoach operates 11 routes from its 2 depots in Waterden Road, representing just over 20% of its operation in London. It also seeks to bid for new routes when they become available. The location of depots from which each service will run is critical to the day-to-day operations and long-term business planning. The relationship between depot locations and the start/end points of each route and accessibility to staff is of particular importance.
- 4.1.24 Stagecoach has little spare capacity in its other depots, and without these depots it would not be able to operate the routes that it currently runs from Waterden Road. In all probability, it would have to give notice to terminate the existing contracts, incurring financial penalties, and Transport for London may well face difficulties in finding another operator. This could leave a large number of Londoners without a bus service. Loss of the sites would also prejudice Stagecoach's ability to bid for new routes, thereby restricting possible future growth.

- 4.1.25 It might be possible to park the displaced buses at 2 temporary sites at Rainham and Dagenham. Some in-house maintenance could be achieved at the Barking depot by reducing its bus parking capacity and moving to 24-hour working. Other maintenance would need to be contracted out. However, the above would put a great strain on the company and its ability to comply with contractual obligations, and result in additional costs of just over £8.4m in the first year (which includes one-off costs of £1.2m).
- 4.1.26 In principle, a site off Manor Road, West Ham (the Parcel Force site) would provide an acceptable relocation facility. However, the site does not have planning permission for the proposed use and a detailed design would have to be prepared. It is considered that it would take at least 18 months to deliver the new depot. Should planning permission be refused the timescale would be unachievable. Moreover, the LDA's claim that a garage could be constructed in 52 weeks relies on a number of assumptions and work could take longer. There is every expectation that a replacement depot will not be available before the LDA's intended date of possession.
- 4.1.27 The LDA has indicated that bus facilities could be maintained in the Order Lands until the end of 2007, and further short-term parking might be possible until July 2008. However, the information is very sketchy and the interim arrangements would be a most inefficient use of public resources. Moreover, there is no evidence as to how, and more importantly whether, other temporary arrangements could be made outside the Order Lands; and no indication as to how the bus services could be maintained after July 2008.
- 4.1.28 There is no assurance that the important public service provided by Stagecoach will be maintained if the CPO is confirmed. It is, therefore, requested that the CPO, in respect of these plots, is not confirmed until a suitable alternative site has been provided and time allowed for operations to be transferred there.

Response by the London Development Agency

- 4.1.29 Both of the Stagecoach bus garages are important to the network and their capacity can neither be absorbed by other garages nor lost to the network and there is a need to find a replacement site. The importance of finding a replacement is heightened by the fact that bus patronage has increased and continues to increase in accordance with Mayoral policy.
- 4.1.30 Following a detailed search, the LDA-owned Parcel Force site was identified as a suitable replacement. Negotiations regarding the terms on which it would be let to the Objector are close to completion. A detailed design is being prepared, jointly with Stagecoach, and a planning application will be submitted as soon as the detailed design is complete. The LDA is confident that planning permission will be granted.
- 4.1.31 Parcel Force's lease expires in December 2007. Part of the site can be made available earlier which would result in the former sorting office being demolished by February 2007. Work would then start on the construction of a permanent bus garage, which should be available for occupation in December 2007, with sufficient temporary bus parking on its northern side.

Parcel Force's final removal would see the parking area relocated to the southern side of the new building.

- 4.1.32 Subject to possible restrictions on access routes, the LDA and the ODA have agreed that Transport for London can make arrangements for bus service operations to continue on the existing sites until the end of 2007. Should there be further delays to the programme, additional measures may be required. This could include making arrangements for continued bus parking, but not maintenance, within the Olympic Park up to July 2008. However, that would not be from the existing sites and would only be a short-term option.
- 4.1.33 Given the above, there is no prospect of the Objector not being able to meet its contractual obligations or being prejudiced in submitting bids for further contracts. Nevertheless, were a breach of those obligations to arise as a consequence of the CPO, the Objector would be entitled to full compensation for any liabilities or losses attributable to its displacement from the existing sites. In any event, the public benefit of confirming the CPO in respect of the Objector's sites has not been challenged. This benefit would outweigh the unlikely possibility that interim measures would be required for a few months to ensure that the buses continue to run.

Plot Number: 51

Address: First Bus Depot, 53-55 (odds) Waterden Road

Objector 71: First Capital East Ltd (lessee)

Plot Description

18,162 square metres of bus depot, workshops and garages, disused building, access ways, parking areas, hardstanding, overgrown land, electricity substation and ramp to bridge, with embankment to the River Lea

Case for Objector 71

- 4.1.34 The drive to deliver the infrastructure for the 2012 Olympics is fully supported. The efficient operation of the public transport network is a fundamental requirement of the 2012 Olympics and any Legacy development, as well as for the surrounding area before, during and after the Olympics. The Objector provides a vital part of this network for the area, relying principally on its Waterden Road depot, from where it operates some 160 public service vehicles and employs around 550 staff. Continued operation of the service is dependent on that depot, or a suitable replacement, being operational at all times.
- 4.1.35 If the desired vacation date of July 2007 for Waterden Road is to be met, the need to provide a suitable relocation site is urgent and the CPO should not be confirmed until there is satisfactory provision for an adequate replacement. The Parcel Force site, proposed for relocating Stagecoach, is unlikely to be large enough to accommodate First Capital East as well; and it would be detrimental in terms of proximity to First's existing routes. A suitable relocation site exists at the ex Scottish & Newcastle 'Bow Depot' in Wyke

Road. Property searches reveal no other alternatives within a reasonable distance of Waterden Road and moving any distance would affect First Capital East's ability to minimise the impact on operating costs.

- 4.1.36 The Objector is aware that the LDA and Transport for London are actively seeking to provide this site to meet the Objector's needs through the CPO process. However, it must be stressed that if the Secretary of State is minded to confirm the CPO in respect of the Waterden Road site, significant adverse effects to the ongoing public transport systems will be experienced unless and until the Wyke Road relocation site is also made available. From past experience a bare minimum of 18 months from inception is required to secure necessary consents and to build a new bus depot. The Secretary of State is urged to take this period of time into account when considering the implications of confirming the CPO.
- 4.1.37 To avoid the severe interruption to bus services that would result from any hiatus in depot availability, it is requested that the following restrictions be imposed. Firstly, that the Waterden Road depot will not be acquired until a reasonable suitable alternative depot has been provided. Secondly, that First Capital East is afforded full access to the design of the replacement depot. Thirdly, that the terms on which the relocation site should be offered to First Capital East shall not be materially more onerous in terms of rental level or other costs or materially shorter in terms of lease duration that are presently operative for the existing facility. Finally, if the Order is confirmed before a suitable permanent replacement facility is made available, that any costs properly incurred, and any disruption to the business as a result of a requirement for temporary facilities, should be reimbursed.⁵⁶

Response by the London Development Agency

- 4.1.38 First Capital East's bus garage is important to the network and its capacity can neither be absorbed by other garages nor lost to the network and there is a need to find a replacement site. The importance of finding a replacement is heightened by the fact that bus patronage has increased and continues to increase in accordance with Mayoral policy.
- 4.1.39 Wyke Road has been identified for the permanent relocation of the present First Bus Garage at Waterden Road, but it is unlikely that any replacement facility there would be operational by July 2007. Assuming that the CPO is confirmed at the beginning of December 2006, a completion date of December 2007 could be achieved. To ensure continuity of bus services and minimise disruption, the LDA and the ODA have agreed that arrangements can be made for maintaining bus services within the Olympic Park, whether on the existing site or elsewhere, until the end of 2007.
- 4.1.40 Should there be further delays to the programme, additional measures may be required. This could include making arrangements to continue providing bus services from within the Olympic Park up to July 2008. However, that would not be possible from the existing site; it would require bus

⁵⁶ Letter dated 3 August to Programme Officer from Burgess Salmon LLP

maintenance to be undertaken at other garages in East London; and it would only be a short-term option.

Plot Number: 57

Address: Golden House, Waterden Road

Objector 50: Retriever Ltd (lessee in respect of Unit 2)

Objector 68: Wanis Ltd (lessee)

Objector 70: Babs and Bola Awoyemi trading as Bayem Corporation (lessee in respect of Unit 11)

Objector 92: Omila Properties Ltd (previous owner)

Objector 194: East London Bus & Coach Company Ltd (occupier)

Plot Description

19,916 square metres of warehouse building known as Wanis Cash and Carry, café known as Workmans Café, nightclubs known as Club Dezire and Kokonut Grove, auction rooms, offices and retail units, hardstanding, gatehouse, access ways and parking areas, with bank of the River Lea

Cases for Objectors 50 & 70

4.1.41 The Objectors are substantial local employers and the compulsory acquisition of the plot would result in the loss of jobs which would be detrimental to the local economy. The Objectors have nowhere to relocate to and the Order would have a significant, direct impact on their businesses which would not be outweighed by the public benefit of the 2012 Games and Legacy facilities.

Case for Objector 68

4.1.42 The Objector employs an ethnically diverse staff of 70, which increases by over 10% in the peak season and has resulted from a year-on-year growth of 10% - 15%, with varying skill levels. This generates significant economic benefit to the Lower Lea Valley and the surrounding area. Insufficient information has been provided to show that the economic benefits of the Olympics would outweigh the tangible and long lasting benefit of retaining the Objector's business. Its closure would destroy these jobs and go against LDA policy of enhancing the potential for black and minority ethnic entrepreneur owned businesses. The loss of such a major player would also significantly affect the supply of African and Caribbean processed food and drink to a number of ethnic communities. This conflicts with Mayoral policy of promoting the diversity of London's food culture as expressed in *Healthy and Sustainable London, The Mayor's Food Strategy* (May 2006).

4.1.43 Continuity of trading is of the utmost importance and no relocation site has yet been secured. It is also essential that any such site is in the vicinity of the New Spitalfields Fruit and Vegetable Market, so that customers can buy all their fresh and processed ethnic produce in the same area. There are few, if any, suitable existing relocation premises which satisfy this requirement and it is extremely unlikely that any relocation to new-build premises could be achievable by July 2007.

Case for Objector 92

- 4.1.44 The LDA has no statutory power to compulsorily acquire land for, or in connection with, the 2012 Olympic Games because that would not result in significant regeneration of the area. The stated purpose of securing the regeneration of the area is only a possible consequence of the acquisition and not a primary purpose. The LDA should not be entitled to acquire any allotments, registered commons and town or village greens without the provision of equivalent exchange land.
- 4.1.45 The LDA has failed to balance the needs and desires of existing businesses to remain and their contribution to the local economy against the short-term advantages of the 2012 Olympic Games and the uncertainties as to the Legacy period. The Order is premature as the LDA has not prepared a Business Relocation Strategy which is required by planning conditions, thereby failing to have adequate regard to the needs of businesses within the Order Lands. The Order is also premature because the LDA has failed to offer an alternative property.
- 4.1.46 Furthermore, there is no compelling reason to acquire the plots in which the Objector has an interest because the intended use of the plots after the Olympic Games is not known. The LDA has not demonstrated that the matters set out in paragraph 14 of Appendix B to *Circular 06/2004* have been satisfied.
- 4.1.47 The making of the Order engages Articles 6 and 8 of the *European Convention on Human Rights* and Article 1 to the First Protocol. The taking of the plots in which the Objector has an interest is a disproportionate burden which the Objector should not have to suffer for the short-term advantage of the 2012 Olympic Games and the uncertain proposals in the subsequent Legacy development.

Case for Objector 194

- 4.1.48 As reported for plot 46.

Response by the London Development Agency

- 4.1.49 **Objectors 50 & 70:** The general case establishes that the Olympic Games and Legacy development will bring huge benefits. The general case also demonstrates the LDA's approach to assisting businesses, identifies the employment and other benefits that the regeneration envisaged will bring, and records the significant positive impacts identified in the ES. There will, inevitably, be some disruption to existing businesses but this is far outweighed by the benefits that would be achieved.
- 4.1.50 Objector 50 employs 14 persons and has found a relocation site in Tottenham and solicitors have been instructed to progress the transaction. Objector 70 has 20 employees and negotiations regarding relocation have taken place, but no agreement has yet been reached.

- 4.1.51 **Objector 68:**⁵⁷ The general case describes the need for comprehensive regeneration in the Lower Lea Valley and the significant improvement in the economic and environment character of the area that will result from the Olympic and Legacy proposals. New development will be supplemented by local training initiatives to provide local people with the skills needed for them to be able to benefit from the employment opportunities that will result. In order to overcome the impediments, and to deliver physical regeneration of the required scale and nature, it will be necessary to displace some existing employment activities. The short-term impacts on existing businesses will be outweighed by lasting and overwhelming economic benefits.
- 4.1.52 The LDA is keen to secure the successful relocation of Wanis Ltd and has identified a suitable relocation site at Units 1 and 5 Orient Way, Leyton. This is understood to be acceptable to the Objector and the final terms are being negotiated. The LDA was aware from an early stage, in planning its business relocation strategy, that a number of businesses in the food sector would be affected by the Order and that many of these needed to be relocated near to the New Spitalfields Market.
- 4.1.53 It was with this in mind that the LDA acquired the Orient Way site, which is around 2 kilometres from the Objector's existing premises. The new-build development on Orient Way will be constructed by a development partner who has a track-record of delivering good quality buildings to programme. It is envisaged that the units will be ready for fitting out by the end of March 2007, with relocation by the end of June 2007 and there will be no need for the Objector's business to close.
- 4.1.54 **Objector 92:** Promoting business efficiency, investment and competitiveness in its area is one of the LDA's 5 purposes.⁵⁸ It may acquire land compulsorily where that would be consistent with one or more of these purposes. The general case demonstrates, without doubt, that the Order has been made so as to achieve these purposes, and above all, to achieve regeneration. Plots 9, 57, 58 and 59 are required for the creation of the facilities for the Olympic Games within the Olympic Park and the subsequent Legacy development. The general case establishes that the Olympic Games and Legacy development will bring huge benefits pursuant to the LDA's statutory purposes.
- 4.1.55 The general case also demonstrates the LDA's approach to assisting businesses, identifies the employment and other benefits that the regeneration envisaged will bring, and records the significant positive impacts identified in the ES. There will, inevitably, be some disruption to existing businesses but this is far outweighed by the benefits that will be achieved. The Business Relocation Strategy was submitted to the relevant local planning authorities in January 2006 and it has undergone a period of public consultation. The LDA intends to develop the strategy in the light of the consultation responses. The guidance of *Circular 06/2004*, including Human Rights considerations, is addressed in the general case.

⁵⁷ LDA/REB/25 & LDA/REB/26

⁵⁸ LDA/1 (paragraphs 20-25)

4.1.56 Following initial discussions with the Objector, it was understood that it has sold the freehold of plots 57 and 58 to Objector 68.

4.1.57 **Objector 194:** As reported for plot 46.

Plot Number: 58

Address: Substation at Golden House, Waterden Road

Objector 92: Omila Properties Ltd

Plot Description

46 square metres of electricity substation

Case for Objector 92 and Response by the London Development Agency

4.1.58 As reported for plot 57.

Plot Number: 59

Address: Part of Waterden Road

Objector 92: Omila Properties Ltd (previous owner of adjoining land)

Objector 103: Gladquote Ltd (owner of adjoining land)

Plot Description

4,924 square metres of part of public road and footways, and bridge carrying the road over the Hackney Wick to Stratford railway, situated from 35 Waterden Road to the railway

Case for Objector 92 and Response by the London Development Agency

4.1.59 As reported for plot 57.

Case for Objector 103 and Response by the London Development Agency

4.1.60 As reported for plot 73.

Plot Numbers: 73, 74, 77, 78, 81, 82, 84, 89 & 93

Plots 73 and 74 Address: Land between the East Cross Centre, Waterden Road, and the River Lee Navigation

Plots 77 and 78 Address: Unit I, the East Cross Centre, Waterden Road

Plots 79 and 80 Address: Part of Unit J, the East Cross Centre, Waterden Road

Plot 81 Address: Units E & F, the East Cross Centre, Waterden Road

Plot 82 Address: Unit G, the East Cross Centre, Waterden Road

Plot 84 Address: Part of East Cross Centre, Waterden Road

Plot 89 Address: Substation at the East Cross Centre, Waterden Road

Plot 93 Address: Parts of the East Cross Centre, Waterden Road and adjoining Hackney Wick to Stratford railway

Objector 103: Gladquote Ltd (Plots 73, 74, 77-79, 81, 82, 84, 89 & 93)-(owner)
Objector 104: Sabreleague Ltd (Plot 79)-(lessee); (Plot 80)-(owner)

Plot Descriptions

- Plot 73:** 1,291 square metres of hardstanding, car park and oil tank
Plot 74: 1,015 square metres of hardstanding, car park and bridge carrying the Hackney Wick to Stratford railway and works over
Plot 77: 41 square metres of part of depot known as DHL Express
Plot 78: 1,400 square metres of depot known as DHL Express
Plot 79: 46 square metres of part of depot known as DHL Express
Plot 80: 1,364 square metres of depot known as DHL Express
Plot 81: 1,505 square metres of vacant industrial units
Plot 82: 1,210 square metres of warehouse known as Corbyns and part of car park
Plot 84: 1,232 square metres of industrial premises, hardstanding, path and verge, with canopy of adjoining Unit L projecting over part
Plot 89: 29 square metres of electricity substation situated south of Unit D
Plot 93: 7,657 square metres of common areas to industrial estate, premises, access ways, areas of hardstanding and part of the railway, works and land

Case for Objectors 103 & 104

- 4.1.61 Development could proceed without the need to acquire the freehold interest in the property, but rather by a subsidiary or lesser interest being granted.

Response by the London Development Agency

- 4.1.62 The plots are situated within the proposed Olympic Park and the general case demonstrates the need to acquire all the land therein. The respective agents have met but no agreement has been reached as yet. A list of tenants, terms of tenancies and other relevant information has been requested but not provided.

Plot Numbers: 75 & 76

Address: Parts of Hackney Wick to Stratford railway

Objector 98: Landregal Ltd (right of access to lay and maintain water pipe)

Plot Descriptions

- Plot 75:** 182 square metres of land and bridge carrying the railway over, situated south west of the East Cross Centre, Waterden Road and east of the River Lee Navigation
Plot 76: 59 square metres of land and bridge carrying the railway over, situated south west of the East Cross Centre, Waterden Road and east of the River Lee Navigation

Case for the Objector and Response by the London Development Agency

- 4.1.63 As reported for plot 163 in Local Area Bb.

Plot Number: 83

Address: Unit H, the East Cross Centre, Waterden Road

Objector 103: Gladquote Ltd (owner)

Objector 207: A Warren & Sons Ltd (lessee and occupier)

Plot Description

920 square metres of depot known as Warrens and part of car park

Case for Objector 103

4.1.64 As reported for plot 73.

Case for Objector 207

4.1.65 The overall objective of delivering the regeneration of the Lower Lea Valley cannot be met if it involves the disruption of so many businesses to areas where they would be separated from their client base and subject to poorer communications than at present. The Business Relocation Strategy, required by a condition of the planning permission, has not been submitted.

4.1.66 The impact on the Objector's business, property interests, potential for future growth and the financial constraints faced have not been fully considered. The LDA has consistently ignored representations that there is a lack of like-for-like relocation sites and there has been a failure to provide a viable alternative. There is a burden on the LDA to acquire land by agreement; and the issue of a CPO before businesses have had an opportunity to conclude negotiations and to consider alternatives is onerous.

Response by the London Development Agency

4.1.67 **Objector 103:** As reported for plot 73.

4.1.68 **Objector 207:** The plot is required for the creation of facilities for the Olympic Games within the Olympic Park and the subsequent Legacy development. The general case establishes that the games will bring huge benefits and also demonstrates the LDA's approach to assisting businesses to minimise disruption. The general case also identifies the employment and other benefits that the regeneration envisaged will bring, and records the significant positive impacts identified in the ES. There will, inevitably, be some disruption to existing businesses but it would be far outweighed by the benefits that would be achieved.

4.1.69 The Business Relocation Strategy was submitted to the relevant local planning authorities in January 2006 and it has undergone a period of public consultation. The LDA intends to develop the Strategy in the light of the consultation responses. The Objector has found a relocation site which meets its requirements and is due to complete a lease shortly. Representations have not been ignored and there have been numerous contacts between the LDA and the Objector's agent.

Plot Number: 87

Address: Unit A, the East Cross Centre, Waterden Road

Objector 103: Gladquote Ltd (owner)

Objector 176: Percy Adler, Esther Adler & Paul Adler (owners)

Objector 177: A&A Self Storage Ltd (lessee)

Plot Description

2,221 square metres of business premises, access ways, hardstanding and verges

Case for Objector 103

4.1.70 As reported for plot 73.

Case for Objectors 176 & 177

4.1.71 The property is in good condition and within a busy estate which is not in need of regeneration. The CPO is, therefore, contrary to the overarching aim of regenerating the Lower Lea Valley. Furthermore, there is no evidence to show that the Legacy development will be funded and the use of compulsory purchase powers in such a situation is unreasonable and contrary to the public interest.

4.1.72 Neither is it considered reasonable, or in the public interest, to compulsory acquire the property simply to enable a very short-term set of Games to take place. The compulsory removal of the business will not promote business efficiency or investment in the area and it fails to achieve the LDA's statutory purposes. The 345 hectares included in the Order is significantly in excess of the 200 hectares required for the Olympic Park. A compelling case to justify the use of CPO powers in the public interest to regenerate the area and to provide land for the Olympics has not been presented.

Response by the London Development Agency

4.1.73 **Objector 103:** As reported for plot 73.

4.1.74 **Objector 176 & 177:** Promoting business efficiency, investment and competitiveness in its area is one of the LDA's 5 purposes⁵⁹. It may acquire land compulsorily where that would be consistent with one or more of these purposes. The general case demonstrates, without doubt, that the Order has been made so as to achieve these purposes, and above all, to achieve regeneration.

4.1.75 The plot is required for the creation of the facilities for the Olympic Games and the subsequent Legacy development. The general case establishes that these will bring huge benefits, and explains why all the land within the Order, including that required for the Olympic Park, is needed to deliver the Olympic Games and the Legacy development.

⁵⁹ LDA/1 (paragraphs 20-25)

- 4.1.76 The general case also identifies the employment and other benefits that the regeneration envisaged will bring, and records the significant positive impacts identified by the ES. Furthermore, it outlines how the Olympic Games and the Legacy development will be funded and the copy letters from the Prime Minister and the Chancellor of the Exchequer provide evidence as to the Government's guarantee of funding.
- 4.1.77 There would, inevitably, be some disruption to existing businesses but this is far outweighed by the benefits that would be achieved. There have been numerous contacts and meetings between respective agents, but no agreement has yet been reached.

Plot Number: 88

Address: Units B, C & D, the East Cross Centre, Waterden Road

Objector 6: Axelcover Limited (owner)

Objector 103: Gladquote Ltd (owner)

Plot Description

4,083 square metres of warehouse and offices known as Moss Bros, together with access ways, hardstanding and verges

Case for Objector 6

- 4.1.78 The details provided are not sufficient to demonstrate a need for the scheme and do not justify the acquisition of the Objector's premises. There is an affordability gap between values being offered by the LDA and those of alternative premises. The LDA controls a significant number of alternative premises and it is not releasing them to companies being forced to relocate without undue and unnecessary complications, including problems with tenure, price and developability. Given the large number of companies requiring to be relocated, the supply of suitable alternatives is low which is causing inflated prices and rents. The July 2007 deadline does not give sufficient time to allow for existing buildings to be adapted or new premises to be developed to suit specific requirements.

Case for Objector 103

- 4.1.79 As reported for plot 73.

Response by the London Development Agency

- 4.1.80 **Objector 6:** The general case demonstrates the need to acquire all the land within this area, to facilitate the Olympic Games and the Legacy development, as well as justifying the need for the Order Lands to be acquired by the summer of 2007.
- 4.1.81 The general case also establishes that the Games will bring huge benefits, demonstrates the LDA's approach to assisting businesses, identifies the employment and other benefits that the regeneration envisaged will bring, and records the significant positive impacts identified in the ES. It is

accepted that the benefits must be balanced against the effect on the Objector. There will, inevitably, be some disruption to existing businesses but this is far outweighed by the benefits that will be achieved.

4.1.82 The Objector is an investor owner and has advised the LDA that its objection would be withdrawn if a purchase price was agreed. Negotiations have commenced, but no agreement has yet been reached.

4.1.83 **Objector 103:** As reported for plot 73.

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4.2.0 Local Area Ab – Eton Manor

4.2.1 Local Area Ab is in the northern part of the Order Lands. It lies between the A106 (Ruckholt Road/Eastway) to the north, River Lea to the west, the East Cross Route (A12) to the south and Temple Mills Lane to the east. The western part of the area comprises an area of rough, overgrown, grassland known as White Hart Field. The eastern part of the area is the site of Eton Manor Sports Ground which is now closed and has no public access. It formerly accommodated a cricket ground, football pitches, tennis courts and the main sports centre building.

Plot Numbers: 10 & 110

Address: White Hart Field, Quartermile Lane, Hackney

Objector 347: Hackney Environment Forum

Plot Descriptions

Plot 10: 17,410 square metres of recreation ground, footpaths, grassed areas and embankment to Quartermile Lane

Plot 110: 275 square metres of part of recreation ground, footpaths, grassed areas and embankment to Quartermile Lane

Case for Objector 347

4.2.2 Parts of Hackney Marshes, including White Hart Field are designated as Metropolitan Open Space and registered as Common Land. There is no recognition of the necessity to provide replacement land or information about such replacement land for these areas of Hackney Marshes.

Response by the London Development Agency

4.2.3 The general case covers issues relating to open space, including Common Land and exchange land. White Hart Field will be used as tennis courts during and after the Olympic Games.

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4.3.0 Local Area Ac – Temple Mills/Clays Lane

- 4.3.1 Local Area Ac, in the north-eastern part of the Order Lands lies between the River Lea, East Cross Route (A12), the Lea Valley railway line/Leyton Road and the CTRL construction site. Highway routes within and across the area are, in effect, non-existent.
- 4.3.2 The area contains the Clays Lane Estate which is the only residential area of any significance within the Order Lands. It is adjoined by the Parks Estate, now vacant, and a local authority managed Gypsy site.
- 4.3.3 A significant part of the area is occupied by the Eastway Cycle Circuit and by the Manor Garden (or Eastway) allotments. Further south is an area of open space known as Bully Point pond, a site of Metropolitan Importance and a Nature Conservation Site of Borough Importance. These areas of open space are included within the Lee Valley Regional Park; however they are disconnected from the rest of the Park by the East Cross Route (A12). A triangle of predominantly open ground (Temple Mills Triangle) lies at the eastern end of the area; it has been used for grazing of horses and accommodates a residential plot.

Plot Number: 348

Address: Eastway Cycle Circuit

Objector 344: Mr N R Gansell

Plot Description

234,381 square metres of the Lee Valley Regional Park, comprising pavilion, buildings, car parks, areas of hardstanding, camp site, cycle track known as Eastway Cycle Circuit, grassed areas, wooded areas, waste land, sheds and allotment gardens, roads and tracks, subway and footbridges, Hennikers Ditch, pond, banks of the Channelsea River, bed and bank of the River Lea and electricity pylons, with part width of the East Cross Route (A12) and embankments

Case for Objector 344

- 4.3.4 The Objector does not object overall to the Order, but considers that, with the discontinuance of the Eastway Cycling Circuit at the end of the 2006 racing season, continuation of the road racing circuit should be maintained through temporary provision nearby.

Response by the London Development Agency

- 4.3.5 The LDA is seeking to minimise the impact on users of the cycle circuit. In accordance with the wishes of the Eastway Users Group (who have withdrawn their objection to the Order), it is pursuing Hog Hill as its preferred relocation site. The LDA is also committed to providing a cycle circuit in the Olympic Park as part of the Legacy proposals.

Plot Number: 351

Address: The Clays Lane Estate

- Objector 246:** Mr Anthony A Sijuwade (reputed tenant)
Objector 247: Ms Dorothy Spendiff (reputed tenant)
Objector 248: Mr Julian Cheyne (reputed tenant)
Objector 249: Ms Melissa Whiteley (reputed tenant)
Objector 250: Mr Saied Fatehi (reputed tenant)
Objector 251: Miss C A Hall (reputed tenant)
Objector 253: Mr Ian Sandison (reputed tenant)
Objector 254: Clays Lane Housing Co-operative Ltd (unknown)
Objector 255: Mr Christopher Crook (reputed tenant)
Objector 257: Miss Araceli Blanco (reputed tenant)
Objector 258: Ms Margaret Ajibode (reputed tenant)
Objector 259: G A Dyer (reputed tenant)
Objector 260: Mr Barry Ojar (reputed tenant)
Objector 287: Mr Phillip Hartley (reputed tenant)
Objector 290: Oljira Aga (reputed tenant)
Objector 291: Ms Gail Tomlinson (reputed tenant)
Objector 292: Mr Pierre Dagonnot (tenant)
Objector 293: Amani Omar (reputed tenant)
Objector 294: Mr Samuel Chudley (reputed tenant)
Objector 297: Mr Richard Jones (reputed tenant)
Objector 298: Mr Patrick Kelembeck (reputed tenant)
Objector 299: Miss Anne K C Clothier (reputed tenant)⁶⁰
Objector 300: Imsook Jo (reputed tenant)
Objector 301: Abdul Monir (reputed tenant)⁶¹
Objector 302: Charmaine Francis (reputed tenant)
Objector 303: Mr Anderson Armstrong (reputed tenant)
Objector 304: Mr Timothy Mark Hutin (reputed tenant)
Objector 305: Wai Chi Lam (reputed tenant)
Objector 306: Hyung Jun Kim (reputed tenant)
Objector 307: Miss Cristina Cebal (reputed tenant)
Objector 308: Mr John Sole (reputed tenant)
Objector 309: Mr Michael Pinder (reputed tenant)
Objector 310: Councillor Richard & Mrs Meredith Maspero Crawford (reputed tenants)
Objector 311: Ms Jane McGuire (reputed tenant)
Objector 312: Ms Maria Dolores Munoz-Coba (reputed tenant)
Objector 313: Soledad Shafique (reputed tenant)
Objector 316: Ms Anita Morton (reputed tenant)
Objector 318: Nova Pooley (reputed tenant)
Objector 320: Imam Ali Ramathan (reputed tenant)
Objector 408: Tariq Masood (tenant and occupier)⁶²

⁶⁰ Listed as Anne Clothier in list of Collective Objectors – Doc CLC/10/1

⁶¹ Listed as Abdul Moner in list of Collective Objectors - Doc CLC/10/1

⁶² Recorded in the Schedule to the Order as Tariq Massod

Objector 409:	Jamal Hammoud (tenant and occupier) ⁶³
Objector 410:	Charlton DaCosta (tenant and occupier)
Objector 411:	Michelle Alemito (tenant and occupier) ⁶⁴
Objector 412:	Frederica Aralanandom (tenant and occupier) ⁶⁵
Objector 413:	Nigel Chapman (tenant and occupier)
Objector 414:	M Derodis (unknown) ⁶⁶
Objector 415:	Ed Doherty (tenant and occupier)
Objector 416:	Oraja Eyre (tenant and occupier) ⁶⁷
Objector 417:	Mideksa Jelta (tenant and occupier)
Objector 418:	Derek McGinnes (tenant and occupier) ⁶⁸
Objector 419:	Paul Mitchell (tenant and occupier)
Objector 420:	Nwachukwu Chillka Sharon (tenant and occupier) ⁶⁹
Objector 421:	Ronnie Remmington (tenant and occupier)
Objector 422:	Helmut Seidel (tenant and occupier) ⁷⁰
Objector 423:	Amelia Gi Sesay (tenant and occupier)
Objector 424:	Claire Syrett (tenant and occupier)
Objector 425:	Andrew Watson (tenant and occupier)
Objector 426:	Mark Whitters (tenant and occupier)
Objector 430:	Victor Abhumhed (tenant and occupier)
Objector 431:	Dialo Alul (unknown) ⁷¹
Objector 432:	Anthony Bardwell (tenant and occupier)
Objector 433:	D Common (tenant and occupier)
Objector 434:	Morgan DeBrucer (tenant and occupier) ⁷²
Objector 435:	Etim E Ikpedighe (tenant and occupier)
Objector 436:	Thomas Kapcsds (tenant and occupier) ⁷³
Objector 437:	Nick P Lacey (tenant and occupier)
Objector 438:	Bridget Nigwe (tenant and occupier) ⁷⁴
Objector 439:	Peter Smiel (tenant and occupier) ⁷⁵
Objector 440:	Mehmet Turan (tenant and occupier)
Objector 441:	K Williams (tenant and occupier)
Objector 442:	Peter Yarrow (tenant and occupier) ⁷⁶
Objector 444:	Sam Crabtree (tenant and occupier)
Objector 445:	Julie Gardiner (tenant and occupier)
Objector 446:	Graham Farrell (tenant and occupier)

⁶³ Recorded in the Schedule to the Order as Jammal Hammoud

⁶⁴ Recorded in the Schedule to the Order as Alemitu Michelle

⁶⁵ Recorded in the Schedule to the Order as Frederica Arulanandom – named in the Statement submitted on behalf of the Collective Case as Frederick Arulanamdous

⁶⁶ Not listed in the Schedule to the Order

⁶⁷ Recorded in the Schedule to the Order as Orasa Eyre

⁶⁸ Recorded in the Schedule to the Order as Derek McGinnis

⁶⁹ Recorded in the Schedule to the Order as Chika Nwachukwu

⁷⁰ Recorded in the Schedule to the Order as Helmut Siedal

⁷¹ Not listed in the Schedule to the Order – nearest match is Diallo Ami, 1e Howarth Court, Clays Lane

⁷² Recorded in the Schedule to the Order as Morgan Debruler

⁷³ Recorded in the Schedule to the Order as Thomas Kapcsos

⁷⁴ Recorded in the Schedule to the Order as Bridget Ngwe

⁷⁵ Recorded in the Schedule to the Order as Peter Shiel

⁷⁶ Recorded in the Schedule to the Order as Peter Yarrow

Plot Description

24,301 square metres of housing estate comprising blocks of flats known as Crabtree, Bamford, Brook, Cooper, Daly, Holt, Howarth, Smithies, Taylor and Tweedale Courts, community centre, amenity areas, access ways and parking areas, with public road, footways and verges known as Clays Lane and electricity substation, situated south and east of the Eastway Cycle Circuit and Lee Valley Regional Park

Procedural Matters

- 4.3.6 On 17 May, I heard an application to defer the scheduled appearance of local residents as they were attempting to obtain funds to secure legal representation at the Inquiry. They had asked the LDA to reconsider its position in this regard and they were also seeking exceptional Legal Aid funding under Section 8(2)(b) of the *Access to Justice Act 1999*.⁷⁷
- 4.3.7 I ruled against deferment in view of the considerable uncertainty about the prospect of funding. However, I left open the possibility of a further application if there were to be a material change in circumstances before the scheduled appearance.
- 4.3.8 On 31 May, I held an informal meeting with representatives of the LDA and 6 Objectors to discuss the programming and organization of the residents' appearance. Both parties subsequently accepted my offer of a series of informal Round Table Sessions.⁷⁸ The first of these was held on 6 June.
- 4.3.9 At the second, on 8 June, Counsel, representing some 47 local residents, made a further application for an adjournment of 6 weeks to allow legal representation and expert evidence to be prepared and called. This was based on a positive recommendation for funding from the Legal Services Commission; and an undertaking by instructing Solicitors to underwrite the cost of the appearance pending the availability and timing of funding.
- 4.3.10 As the earlier uncertainty had been overcome, I agreed to suspend the remaining planned Round Table Sessions and to defer the appearance until 25 July. For programming reasons, the 'Collective Case for Clays Lane Residents' was heard on 27 and 28 July and on 1 and 2 August.
- 4.3.11 Evidence in support of the Collective Case was given by an expert planning witness, an expert in the subject of Co-operative housing and by 4 residents of the estate. In the presentation of the 'Collective Case' it was made clear that the individual positions were not abandoned; and all material relating thereto remained before the Inquiry. The LDA indicated that it had not responded separately to each of the individuals who had submitted material before joining the Collective Case; accordingly it relied on the totality of the evidence presented to the Inquiry and in responses generally to other residents.

⁷⁷ LDA/7

⁷⁸ INQ/4

- 4.3.12 I start by reporting the gist of the evidence presented at the Inquiry as the Collective Case, and the corresponding case for the LDA (Section A). I then move on to report the cases derived from the Round Table Session (Section B) before they were suspended. This is followed by my summary of the written material submitted individually by all of the Objectors, irrespective of whether they formed part of the Collective Case or whether they appeared at the Round Table; and the responses, where available, from the LDA (Section C). Finally, I report the cases, and the LDA's responses, for 2 residents who appeared individually at the Inquiry (Section D).
- 4.3.13 In reporting individual objections, I have not attempted to exclude material already covered by the Collective Case or at the Round Table. Inevitably, there is a measure of repetition; but this provides the most faithful way of reflecting the events and each individual's position.

Section A

The Collective Case for Clays Lane Residents - Formal Inquiry Appearance

Case for Objectors: 246-248, 250, 253, 255, 257, 258, 287, 290, 291, 294, 297-301, 305, 308-311, 313, 316, 320, 408-426, 430-442 & 444-446

The design of the Olympic Park

- 4.3.14 There was every indication from the outset that consideration would be given to retaining the Clays Lane Estate as part of the Olympic and non-Olympic regeneration proposals for the Lower Lea Valley.⁷⁹ This would have been consistent with Policy UR14 of the *Newham UDP* which sought to include residential uses in the development of the Stratford Rail Lands so as to reduce the isolation of the Clays Lane Estate.⁸⁰
- 4.3.15 However, the Clays Lane Estate was subsequently identified as the location of the Athletes' Village. The ES provides nothing more than a simple tabular comparison of Stratford City/Clays Lane; the northern part of Fish Island; and West Ham as possible alternative sites.⁸¹ In this regard there is no indication of any systematic examination of the opportunities to overcome the stated disadvantages of Fish Island and West Ham or to add the benefits that would accrue in Legacy. Both locations are recognized to be in need of regeneration and West Ham, in particular, would be well related to areas of intense multiple deprivation.⁸² Additionally, the need to demolish the Clays Lane Estate is not weighed in the process; and it is not clear how the benefits to athletes have been balanced against the loss of an important community.
- 4.3.16 The grant of planning permission for the Olympic and Legacy development appears to have provided the basis for an assumption, in the minds-eye of the design team, that the Clays Lane Estate would make way for Olympic development, whatever its form and purpose. The approved scheme identified the land on which the estate stands as the focus for the Athletes'

⁷⁹ CLC/1/6

⁸⁰ CD11 LB Newham UDP (June 2001) (Policy UR14 and paragraph 2.136 (c))

⁸¹ CD20.10 (08) Environmental Statement, Part 2 (Chapter 5, Text page 7)

⁸² CD25 Appendix of Plans (Plan 15)

Village.⁸³ However, in January 2006, that was moved to be almost entirely within the Stratford City development, with the bulk of the estate being relegated to accommodate back-of-house facilities, the Loop Road and a sporting venue.⁸⁴ That exercise also saw the relocation within the Park of the IBC and the MPC; and the reintroduction of Paralympic tennis, archery and fencing facilities. Further changes to the layout followed in June 2006.⁸⁵

4.3.17 All this suggests an evolutionary process and a degree of flexibility, having particular regard to the peripheral location of the estate in relation to the Park as a whole; but there is no evidence of any further thought being given to the possibility of retaining the Clays Lane community. There is, for example, nothing to show why some of the additional or relocated facilities could not be removed to other venues outside the Park; or, why the use of land outside the Park could not be used for non-secure back-of-house facilities or parking for people with disabilities. Additionally, there is no basis to pre-suppose the fixing of the Loop Road or why development platforms should not be re-designed.

4.3.18 Moreover, the design optimization of December 2005, which looked at the relationship of the Athletes' Village with the Stratford City development, provided an opportunity to accommodate all of the athletes in Stratford City itself.⁸⁶ Although that would have breached IOC guidelines, the housing of athletes at no more than 8 floors high is not an absolute as is apparent from the concession gained in relation to the January Olympic Masterplan amendments. That would, in turn, have facilitated the relocation of back-of-house facilities away from the Clays Lane Estate. It would also have had the advantage of avoiding extensive land re-contouring to create the necessary level development platform, given the considerable change in levels between Stratford City and the estate; and, as an existing remediated site, development at Stratford City could progress much sooner.

4.3.19 Given that the Clays Lane Estate is the only residential community to be affected by the Olympic Games, it is not unreasonable to expect a well documented and wholly transparent process to justify the acquisition of the estate. Much of the evidence rests on the design of the Park as a whole with little detail in relation to the Clays Lane Estate. In particular, there is nothing to show the proper evaluation of alternatives and whether there was any commitment to seeking to retain the community after the grant of planning permission in 2004. That burden rests with the LDA:- put simply, it has not been discharged. On this basis, the Clays Lane Estate should be excluded from the Order Lands as the LDA has not set out a compelling case to show that it is genuinely required.

⁸³ CD25 Appendix of Plans (Plans 20 & 21)

⁸⁴ CD25 Appendix of Plans (Plans 22 & 27)

⁸⁵ LDA/14

⁸⁶ LDA/REB/12 (Appendix 3)

The Clays Lane Estate – Design and Community

- 4.3.20 The Clays Lane Estate was built in the late 1970s for single people in a self-managed community engaging the internationally recognized Co-operative principles.⁸⁷ The Fluid Report describes it as the largest estate of its type in England and Wales;⁸⁸ and notes its unique qualities in terms of the style of living, the type of people who live there and its spatial qualities.⁸⁹ However, self-management came to an end when evidence of mis-management was found by the Housing Corporation. Ownership of the estate and its assets were transferred, following litigation, to Peabody Trust in August 2005.⁹⁰
- 4.3.21 The estate comprises 10 courtyards each with a mix of single person bungalows, flats and shared households of 4, 6 and 10 persons. The arrangement of the courtyards was fundamental to the Co-operative principles by establishing the basic democratic unit. Each courtyard has its own character, with subtle variation contributing to the overall appearance of the estate. The design and layout of the estate is valued by those who live there, not least for the major influence of the intimate courtyards in interaction and social gathering. The double height living areas of the shared houses, with their large windows overlooking the courtyard, provide a friendly and relaxed ambience. More formal gatherings are held in the community centre which also accommodates the estate housing office.
- 4.3.22 The buildings sit within informal landscaped grounds, covering about 30% of the estate, and there is easy access to informal recreation, stretching from the immediacy of the Eastway Cycle Circuit across East Marsh, Arena Field and Hackney Marshes into the more distant Lee Valley Regional Park.⁹¹ The estate has generous car parking provision; it is served by day and night buses; it is well located to access rail, tube and DLR services at Stratford; and shops and facilities are not far away. Overall, the estate is well related to contribute to the planned Legacy development of the area and the benefits that it will bring. Indeed the benefits of Legacy would be the greater if the Clays Lane Estate, and its residents, could remain as part of a larger sustainable community, consistent with the over-arching objectives of Government guidance.
- 4.3.23 It is apparent that the estate, and for some the Co-op, has been an integral and valued part of their lives and considerable social capital, the ethos of the Co-op and historical understanding continues:- it is worthy of protection. The community offers mutual support for its residents, some of whom might be regarded as being 'vulnerable' and incapable of living on their own in London. There is every reason to believe, had a support package been put in place by a professional and competent agency at the appropriate time, that the management and organizational problems which led to the community losing control of its housing could have been avoided.

⁸⁷ LDA/AG/3 (Appendix 4 page 51)

⁸⁸ LDA/AG/3 (Appendix 4 page 80)

⁸⁹ LDA/AG/3 (Appendix 4 page 51)

⁹⁰ LDA/AG/3 (Appendix 3)

⁹¹ LDA/AG/3 (Appendix 4 page 37)

Impact on the Community

- 4.3.24 Uncertainty clouded the early stages of consultation leading to the submission of the planning applications for the Olympic and Legacy developments with the future of the Clays Lane Estate in the non-Olympic scenario being unclear. Residents were told that a successful Olympic Bid would see the demolition of the estate but they were reassured that they would have the right to move as a community, probably in 2008/09; but no detail was ever forthcoming. It was intended to conduct a survey of residents in March 2004 to assess their relocation needs but nothing happened.
- 4.3.25 The silence was broken by an unsolicited letter to residents, dated 18 June 2004, from the LDA's Executive Director (the 'Winterbottom letter').⁹² It indicated that in the event of a successful bid '*..... the residents living in Clays Lane would need to be re-housed. Under these circumstances, the LDA is responsible for ensuring that you are re-housed in suitable accommodation that reflects your individual needs and is at least as good, if not better, than your existing accommodation.*' It added '*The LDA is committed to providing you with as much information as possible throughout the process.*' This provided a legitimate expectation amongst residents.
- 4.3.26 The letter was reinforced by a Questions and Answer sheet which gave further reassurance:- '*.....The LDA is responsible for ensuring that suitable accommodation, which meets your needs, is made available and we want to plan for this with you as early as possible to minimize uncertainty and ensure that a number of options are put to you.*'⁹³
- 4.3.27 The process got off to a good start with the 'Fluid Survey' which asked the right questions and was well conducted. Its primary aim, contrary to the evidence of the LDA, was to clearly establish the needs of individual residents.⁹⁴ The outcome of the survey was made known to residents under cover of an individual letter from the LDA which indicated that the '*..... information you have provided is now invaluable in helping us to understand your housing needs and to begin the process of identifying re-housing options.*'⁹⁵
- 4.3.28 The summary report (January 2005) stated:- '*If a number of Clays Lane residents decide that they would like to be re-housed in a co-operative/collective housing arrangement then it would be for the Registered Social Landlord (RSL) that succeeds the Clays Lane Housing Co-operative (CLHC) to investigate the feasibility of this. The LDA is committed to the relocation of all Clays Lane residents, and therefore will maintain a high degree of responsibility over the process in order to ensure that all residents are re-housed. No matter which RSL is in charge of the housing allocations, they will be accountable to the LDA. The LDA will steer the process and judge it according to regulatory benchmarks to ensure its commitment to the residents is carried out.*'⁹⁶

⁹² CLC/1/2 (page 97)

⁹³ CLC/1/2 (page 187)

⁹⁴ LDA/AG/3 (Appendix 4 page 16)

⁹⁵ CLC/1/2 (page 137)

⁹⁶ CLC/1/2 (page 28(o))

- 4.3.29 However, the publication of the full version, in April 2005, raised 3 principal concerns. Firstly the statement '*The LDA will be seeking to ensure that residents are re-housed in accommodation at least as good as they currently have and as far as is reasonably practicable*';⁹⁷ secondly the lack of reference to those who lived in bungalows being able to move to a new bungalow; and thirdly accelerating the timeline for the move from 2008 to mid-2007. The first was clearly a step back from the 'Winterbottom letter'.
- 4.3.30 A period of inactivity followed and the autumn 2004 timeline for the start of consultation with residents on possible re-housing options, and discussions with RSLs on housing solutions, passed. So too did the start date, January 2005, for the provision of re-housing.⁹⁸ London won the bid to host the Olympic Games in July 2005; but the first contact from the LDA was not until September; and that was a statutory request for information preceding the making of the CPO.
- 4.3.31 At about the same time, Peabody Trust took over the management of the estate and insisted on the completion of a second survey (the CBHA survey); it was a very unsatisfactory process and some residents have failed to comply. Although it was intended to complement the Fluid survey, it came as a surprise that the results of the earlier survey were not available to the Community Based Housing Association (CBHA). The new survey was seen by residents as a largely unnecessary replacement survey. The whole process of assessing residents' aspirations became frustrated and delayed.
- 4.3.32 The Fluid survey established that there was a substantial demand amongst residents for community moves:- 32.7% of those surveyed indicated such a preference and, by extrapolation and inclusion of those unsure at the time, the eventual number could have been in the order of 210 residents.⁹⁹ But, the LDA failed to undertake any work in preparation for a group move; and there is no evidence to show any such consideration before November 2005 when Redloft Partnership, a specialist site finding company which works with RSLs, was commissioned to look for sites.¹⁰⁰ The LDA effectively ignored established demand from a considerable part of the community; and, similarly, there is no evidence of systematic or effective planning for those who wanted a move within the RSL sector.
- 4.3.33 Eventually, after much persistence, a suite of meetings was arranged with the LDA and CBHA for the end of September. Little new emerged other than the promise of a relocation strategy and an Independent Tenant Liaison Advisor (ITLA) service from December. There was also some reassurance about the possibility of residents, as a re-located group, being able to manage their own affairs through a Tenant Management Organisation (TMO). Residents expressed considerable disquiet about the administration of the CBHA survey and the availability of the Fluid returns; the level of compensation; and future increased housing costs. Significantly, for those

⁹⁷ LDA/AG/3 (Appendix 4 page 5)

⁹⁸ LDA/AG/3 (Appendix 4 page 71)

⁹⁹ LDA/AG/3 (Appendix 4 page 31)

¹⁰⁰ CLC/1/2 (pages 132 - 134)

occupying bungalows, equivalency could not be guaranteed and one of the CBHA Directors indicated that there would be “*winner and losers.*” This represented a further move away from the promise in the ‘Winterbottom letter’.

- 4.3.34 During October residents became more concerned about the situation, the lack of information and the LDA's overall inertia; and sought to enlist the support of politicians. A response to questions put to the Mayor brought fresh hope over and above the ‘Winterbottom letter’:- *‘I am committed to Clays Lane residents being given a range of re-housing options that is expected to lead to an improvement in their current accommodation’.* It was also acknowledged that *‘..... the LDAdoes anticipate that the alternative housing being sought will be an improvement compared to residents’ current housing, in terms of quality, space standards and amenities.’*¹⁰¹ The latter was taken to mean that all of the amenities enjoyed by residents, for example:- free car parking; community centre; good transport connections; nearby open spaces and the concept of the community would be protected.¹⁰²
- 4.3.35 In November a group of residents met CBHA to press the issue of group moves and left with the impression that progress might be imminent; but this became a false dawn as the expectation of further details by February passed. Requests to the LDA for legal advice and representation in opposing the CPO were denied, as that was seen to be the role of the ITLA. There were also concerns about the manner in which the CPO had been delivered and some residents were unaware of its existence.
- 4.3.36 Finally, the November Newsletter provided no new information and, without direct reference to the ‘Winterbottom letter’, it sought to discredit what it portrayed as residents’ unrealistic expectations. The newsletter also announced that the ITLA appointment would be made in mid-December; but that process stumbled on the method of appointment and the choice of the Safer Neighbourhoods Unit (SNU) to the role was not confirmed until January 2006.
- 4.3.37 CBHA also managed to damage its reputation by, for example, comments in its information sheet that some residents might be contemplating profiteering by buying property;¹⁰³ and for mis-advising a number of tenants about the movement process, rents and tenancy status. Yet this is the body charged with managing the process of re-housing tenants:- it is of great concern that there is no effective monitoring or complaints procedure in place. The fortnightly meetings between the LDA and the CBHA's Chief Executive provide no reassurance in this regard.
- 4.3.38 Some tenants have given up hope and have already moved from the estate. Arrangements barely exist to provide suitable re-housing with most of the replacement accommodation arising from Peabody Trust stock; and there does not seem to be anything in place for those who wish to move out of the area. Moreover, Peabody Trust was initially charging the highest possible

¹⁰¹ CLC/1/2 (pages 1 & 2)

¹⁰² CLC/1/3

¹⁰³ CLC/1/2 (page 96e)

rents when tenants moved which, although rescinded, has been the cause of great concern and stress. Some of those who have moved have expressed unhappiness about a number of issues including:- their separation from the community of Clays Lane; the quality, size and cost of accommodation offered; and problems having moved in.

- 4.3.39 Other tenants have found it difficult to get 'decant status' with the London Borough of Newham, having been told in March 2006 that they would be given priority. But such arrangements had not been secured by the LDA; and there has been a failure to set up meetings between residents, Peabody Trust and CBHA. It is also alarming that, despite acknowledgement by CBHA and SNU, about the need to support vulnerable tenants, no measures have been put in place.¹⁰⁴
- 4.3.40 Throughout this period the LDA has done nothing to be proactive and the same attitude has become prevalent within SNU. It has always been the residents who have made the first approach and it should be borne in mind that many of the Clays Lane community are anxious and frightened when confronted by a poorly managed process. By way of example, the full remit of SNU has not been produced; and its presence on the estate is nothing more than a once-a-week evening drop-in session. It has also failed to approach hard-to-reach tenants; it has not undertaken a legal audit of the issues; it has not kept residents informed; it has not engaged with a lawyer; it remains unaware of key issues; and it has failed to apply for its entitlement of additional legal assistance.
- 4.3.41 Belatedly and surprisingly, in June 2006, a draft Re-housing Policy was issued by CBHA; however, the initiative should have come from the LDA as the body responsible for making commitments about re-housing.¹⁰⁵ Even then, 2 drafts were in separate circulation and there was confusion about confidentiality. The draft policy, as it stands, contains a number of significant omissions and fails to offer tenants the protection that they deserve.¹⁰⁶
- 4.3.42 The same was said about the Residential Relocation Strategy which the LDA is required to submit, to the local planning authorities, in accordance with the conditional grant of planning permission for the Olympic Games.¹⁰⁷ The timeline in Fluid provides for submission in September 2004 with the expectation of approval by October 2005.¹⁰⁸ However, it was not submitted until January 2006; and it was rejected in March due to inadequacies in monitoring and control issues.
- 4.3.43 There is a real prospect that there will never be an agreed Residential Relocation Strategy, and Re-housing Policy; or at least not until the relocation process is in its final stages. It is notable that residents have not been involved in the formulation of the Strategy and the opportunity to make

¹⁰⁴ CLC/1/2 (page 257)

¹⁰⁵ CLC/1/2 (pages 84 – 89)

¹⁰⁶ CLC/1/1 (pages 93 – 100)

¹⁰⁷ CLC/1/2 (pages 19 - 28); CLC/1/1 (pages 78 - 92)

¹⁰⁸ LDA/AG/3 (Appendix 4 page 71)

representations to the planning authority is no substitute for effective participation. The LDA's complacency in working to the letter of the planning condition, which requires the Strategy to be agreed before any development works commence, pays scant regard to the needs of residents to know what their future is and to have a Strategy in place with an in-built monitoring and complaints procedure mechanism.

- 4.3.44 The 'Winterbottom letter' also promised to keep residents informed. However, the expectation of information displays on the estate and the supply of individual residents' packs (containing, for example, details of re-housing agencies and providers; types and location of properties; rents and service charges, with comparison to those at Clays Lane; clarification of standards and amenities; and an allocations policy) remained unfulfilled. The Clays Lane Residents' Newsletter has not provided an effective substitute, and the early editions were not very informative. Residents have had to seek out information, not least by having to resort to formal 'Freedom of Information' requests.
- 4.3.45 Residents were also kept in the dark about the revisions to the Olympic and Legacy Masterplans which were announced in January 2006. Although notification appeared in a concurrent edition of the Clays Lane Residents' Newsletter, the impression was that the changes did not affect Clays Lane.¹⁰⁹ On the contrary, the removal of much of the Athletes' Village was a significant alteration which residents, and particularly Objectors, should have known about; and subsequent requests for further information went unanswered. The situation was further compounded by the June changes shortly after residents had appeared at a Round Table session.
- 4.3.46 Despite all this, progress on the possibility of group moves was made in February 2006 when a meeting took place between Clays Lane on the Move, SNU, LDA and CBHA and a site was offered at Galleon's Roundabout. But the whole programme was way behind in terms of what should have been resolved by that date; and much still remained to be settled as there was conflicting advice about the ability of residents to have an input into the design of new housing and a lack of information about rents and benefit eligibility.
- 4.3.47 News on the group move went cold; but the LDA indicated that SNU would carry out a survey during April into the demand for such a move. However, this did not get off the ground until June. Nonetheless, April saw the first serious information about possible sites but it became clear that any new-build scheme could not be delivered before residents would have to move out of Clays Lane and a temporary interim move, or double decant, would be necessary.
- 4.3.48 Three groups have since formed:- it is likely that one group will move directly to the refurbished Nags Head Estate in Hackney where accommodation will be available before the date on which the LDA require vacant possession; the second favour new-build at Galleon's Roundabout;

¹⁰⁹ CLC/1/2 (page 14a)

and the search for a site for the third group is continuing. However, as an illustration of potential shortcomings:- access to design for the smallest group remains an issue; the formation of a fully mutual Co-op has been denied; and the option of a TMO would offer only limited benefits and residents would have no control over their rents.¹¹⁰

- 4.3.49 Notwithstanding this more recent progress, there are numerous outstanding issues and it is apparent that the LDA had failed completely to prepare for this scenario having done its utmost to deny any demand for group moves. The strength of the commitment to retaining one or more groups has achieved 124 expressions of interest out of 205 people interviewed, with around 100 more yet to be contacted. Starting this process some 2 years after it should have commenced has created considerable uncertainty; a number have already left the community of Clays Lane, including some who were interested in moving as part of a community, believing that to be the best option in the circumstances. However, despite all of the obstacles along the way a considerable number live in hope of continuing to live in a community based on the experience gained through living at Clays Lane.
- 4.3.50 From the foregoing, it is clearly demonstrated that the LDA has failed to devise and operate an effective Relocation Strategy for the residents of the Clays Lane Estate at a risk to its social capital.¹¹¹ Delay and missed timelines have had a dramatic effect which can only be salvaged by the retention of the estate in its current form or by some other drastic action to deliver what residents were promised. To date, residents have had to make all the running in seeking to secure their future.

Rents

- 4.3.51 The residents of the Clays Lane Estate have always enjoyed low rents, inclusive of service charge, utilities and Council Tax. Their concerns about the affordability of increased rents, set out in the Fluid Report,¹¹² have not been allayed by the LDA and it has done nothing to assess the impact of higher rents and other charges. Although the November 2005 Newsletter committed the LDA to investigating housing costs in East London, it has done nothing other than respond to a compensation document prepared in May 2006 by SNU.¹¹³
- 4.3.52 The LDA's assessment of future living costs for those moving away from Clays Lane is highly questionable and unrealistic. The rent for a Peabody Trust one-bed flat in the London Borough of Newham, is said to be £66.54 per week. However, taking an average of properties that have been on offer, the weekly cost is £89.79.¹¹⁴ One person is known to be paying £110 per week excluding bills; and another's total outgoings on accommodation are 3 times the amount they were at Clays Lane.

¹¹⁰ CLC/1/1 (pages 101 – 104)

¹¹¹ CLC/1/1 (pages 105 & 106)

¹¹² LDA/AG/3 (Appendix 4 page 50)

¹¹³ CLC/1/2 (page 14); CLC/4/1 (Appendix 5)

¹¹⁴ CLC/4/1 (Appendix 6)

- 4.3.53 The comparison should not be restricted to rents in the London Borough of Newham as a lot of tenants have moved to other areas. In this regard, there has been limited access to local properties as it took the LDA some 7 months into the relocation programme to resolve with the London Borough of Newham the award of 'decant status' for existing tenants. Moreover, the LDA has not provided any evidence of the numbers who have secured relocation in the London Borough of Newham and the rents they are paying. Even then, it would not be able to guarantee the level of rents that others relocating in the near future will have to pay.
- 4.3.54 The Housing Association has also published guidelines on the assessment of rents in relation to resolving rent differentials and sets out a formula for general rent increases up to 2011/12. Applying that to both Peabody Trust rents and those at Clays Lane, including reasonable estimates for Council Tax and utilities, the weekly cost of the former would increase from £121.37 to £158.80 whereas the expected rise at Clays Lane would be from £67.13 to £75.73.¹¹⁵
- 4.3.55 It is clearly the case that residents relocating from Clays Lane will be very significantly worse off in financial terms, contrary to the like-for-like criterion set out in the 'Winterbottom letter'. They have a justifiable expectation of equivalence in all senses as the community is not moving by choice.

Legal Submissions

- 4.3.56 The residents of the Clays Lane Estate had a legitimate expectation of a process that would involve them fully through proper consultation. In the *ex parte Baker* case it was held that '*.....the Authority owed the permanent residents of the home a duty to act fairly in making the decision to close the home, which duty included a duty to consult over the proposed closure. The essentials of any consultation in that context required (i) that the residents be informed of the proposed closure of their home well in advance of the final decision on the matter, (ii) that the residents have reasonable time in which to put their objections to the proposed closure to the local authority and (iii) that those objections be considered by the local authority. The prima facie obligation to accord procedural fairness did not mean that each individual resident had an individual right to be consulted face to face by local authority officers or groups of councillors and could be achieved by meetings held by local authority officers with the residents generally at a particular home or by views expressed through the support group*'¹¹⁶
- 4.3.57 The 'consultation' exercise at Clays Lane, such as it was, fell short of these principles and there is no evidence to show that consultation was an ongoing and genuine process between the publication of the Fluid Report and the first of a series of meetings held in September 2005. Reference to the Judicial Review Handbook under the heading '**A body must adopt a fair procedure, giving those affected a fair and informed say**' goes on to explain that:- '*In many situations, only the legal standards of a proper consultation exercise will suffice. That means consultation: (1) at a time when proposals are still at a formative stage;*

¹¹⁵ CLC/4/1 (Appendix 1 & notes A – C)

¹¹⁶ CLC/8/1 *R v Devon County Council, ex parte Baker and another* AELR [1995] (page 74)

(2) with sufficient information and reasoning to allow a proper and informed response; (3) with adequate time; and (4) resulting in conscientious and open-minded consideration.'¹¹⁷

- 4.3.58 In the Handbook reference is made to *'the Sedley requirements'* of consultation, and they are not dissimilar:- *'First, consultation must be at a time when proposals are still at a formative stage.'* (The second is not relied on). *'Thirdly adequate time must be given for consideration and response and, finally, fourthly the product of consultation must be conscientiously taken into account in finalising any proposals.'*¹¹⁸
- 4.3.59 Here, the particular promise in the 'Winterbottom letter' has not been fulfilled or discharged; and even in the absence of that particular promise, the legal requirements of the consultation generally have not been met. The formative stage for effective consultation was at the time of the 'Winterbottom letter'; that has long since passed, yet some residents have already been moved. Residents are continuing to move as consultation is being considered; and the promise of a housing policy has only just emerged. In the case of the group moves, the SNU survey was not instigated until June 2006, which is too late for many residents to contribute to that process. It is also apparent that, at the beginning of the process, the initial Fluid responses were not conscientiously taken into account.
- 4.3.60 On a further point, Section 27 of the *Regional Development Agencies Act 1988* as amended by the *Greater London Authority Act 1999* states:- *'The Mayor may provide guidance or direction to the LDA in relation to its functions and may issue a direction restricting the LDA in the exercise of its functions or require it to exercise its functions in a particular manner.'* The answers provided by the Mayor to questions on the future of Clays Lane, and his commitment to residents on the standard of accommodation and amenities that they should expect, amount to guidance within the meaning of the Act. That guidance has not been followed.

Circular 06/2004 and Human Rights

- 4.3.61 Confirmation of a CPO requires there to be a compelling case in the public interest, having particular regard to the provisions of Article 1 of the First Protocol to the *European Convention on Human Rights* and, in the case of a dwelling, Article 8 of the *Convention*.
- 4.3.62 The process is one of balance but here the LDA has failed to consider properly, or at all, the special features of the estate, the nature and extent of the resulting community, and the disproportionate emotional cost to residents. It has also failed to deliver a Relocation Strategy to meet the individual and group needs of the only residential community in the Order Lands; and the informal one that it is operating is one of its own making without consultation and endorsement; and without monitoring and supervision.

¹¹⁷ CLC/8/2 Judicial Review Handbook (extract) (pages 997 & 1026)

¹¹⁸ CLC/8/2 Judicial Review Handbook (extract) (pages 1026 & 1027)

- 4.3.63 Even if the Secretary of State were to accept that the LDA has made a compelling case for the acquisition of the Clays Lane Estate, the Order should not be confirmed due to the LDA's failure to provide an effective Relocation Strategy. Alternatively, the inclusion of the estate should only be contemplated with appropriate safeguards to achieve a meaningful relocation for its residents;¹¹⁹ and for provision to be made for those who have already been relocated to be offered the opportunity to resume community life.

Response by the London Development Agency

The Design of the Olympic Park

- 4.3.64 Early in the masterplanning process the northern part of the Lower Lea Valley was identified as the preferred location for the Olympic Park with existing roads, railways and waterways providing a clearly defined perimeter. The layout was guided by:- a focus on Legacy; the creation of a compact Olympic Park within a clearly defined security cordon; strategic access points into the Park and the provision of a perimeter Loop Road for security and ease of access; a central linear concourse; and an efficient layout with minimum land-take by optimizing inter-relationships between venues and support facilities.¹²⁰
- 4.3.65 Of the 3 principal locations assessed for the Athletes' Village, Fish Island was ruled out as its limited public transport links would have constrained residential densities and involved a larger land-take. The area south-west of West Ham station, although having good public transport links into London, was looked at very seriously but was seen to be incapable of providing secure access between the Village and the main sporting venues. Most of the available land would have been taken by the Village in conflict with the Legacy aspiration of mixed-use development, with a residential element, to accord with the MOZ designation in the *Lower Lea Valley OAPF*.¹²¹ The resultant residential community would have lacked its own facilities; and integration with Plaistow town centre, some 5 kilometres away and separated by the Jubilee Line, would have been less than satisfactory.¹²²
- 4.3.66 The Stratford City/Clays Lane area was chosen for its exceptional public transport accessibility, based on Stratford International station and Stratford Regional station. It offered the opportunity of creating high density housing in a highly sustainable location, which other locations in the Park could not match. This would leave a community in Legacy which would be well integrated with the remainder of the Stratford City development and the existing town centre facilities of Stratford.¹²³ The demolition of the Clays Lane Estate was acknowledged to be a disadvantage. However, it was considered that the overwhelming advantages of this location, in meeting the functional and physical requirements of the Athletes' Village and delivering

¹¹⁹ CLC/1/1 (pages 107 & 108)

¹²⁰ LDA/JP/1 (paragraphs 5.21 – 5.30)

¹²¹ CD11 LB Newham UDP (June 2001) (Policy UR25)

¹²² LDA/REB/12 (paragraphs 4.6 - 4.12); LDA/REB/38 (paragraphs 2.1 – 2.6)

¹²³ LDA/REB/12 (paragraphs 4.3 - 4.5)

a high quality and sustainable Legacy, in conjunction with the Stratford City scheme, outweighed the loss of this community.

- 4.3.67 The Olympic and Legacy Masterplans have undergone review as the design process has progressed. The amendments in January 2006 saw a more compact Park, overall cost savings, improved security arrangements and a number of changes within.¹²⁴ In relation to the Clays Lane area, the Athletes' Village was moved closer to Stratford City to provide better connections between the residential area and the key facilities at Stratford City with Legacy in mind; and to allow construction to start earlier on an already prepared and remediated site.¹²⁵ None of this reduced the need for the area around Clays Lane and additional internal amendments, in June 2006, made no changes to the boundaries but saw the relocation and repositioning of a number of facilities.¹²⁶ The overall process of testing multiple options has been complex and fast moving; but the outcomes are entirely consistent with the underlying aim of delivering a memorable Games and a successful Legacy.
- 4.3.68 The possibility of accommodating the entire Athletes' Village in Stratford City was considered in December 2005.¹²⁷ However, it was discounted as it would have exceeded the residential floorspace limitations of the Stratford City planning permission and compromised the carefully crafted and negotiated design principles of the scheme. It would also have resulted in a greater proportion of athletes being accommodated on higher floors with no guarantee of support from the IOC. Although the developer of Stratford City is seeking to increase residential density, that is limited to the central core of the scheme, above the shopping centre, and does not undermine the conclusions reached by the Olympic design team.¹²⁸
- 4.3.69 Returning to Clays Lane, only a small part of the land occupied by the estate is required for residential accommodation and the bulk of it will be occupied by back-of-house facilities, and small parts will be taken by the Loop Road and sporting facilities.¹²⁹ However, none of these can be considered in isolation in terms of the criteria set by the IOC and the manner in which the Village must function as a small town.¹³⁰
- 4.3.70 The back-of-house facilities must include dining accommodation (5,000+ seats); a comprehensive medical/health centre; office accommodation; logistic warehouses; housekeeping services; vehicle storage yards; and facilities to cater for some 8,000 who will work within the Village. The Village also needs to provide a range of town-centre type facilities, a transport hub and easy, safe and convenient access to venues and facilities inside and outside of the Park. All of these integral components need to be

¹²⁴ CD25 Appendix of Plans (Plans 20 & 21)

¹²⁵ LDA/REB/12 (paragraphs 4.13 - 4.17)

¹²⁶ LDA/14

¹²⁷ LDA/REB/12 (Appendix 3)

¹²⁸ CLC/5/1 (Appendix 6)

¹²⁹ LDA/14

¹³⁰ LDA/REB/12 (paragraphs 3.1 – 3.9)

located close to the Olympic Loop Road and within the Village for ease of servicing and security.¹³¹

- 4.3.71 The layout and design of the Village is constrained by a number of complex requirements and inter-relationships. In this regard, it must fulfil a range of functional criteria in the design of the residential accommodation; by necessity of scale it will require a large area of land free from buildings; efficiency and convenience demands careful planning of its relationship with access to venues and training facilities; and security requirements dictate a cordon within which the entire Village and its support facilities must be located.¹³² Severance and relocation is impracticable especially as there is absolutely no spare land within the Park. Moving facilities out to other locations would compromise the underlying rationale of the Games.
- 4.3.72 All of the above is but one element of a process driven by Legacy considerations where the masterplanning exercise has to focus on achieving a 'best fit' between the design of the Village during the Games and its role as part of a major new city in Legacy. The residential component will remain, with up to 10% of the units being 'fully accessible' and some 50% providing 'affordable housing'. So too will the health/medical facilities and the dining hall, which will become a new education campus. The sites of the temporary back-of-house buildings and structures will be available for development as part of the mixed-use concept for this area.¹³³
- 4.3.73 The totality of the evidence shows the need to include the Clays Lane Estate within the project and why other locations have been rejected. It leaves a simple choice between acquisition of the land and the delivery of the Olympics and Legacy or, the failure of the scheme and no Legacy benefits. The changes suggested by the Objectors have not been tested against the criteria which underpin the current Masterplans for either the Olympics or Legacy phases and, in offering complete uncertainty as to how the Games and Legacy benefits would be delivered, do not represent a serious challenge to the careful and critical work undertaken on behalf of the LDA. The importance of a properly located Athletes' Village cannot be overestimated.
- 4.3.74 The design process as a whole has sought to minimise the need to acquire land compulsorily; and the need to locate facilities on those lands has been examined critically. It would be unrealistic to expect that every part of the process should have been marked by a paper trail:- no CPO for a project of any size or complexity would ever be promoted, let alone confirmed, if this was the burden placed upon an acquiring authority.
- 4.3.75 The grant of planning permission in 2004 was an endorsement of the Masterplans and the need to include the Clays Lane Estate. That remains the position today and it is not a matter of whether the LDA has struck the right balance in the design process but whether it has demonstrated a compelling case for the acquisition of the Order Lands. The case for acquiring the Clays

¹³¹ LDA/REB/12 (paragraphs 3.10 – 3.15)

¹³² LDA/REB/12 (paragraphs 3.16 – 3.17.4)

¹³³ LDA/REB/12 (paragraphs 3.18 – 3.29)

Lane Estate, although not a focus of the LDA's general case, is specifically made out in response to these objections. Lord Coe, when asked, by an Objector from the estate, about the possibility of reconfiguring the Park to avoid Clays Lane said *"We would not have had an Olympic Park and we would not be sitting in this room discussing this issue today because we would not have won [the bid]"*.¹³⁴

The Clays Lane Estate – Design and Community

- 4.3.76 The Clays Lane Estate provides single tenure and single occupancy accommodation for a limited age range with some 89% of the accommodation in shared households. The large units have been the least successful and the Co-operative, when it existed, and CBHA acknowledged the desirability of converting the properties to self-contained accommodation.
- 4.3.77 In addition, independent reports found the larger units to be below the London Borough of Newham's standards for multi-occupancy accommodation; and the properties as a whole failed to reach the Government's 'Decent Homes Standard'.¹³⁵ It was recognized that extensive works, both internal and external, and to outdoor access and communal areas, would be needed to achieve compliance. It is also notable that the Fluid survey of residents found only 25 tenants (8.6%) wishing to remain in shared accommodation.¹³⁶
- 4.3.78 Over time there have been serious social problems at the estate; and the low level of interest and involvement in the Co-operative was a major weakness. The Co-operative's approach on a number of issues was found to be deficient; and its responsibilities were transferred, on the direction of the Housing Corporation, to Peabody Trust. The formal powers of the Co-operative ceased to exist in August 2005.¹³⁷
- 4.3.79 The Clays Lane Estate is by no means unique, especially in its physical sense, and a number of Housing Co-operatives are to be found across London.¹³⁸ Nonetheless, the LDA does not deny that it is seen to be unique and special to at least some of its residents and, for some, there is a sense of 'Co-op nostalgia'.¹³⁹ But even that will fade over time and the principles, organization and obligations that once brought and held the community together will have little relevance even if the estate were to be retained. Ironically, the only prospect of recreating some form of group governance, for those who want it, is through the LDA's relocation proposals and the offer of a TMO.
- 4.3.80 The LDA also accepts that there is some evidence of a mutually supportive community at Clays Lane, but it is clear that the occupants have a variety of

¹³⁴ Transcript Day 3 (page 147)

¹³⁵ LDA/REB/39 (paragraphs 3.1 - 3.14 & Appendix 1 - 3)

¹³⁶ LDA/AG/3 (Appendix 4 page 33)

¹³⁷ CLC/5/1 (Appendix 3 pages 92, 93, 99 & 100);
LDA/REB39 (Appendix 1); LDA/REB/39 (paragraphs 3.18 - 3.28)

¹³⁸ LDA/AG/3 (Appendix 4 page 64)

¹³⁹ CLC/1/2 (page 325)

different views on the worth of any community ethos and the desirability of maintaining a single community. In this regard the Fluid survey found that most of the residents interviewed were not interested in a community move, with 151 (53.2%) indicating a wish to be housed separately compared to 93 (32.7%) who were looking to retain a collective housing arrangement.¹⁴⁰ The latest figures from SNU suggest that the number may be up to 124, but some of those are keeping their options open.¹⁴¹

- 4.3.81 Even within the possible group movers, there are 3 different groups. Thus, if everyone were to have their way, most residents would leave the so-called community, and those that are left would choose to live apart in 3 separate groups. It should not come as a surprise because it reflects the complexities of human relationships, but it should sound a note of caution when claims are made that the community at Clays Lane should be preserved in the public interest. So, given their choice of relocation, the community, as it is called, would fragment. There is nothing to suggest that the Clays Lane community warrants protection in the public interest.

Impact on the Community: The relocation process - Individual moves

- 4.3.82 Residents of Clays Lane were first contacted by the LDA in September 2003, as part of the overall consultation process for the Olympic and Legacy planning applications. The short-listing of London brought further contact with residents by letter, setting out the possible relocation procedure that would be adopted, and by drop-in meetings in August 2004. This was followed immediately by the Fluid survey which was seen to be the first step in the consultation process of assessing the general relocation needs and aspirations of Clays Lane residents.¹⁴² Its purpose was to inform the LDA's relocation strategy and the overall re-housing process; but recognition was made of the need for further work.¹⁴³ Confidentiality was guaranteed, to secure maximum participation; and there was no intention that any of the responses would constitute a formal commitment to a particular choice.¹⁴⁴
- 4.3.83 In the light of the significant demand for relocation to separate self-contained accommodation, outside any form of group housing,¹⁴⁵ CBHA undertook a follow-up survey of tenants' specific requirements. It also met, in July, with the LDA and social landlords to discuss the re-housing needs of residents. The purpose of the survey was explained at a series of courtyard meetings held towards the end of September 2005; and residents expressed a desire for their Fluid forms to be made available to CBHA.¹⁴⁶ The difficulty of achieving this, on the basis of confidentiality, was relayed to all tenants in the November Newsletter.¹⁴⁷ Two individuals subsequently consented formally to the release of their information.

¹⁴⁰ LDA/AG/3 (Appendix 4 page 31)

¹⁴¹ CLC/1/2 (pages 91 - 95)

¹⁴² LDA/AG/1 (paragraphs 7.1 - 7.3)

¹⁴³ LDA/AG/3 (Appendix 4 page 17)

¹⁴⁴ CLC/5/1 (Appendix 4); LDA/REB13 (paragraphs 4.1 - 4.6)

¹⁴⁵ LDA/AG/3 (Appendix 4 pages 31 & 33)

¹⁴⁶ CLC/1/2 (pages 260 - 264)

¹⁴⁷ CLC/1/2 (page 13); LDA/REB13 (paragraphs 4.1 - 4.6)

- 4.3.84 The meetings with residents in September 2005 provided the first opportunity, after the award of the Games to London, to discuss the relocation process and various re-housing options. It was apparent that the majority of residents wished to remain in Newham and the broader London area; most were seeking self-contained accommodation at affordable rents; some 100 residents were interested in exploring options for a community move; and some were seeking early certainty of compensation so that they could make their own arrangements. The LDA indicated that the first relocations would be made in January 2006 and the process would be complete by the summer of 2007. Subsequent drop-in sessions were held in December, February and March.¹⁴⁸
- 4.3.85 On the basis that the vast majority of tenants (76%) were interested in being re-housed separately, preparation for the first self-contained moves, within the social-rented sector, began soon after the September meeting. Access was provided to a wide range of properties through the 'choice based' lettings scheme administered by the East London Lettings Company; by arrangements with key regional and sub-regional Housing Associations (e.g. Peabody Trust, Toynbee); and through the London Borough of Newham's reciprocal nomination arrangements with other local authorities for more distant moves.¹⁴⁹
- 4.3.86 All social housing will, unlike Clays Lane, meet recognized standards of acceptability; and residents moving from shared units are likely to gain significantly in terms of private space against the background of the Objectors' evidence that most residents feared being relocated to bed-sits. The claim of some residents being dissatisfied with their new accommodation is anecdotal and it is not clear whether that relates to properties inspected or properties accepted. The relevant consideration is that those who have moved have done so freely and there has been no compulsion to accept any of the properties on offer.
- 4.3.87 The overall process of administration, advice and assistance to residents is operated by the London Borough of Newham and CBHA; and the latter has had a full-time presence at the estate since 1 December 2005 with the LDA funding its 2 members of staff. The intention is to provide residents with clear information and advice and as wide a range of options for their relocation as possible. Early clarification on statutory home loss allowances has been provided and the LDA has also agreed to pay fixed relocation costs, irrespective of actual expenses incurred, with the safeguard of uplift for additional legitimate expenditure.¹⁵⁰
- 4.3.88 As part of the arrangements for individual moves, the main focus of the relocation work, during its initial stages, has been with vulnerable residents and those with particular needs.¹⁵¹ Twenty-four tenants within this category have been identified; their cases have been prioritised; assessments have been

¹⁴⁸ LDA/AG/1 (paragraphs 7.5 - 7.10)

¹⁴⁹ LDA/AG/1 (paragraphs 7.11 - 7.12.9)

¹⁵⁰ LDA/AG/1 (paragraphs 7.15.1 - 7.15.4)

¹⁵¹ LDA/REB/13 (paragraph 3.11)

made; and support packages have been put in place.¹⁵² CBHA and Peabody Trust are well-experienced in this work and have a key role in ensuring that residents are relocated and supported in a manner that meets their needs:- there is no reason to doubt that this will be achieved.

4.3.89 As a safeguard, the LDA will be entering into a contractual relationship with CBHA to set performance standards for the service it provides. Monitoring of management issues, and any complaints raised by residents with their case officer, is already in place through fortnightly meetings attended by the LDA, the London Borough of Newham, the Greater London Authority and the Chief Executive of CBHA.

4.3.90 The LDA is confident that these measures will, by the end of 2006, secure the satisfactory relocation of residents wishing to move away on an individual basis. The vacation of 78 units between 1 January and 8 May 2006 supports this view.

The relocation process - Group moves

4.3.91 In terms of the support for some form of group move, constructive discussions with residents took place towards the end of 2005 and by April 2006, the LDA, working with CBHA and Peabody Trust, presented details of 5 options to the representatives of the 2 main groups that had formed; and visits were made in May to all of the sites.

4.3.92 The Nags Head Estate, Bethnal Green is favoured by one group and that refurbishment project can be completed by March 2007. The second group is focusing on a site at Galleon's Roundabout which will allow tenants to be involved in the design process. Both of these sites will provide significant improvements in accommodation, which will meet the 'Decent Homes Standard'; have better access to public transport than Clays Lane; and accommodate residents' preference for self-contained accommodation with the potential for communal facilities.

4.3.93 A third, smaller, group which has emerged, met with the LDA and CBHA in May to develop a brief for a further site search; and, on 14 June, Redloft Partnership presented details of some 30 properties and sites reflecting the agreed brief. Work is on-going in identifying ownerships and overall suitability; the group has visited the sites; and they have been invited to present their own feedback to Redloft.

4.3.94 It is acknowledged that a double decant will be needed to accommodate any group move based on new-build. However, it will be a matter for the individuals to consider whether that temporary inconvenience would be outweighed by the substantial benefits of having an input into the design and arrangement of their future homes and the continuing ability to live as part of a community. They will not suffer financially as the LDA has confirmed that it will meet the reasonable double decant relocation costs.

¹⁵² CLC/9/1 (Q13)

- 4.3.95 On the basis of this considerable progress, the LDA has commissioned SNU to undertake a further survey to establish demand against the background of the site search work done to date and the choice available to residents. Its initial report on 10 July indicates substantial support for participation in group moves with 120 out of 180 interviewees registering their interest; although it is recognized that not all of these will sign up as, not surprisingly, many are keeping their options open.¹⁵³
- 4.3.96 CBHA has indicated to all of these groups, with formal announcement in the Clays Lane Residents' Newsletter, that it remains willing to explore the possibility of any or all of them operating as a TMO.¹⁵⁴ Here, management would fall collectively to the tenants themselves, thereby reproducing some of the key aspects of Co-op living without transferring ownership. For some, this would represent a significant improvement over their current arrangements at Clays Lane, where both ownership and management are outside the tenants' control.

The relocation process - Other moves

- 4.3.97 For those tenants who have not made relocation arrangements by January 2007, each will receive an offer of 2 properties. So far as is reasonable and practicable, it will be in an area of their expressed preference, and, should neither be acceptable, an offer of a third property will be made and reserved. There is an adequate supply in the area to accommodate all those yet to be displaced and no-one will be forced to become homeless.

The relocation process - Communication and Consultation

- 4.3.98 The LDA has sought, at all stages, to keep residents fully informed and to engage in direct communication and feedback. In November 2005, every resident was given an e-mail address and telephone number of a case officer at the LDA who would deal with their queries, and meet with them as necessary, on a confidential basis.
- 4.3.99 There has been the usual range of formal meetings; and monthly drop-in sessions have been in place since December 2005 where residents can speak directly to the LDA and CBHA. Both bodies have regularly attended 'Clays Lane on the Move' meetings; and CBHA has a full-time office presence on the estate to deal with residents' concerns and housing enquiries as they arise. All residents on the estate receive a copy of the Clays Lane Residents' Newsletter, which is produced by the LDA, as a source of information about the relocation process, the CPO and any related housing management issues.
- 4.3.100 Residents have also been provided with an independent source of confidential advice on re-housing issues, in SNU. Such a service is common to most major regeneration projects involving redevelopment of tenanted property and it has also become customary on local authority transfer projects. The service, which is funded by the LDA, is available to all tenants and can be accessed by free-phone, email and at weekly drop-in sessions. It

¹⁵³ CLC/1/2 (pages 91 - 95)

¹⁵⁴ CLC/1/2 (page 10)

has its own general legal expertise and access to other specialist advice as necessary. General advice commissioned on behalf of residents will be available for the benefit of other residents. In addition, where tenants require specific advice, that it is not appropriate for SNU to commission, the LDA will meet the cost of pre-agreed work.

- 4.3.101 SNU was appointed by a tenant-led panel in February 2006. It continues to be managed by a committee of tenants, 'Clays Lane on the Move', which has the power to remove SNU, if it does not provide an adequate service. It is understood that one resident only has sought to raise concerns but these were not supported by the Committee and were not raised formally with SNU. The same 'complainant', however, acknowledges that SNU has done some good work on the status of immigrants, and on compensation and rents; and its presence on the estate has been beneficial in this regard.
- 4.3.102 A recent survey carried out by SNU included questions to ascertain levels of satisfaction with its service amongst those residents who have received advice. Some 67% were either 'satisfied' or 'highly satisfied'; 15% expressed 'dissatisfaction'; and none were 'highly dissatisfied'.¹⁵⁵
- 4.3.103 Since its appointment, SNU has held weekly drop-in sessions. Key issues raised have been the affordability of alternative properties and the levels of compensation; and the potential for a community group move. SNU has also facilitated elections within the estate to establish a tenant representative body, 'Clays Lane on the Move' Residents Association which is helping to collate and represent residents' interests and views. Its first meeting with the LDA was held on 28 March.
- 4.3.104 In the light of all of the consultation measures put in place, residents have had significant scope to make their aspirations and concerns known to the LDA. In turn, the LDA has been able to respond to the different views expressed by the tenants in designing and delivering a relocation process.

The relocation process - Relocation Strategy

- 4.3.105 The planning permission for the Olympics and Legacy projects is subject to a condition which precludes development until a Residential Relocation Strategy has been submitted to and approved by the local planning authorities.¹⁵⁶ The Strategy was submitted JPAT in January 2006. Considerable efforts were made to inform residents of its submission:- JPAT wrote to all residents inviting their comments and making clear how these could be submitted; the Strategy was advertised in local newspapers; and on the JPAT website.
- 4.3.106 The LDA also announced the submission of the Strategy in the January edition of the Clays Lane Residents' Newsletter; and arranged a joint LDA/JPAT drop-in session on 7 February. This gave all residents the necessary information and provided a range of formal and informal channels

¹⁵⁵ CLC/1/2 (page 95)

¹⁵⁶ LDA/REB/13 (Appendix 3)

for discussion and response; but, despite all this, only 2 residents responded to the Strategy.

- 4.3.107 The Strategy was subsequently held in abeyance by JPAT; and the LDA decided not to progress it in the light of further work on the Masterplans and the need to submit revised planning applications. It is intended that the Relocation Strategy, and other Strategies required by the planning permissions, should relate to proposals that will subsequently be implemented.
- 4.3.108 However, none of this has delayed the LDA in making substantial progress with the detailed and practical process of relocating residents and putting options to them without being held up by the need to secure an approved residential relocation strategy through the planning conditions. The LDA has been acutely aware, from a very early stage, that the majority of residents are more interested in a clear approach to relocation to meet their individual needs as opposed to an over-arching principles document.
- 4.3.109 The function of the planning condition is no more than to ensure that an overall mechanism is put in place:- but that will not provide specific solutions to individual residents' aspirations; guarantee group moves; or provide the local planning authorities with any supervisory role in the implementation of the relocation process. It should be noted that JPAT's limited reservations about the Strategy did not relate to the content of the document on any of these matters.

The relocation process - Publication of the CPO

- 4.3.110 Following the decision, in July 2005, to award the Games to London, the LDA wrote to all the occupiers of the Clays Lane Estate to tell them that their property would be affected and to establish their interest in that property. A copy of the Statutory Notice of the making of the CPO was sent to everyone on 16 November 2005. It met the legal requirements for service; it contained contact details of the LDA's case officer; and it gave a deadline for the submission of objections. Further publicity was given on notices around the estate and in the press. When it became known that not all residents had been at home to receive their letters, a specific Newsletter was issued setting out the details of the CPO and of the right to object. This was followed up in a further Newsletter.

The relocation process – The Winterbottom letter

- 4.3.111 The 'Winterbottom letter' has been heralded as a benchmark of expectation; but the writer gave no explanation as to what was meant by '..... at least as good, if not better, than'.¹⁵⁷ It is therefore not surprising that the LDA's approach should be clarified through statements made just a few months later, notably in the Fluid Report.¹⁵⁸

¹⁵⁷ CLC/1/2 (page 97)

¹⁵⁸ LDA/AG/3 (Appendix 4 page 5)

4.3.112 It is apparent that residents took this to be a reduction of what was implicit in the letter. However, although the Objectors' case rests heavily on a single phrase, 3 residents who gave evidence on the Collective Case each had a different interpretation, as would others, depending on what was important to them. It also seems that it was seen by some as a reassurance to those in shared accommodation who feared relocation to a bed-sit, yet had aspirations of their own flat. In those circumstances it was only right and fair that the LDA should seek to clarify the position at the earliest possibility; and it cannot be denied that any outcome should be '*reasonably practicable*'.¹⁵⁹ What can be certain is that the letter did not, as some would claim, give any commitment to protecting residents from increased rents.

The relocation process – Rents

4.3.113 The LDA has always accepted that there are likely to be modest increases in rents for most residents of the Clays Lane Estate, having regard to their historically low gross rents. In view of the concerns expressed by residents, the LDA commissioned the Tribal Report in November 2005 to look at the level of rent which Clays Lane tenants might be expected to pay on moving. The report was provided to SNU in February 2006 and has been embodied within SNU's paper 'Compensation for Tenants of Clays Lane' which sets out detailed compensation arrangements and comparison tables for average rents across a number of districts.¹⁶⁰

4.3.114 This shows that Peabody Trust's average weekly rent for a one-bed flat in the London Borough of Newham would be £66.12 (net) compared to £58.91 (gross) for a one-bed flat at Clays Lane. A further exercise undertaken by the LDA, from analysis of local authority and RSL properties advertised in the East London Lettings Company Magazine between April and July 2006 shows an average weekly rent of £59.12 (net) for one-bed properties in the London Borough of Newham. No evidence has been adduced to suggest that the increase in rents will not be affordable.

4.3.115 The Objectors, in their comparison exercise, have ignored the dependable information published by SNU and have distorted the distinction by using information for a limited number of properties in more expensive housing districts.¹⁶¹ These properties were also advertised at a higher 'target rent', in accordance with the Housing Corporation's guidelines. However, such rents no longer apply to tenants relocating from Clays Lane, following the LDA's concession from Peabody Trust to charge a much lower 'convergence rent'. Again the point is made that none of the residents were in a position where they were bound to enter into a commitment for any of these properties.

4.3.116 Moreover, in terms of seeking to compare gross cost, the Objectors have also assumed unrealistically high utility costs which do not stand scrutiny against those researched by the LDA.¹⁶² Added to this, if the estate were to remain, rental levels could be expected to increase in accordance with Government

¹⁵⁹ LDA/AG/3 (Appendix 4 page 5)

¹⁶⁰ CLC/1/2 (pages 248 – 257)

¹⁶¹ CLC/4/1 (page 23)

¹⁶² LDA/REB/39 (paragraph 3.50)

policy; and, had the multi-occupancy units been converted to single units, as was once intended, those residents would have been faced with paying considerably more than they are at present.

- 4.3.117 It is acknowledged that the number of residents who have managed to secure a move to social housing in the London Borough of Newham is very limited, as those relocating from Clays Lane had no formal priority before July 2006. However, the London Borough of Newham's recent decision to grant 'decant status' will extend choice, both inside and outside the borough, and speed up the process of relocation.

Response to Legal Submissions

- 4.3.118 There has been a full and transparent process of direct consultation with the residents of the Clays Lane Estate which is still ongoing. Much is made by the residents about the absence of an approved formal Relocation Strategy and their ability to be involved in devising that Strategy; yet that Strategy is still at a formative stage. Whatever the context of their concerns about the various stages of consultation, from the Fluid survey to the present day, there is nothing to suggest that residents have not had sufficient time or opportunity to respond. Indeed, on the matter of group moves, the consultation process is still on-going. Above all else, there can be no doubt that the LDA has taken into account conscientiously the results of the various surveys which now underpin the process of relocation.
- 4.3.119 The terms of the 'Winterbottom letter' can be seen, with hindsight, to have lacked precision and it is clear that residents interpreted its content in different ways:- hence, the need for early clarification in the Fluid Report. Nonetheless, the residents of Clays Lane will, in their relocation, see tangible benefits. All those moving, whether individually or part of a group, will have the opportunity to live in self-contained accommodation which meets modern housing standards; and tenants moving from shared units will see a gain in private space. The options for group living offer choice and an opportunity, at least in the case of new-build, for the residents to be consulted on matters of design and layout; and, for those who value the Co-op ethos, the opportunity of having a tenant managed system will represent a significant benefit on the residents' current position.
- 4.3.120 In relation to the *Regional Development Agencies Act 1998* (as amended) the comments of the Mayor were in response to questions; and his answers were conveyed to a resident of Clays Lane. As such they were not in the form of guidance or direction and carry no force.

Circular 06/2004 and Human Rights

- 4.3.121 The objection falls to be considered in the context of evidence that has clearly established the need for regeneration of the Lower Lea Valley; that the delivery of that regeneration in a comprehensive fashion is most likely to be achieved through the preparations for, and staging of, the Olympic Games; and the concept of the Olympic Park containing as many sports venues as possible, and the Athletes' Village, is not only highly desirable but

probably the single most decisive factor in London's success in being chosen by the IOC.

- 4.3.122 Therefore, any assessment of whether a compelling case has been made in the public interest must take as a given that confirmation of the CPO would achieve the regeneration claimed by the LDA. It inevitably follows that, if the Secretary of State finds that the Clays Lane site is needed for the Olympics, a compelling case in the public interest exists which far outweighs the claimed public interest in retaining the Clays Lane Estate. The LDA invites the Secretary of State to make such a finding.
- 4.3.123 The objection has been referred to as an objection by the Clays Lane residents; but the true level of support for the case is unclear. Although some 60 tenants have seemingly joined forces, there is nothing to indicate whether they actively subscribe to the Collective Case or whether there is any common theme linking their objection. It is notable that early consultation events and meetings on the estate were 'hijacked' by a few residents making points that were not relevant to the majority of people; and the Objectors' professional witness told of no more than 8 or 9 people in attendance at his meeting on site. It is also significant that the Collective Case at the Inquiry was dominated by one resident.
- 4.3.124 Paragraph 18 of *Circular 06/2004* requires the confirming authority to take a balanced view between the intentions of the acquiring authority and the concerns of those whose interest in land it is proposed to acquire. Residents rely on the *Human Rights Act* to reinforce the weight to be attached to their side of the balance. However, it would be wrong for the Secretary of State to infer that the number enlisted within the Collective Case is a true reflection of support for the case presented.
- 4.3.125 Finally, whatever criticisms that might be made by the Objectors of the LDA, it is contended that full and proper consideration has been given to the impacts on the residents of the Clays Lane Estate; and that suitable alternative accommodation is being put forward and made available. Alleged past failings are of little consequence against a relocation process that is operating effectively and how it is set to work in the future. The question of balance in the overall decision is a matter for the Secretary of State to decide; but it is common ground that, as a result of the Inquiry, the Secretary of State can properly reach a conclusion.
- 4.3.126 In terms of the relevant *Convention Rights*, both *Rights* can be interfered with by a lawful measure that leads to a legitimate aim, provided the interference is proportionate. Since the regeneration aims of the CPO are legitimate ones for the purposes of the *Convention Rights* in question, the key issue is proportionality. The LDA relies on the totality of the evidence in support of the CPO to justify the interference with the land at Clays Lane through its compulsory acquisition.

Section B

Clays Lane Residents - Round Table Session

Case for Objectors: 246-248, 253, 257, 303, 308 & 316

- 4.3.127 The housing and employment benefits of the Olympics and Legacy have been overstated. The LDA's claim of 9,000 new homes includes those that would have been built, irrespective of the Games, within the Stratford City development. A similar point arises in relation to the stated employment benefits; whether the assessment is reliable; whether the loss of existing jobs through business relocations has been taken into account; and whether there would be more cost-effective means of job creation. Cost projections are also a factor, with a history of other major infrastructure cost projections going astray, and facilities having a tendency after their initial use to be too expensive to run, leading to ultimate bankruptcy.
- 4.3.128 It can be seen that the Olympics is not simply a regeneration programme and the choice of Stratford is more to do with the needs of the Games rather than desirability for Stratford itself. For example, the claim that the Olympics will secure the removal of overhead power lines is not true, as their removal was a necessary part of the Stratford City development.
- 4.3.129 Regeneration is already underway; the area around Stratford, for example, has changed dramatically in recent years; it is questionable whether the area needs a parallel regeneration project; and it might have been advantageous to spread the benefits to one of the other disadvantaged areas around London.
- 4.3.130 A major programme is not needed to secure the claimed benefits and a more piecemeal process might have avoided the demolition of Clays Lane. In addition, there is a known skills-gap in East London and it may be difficult to train and equip local people to benefit from newly created employment opportunities.
- 4.3.131 Although the Lower Lea Valley is recognized as an area of deprivation, there can be no guarantee that local people will benefit from regeneration as new people move in to take advantage of employment opportunities, leading to higher house prices and rental values at the expense of the local population. This is borne out by the experiences of Barcelona and Sydney where, in the case of the former, there were multiple evictions, fewer jobs than anticipated, and a decline in economic activity after the Games. A less intensive piecemeal approach would have the advantage of giving the local population time to adapt and to benefit.
- 4.3.132 Looking back to 2003, when the regeneration of the Lower Lea Valley was raised with residents of Clays Lane, nobody was seriously anticipating the winning of the Olympics but it was clear that the demolition of Clays Lane was intended. The impression was given that the community was being abandoned, not least because the residents of Clays Lane were last on the list of the consultation meetings which preceded the making of the planning applications for the Olympics and Legacy developments.

- 4.3.133 Nowhere in the process of considering alternative locations for the Athletes' Village, notably at West Ham and Fish Island, is the issue addressed of what will happen to the residents of Clays Lane. There is no evidence to show that the removal of Clays Lane residents was taken seriously. The justification of good accessibility is overstated as Clays Lane is some distance away from the Stratford stations. There are vacant pieces of land nearby and Lord Coe agreed that facilities could have gone in different places.
- 4.3.134 The location of the main stadium should have been much closer to the transport infrastructure of Stratford rather than several hundred metres away; and issues of crowd control could have been secured by designing a route which could have been abandoned after the Games. The overall design has been driven by political and commercial considerations and does not provide the optimum solution with the residents of Clays Lane being incidental to that.
- 4.3.135 The amendments to the Masterplans, announced in January 2006, came at a late stage and residents were not kept informed. The impression given was that nothing fundamental had changed but the prime purpose of using Clays Lane for back-of-house facilities, Paralympic tennis courts and the Loop Road differs significantly from the original plans. It is inconceivable, with the expertise, funds and time that has gone into this project, that the Village cannot be configured around Clays Lane especially as additional facilities, for example the IBC, have been moved unnecessarily into the area.
- 4.3.136 The changes have taken the removal of Clays Lane for granted and nobody has applied their minds to thinking about how to avoid demolition. Moving the housing was seen as an opportunity for moving more facilities in, rather than providing a basis to save Clays Lane. Consideration of using other vacant land, just south of Hackney Marshes, has been overlooked and Paralympic tennis could have been outside the Park, for example at Wimbledon. There is no analysis of a clear process of seeking to retain the Clays Lane Estate and why the Village could not have been designed differently.
- 4.3.137 The justification provided by the LDA is based on a process that moves elements into the Clays Lane area, for example the Loop Road, followed by a retrospective justification for retaining them in that position. The exercise appears to be fundamentally flawed in that the process involves the demolition of existing housing and subsequent re-building to secure the Legacy aim of having houses there. In that way one community merely makes way for another. Given that it was the intention of the *Newham UDP* to provide a link between Stratford City and the Clays Lane Estate, the design of the Olympic facilities should have taken that as a starting point. Had the retention of Clays Lane been seen as a priority, or an essential component, from the outset, then the design of the Park would have progressed in a different direction.

Response by the London Development Authority

- 4.3.138 It is accepted that some of the 9,000 new homes would have been provided as part of Stratford City. However, the implementation of that development was severely in doubt; and, the project will only be delivered as a result of public intervention in securing the necessary access provisions.
- 4.3.139 In terms of employment, the provision of 4,500 new permanent jobs is based on an assessment of the new floorspace to be provided in the Olympic area and the application of various employment densities, depending on the type of use, which have been agreed with JPAT. Most of the jobs will fall outside the area of Stratford City and will be accompanied by skills and training development. The LDA is actively involved in securing the successful relocation of existing businesses and it is anticipated that there will be minimal job losses. The construction of the Olympics and Legacy phases will result in some 7,000 construction jobs.¹⁶³
- 4.3.140 It is impossible to calculate the cost of each job and whether that represents value for money as the regeneration of the Lower Lea Valley is an all-embracing project providing environmental, social, cultural, education, health, transport, housing and employment benefits. The Lower Lea Valley has long been recognized as an area containing a number of significantly deprived wards where major regeneration was a long-term ambition; and the LDA had, before the award of the Games, secured public funding and the necessary authority to take forward a major project.
- 4.3.141 Piecemeal change has been occurring in the area on a limited basis with a very narrow focus on high density, smaller, non-family residential units. But that process will not deliver the widespread environmental improvements, new infrastructure and a wide range of housing and related facilities of wholesale regeneration. Indeed, the rationale of seeking to achieve a 50% proportion of affordable housing is to serve the needs of the local population and to provide them with a continuing opportunity of living in the area.
- 4.3.142 The search for a site to accommodate the Olympics was London-wide, but it became clear that the Lower Lea Valley was the best site to take forward as a means to delivering significant regeneration and economic benefits to that area. The holding of the Games has been predicated on an overall approach to deliver change in accordance with long-standing planning policies for the area and to make sure that the Olympics phase is aligned to meet Legacy needs. In this regard, the 80,000 seats main stadium was intended to be scaled down to 60,000 seats in Legacy, but that has been reduced even further to meet a specific need in the post-Olympics community. The LDA is confident that much has been learnt from other Olympic cities and that the London Games has been planned on a firm foundation of Legacy development.
- 4.3.143 The Olympics will bring benefits to Stratford in that the removal of the overhead power lines, although a forerunner to the development of Stratford

¹⁶³ LDA/19

City, would not have been achieved without the intervention of the LDA. It is also of note that the Stratford City planning permission required only the removal of the Clays Lane to Stratford section whereas the LDA scheme extends northward to Hackney Marshes and southward to West Ham.

- 4.3.144 In terms of the regeneration proposals for Clays Lane, the estate was identified at an early stage as a priority for regeneration, but at the time of consultation, in 2003, there were no firm plans for the removal of the community.¹⁶⁴
- 4.3.145 The masterplanning process for the Games looked at a range of sites and options in the Lea Valley as a whole. The view was taken that, in terms of winning the bid, it would be advantageous to bring all the facilities as close together as possible. Security and transport for the Olympic families and officials would also be easier to manage. In addition, given the aim of delivering the majority of spectators by public transport, Stratford became the obvious place where the Games could be used as a regeneration tool.
- 4.3.146 Three locations for the Athletes' Village were considered:- Clays Lane, West Ham and Fish Island. The main driver of the design process was the recognized benefits of locating the Village as close as possible to the major Olympic venues, so as to minimize travel distances for a huge number of people. West Ham had the disadvantage of its distance from the main Olympic precinct; and the difficulty of delivering an appropriate form of development in Legacy. Transport connections to Fish Island limited its ability to deliver housing at an appropriate and efficient density; and the proximity of the A12 was of concern for security reasons. Subsequently the *OAPF* has confirmed that this area should remain predominantly industrial.
- 4.3.147 Stratford City, on the other hand, provided the transport infrastructure; the ability to deliver accommodation at high density; the leverage of major investment; and the opportunity to site the Village close to the main facilities, within a Loop Road cordon which provided security and accessibility. The Village, accommodating some 17,500 people during the Games, requires a huge service infrastructure and a range of supporting facilities which have an integral relationship with the areas that they are designed to serve.
- 4.3.148 Having identified the general location and the various inter-relationships, the design team looked carefully at Clays Lane and whether it could be incorporated into the Athletes' Village; or whether it would have to make way in order to deliver the Village. Influencing factors included the nature of the building stock; its suitability for incorporation in, or close to, the Village; and whether, in the concept of wider regeneration, redevelopment would secure a more effective use of the site. The impact on residents was a major consideration and a serious issue in the mind of the LDA, but its retention hindered the delivery of the Athletes' Village as a whole. The decision was taken in the knowledge of all of the adverse consequences. However, from that point, the design process moved forward on the basis of that area being

¹⁶⁴ LDA/21

an integral part of the Park; albeit with some flexibility for adjusting the components within the overall framework that had been established.

- 4.3.149 As to the siting of the main Olympic stadium, crowd control was a major factor. In this regard, generous separation has to be achieved from the main arrival/departure points to provide space for security processing and to avoid bottlenecks at stations. Importantly, in Legacy, a stadium with limited use does not deserve to occupy highly accessible land where high residential densities can be achieved.
- 4.3.150 Although amendments to the Olympics Masterplan has moved the residential component of the Village closer to Stratford, the back-of-house facilities are inseparable and the need to take Clays Lane is as important as it ever was. In moving the residential accommodation, generally into Stratford City, the opportunity was taken to consider increased densities; but that was discounted as it would have intensified the Stratford residential quarter beyond its intended limits. The continuing impact on Clays Lane was considered; but its retention was outweighed by a judgment about the effect over-building would have on the success of the new Stratford community.
- 4.3.151 The amendments to the Masterplan reflect a difference between the conceptual approach of a bidding city making a planning application and the working designs of delivery in consultation with the supporting federations and the IOC. Moving the Village toward Stratford City was but one part of a complex design process which also recognized the need to move the IBC from the peripheral location of Pudding Mill Lane into the Park, principally for security reasons. The changes around Stratford City/Clays Lane provided such an opportunity.
- 4.3.152 The design process works at a strategic and a local level with a whole host of complex inter-relationships, including the driving link between the Olympic phase and the Legacy phase. Land at East Marsh will be used for coach parking on a temporary basis with restoration to open space in Legacy. The suggestion of moving Paralympic tennis is limited by the necessity of it being played on clay; and the Paralympic Games are predicated on all facilities being either in the Olympic Park or at ExCel.
- 4.3.153 The retention of Clays Lane would create major design problems as it would require the relocation of 55,700 square metres (600,000 square feet) of residential floor space; and revisions to the transport system around the Park and the related security implications. It would also create inconceivable complications for the construction phase, its own security regime and the operation of a 'secure construction site'. Further, there would be a knock-on impact for the Olympic Loop Road and the planning of the north-eastern sector of the Park as a whole. Overall, the physical impediment of Clays Lane to the planning of the Village would be compounded by the resultant serious operational and security issues.

Section C

Clays Lane Written Representations

Case for Objector: 246

4.3.154 There is no need to demolish Clays Lane as there is plenty of land in the area; and the LDA has not provided sufficient information about housing options and associated costs. However, it is apparent that rents and costs will rise. The estate is well-designed to create social interaction; it lies close to a major transport system; and it provides cheap accommodation.

Response by the London Development Agency

4.3.155 The general case and all material relating to the Clays Lane objections apply.

Case for Objector 247

4.3.156 There has been a shortage of information and a measure of confusion with no access to independent legal advice. The loss of a valued community, with its associated facilities, amenities and services, will represent an interference with Human Rights. Inadequate consideration has been given to the needs of residents, and the neighbouring Travellers, and the sites offered have been unsuitable.

4.3.157 Development on the scale proposed, construction activity and greater human presence will result in the destruction of flora and fauna in the Lea Valley with the pretence that the scheme will improve the habitats of these species. The need to encroach onto Hackney Marsh for coach parking is questioned in the context of the overall size of the Park, as is the obligation to restore it.

Response by the London Development Agency

4.3.158 The general case and all material relating to the Clays Lane objections apply.

Case for the Objector 248

4.3.159 The Objector's material makes reference to an inequality of arms; but this was submitted before securing formal representation at the Inquiry.¹⁶⁵ There are also substantial references to the LDA, and others, failing to provide documents or responses to correspondence.

4.3.160 Clays Lane is a modern estate; it meets an important and unusual housing need; rents are low; residents enjoy a range of facilities and local amenities; and the Fluid survey acknowledged it to have a number of strengths.¹⁶⁶ All this, which is down-played by the LDA, will be lost. The occupants of bungalows will undoubtedly lose out as the Objector has been told by CBHA that he will not get accommodation to match the size of his present bungalow. As residents are being forced to make way for a project which is expected to benefit others, there should be some suitable recognition with

¹⁶⁵ 248/1/69

¹⁶⁶ LDA/AG/3 (Appendix 4 pages 51 - 53)

benefits according to circumstances; those with bungalows should not be losers in the process.

- 4.3.161 The claims made to support regeneration of the area are questionable as major redevelopment and regeneration is already underway at Stratford City. The claim that Stratford needs the Games is not true:- indeed, the reverse applies. Stratford City would, in its own right, have attracted further investment; it has extraordinary transport connections; a good environment; and substantial housing development was already anticipated. Yet the Olympics will see the loss of housing for up to 1,000 people; a number of Travellers' families will be displaced; added traffic impacts; and there will be serious losses of open space, established businesses and major disruption.
- 4.3.162 The Mayor of Newham has expressed concerns about possible negative effects and the lack of involvement of local people and authorities; and it is unclear what involvement they will be able to have to direct the programme for their benefit. Many questions remain about the cost of the Games and what long-term benefits will accrue; it is unclear what the Legacy will deliver and what benefits Clays Lane residents will receive. In this regard it is disturbing that Britain can boast a history of failed infrastructure projects. Even Lord Coe could not quantify the benefit; and his hopes are based on what has happened in other Olympic Cities. In some, Olympic sites have been left to rot; others have been saddled by debt; and the poor of Beijing are being forcibly evicted in their thousands.¹⁶⁷
- 4.3.163 House prices will rise in the area and Stratford will become less welcoming to its traditional population; concentration on high densities makes housing less spacious and no details are provided of construction standards and environmental quality; and it is unclear how local people will benefit from employment opportunities and whether there will be a shortage of skilled labour.
- 4.3.164 Insufficient regard has been given to the investigation of alternative locations; and there is nothing to show that the affected communities will be properly treated to compensate them for their loss. The Village could have been built on the Stratford Rail Lands extending eastward:- the presence of the railway through the site, and alleged security difficulties, is not a good enough reason. The principal reason for demolishing Clays Lane appears to be on the basis that athletes should not be expected to walk too far to their events:- but this is an extraordinary reason for an unwarranted interference with someone's right to enjoy their home. It is simply not good enough to say that the land is needed and to give no reason for ruling out other sites. The interference with individual's rights is disproportionate.
- 4.3.165 No compelling reason is adduced as to why the Clays Lane Estate needs to be demolished for the purpose of delivering the Legacy as opposed to the Games themselves. The claimed benefits of the project to the community at large are not enough to justify depriving individuals and communities of their homes, especially when the Games will last little more than a month.

¹⁶⁷ CLC/1/2 (pages 335 – 374)

Housing will replace housing and one group of residents will replace another. This would be contrary to Articles 1 and 8 of the *Convention on Human Rights*; and it is unclear what options there will be for displaced residents to return in Legacy.

- 4.3.166 The future of Clays Lane residents remains unclear; there have been contradictory statements and a lack of information. The promises of the LDA cannot be relied on, not least because it has changed the formula for relocation and it has withheld information from the Fluid survey to assess housing needs. It has also failed to keep residents informed; it seldom visits the estate and it should have staff on site.
- 4.3.167 The Objector does not know where he will be moved to; what options will be available and how they compare; he is unclear, and has no input, on his entitlement to compensation; there is no information about housing costs and future amenities; and rents and bills will rise. Similarly, residents have not been informed about the possibility of buying or shared ownership of houses. The LDA also claimed, erroneously, that it had secured priority 'decant status' for tenants with the London Borough of Newham and there has been a dispute between the LDA and Peabody over rents for those relocating.
- 4.3.168 Concern is also expressed about the LDA's failure to acquire or to identify land for people who wish to move as a community; and their Human Rights to stay within a group should be protected. No building systems have been identified; no information has been released that would allow tenants to contribute to design; the nature of community facilities is unknown; and equity demands that those moving into existing properties should be given access to design or refurbishment of their properties. It is impossible to answer the new surveys without knowledge of what will be on offer.
- 4.3.169 It is apparent that the LDA has not prepared adequately for residents' relocation and the bulk of the work on researching tenants' aspirations, relocation options, and cost should have been undertaken between August/September 2004 and July 2005.
- 4.3.170 The LDA has failed to produce the Relocation Strategy required by the Olympics planning permissions; and then, having produced it without proper consultation with residents, it has been refused. It is, in any event, a flawed document; and it has serious failings in relation to the eligibility of residents (e.g. asylum seekers) to be relocated.¹⁶⁸
- 4.3.171 Objection is also taken to the lack of information about TMOs; taking the closed Co-operative as a management committee representing residents' views; its representation as a Future Tenant Managed Co-operative; and the resultant unfairness and inequality to other residents and former Co-op members.
- 4.3.172 There is confusion between the LDA and CBHA in the performance of tasks, some of which should be undertaken by the LDA. CBHA has made

¹⁶⁸ Inspector's Note: This should be read in conjunction with Document CLC/1/2 page 29 Clays Lane on the Move Rehousing Guide No.1 'Immigration Control and your rights to rehousing'

defamatory and unfair statements; and it has supported the LDA in its refusal to release the results of the Fluid survey and to insist on a second, less comprehensive survey, which was carried out in a less than satisfactory manner.

- 4.3.173 No independent legal advice has been made available and the absence of a fair hearing contravenes Article 6 of the *Convention on Human Rights*. Objection is also made to the appointment process for the ITLA; the lack of clarity on the powers available to remove the service; the need for the LDA to consult the ITLA on certain matters; whether advice will be impartial; and the ITLA should serve tenants rather than sit as an additional administrative level. Like the businesses facing relocation, tenants of Clays Lane should have independent legal advice and representation. It is also noteworthy that vigorous efforts have been made to placate businesses, with offers of extra money in some cases, yet no such assistance has been offered to local residents.
- 4.3.174 The site will not be needed until the end of 2008 but residents will have to move by July 2007. This short period for relocation will impose unnecessary stress on residents. There is a lack of information about decanting; and those left towards the end, with empty and boarded properties around them, will be under greater duress to make hasty arrangements for removal. It is ironic that there is less than 12 months left to secure the re-housing of tenants and that a new-build scheme will not be ready in time, yet it will be several years before the Athletes' accommodation is needed.
- 4.3.175 The LDA has allowed the perfectly habitable Park Village estate to lie empty and unused, at the expense of students in need of accommodation. The LDA failed to relocate a post box and a phone box; it has allowed a large pile of rubbish to accumulate; and it took no action when warned by residents that fly-tipping was a problem. Problems like this lead to questions about the LDA's ability to deliver such a major project.
- 4.3.176 The CPO notices were not properly delivered; many residents were out and were unaware of their existence for some time; and many failed to receive their documents. There were problems with site notices; the LDA failed to send a copy of the notice to residents on two occasions; and notice of the Order was given in the Evening Standard but not in local newspapers.
- 4.3.177 More recently, changes have been made to the design of the Olympic Park without informing local residents. In particular, it is understood that the Athletes' Village has been altered but it is difficult to know what has happened and how to object. The need to obtain new planning permissions, and to justify the demolition of the estate, undermines the case for the CPO. The CPO should be refused until such permissions are in place.
- 4.3.178 It is also notable that residents were not directly informed of the consultation process preceding the creation of the ODA. It is understood that the Deputy Prime Minister will make a decision on whether to grant the CPO:- but as the Government supports the project he hardly seems to be an impartial judge of the merits of the case. If the CPO is granted, residents should receive

accommodation to the standard promised in the 'Winterbottom Letter' and by the Mayor of London.

- 4.3.179 Objections are also raised because the LDA is using 2 sets of maps in its documents;¹⁶⁹ the description of the Clays Lane Estate in the Statement of Reasons is sketchy and inaccurate; the description of other affected residential communities is inaccurate or inadequate; the Travellers' community and adjacent land used for parking is referred to as 'residential properties'; and reference is made to 'Victorian terraced housing' which is to be demolished without reference as to what will happen to their residents.
- 4.3.180 Both Peabody Trust and CBHA will benefit financially from the process at a time when residents are being told that they cannot expect to receive an improvement in terms of space, housing costs and amenities.
- 4.3.181 Users of the Eastway Cycle Track have been promised a replacement site nearby but instead they have apparently been told they will have to move to Enfield.
- 4.3.182 The failures of the LDA cast doubt on its ability to fulfil promises. The CPO should either be refused or made conditional on the proper fulfilment of the promises made and on the basis that all residents receive an individual improvement in their circumstances.

Response by the London Development Agency¹⁷⁰

- 4.3.183 The Athletes' Village will be designed to incorporate best practice principles of sustainable development with high specification infrastructure to cope with intense demands of the Olympic phase. As such it will be 'future proof' and will be able to cope with the expanding needs of Legacy over time. The Village will be accessible to all, contributing greatly to the achievement of a mixed and balanced community which meets the needs of everyone.
- 4.3.184 The student accommodation at the adjacent Park Village Estate was acquired, with vacant possession, by agreement from the University of East London in April 2004 as part of the University's rationalisation strategy. The LDA had identified the site as a strategic opportunity for regeneration, long before the award of the Olympics to London, with demolition being an essential precursor to redevelopment.¹⁷¹
- 4.3.185 In terms of legal assistance and advice about relocation, tenants have been provided with access to free and confidential advice through ITLA and its experienced team of professionals. Moreover, most of the residents will be moving into social housing, which is highly regulated to protect the interests of individual tenants. In addition, the LDA has always offered tenants the opportunity to request further legal advice outside the ITLA structure where it is an issue beyond its field of expertise. By contrast, businesses do not

¹⁶⁹ CD25 Appendix of Plans (Plans 1 and 11)

¹⁷⁰ The LDA submitted 2 rebuttal proofs in response to the Objector. Substantial elements have been reported in relation to the Collective Case and are not reported here. Matters not so covered are set out in summary form.

¹⁷¹ LDA/REB13 (paragraphs 4.53 & 4.54)

have ready-made access to this type of advice and have to commission individual companies to provide them with the necessary support.

Case for Objector 249

4.3.186 Clays Lane provides valuable low-cost housing for single people. No replacement plans are in place or being discussed and relocation by mid-2007 leaves little time. Consultation has been inadequate and delayed and it has produced inconsistencies; and the comprehensive picture obtained in the Fluid survey has been totally disregarded in favour of a meagre re-housing option form from CBHA.

Response by the London Development Agency

4.3.187 The LDA has put specific options to residents about group moves, site visits have taken place and matters are being taken forward. One of the group moves would accommodate residents' aspirations to be involved in the design of the scheme and the possibility of incorporating communal facilities is being explored. It is anticipated that relocation properties will meet the 'Decent Homes Standard'.

4.3.188 It is not accepted that there has been any deficiency in the surveys or that they have not been taken into account. Group housing is being investigated as a specific outcome of the Fluid survey. The results of that survey were kept confidential unless an individual consented to the release of their information.

Case for Objector 250

4.3.189 Residents will lose their homes for an event that will last only one month. No reason is given as to why this has become the site for the Athletes' Village in preference to Stratford City which was once favoured.

4.3.190 Existing residents will not benefit from the Legacy development and the LDA has failed to prepare adequately for residents' relocation. It has not as yet produced a Relocation Strategy required under the Olympics planning permission. Unlike existing businesses, residents have not been provided with independent general or legal advice.

4.3.191 The LDA has qualified its promise on the accommodation which will be offered to existing tenants; it has refused to utilise the Fluid survey; and it is insisting on the completion of another, less comprehensive, survey.

4.3.192 The Objector has no idea as to where he will be moved; and he has been told that he will be a loser in the relocation process as he will not receive accommodation of an equivalent size, despite the Mayor's promise of an improvement. It is not clear what amenities will be available and how they will compare to Clays Lane. The LDA has also failed to provide details which would allow residents to move as a community, in accordance with their Human Rights; and no information has been given about purchase or shared ownership (although CBHA have been critical of those interested in purchasing a property).

- 4.3.193 Article 6 of the *European Convention on Human Rights* is engaged; the Inquiry must be conducted fairly; and residents should have access to legal representation. Residents do not have the financial means to secure this. The demolition of the estate would be a disproportionate interference; and other reasonable alternatives need to be considered. It is not known whether the LDA has done this and how it reached the conclusion that the Clays Lane Estate was the only reasonable option available to them.
- 4.3.194 Clays Lane is a unique housing estate; some of the residents are vulnerable as a result of physical or mental illness or disability and residents provide an informal mutual support system. The Objector, who lives in a flat, has resided at Clays Lane for over 24 years and has many friends. Concern is expressed about the availability and suitability of alternative accommodation; its affordability against low-cost living at Clays Lane and the level of compensation.
- 4.3.195 Residents wish to ensure that the re-housing policy is a fair and reasonable one; and that all residents will have the opportunity of similar purpose-built accommodation. To date there has been a lack of information and significant discrepancies in what residents can expect.
- 4.3.196 On the basis of the above, the Objector has no confidence that the LDA will deliver its promises.

Response by the London Development Agency

- 4.3.197 The general case and all material relating to the Clays Lane objections apply.

Case for Objector 251

- 4.3.198 The Objector has not been kept informed about her relocation and does not believe it necessary to demolish Clays Lane as alternative sites have not been considered. The estate provides valued low-cost 'open-contract' accommodation for single occupants.

Response by the London Development Agency

- 4.3.199 The LDA has put specific options to residents about group moves, site visits have taken place and particular matters are being taken forward. Professional and independent advisors have been engaged to determine the relocation needs and aspirations of residents and to advise and assist with the process of relocation. Extensive consultation has taken place.
- 4.3.200 The demolition of Clays Lane is necessary for the reasons set out in LDA/REB/12.
- 4.3.201 When the estate was transferred to Peabody Trust in 2005, all tenancies became assured tenancies with similar security of tenure as most other Housing Association tenants. As these have no specific time barrier, this part of the objection is misplaced.

Case for Objectors 253 - 255

- 4.3.202 The above Objectors state in common that the CPO infringes Human Rights under Article 8 and Article 1 of the First Protocol as other land is available and demolition is not necessary; in the public interest; or proportional; and provision could be made in a less intrusive way. The CPO fails to strike a fair balance; and it is not a reasonable act to demolish an estate occupied by 450 tenants.
- 4.3.203 The CPO has been issued without adequate consultation as required by the planning permission for the Olympics. Moreover, the LDA has not organised proper consultation; it has not offered any relocation proposal or advice or put in place a relocation strategy. It has also failed to offer to pay financial compensation for the relocation; and it has not granted access to legal advice which amounts to unfair treatment under Article 6.
- 4.3.204 **Objector 253** elaborates on Article 6 of the *European Convention on Human Rights*; the Inquiry must be conducted fairly; and residents should have access to legal representation. Residents do not have the financial means to secure this. The demolition of the estate would be a disproportionate interference; and other reasonable alternatives need to be considered. It is not known whether the LDA has done this and how it reached the conclusion that the Clays Lane Estate was the only reasonable option available.
- 4.3.205 Clays Lane is a unique housing estate; some of the residents are vulnerable as a result of physical or mental illness or disability and residents provide an informal mutual support system. The Objector has lived on the estate in a flat for 4 years and he has many friends there. Concern is expressed about the availability and suitability of alternative accommodation; its affordability against low-cost living at Clays Lane and the level of compensation; adverse socio-economic effects; and the LDA's delay in progressing some form of group move.
- 4.3.206 Residents wish to ensure that the re-housing policy is a fair and reasonable one; and that all residents will have the opportunity of similar purpose-built accommodation. To date there has been a lack of information and significant discrepancies in what residents can expect.
- 4.3.207 The history of the Clays Lane Co-operative is outlined; and the Objector's claims that enforced movement will conflict with Article 11 of the *European Convention on Human Rights*.
- 4.3.208 **Objector 254**, adds to the case in common that the CPO is an infringement of Article 11 rights of Freedom of Association for members of the Clays Lane Housing Co-operative; and to their rights, peacefully to enjoy the use of the community centre, café and the site where Co-operative Unions and Organisations have gathered; and no consultation has been undertaken with regard to reparation rights of access to facilitate continuation of these associations.

Response by the London Development Agency

- 4.3.209 The general case and all material relating to the Clays Lane objections apply. Reference should also be made to paragraph 4.3.229, below, regarding the alleged infringement of Article 11 of the *European Convention on Human Rights*.

Case for Objector 257

- 4.3.210 The Objector has lived at Clays Lane for 7 years and had no desire to move. She lives in a one-bedroom bungalow but has been offered a two-bedroom flat to share; a short-hold unsecured tenancy, as opposed to a secured tenancy; and a net rent of £600 per calendar month compared to £274.08 (gross) at Clays Lane. A higher rent will necessitate a return to stressful full-time employment. The compensation on offer is an insult. However the LDA acknowledges that residents will face increased costs but it is not prepared to offer any subsidy.
- 4.3.211 Concern is expressed that a forced move will result in the Objector having to accept expensive and unsuitable accommodation; but there is very little information available and the Relocation Strategy is still in the making. No indication has been given as to whether the Mayor's promise of improved accommodation will be delivered; and no general or legal advice has been provided. Overall, the Objector is concerned that the quality of her life will deteriorate through the loss of the community and the loss of an affordable home very close to open space.

Response by the London Development Agency

- 4.3.212 Residents will be able to re-locate to a range of accommodation including:- social rented properties; properties owned by RSLs; and by making their own arrangements. The LDA is also exploring community group moves and provides support for residents looking to move from social-rented properties to ownership or shared ownership purchase.
- 4.3.213 Properties offered to date have been on a 'choice based' system with no compulsion to accept any of those on offer. It is inevitable that some will be beyond the means of a number of residents; some might wish to share a two-bed flat; and some might be willing to accept short-hold tenancies. Advice on such matters is available from the ITLA service. The Objector has subsequently met her case officer and made known her specific accommodation requirements which will help the LDA to provide her with details of properties better suited to her needs.
- 4.3.214 The LDA acknowledges the comparatively low-cost of accommodation at Clays Lane. However, based on average Housing Association rents, for a similar property in the locality, the increase in rent is likely to be £5 - £7 per week, although it is accepted that Council Tax contributions, and utility/service costs will have to be added. However, there is no guarantee that rent levels at Clays Lane would not increase to more realistic levels in accordance with Government policy; there is a benefits system in place for

those on low incomes; and for many the increase in rental levels will be reflected in a corresponding improvement in the quality of their accommodation.

- 4.3.215 The housing stock at Clays Lane is in poor condition; it does not meet modern standards; and 89% is in the form of shared units. All those relocating will have the opportunity of self-contained accommodation, which is an expressed wish of the majority, resulting in an increase in the amount of private space; and all properties will meet the 'Decent Homes Standard'. It is accepted that residents will take a subjective view as to whether what is on offer is an improvement; and that will be particularly true of those in self-contained flats and bungalows as some of the properties likely to be on offer might be smaller in floor area. However, the LDA is confident that by most objective measures it will be able to deliver improvements for all residents.

Case for Objector 258

- 4.3.216 The LDA has not taken account of the emotional effects of losing one's home and the compensation is inadequate. The Objector also runs her business from her home and compulsory relocation will affect her business and her income.

Response by the London Development Agency

- 4.3.217 The general case and all material relating to the Clays Lane objections apply.

Case for Objector 259

- 4.3.218 The Objector wishes to establish that offers of compensation to residents are correct and would like written confirmation of this and property locations.

Response by the London Development Agency

- 4.3.219 The LDA has put specific options to residents about group moves, site visits have taken place and particular matters are being taken forward. Professional and independent advisors have been engaged to determine the relocation needs and aspirations of residents.

Case for Objector 287

- 4.3.220 The Objector has not had sufficient information about re-housing; he has not been advised of his legal rights; and the LDA has changed its promise about the quality of accommodation; leading to overall distrust of its intentions.

Response by the London Development Agency

- 4.3.221 The general case and all material relating to the Clays Lane objections apply.

Case for Objector 290

- 4.3.222 The Objector has not been properly informed about relocation; it is not necessary to demolish Clays Lane; the LDA has changed the formula for the move; and the home loss payment is unreasonable.

Response by the London Development Agency

4.3.223 The general case and all material relating to the Clays Lane objections apply.

Case for Objector 291

4.3.224 The Objector has not been kept informed about her relocation; by December 2005 there had been no feedback from meetings held in September; no surgeries; and nothing in letter form. Six months after the award of the Games tenants were still in the dark:- they had not received any offers, advice or a date when accommodation might become available. In addition, no help had been given in completing a survey form for accommodation preferences and there was nothing to suggest that replacement accommodation would be 'an improvement'. The assessment of compensation had also been passed to consultants with no input from residents.

Response by the London Development Agency

4.3.225 The general case and all material relating to the Clays Lane objections apply.

Case for Objector 292

4.3.226 The CPO infringes Human Rights under Article 8 and Article 1 of the First Protocol as other land is available and demolition is not necessary in the public interest; or proportional; and provision could be made in a less intrusive way. The CPO fails to strike a fair balance; and it is not a reasonable act to demolish an estate occupied by 450 tenants.

4.3.227 The CPO has been issued without adequate consultation as required by the planning permission for the Olympics. Moreover, the LDA has not organised proper consultation; it has not offered any relocation proposal or advice or put in place a Relocation Strategy. It has also failed to offer to pay financial compensation for the relocation; and it has not granted access to legal advice which amounts to unfair treatment under Article 6.

Response by the London Development Agency

4.3.228 In relation to *Convention Rights* the LDA submits, on the basis of the totality of its evidence, that the CPO would be lawful, serve a legitimate aim in the public interest and be proportionate to that aim. It would strike a fair balance between the interference with *Convention Rights* and the pursuit of the legitimate aim in question. There are no alternatives that would be less intrusive of *Convention Rights* and the redevelopment of Clays Lane is necessary to deliver the Olympic Games and the Legacy.

4.3.229 There can be no infringement with Article 11 of the Convention; particularly as the Co-operative ceased to manage the estate once Peabody Trust took control and members, or former members, of the Co-operative will continue to be able to associate with one another if the CPO is confirmed. As residents have access to suitable legal advice, and the opportunity to make representations to the Secretary of State through the Public Inquiry, whose

decision must be made in accordance with the law, there is no breach of Article 6.

4.3.230 Relocations are currently being conducted on a 'choice based' system in which residents have a choice of properties available in the social housing sector. Under this system specific options will not have been presented to the Objector. However, 'direct offers' will be made from January 2007 for those who have not secured accommodation through the 'choice based' process.

4.3.231 The Residential Relocation Strategy was submitted in December 2005. Although it has not been approved, work to date will feed into the revised or new planning permissions which will need to be made for the Olympic Park.

Case for Objector 293

4.3.232 The Objector has not been properly informed about relocation; it is not necessary to demolish Clays Lane; and the LDA has changed the formula for the move.

Response by the London Development Agency

4.3.233 It is understood that the Objector may have relocated. Information has been given to residents about relocation options; the LDA has put specific options to residents about group moves, site visits have taken place and particular matters are being taken forward. Professional and independent advisors have been engaged to determine the relocation needs and aspirations of residents and to advise and assist with the process of relocation. Extensive consultation has taken place. The process of relocation has been described clearly, including the date for, and process leading to, vacant possession.

4.3.234 The demolition of Clays Lane is necessary for the reasons set out in LDA/REB/12.

Case for Objector 294

4.3.235 The Objector did not receive the CPO notice. He has not been kept properly informed by the LDA or CBHA regarding relocation; the LDA has changed its statement in respect of providing better accommodation than exists at present; and it is ill-prepared for relocation with no information about available housing, costs, locations and comparison between different options. He is also unaware of his legal rights as he has not received any legal representation.

Response by the London Development Agency

4.3.236 The general case and all material relating to the Clays Lane objections apply.

Case for Objectors 297 & 318

4.3.237 The LDA has not kept to its promise of providing information or to meeting with tenants. The CBHA survey was inadequate in its function and purpose and it is unclear how it will assist in the individual process of relocation. In addition, there has been no information of housing options, legal advice and

when the move will take place. Affordability is particularly important to the Objectors and the community of Clays Lane meets all their needs.

4.3.238 Clays Lane has a sense of community and a sense of security. The Objectors' fear being moved from a ground floor flat with access to a communal garden into a tower block and the prospect of '*winner and losers*' is unnerving. There has been little information about compensation and the LDA has shown little consideration for the emotional ties that will have to be broken.

4.3.239 **Objector 297** adds that as a result of broken promises to date, one questions the ability of the LDA to deliver the whole Olympic project.

Response by the London Development Agency

4.3.240 The general case and all material relating to the Clays Lane objections apply.

Case for Objector 298

4.3.241 There has been no information about re-housing; the LDA has failed to prepare a Relocation Strategy; it is not providing legal advice; and it is ignoring the Fluid survey.

Response by the London Development Agency

4.3.242 Information has been given to residents about relocation options; the LDA has put specific options to residents about group moves, site visits have taken place and particular matters are being taken forward. Professional and independent advisors have been engaged to determine the relocation needs and aspirations of residents and to advise and assist with the process of relocation.

4.3.243 It is not accepted that there has been any deficiency in the surveys or that they have not been taken into account. Group housing is being investigated as a specific outcome of the Fluid survey. The results of that survey were kept confidential unless an individual consented to the release of their information.

Case for Objector 299

4.3.244 The Objector has not been kept informed about her relocation and the LDA has changed the formula for the move. The LDA has not provided general or legal advice; it is unclear how the replacement accommodation will be an improvement; there are reservations about future housing costs and compensation, which is being assessed without tenants' input; confusion about what is likely to be available; and concerns about community facilities, access to design, public transport and open space. The loss of Clays Lane will necessitate the provision of alternative accommodation and facilities especially for single people and marginalised groups.

4.3.245 General objection is also taken on behalf of local businesses, Travellers/Gypsies and a colony of Great Crested Newts.

Response by the London Development Agency

4.3.246 The general case and all material relating to the Clays Lane objections apply.

Case for Objector 300

4.3.247 The Objector did not receive a copy of the Order. Objection is made due to a lack of information and advice; having to complete a questionnaire under scrutiny of CBHA staff; and the change to what tenants will get when they move. Overall, tenants are not being treated fairly and the LDA has done nothing to reduce their anxiety. In addition, friends were evicted from the Park Village Estate which is now waiting to be demolished.

4.3.248 Clays Lane is a unique housing estate; some of the residents are vulnerable as a result of physical or mental illness or disability and residents provide an informal mutual support system. The Objector has lived in a shared house for 10 years and has many friends. Concern is expressed about the availability and suitability of alternative accommodation; its affordability against low-cost living at Clays Lane and the level of compensation.

4.3.249 Residents wish to ensure that the re-housing policy is a fair and reasonable one; and that all residents will have the opportunity of similar purpose-built accommodation. To date there has been a lack of information and significant discrepancies in what residents can expect.

4.3.250 Article 6 of the *European Convention on Human Rights* is engaged; the Inquiry must be conducted fairly; and residents should have access to legal representation. Residents do not have the financial means to secure this. The demolition of the estate would be a disproportionate interference; and other reasonable alternatives need to be considered. It is not known whether the LDA has done this and how it reached the conclusion that the Clays Lane Estate was the only reasonable option available.

Response by the London Development Agency

4.3.251 The general case and all material relating to the Clays Lane objections apply.

Case for Objector 301

4.3.252 A lack of information about accommodation and compensation, and different statements from the LDA, has led to uncertainty and confusion; nothing is seen of the LDA; and a questionnaire was of little value. Clays Lane is a sociable place and loss of friends is a concern.

Response by the London Development Agency

4.3.253 Information has been provided about relocation options; and there has been extensive consultation. In terms of group moves, the LDA has put specific options to residents, site visits have taken place and matters are being taken forward. It has been made clear that the LDA will pay compensation for home loss and relocation costs and reasonable expenses for those faced with a double decant.

4.3.254 The Fluid survey found that the majority of residents, who expressed a preference, did not wish to relocate as part of a group move; the Legacy development is intended to deliver mixed, balanced and sustainable communities, thereby fostering social contacts and supporting new and existing residents.

Case for Objector 302

4.3.255 The LDA is forcing the Objector to move from her home of over 8 years in an area where she has friends and family; and her relocation needs have not been handled professionally or sensitively. There has been a lack of information about available land, housing costs, locations and comparisons. The Objector also considers that it is not necessary to demolish Clays Lane as there is sufficient nearby land. All of the uncertainty makes it impossible to get on with or plan her life. The LDA should pay proper regard to Human Rights and provide adequate and regular information, appropriate consultation and realistic compensation.

Response by the London Development Agency

4.3.256 The LDA has sought, and continues to seek, to relocate residents by agreement. Professional and independent advisors have been engaged to determine the relocation needs and aspirations of residents and to advise and assist with the process of relocation.

4.3.257 The LDA is alive to the uncertainty and stress that having to move home can cause to some residents. Information has been given about relocation options. In terms of group moves, the LDA has put specific options to residents, site visits have taken place and matters are being taken forward.

4.3.258 There has been extensive consultation on relocation; and information on relocation costs and compensation has been provided directly to residents and to the Clays Lane on the Move residents' committee. The LDA has made it clear that it will pay compensation for home loss and relocation and reasonable expenses in the event of a double decant.

4.3.259 The demolition of Clays Lane is necessary for the reasons set out in LDA/REB/12.

4.3.260 The LDA is a public authority that is obliged to act in a manner that is not incompatible with *Convention Rights* under the *Human Rights Act 1998*. Confirmation of the Order would be a lawful and proportionate measure in pursuance of a legitimate aim for the purpose of *Convention Rights* (and Article 8 and Article 1 of the First Protocol in particular), and that no undue burden would be placed on any person were the Order confirmed. On the totality of its evidence confirmation of the Order would be compatible with *Convention Rights*.

Case for Objector 304

4.3.261 The LDA has failed to give up-to-date information about relocation. The Objector is unclear as to how he will be compensated for the loss of an upstairs flat, of unique design, with views over open-space; its proximity to a

cycle track, nature reserve and Hackney Marshes; for the loss of good and peaceable neighbours; and for the loss of low rents and communal heating.

- 4.3.262 No information has been given on which to base a preference for the several re-housing options and it is unclear which of the agencies is responsible. Concern is also expressed about the possibility of living in another area and having to register with a new doctor and dentist. The rationale of demolishing a relatively modern estate and the enormous cost of re-housing is questionable, and it does not seem to fit comfortably with the aim of increasing social housing accommodation or for enhancing the legacy of the Olympics.

Response by the London Development Agency

- 4.3.263 Information has been given to residents about relocation options. In terms of group moves the LDA has put specific options to residents, site visits have taken place and matters are being taken forward. One of the group moves would accommodate residents' aspirations to be involved in the design of the scheme and the possibility of incorporating communal facilities is being explored. Proposals for group moves have the potential to provide accommodation of a higher standard than currently exists.
- 4.3.264 It is anticipated that relocation properties will meet the 'Decent Homes Standard'. While the LDA is confident that all relocation properties will be of a suitable quality when judged by objective standards, it accepts that there are subjective judgements that come into play and residents should visit the properties available to make comparisons and reach their own judgement. The LDA also recognises that relocation to another home inevitably involves some disturbance but, for those who choose to move locally, disturbance will inevitably be less since existing community ties will be easier to maintain.
- 4.3.265 The LDA has made it clear that it will pay compensation for home loss and relocation including reasonable expenses arising from a double decant associated with a group move. People currently living at Clays Lane will be able to enjoy the benefits of the Legacy development should they so choose. The LDA believes that the public interest in the Legacy benefits clearly outweighs the loss of Clays Lane.
- 4.3.266 The demolition of Clays Lane is necessary for the reasons set out in LDA/REB/12.

Case for Objector 305

- 4.3.267 The Objector is prepared to move to make way for the Olympics but expresses concern on the lack of reliable and consistent information about the accommodation to be offered and the pressure of having to make decisions on that basis. Criticism is made of the second survey; reassurance is sought about proper compensation; and fears are expressed about the prospect of accommodation being left empty like the Park Village Estate.

Response by the London Development Agency

- 4.3.268 The general case and all material relating to the Clays Lane objections apply.

Case for the Objector 306

- 4.3.269 The Objector is unhappy about the lack of information provided by the LDA and about the consultation process as the second survey does not allow residents to express all their interests and needs. The LDA has also made conflicting statements about what residents can expect; and the indication that there will be no certainty of even equivalent accommodation is disturbing as it was understood that the Olympics would bring benefits to residents.
- 4.3.270 The whole Olympics programme is unclear and uncertain and it may not be as beneficial as expected. The experience of Clays Lane and the Park Village Estate confirm doubts about the management of the Games.

Response by the London Development Agency

- 4.3.271 Information has been given to residents about relocation options; the process of relocation has been described clearly, including the date for, and process leading to, vacant possession.
- 4.3.272 In terms of group moves the LDA has put specific options to residents, site visits have taken place and matters are being taken forward. One of the group moves would accommodate residents' aspirations to be involved in the design of the scheme and the possibility of incorporating communal facilities is being explored. Group housing is being investigated as a specific outcome of the Fluid survey. The results of the Fluid survey were kept confidential unless an individual consented to the release of their information.
- 4.3.273 It is anticipated that relocation properties will meet the 'Decent Homes Standard'. While the LDA is confident that all relocation properties will be of a suitable quality when judged by objective standards, it accepts that there are subjective judgements that come into play and residents should visit the properties available to make comparisons and reach their own judgement.
- 4.3.274 The ODA is fully constituted and funded to deliver the Olympic Games and Legacy development. It will be responsible for constructing the Olympic venues and related facilities, the Olympic Park, the facilities within it and the associated transport and security facilities. The London Organising Committee for the Olympic Games will, in turn, be responsible for co-ordinating the activities of other contributory bodies and for organising the Games themselves.

Case for the Objector 307

- 4.3.275 The Objector is concerned about not being informed properly about relocation and whether the replacement accommodation will be low cost, close to shops, amenities and transport. There is plenty of land in the area without having to demolish Clays Lane. The LDA has not fulfilled its claim of '*intense liaison*'; and legal and general advice is lacking. The residents of Clays Lane should receive the benefits promised under Legacy but this appears to be in serious doubt as a result of statements referring to '*winner and losers*'.

Response by the London Development Agency

- 4.3.276 Information has been given to residents about relocation options and there has been an extensive process of consultation. In terms of group moves the LDA has put specific options to residents, site visits have taken place and matters are being taken forward. One of the group moves would accommodate residents' aspirations to be involved in the design of the scheme and the possibility of incorporating communal facilities is being explored.
- 4.3.277 While the LDA is confident that all relocation properties will be of a suitable quality when judged by objective standards, it accepts that there are subjective judgements that come into play and residents should visit the properties available to make comparisons and reach their own judgement.
- 4.3.278 The demolition of Clays Lane is necessary for the reasons set out in LDA/REB/12. People currently living at Clays Lane will be able to enjoy the benefits of the Legacy development should they choose to do so. The Legacy development will provide enhanced amenities and facilities for recreation in the Lower Lea Valley. The LDA believes that the public interest in the Legacy benefits clearly outweighs the loss of Clays Lane.
- 4.3.279 Legal advice relating to relocations is available from the ITLA; and Clays Lane residents as a whole have secured legal representation for appearance at the Inquiry.

Case for the Objector 308

- 4.3.280 The consultation process for the relocation of Clays Lane residents has been inadequate and no land has, as yet, been identified for the purpose of relocation into purpose-built accommodation. Promises about the standard of accommodation have been changed and it seems that those with single occupancy accommodation can expect not to be offered equivalent accommodation. Relocation away from local bus and rail services would cause serious inconvenience.
- 4.3.281 The estate has a high standard of design and attention to detail. Its layout is based on a series of courtyards, which provided the democratic unit for the Co-operative, set within well-maintained landscaped surroundings. The estate has a tranquil and friendly atmosphere, a community centre and an estate office. Internally the accommodation is to a good standard; shared houses are fully furnished; and single units are equipped with a bed and a wardrobe. The rents include Council Tax, services and utilities.
- 4.3.282 Relocation will see a considerable rise in rents and living costs; the loss of adjacent and nearby open space. There is a good bus service to the estate, coach routes and rail services, including the underground and DLR, are nearby and there are convenient walking and cycling routes. It would be reasonable to expect from relocation an equivalent standard of design and layout; access to extensive open space; low rents; and good transport links.

4.3.283 The possibility of a group move has been delayed and the need for a double decant may have reduced the attractiveness of such an option. Such people should be allowed to stay until the new accommodation is complete, which would appear feasible as most of the site is not required for the Athletes' Village.

Response by the London Development Agency

4.3.284 The general case and all material relating to the Clays Lane objections apply.

Case for Objector 309

4.3.285 The Order is opposed as it is not necessary to demolish Clays Lane; the Objector has not been kept informed about relocation and is worried about excessive increases in rent and bills and does not wish to leave the area.

Case for the London Development Agency

4.3.286 The general case and all material relating to the Clays Lane objections apply.

Case for Objector 310

4.3.287 The Objectors do not oppose the Olympic Games or the proposed development but raise a number of concerns. The LDA has failed to adequately consult tenants following the successful bid for the Olympics and it has failed to secure the improved housing promised by the Mayor, which is continually downgraded by the LDA. The responsible agencies have failed to address monetary compensation; failed to address the possibility of a private sector option; failed to support and inform tenants of their rights arising from the CPO; and failed to make provision for legal advice or to provide an ITLA.

4.3.288 Moreover the time period for decanting has been brought forward which will cause considerable disruption and restrict the potential for tenants to seek adequate accommodation elsewhere; and no enquiries have been made of the Objectors' need for accommodation within the London Borough of Newham. Overall, the concerns demonstrate that the promised Legacy is being ignored; and profit, cost-cutting and expediency are replacing the supposed Olympic ideals of fairness and aspiration to achieve the best.

Response by the London Development Agency

4.3.289 The general case and all material relating to the Clays Lane objections apply.

Case for Objector 311

4.3.290 The Objector has not been kept properly informed about relocation and compensation. Only one meeting has been held since the award of the Games and questions remain unanswered. It is contended that a new housing Co-operative should replace Clays Lane. Although the LDA has promised to build new community housing, no land has been identified.

4.3.291 The area currently suffers from a serious housing shortage and concern is expressed about the reality of the LDA finding self-contained accommodation for some 400 displaced tenants. The cost and type of future housing is an issue especially as no details have been provided and it is not known whether it will be an improvement on current housing. In addition, housing costs and the level of compensation have been referred to consultants without any input or involvement from residents. The Objector has lost confidence and trust in Peabody Trust as a housing provider.

Response by the London Development Agency

4.3.292 The general case and all material relating to the Clays Lane objections apply.

Case for Objector 312

4.3.293 The demolition of Clays Lane is not necessary as there is plenty of unused land in the locality. The claim that the Olympics will bring benefits to the community is questioned as Clays Lane residents will be re-housed elsewhere. The Objector has not been properly informed by the LDA about relocation costs; information is very vague; and the formula and date for the move keeps changing. The LDA has given little reassurance about providing equivalent living conditions; and it has not taken account of the unsettling effect on, and inconvenience to, the community.

Response by the London Development Agency

4.3.294 The demolition of Clays Lane is necessary for the reasons set out in LDA/REB/12. The need to locate the Athletes' Village and other aspects of the Olympic Park was considered during the design stages; and the loss of Clays Lane and the community disruption was identified as a disadvantage at an early stage.

4.3.295 There has been extensive consultation on relocation. Proposals for group moves have the potential to provide community accommodation of a higher standard than currently exists. People currently living at Clays Lane will be able to enjoy the benefits of the Legacy development should they choose to do so. The LDA believes that the public interest in the Legacy benefits clearly outweighs the loss of Clays Lane.

4.3.296 Information has been given to residents about relocation options; the process of relocation has been described clearly, including the date for, and arrangements leading to, vacant possession.

4.3.297 The LDA understands that the move from Clays Lane will unsettle a lot of people. However, it does not accept that residents are being treated unfairly:- the Objector's claim is unsubstantiated. The LDA considers that the procedures it has put in place are fair and transparent, and residents have been, and continue to be, involved in the regulation of this process.

4.3.298 The LDA has always accepted that, on average, rents will increase by a modest amount, depending on the resident's current accommodation and their choice in relocation. Living costs at Clays Lane, on average, have always been lower than costs in the social housing sector generally.

Information on relocation costs and compensation has been provided directly to residents and to the Clays Lane on the Move residents' committee. In each individual case there should be a range of rental options available. Those who qualify for social housing will pay no more than the going rate for social housing of its type and location; and benefits will be available for those on low incomes if they need additional support.

Case for Objector 313

4.3.299 The Objector has not been kept properly informed about relocation; no accommodation has been offered yet; and as a consequence feels very insecure and uncertain about the future.

Case for the London Development Agency

4.3.300 The general case and all material relating to the Clays Lane objections apply.

Case for Objector 316

4.3.301 The LDA has failed to produce a comprehensive relocation strategy and to keep residents properly consulted. It has also backtracked on the original intention to provide '*as good as or better than*' properties. Both the LDA and CBHA have failed to take account of the comprehensive Fluid survey; and the conduct and content of the CBHA survey has been unsatisfactory. The independence of the ITLA is questioned.

4.3.302 CBHA has queried the motives of tenants who might wish to buy a home; and residents have been told that there will be "*winners and losers*" in the relocation process. The Objector wishes to ensure that re-housing provides her with something similar (she has enjoyed a fair sized flat, located in a courtyard within a strong community at an inclusive affordable rent). Residents have had to push the LDA to come up with sites for group moves; and the minimum home loss compensation package does not truly represent the loss of community. Residents should be treated fairly in their housing needs.

Response by the London Development Agency

4.3.303 The general case and all material relating to the Clays Lane objections apply.

Case for Objector 318 and Response by the London Development Agency

4.3.304 The objection is reported with Objection 297.

Case for Objector 320

4.3.305 The LDA has not provided any firm indication as to where tenants will be re-housed. Concern is also expressed about increased housing costs; the fairness of compensation; and, the provision of equivalent sized flats.

Response by the London Development Agency

4.3.306 The general case and all material relating to the Clays Lane objections apply.

Case for Objectors 408 - 410

- 4.3.307 Article 6 of the *European Convention on Human Rights* is engaged; the Inquiry must be conducted fairly; and residents should have access to legal representation. Residents do not have the financial means to secure this. The demolition of the estate would be a disproportionate interference; and other reasonable alternatives need to be considered. It is not known whether the LDA has done this and how it reached the conclusion that the Clays Lane Estate was the only reasonable option available.
- 4.3.308 Clays Lane is a unique housing estate; some of the residents are vulnerable as a result of physical or mental illness or disability and residents provide an informal mutual support system. Objectors 408 and 410 have lived in a shared house for 20 years and 10 years respectively; and Objector 409, currently in a flat, has lived on the estate for 21 years. They all have many friends. Concern is expressed about the availability and suitability of alternative accommodation; its affordability against low-cost living at Clays Lane and the level of compensation.
- 4.3.309 Residents wish to ensure that the re-housing policy is a fair and reasonable one; and that all residents will have the opportunity of similar purpose-built accommodation. To date, there has been a lack of information and significant discrepancies in what residents can expect.
- 4.3.310 **Objector 409** adds that confirmation is required of the LDA's commitment to securing relocation to similar purpose built accommodation. Its policy is unclear, particularly in the context of changing statements and commitments. To date, staff offering alternative accommodation have lacked empathy in relation to additional costs. There is also the human cost of losing a unique community and the quality of life should be an integral consideration of the enforced move. Residents of Clays Lane are losing out, especially financially, whilst private home-owners are making substantial gains.

Response by the London Development Agency

- 4.3.311 The general case and all material relating to the Clays Lane objections apply.

Section D

Individual Appearances at the Inquiry

Case for Objector 260

Introduction

- 4.3.312 The Clays Lane Estate was run, until recently, by the Clays Lane Co-operative, when, following findings of administrative mis-management, its powers and assets were transferred to Peabody Trust. The estate is valued as a place to live for its community facilities, sense of community, Co-operative origins and low cost living:- it will not be possible to replicate these benefits.

Lack of trust

- 4.3.313 The LDA informed residents, in March 2006, they would receive priority, through 'decant status', in their applications to the London Borough of Newham for replacement accommodation. That was misleading; it has not come to fruition; and the LDA is not to be trusted in what it says.

Rents

- 4.3.314 The LDA has relocated some 106 tenants to date, some a considerable distance away; but it has no idea of the average rent being paid by those who have moved; or the rents being asked for properties which are on offer to residents. Examples of the former include a weekly rent of £110 plus bills; and properties to let have been advertised in the range of £75.57 - £104.53 plus bills. Residents of Clays Lane are in the unique position of having their Council Tax, heating and lighting included within their rent. It is inevitable that residents will be considerably worse off with those currently in group accommodation facing a two or three-fold increase in housing costs.

The Safer Neighbourhoods Unit

- 4.3.315 Before the appointment of an ITLA, legal advice on the CPO and the process of relocation was denied by the LDA. The subsequent appointment of SNU to assist tenants in their relocation was guided by the LDA who presented the selection committee with a short list of 3 bodies. None was considered to be adequate, but a decision was taken to appoint SNU. To date they have proved to be a major disappointment by failing to give appropriate advice on how to gain increased compensation; and requests for external legal advice have been refused.

Group moves

- 4.3.316 The LDA has paid insufficient attention to the desire of a significant number of residents who have indicated a wish to continue living on a communal basis. Having established a strong interest through the Fluid Report, CBHA undertook a follow-up survey which ignored community living. A further survey of those interested in a group move, conducted by SNU, has lacked personal contact.
- 4.3.317 The eventual identification of sites to accommodate group moves has come too late, such that provision will not be made before July 2007 when residents will be forced to leave. As a consequence existing occupants who opt for a group move will face decanting into temporary housing before moving into their chosen accommodation. Such residents will have to bear increased accommodation costs in the short-term and the LDA cannot be trusted to honour its commitment to pay reasonable expenses. The LDA should provide written guarantees of rents and compensation so that legal action can be taken if it defaults.

Need to displace residents

- 4.3.318 The Clays Lane Estate is on the edge of the Olympic site; it could be fenced around and excluded from the area required. It is no longer required for the Athletes' Village and it would be quite easy to put the back-of-house facilities elsewhere within such a massive site.

Other matters

- 4.3.319 The Human Rights of tenants at Clays Lane would be violated as the residents do not have access to legal representation.

Response by the London Development Agency¹⁷²

Introduction

- 4.3.320 The Clays Lane Co-operative was the subject of a statutory Inquiry which found mis-management in a number of areas. Its assets and functions were transferred to Peabody Trust in March 2002. The loss of the Co-operative is unrelated to the CPO.

Lack of trust

- 4.3.321 The LDA accepts that it gave residents the impression, following discussion with the London Borough of Newham officers in March 2006, that they would qualify for 'decant status' and be placed in the highest priority band when bidding for properties in the area of the East London Lettings Company. However, the Council decided that the decision should be subject to Committee approval. Formal endorsement was to be expected on 13 July 2006.¹⁷³

Rents

- 4.3.322 The Objector's 'evidence' on rental levels is unreliable being based on a limited range of properties, generally outside the East London Lettings area. Those owned by Peabody Trust were quoted at a much higher 'target rent' (applicable to residents moving into social housing) rather than a 'convergence rent' (for those moving within the social housing sector). Peabody Trust has subsequently changed its policy so that residents of Clays Lane will pay no more than existing residents in equivalent accommodation. All of the properties on offer form part of the 'choice based' lettings system and residents face no compulsion to accept any of them. The fact that some residents have relocated to much more expensive accommodation outside the immediate locality reflects their ability and willingness to do so.
- 4.3.323 By contrast the LDA has commissioned a review of Housing Association properties across East London boroughs which showed an average rent of £63.51. In addition a review of all properties let through the East London Lettings Company (some 60 in total on offer April – July 2006), including

¹⁷² LDA/REB/28; LDA/REB/13; LDA/AG/1; LDA/AG/3 (Appendix 4)

¹⁷³ Inspector's note – see paragraph 4.3.117

Council-owned property, shows an average of £59.12 per week.¹⁷⁴ This figure has been accepted by SNU. All of these properties will have appeared in the Choice Homes Magazine which is made available to the residents of Clays Lane. Some residents have been able to take advantage of these; and the likelihood of success will increase on the award of priority 'decant status'. Both these figures represent a marginal increase on the rent, £58.91, for self-contained accommodation (with a cooker) at Clays Lane. Council Tax, with the single occupancy discount, will add around £10 - £12 per week. It should also be borne in mind that any relevant benefits will continue to be paid.

The Safer Neighbourhoods Unit

4.3.324 The LDA had made plain from the outset that it would not be providing any legal advice in respect of objections to the CPO; but advice on re-housing would be available on an equitable basis to all tenants through the independent tenant liaison advisory service. The Objector, as chair of the tenant-led panel, was one of the people instrumental in the unanimous appointment of SNU. The shortlist reflected the limited number of bodies with appropriate experience and expertise; had the panel been dissatisfied it could have rejected the candidates. The ITLA service is now managed by a committee of tenants, Clays Lane on the Move, which has not raised any issues on their performance. It was also made clear that should SNU's own legal expertise be lacking on a specialist point, specific legal advice could be procured. One request has been made and granted.

Group moves

4.3.325 Expressions of interest in a group move were revealed in the Fluid survey.¹⁷⁵ The CBHA survey was silent on the matter as its focus was individual moves. However, work has progressed with the 2 main groups of residents interested in a community group move to the extent that 5 potential sites have been presented for their consideration.

4.3.326 Two have attracted particular support. The first, the Nags Head Estate in Bethnal Green, would deliver refurbished group accommodation by March 2007. New-build at Galleon's Roundabout would not be available until early in March 2008, but it would allow residents to be involved in the design process. Inevitably, a move into temporary accommodation would be necessary; but this would be available at similar rents to those on offer for permanent moves. The LDA has confirmed that it will also meet the reasonable expenses of a double move.

4.3.327 A third, smaller, group is also exploring a group move, assisted by the LDA and CBHA. Preliminary sites have been identified with the aid of the Redloft Partnership and discussions are continuing.

¹⁷⁴ London Development Agency: Benchmarking of Relocation Costs for Social Housing Residents in London (January 2006) (Tribal HCH)

¹⁷⁵ LDA/AG/3 (Appendix 4)

- 4.3.328 A further survey is being undertaken by SNU, on the basis of these identified options, to establish the overall level of interest in group moves and the composition of the groups.
- 4.3.329 CBHA has also indicated that it would be willing to explore the possibility of setting up a TMO for the new groups. Whilst ownership of the property would remain with CBHA or Peabody Trust, tenants could be involved in day-to-day management, thus replicating some aspects of Co-operative living.

*Need to displace residents*¹⁷⁶

- 4.3.330 The Clays Lane Estate is needed primarily for the delivery of the Athletes' Village. Although only a small element of the residential accommodation is intended to be placed on the Clays Lane site, the Village as a whole will rely on adjacent support facilities such as dining and catering areas. Exclusion of the land would have a major impact on this arrangement and it would prejudice the provision of the Olympic Loop Road and security arrangements. The Olympic Masterplan review, in January 2006, condensed the Olympic Park and there is no spare space within the revised Park boundary. Removal of Clays Lane would also inhibit the preparation and provision of much of the land for subsequent Legacy development.

Other matters

- 4.3.331 Legal representation has been secured by a large group of residents for the presentation of a collective case; the Objector has chosen not to take the benefit of that representation.

Summary

- 4.3.332 In essence, the Objector seeks a cast-iron guarantee that he will not pay any higher accommodation charges than he does at present. That cannot be guaranteed but such increases will be modest; there is no evidence to suggest that this would be unaffordable to him; and there can be no basis to conclude that any additional burden placed on him would be sufficient to defeat the CPO. Overall, the LDA is taking fair and reasonable steps in securing appropriate alternative accommodation.

Case for Objector 303¹⁷⁷

- 4.3.333 The Objector is listed as subscribing to the Collective Case for Clays Lane Objectors. However, he chose to appear in his own right on the basis of his withdrawal from the Collective Case. He also appeared at the Round Table Session.
- 4.3.334 The Objector has been a resident of Clays Lane since February 2001. His time there has not always been a happy one and he has faced a number of difficulties arising from intimidation and harassment leading to an enforced period away from the estate. He would be happy to move as soon as possible.

¹⁷⁶ LDA/REB/12

¹⁷⁷ Document 303/1/1 – 303/1/47

- 4.3.335 Following the dissolution of the former Co-operative, CBHA took control of the management of the estate. The Objector's initial dealings with CBHA were very positive and he made his need for self-contained accommodation in central London known through the CBHA survey of Clays Lane residents. Towards the end of 2005, CBHA told him that he would have priority status for re-housing and just before Christmas he received a list of properties.
- 4.3.336 The Objector, at the first available opportunity, registered his interest in 2 properties, one of which was 40 Balderton Flats, Westminster. He was told it had been reserved, but, after complaining, he received an invitation to view which itself was cancelled 2 days later. A further viewing was arranged for 13 February but that was called off at short notice; and the same thing happened on 22 February. Nonetheless, he was able to conclude, from seeing a similar flat and his knowledge of the area, that he would have been over the moon with 40 Balderton Flats. However, he met with disappointment as enquiries with the CBHA area office revealed that the flat had been reserved for somebody else.
- 4.3.337 This process, and several other issues, has undermined the Objector's trust and confidence in CBHA; and the allocation of 40 Balderton Flats lacked transparency. The Objector believed that he had the highest priority; the successful applicant had not bothered to view the property; and a second floor flat, served by stairs, was unsuitable for someone with a medical condition. Subsequent correspondence from CBHA had been unhelpful and written with an undertone of undermining the Objector's priority status. Nine requests for confirmation of continuing priority status have gone unanswered; and there has been no opportunity for a meaningful meeting with CBHA. The Objector is engaged in a formal complaints procedure against CBHA.
- 4.3.338 When the CPO was made there was no information available about the re-housing process and what residents could expect; and the publication, in June 2006, of a re-housing policy document has come too late. It is also clear that the policy will not prevent similar disappointment. Events have shown a total breakdown in the management of the tenant transfer and relocation process; CBHA cannot be relied on and there is no formal process to monitor its performance.

Response by the London Development Agency¹⁷⁸

- 4.3.339 The objection does not challenge the need to acquire the Clays Lane Estate for the Olympics; the need for regeneration; nor to the general case that the Legacy will deliver that regeneration. It is also apparent that the CBHA survey has been an effective means of assessing the Objector's preference for a central London property; and several properties have been offered in that location which merited consideration and were within the Objector's means.
- 4.3.340 The objection rests solely on the relocation process and the Objector's failure to secure a particular flat that would have met his needs and exceeded his dreams. There were 2 competing interests; each seemingly of high priority;

¹⁷⁸ LDA/REB/40

but it went to a person with a medical need to be near amenities in the locality. CBHA has a great deal of experience in assessing the needs of residents, especially those with special requirements. The LDA, having investigated the matter with the Director in question, is satisfied that the property was offered and allocated in line with the agreed procedures and it went to the person with the greater priority.

- 4.3.341 It is understandable that the Objector should feel disappointed and the LDA itself recognises that more information might have been given at the time. His formal complaint, on this and other matters, is being pursued in line with the CHBA Charter which provides for ultimate reference to the Housing Ombudsman if it remains unresolved.
- 4.3.342 The LDA also monitors the performance of CBHA's management of the tenant relocation process by holding fortnightly meetings with them and other bodies; and separate confidential case conference meetings are held to discuss any specific concerns relating to individuals. In turn, residents can raise unresolved issues with their local Assembly Member or, as a last resort, complain directly to the LDA or CBHA. The Objector has also taken the opportunity to raise the issue of the allocation process with SNU, as the ITLA. It came to the conclusion that, although the process could have been clearer, there was no evidence of mis-management.
- 4.3.343 The LDA and CBHA have since sought to provide a clearer outline of the process which is contained in a draft relocation policy (June 2006) on which residents have been invited to comment. None of the responses raise any concerns about the prioritisation mechanism and the Objector accepts that the draft guidelines are fair.
- 4.3.344 As the process continues the Objector's particular circumstances will be prioritised appropriately. He may not have been able to secure the property he wanted, but that was as a result of a better claim and not as a fault in the system.

Plot Number: 353

Address: Clays Lane Travellers' site

Objector 317: Mrs Tracie Giles (lessee), on behalf of Clays Lane Travellers Residents' Association

Plot Description

5,879 square metres of caravan site, areas of hardstanding, access ways, gas store, pumping station, electricity pylon and part of canopy to Clays Lane Community Centre projecting over part, with public road, footways and verge known as Clays Lane

Plot Number: 45 (Local Area Aa)
Address: Waterden Crescent Travellers' site

Objector 315: Margaret Reilly (lessee), on behalf of Waterden Crescent Residents' Association

Plot Description

6,169 square metres of caravan site comprising pitches 1-20 (inclusive) with individual brick-built amenity blocks, private road known as Waterden Crescent with two access/egress points to Waterden Road, verge and bank of the River Lea, situated east of Waterden Road and north of Hackney Bus Depot

Background to Objections 315 and 317

- 4.3.345 These objections relate to the 2 lawful Gypsy and Traveller sites within the Order Lands. The Waterden Crescent site is situated in Local Area Aa, Waterden Road, but the objections were heard together at the Inquiry, and raise many similar issues.
- 4.3.346 The Clays Lane Travellers' site is an authorised Gypsy site owned and managed by the London Borough of Newham. It has been occupied for 34 years by English Romani Gypsies. The site lies within the Clays Lane enclave of residential development off Temple Mills Lane. The triangular site comprises 15 plots, 13 of which are residential.¹⁷⁹ Of the remaining 2 plots, one was intended to form a children's playspace, but is now occupied as a residential pitch. The other plot accommodates a workshop.
- 4.3.347 Most of the residential pitches have one large caravan unit, with additional vans for family members, as necessary. The size and shape of pitches varies considerably, and access for vehicles to some plots is constrained by the narrow access roads. Each pitch is supplied with power and has a shed that houses a kitchen/dining area and a bathroom with WC.¹⁸⁰ Boundary treatments vary, but although the site is generally well screened from the adjoining roads, there is a degree of direct overlooking from some of the buildings on the Clays Lane Estate.
- 4.3.348 Waterden Crescent Travellers' site is an authorised site, established in 1993, which is owned and managed by the London Borough of Hackney. The residents are Irish Travellers. The site lies to the east of Waterden Road. It comprises 20 pitches organised around both sides of a U-shaped access road, leading off Waterden Road. Each pitch is supplied with power, and has a small amenity block that houses a bathroom, a WC and a sink. Most of the pitches have one large caravan unit with one or two smaller vans. Many have self-built chalets which are used as dayrooms. The site is tidy, but appears congested, because of the number of residents accommodated, and the narrow width of the access road. The chainlink boundary fencing has, in

¹⁷⁹ The LDA understands the site to have 13 pitches, although the Gypsies consider that the site should be regarded as having 15 plots. The LDA are seeking clarification of the situation with the London Borough of Newham, but this had not been resolved at the time of the Inquiry.

¹⁸⁰ Various photographs of the site can be found in LDA/AG/3, Appendix 2

most places, been supplemented by wooden fence panels. To the north of the site is an open car park, and to the south there is a bus depot. The River Lea forms the eastern boundary of the site.¹⁸¹

4.3.349 Included within the Order are 3 sites at Wallis Road (plots 102 - 106), Otley Terrace (plots 1 - 5) and Jenkins Lane, Beckton (plots 789 - 792), which were intended to provide relocation sites for these Gypsies and Travellers. All of the sites lie outside the area required for development of the Olympic Park. The LDA is no longer seeking to acquire the sites at Otley Terrace and Jenkins Lane.

4.3.350 At the Inquiry, the following sites were discussed in relation to relocation of the Clays Lane Gypsies:-

- A site at **Chobham Farm**, with access from Leyton Road, adjacent to the CTRL.¹⁸² The site is flat, hard surfaced, and currently in use in association with construction of the railway. It lies outside, but borders, the area covered by the Stratford City planning permissions and is within the Order Lands. The revisions to the Olympic and Legacy Masterplans of June 2006 identify the site as the preferred site for the relocation of the Clays Lane Gypsies.¹⁸³ The site is also within the areas covered by the *Lower Lea Valley Planning Framework* and the *Stratford Rail Lands Planning Framework*. These documents identify this area as a location for mixed-use development to include residential uses.¹⁸⁴ The site area, just over 8350 square metres, is almost twice the size of the existing Clays Lane site. The LDA considers that this site could accommodate 15 pitches, if required.
- A site at **Albert Island**, Beckton, adjacent to the south side of the Albert Dock basin.¹⁸⁵ The site is predominantly flat, with some man-made earth ramps, associated with its former use as a motorcycle track. The remainder of Albert Island comprises a variety of uses including a boat yard and transport-related open storage. Much of the area is untidy and underused. The site is close to the end of the runway, and near the flight path, for London City Airport. The site is identified as part of the Major Opportunity Zone 12 (Albert Dock Basin – South Side), in the *Newham UDP*, where office and leisure-related development is sought. However, since the adoption of the *UDP*, the Council has published a masterplan for the area which proposes residential development at Albert Island.¹⁸⁶ The LDA considers that this site could accommodate 13 pitches.
- A site off **Leyton Road**, just outside the Order Lands. At the time these objections were heard, this site had only recently been suggested by the London Borough of Newham. Few details of the site were provided, but

¹⁸¹ Various photographs of the site can be found in LDA/AG/3 (Appendix 1)

¹⁸² LDA/SS/5 (Appendix 2)

¹⁸³ LDA/REB/11

¹⁸⁴ LDA/SS/4 (paragraphs 4.20-4.22)

¹⁸⁵ LDA/SS/5 (Appendix 1)

¹⁸⁶ LDA/SS/4 (paragraph 4.14)

it is understood that it comprises open space, currently used as a children's play area, and a community centre.¹⁸⁷

- A site in the London Borough of **Redbridge**, near the Preston Drive allotments, in the vicinity of the junction of the A12/A406, known as the Redbridge Roundabout. This site was suggested by the Clays Lane residents. Limited information regarding this site was available to the Inquiry. The site is subject to covenants which may preclude the stationing of residential caravans.¹⁸⁸

4.3.351 In relation to the Waterden Crescent site, the following potential relocation sites were discussed:

- A site off **Homerton Road**, Hackney.¹⁸⁹ The site forms the southern part of a London Borough of Hackney depot which is considered to be surplus to requirements. The site is predominantly flat, and has been landscaped. It contains some buildings, but these are not prominent in public views of the site. The River Lea forms the eastern boundary of most of the site. There is a Council tree nursery to the west, beyond which is Hackney Marshes. The site is designated as Metropolitan Open Land in the *Hackney UDP*. The policies of *The London Plan* give Metropolitan Open Land similar protection from inappropriate development to that given to the Green Belt.¹⁹⁰ The site also lies within the Lee Valley Regional Park. The LDA considers the site could provide 7 pitches.
- **Wallis Road triangle** (plots 102 - 106 in the CPO). The site is currently in employment use and comprises a number of industrial units of varying age and design. The northern boundary of the site is formed by a railway embankment.¹⁹¹ The site is within a defined employment area in the *Hackney UDP*, which seeks to safeguard such sites for employment use.¹⁹² The LDA considers the site could provide 7 pitches.
- A site at **Felstead Street**, Hackney.¹⁹³ This site is close to the Wallis Road site, on the other side of the railway embankment, which forms the southern boundary of this site. The site is flat and is currently occupied by industrial buildings. In planning policy terms, its designation is the same as the Wallis Road site.¹⁹⁴ The LDA considers the site could provide 4 or 5 pitches.
- A site at **Rendlesham Road**, Hackney.¹⁹⁵ This is a plot of land about 50 metres deep and between 5 and 10 metres wide, which is currently used for car sales. It is next to an existing Travellers' site, known as Abbey Close. To the west of the site is an access to garage blocks serving the surrounding development. Beyond the garage access a site is

¹⁸⁷ LDA/AG/06 (paragraph 2.5)

¹⁸⁸ LDA/AG/06 (paragraphs 2.16 – 2.18)

¹⁸⁹ LDA/SS/5 (Appendix 5)

¹⁹⁰ CD16 The London Plan (page 144, Policy 3D.9)

¹⁹¹ LDA/SS/1 (paragraphs 2.9 – 2.17)

¹⁹² LDA/SS/1 (paragraphs 4.44 – 4.47)

¹⁹³ LDA/SS/5 (Appendix 3)

¹⁹⁴ LDA/SS/4 (paragraphs 2.15 – 2.21)

¹⁹⁵ LDA/SS/5 (Appendix 4)

being cleared for future residential redevelopment. The LDA considers the site could provide 2 pitches.

- A site off **Orient Way**, in the London Borough of Waltham Forest. No maps identifying the site were provided to the Inquiry, but it was described as being adjacent to the end of Elm Park Road, towards the northern end of Orient Way. It has been suggested as a relocation site by the Waterden Crescent residents. They envisage that it could be developed for 'group housing' in the form of chalet or bungalow housing, designed to meet the needs of Travellers, more commonly found in Ireland. It is part of a larger site identified for the relocation of businesses displaced by the Olympic and Legacy proposals. It is not known how many pitches might be accommodated.

Case for Objectors 315 and 317

General matters

- 4.3.352 On the basis of the evidence presented to the Inquiry, the Secretary of State cannot be satisfied that suitable alternative sites will be provided within a timetable which can meet the requirements of the Olympic development, so that the residents of the Travellers' sites can be relocated when the sites are required to be cleared.
- 4.3.353 That is because no planning permission has been granted, and there are planning policy objections to each of the proposed alternative sites. The objections are less strong in respect of Chobham Farm and Rendlesham Road in comparison with Albert Island, Wallis Road, Homerton Road and Felstead Street. The London Borough of Newham's latest proposal at Leyton Road has yet to be appraised by the LDA. The London Boroughs of Newham and Hackney have made no representations to the Inquiry as to the approach they would take to the alternative sites. No decision has been made as to which site or sites are to be put forward and no planning applications have been made. Gypsy and Traveller sites raise particularly sensitive issues and the outcome of applications is difficult to predict.
- 4.3.354 There is a particular problem in relation to Waterden Crescent as the current proposal is a package of sites, and planning permission would need to be gained for each site. Furthermore, not all the sites would accommodate the family groupings identified by the Travellers themselves. Relocation is not simply a matter of space for a caravan, but is also about maintaining a community that the residents have established. The residents of both sites are concerned by the lack of consultation and the uncertainty surrounding the relocation process.
- 4.3.355 If alternative accommodation is not available when the CPO is confirmed and the sites cleared, the residents would suffer a most serious breach of their rights under Article 8 of the *European Convention on Human Rights*. Such an outcome would not be consistent with the objectives of *Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites*, or the LDA's own aspirations.

- 4.3.356 Realistically, both the history of Gypsy caravan site provision in London, and the personal circumstances of these residents, shows that alternative sites can only be achieved through public provision. Nor is it known when sites are likely to be identified, let alone provided, through the development plan process outlined in *Circular 01/2006*.
- 4.3.357 Article 8 permits a breach of the convention if that is a proportionate response, balanced with, among other considerations, the economic well-being of the country. These exceptions are to be interpreted narrowly. The issue is whether the interest of the Olympic development for the area of these sites is such that it requires these residents to lose, or run the serious risk of losing, the places where their homes are stationed and be put on the roadside with all the attendant results of insecurity, exposure to criminal prosecution, danger to health, safety and education, especially bearing in mind that these are communities with children, the elderly and the sick.
- 4.3.358 The Order should be modified to exclude these sites. It would be open to the LDA to bring forward another proposal when it is in a position to satisfy the Secretary of State that suitable sites will be provided.

Site-specific objections – Clays Lane relocation

- 4.3.359 The residents of the Clays Lane site would not object to the CPO if a suitable alternative site had been found. The Clays Lane site is a lawful site which has been occupied for over 30 years. The residents are well integrated into, and form part of, the local community. There are a number of children on the site who attend local schools, and several elderly people who regularly use local healthcare facilities. The site initially offered by the LDA for relocation, at Jenkins Lane, was considered totally unsuitable by Clays Lane residents.
- 4.3.360 However, residents of Clays Lane do not wish to relocate to the proposed site at Albert Island because of, amongst other things:- its isolated location in an, as yet, undeveloped area; the impact of noise and vibration from London City Airport, particularly bearing in mind that Gypsies live in caravans and have an outdoor lifestyle; concerns for child safety near deep water; and the risk of flooding. There is also uncertainty as to whether planning permission would be granted.
- 4.3.361 The site at Chobham Farm offers many of the features the families are looking for in terms of its proximity to the existing site and its size, but there are reservations. The impact of noise and vibration from the railway is unknown. The site would be subject to disruption whilst the Olympic and Legacy development is carried out, and would be adjacent to one of the coach parks during the Games. The nature of the Legacy development in the vicinity is not clear, and residents would not want to be overlooked by new housing. The access to the site is close to a bend and visibility is restricted. There are concerns that the site may not be considered a permanent facility by the London Borough of Newham.

- 4.3.362 In respect of the recently proposed site on Leyton Road, it is a well-used park and community facility, and its removal would not be fair to the Gypsy or settled communities. The site is surrounded by roads and is close to a public house and nightclub, which would lead to noise and disturbance.
- 4.3.363 The Redbridge site is relatively green and open, but close enough to local shops and facilities. It would not be subject to disruption arising from major building work, as would be the case with the other sites. It is accepted that there are restrictive covenants on the site, but this should be further investigated.

Site-specific objections – Waterden Crescent relocation

- 4.3.364 The residents of the existing site accept that it may be beneficial to split into smaller groups. The residents have identified 3 groupings, 2 of 7 families each, and one of 6. The Homerton Road site is an attractive site, and would meet the needs of the identified group of 6 families.
- 4.3.365 The Wallis Road triangle is close to the railway, which gives rise to concerns about noise and children's safety. The main A12 trunk road is also close to the site, generating noise and exhaust fumes. The site is fairly small and too close to houses. There is uncertainty regarding future development in the surrounding area. The Felstead Street site is very close to houses and would feel closed-in. It is too small to accommodate even the group of 6 families. Rendlesham Road is even smaller at only 2 pitches.

Response by the London Development Agency

- 4.3.366 The Objectors do not oppose the CPO in principle, but are understandably concerned that suitable alternative accommodation should be available to them, before vacant possession of their sites is taken. Their objections can be divided into 3 parts. First, a criticism of procedures; second, the merits of the sites that have been proposed; and third, whether suitable sites can be made available in time.

Procedures

- 4.3.367 The LDA recognised the need to engage the residents so that an informed approach could be taken to site selection, involving all the parties. The LDA appointed Fluid, an independent body, to consult with the Travellers and Gypsies.¹⁹⁶ The London Gypsy and Traveller Unit have been involved in the relocation process and the LDA appointed a liaison officer in November 2005.
- 4.3.368 There have been consultation meetings with the LDA, but there is a tension between the desire for early consultation and the need to have concrete proposals on which to consult. The LDA retains a firm of architects to advise on the design of sites and draw up illustrative proposals for consultation. There has also been a considerable amount of work by an independent planning consultant.¹⁹⁷ His firm reviewed a large number of

¹⁹⁶ LDA/AG/3 (Appendices 1 and 2)

¹⁹⁷ LDA/SS/1 – SS/5

sites to draw up a shortlist. These sites were discussed with the Objectors' planning consultant, who found this helpful and constructive. This process meets the requirements of paragraphs 24 and 27 of *Circular 06/2004*, and paragraph 57 of *Circular 01/2006*.

- 4.3.369 Although concern was expressed that the current position had not been reached earlier, residents accepted that they had been able to convey their needs and views to the LDA. The processes put in place have been effective both in informing the LDA of what residents' needs are, and in informing residents of the implications of the CPO and proposals for relocation. These procedures are equipped to achieve the informed relocation of residents both in time, and with their involvement.

Merits of the sites - General Matters

- 4.3.370 The Objectors' needs and desires can only be accommodated to the extent that they are compatible with planning policy which guides the location of development in the public interest. Within the communities on the 2 sites, different people have different priorities, which the LDA must seek to accommodate.
- 4.3.371 Facts on the ground will impose their own limitations. The LDA is seeking to avoid recourse to unnecessary compulsory purchase procedures, so the preference of the Travellers to remain within the subgroups they have formed for the purposes of relocation may not be met. While one group prefers Homerton Road, the LDA would need to consider the views of all residents, and other matters, before residents could be allocated to particular sites.
- 4.3.372 Attempts to predict the fate of planning applications by comparisons with the generality of Gypsy and Traveller sites are inappropriate. This is because the local authorities support the Olympic bid and Legacy proposals; aggravating factors such as the occupation of sites in breach of planning control would not be present; the applications will be made against the policy imperative in *Circular 01/2006*, which is supportive of Gypsy site provision; the benefits of the Legacy proposals will be a powerful factor in favour of granting planning permission; and the applications would relate to sites whose merit and design had been assessed as part of the selection process.

Merits of the sites for Clays Lane relocation

- 4.3.373 The Objector's planning advisor accepts the planning merits of the Chobham Farm site as advanced by the LDA.¹⁹⁸ The site would comfortably accommodate an increased number of pitches, were that required. The concerns of Clays Lane residents are resolvable; and it is notable that neither the LDA nor the Objector's planning consultant raised issues regarding access. Noise and vibration from the CTRL is being addressed by the LDA's consultants.

¹⁹⁸ LDA/SS/4

- 4.3.374 The Objector's fears about the impact that future development on neighbouring sites might have on the residents of the Gypsy site is based on a concern that the planning system would not adequately protect their interests. The Secretary of State should assume that the planning system will operate properly, fairly and lawfully, and will protect the Gypsy site from unacceptable harm. The likely future use of medium-density housing has been taken into account. In addition, any relocation site that is near to the existing site in Clays Lane will inevitably experience some adverse effects from construction works because of the scale of development that is proposed across the area.
- 4.3.375 Regarding concerns expressed over the permanence of the site, as landowner, the LDA could restrict the powers of the London Borough of Newham, which would regulate the site. The location is close to the existing site, and residents would continue to enjoy the same access to shops and services as they do at present.
- 4.3.376 In relation to the Albert Island site, the LDA accepts that there are planning issues concerning noise, flooding and design which need to be investigated before a final view on the merits of this site can be given.¹⁹⁹ The LDA considers it is reasonably accessible to services.²⁰⁰
- 4.3.377 The site recently suggested by the London Borough of Newham, at Leyton Road, has yet to be assessed. It is clear that the Gypsies have reservations about the loss of the existing community uses, and its appropriateness as a relocation site. It is still under consideration.
- 4.3.378 The site at Preston Drive allotments has planning and covenant objections, and the LDA does not consider it to be a likely contender. Nonetheless, it is arranging meetings between the Gypsies and the London Borough of Redbridge.

Merits of the sites for Waterden Crescent relocation

- 4.3.379 No planning objections have been raised to any of the Hackney sites in terms of accessibility, flood risk or site access, and thus the sustainability criteria set out in paragraphs 64 to 66 of *Circular 01/2006* are met. Homerton Road has the full support of the Travellers, and there are clear reasons why an objection on Metropolitan Open Land grounds could not credibly be raised, given the benefit of the Legacy development and the very special circumstances attaching to the need to relocate the Travellers. The site has the support of Hackney's planning officers.
- 4.3.380 The merits of the Wallis Road site are justified by the analysis provided,²⁰¹ and it is supported by officers of the London Borough of Hackney. Although the site is designated for employment uses, the *Hackney UDP* employment policies are out of date in the context of the current strategic policy

¹⁹⁹ LDA/SS/4 (paragraphs 6.6 – 6.11)

²⁰⁰ LDA/SS/4 (paragraph 2.3, 2.4)

²⁰¹ LDA/SS/1 (paragraphs 6.38 – 6.48)

framework provided by national policy and *The London Plan*.²⁰² The LDA had understood that the Travellers would favour this site.

- 4.3.381 The prime concern raised by the Objectors' planning consultant was the uncertainty about what may happen on neighbouring land. The proper approach is to assume that the planning system will ensure that subsequent applications on neighbouring sites will be an appropriate neighbour for the Travellers. The LDA considers that concerns raised in relation to safety and amenity, arising from the proximity of the site to the railway line and the A12 trunk road, can be overcome through good design. Paragraph 5 of Annex C to *Circular 01/2006* suggests that locations next to railways and roads should not be ruled out for Traveller sites.
- 4.3.382 The Felstead Street site is part of a larger site which is currently the subject of an appeal against a refusal of planning permission for a mixed-use scheme providing, predominantly, social housing. The first reason for refusal concerns the height of the proposed buildings (up to 12 storeys). This would not apply to a Travellers' site. The second reason relates to the loss of employment land. This is not a credible objection bearing in mind the employment provision in the Legacy proposals.
- 4.3.383 Furthermore, the LDA is in discussions with the prospective developer of the land with a view to purchasing part of it for a Travellers' Site; and for the developer to submit a revised application for a residential-led mixed-use scheme on the remainder.²⁰³ It is considered that this would overcome the planning authority's reservations and the London Borough of Hackney's planning officers have been supportive.
- 4.3.384 In any event, the criticisms of the *Hackney UDP* employment policies apply to this site as well. The LDA considers the plot sizes would be acceptable for an urban location, and would be similar to the existing plots at Waterden Crescent. While the LDA will seek to provide enhanced facilities where it can, in the context of the CPO, the issue is whether it would provide an adequate relocation site. The LDA believes it would be adequate, as one of a range of sites.
- 4.3.385 Rendlesham Road is adjacent to an existing site, and there are no policy objections to its provision. The only complaints made against this site relate to its size and location adjacent to the existing site; the latter arising from the view that it would be better used to expand the existing site. Whilst these concerns are understood, the site would be capable of providing 2 plots for relocation, and there may be a 2-pitch group.
- 4.3.386 The Orient Way proposal is relatively new and still being assessed. The Travellers are enthusiastic about this site, but uncertainty remains as to whether it would provide sufficient plots, on time. If it were to be implemented, it would replace Felstead Street and Rendlesham Road.

²⁰² LDA/SS/1 (paragraphs 6.34 – 6.37)

²⁰³ LDA/28

4.3.387 Overall, the LDA considers that the planning merits of their proposed sites are good. There are no obvious reasons why planning permission should not be granted for a sufficient number of sites to accommodate all the Gypsies and Travellers.

Timing

4.3.388 The Objectors are not claiming that it is now too late to make the sites in question available by July 2007, but there are understandable concerns. For the reasons given above, the LDA considers that the planning merits of the sites are good, and there are no credible reasons why planning permission should not be granted. Regarding construction, the LDA is an experienced developer, familiar with the processes of tendering for and funding development; and these processes are underway. Management issues have been discussed with the relevant local authorities. Political matters may be difficult to gauge, but the reality is that the planning authorities for these sites all support the Olympic and Legacy proposals.

4.3.389 Furthermore, *Circular 01/2006* effectively imposes a policy obligation to meet the needs of the Travellers and Gypsies if the CPO is confirmed. The LDA believes it is on target to meet the steps envisaged in the Gypsy and Traveller relocation strategy.²⁰⁴ There is still over a year until vacant possession is needed and if there were a need to pursue a decision to appeal, that process could be expedited.

Concluding comments

4.3.390 So far as the merits of the CPO are concerned, the Objectors have not contended that the land is not required for the purposes for which the CPO is made, but that confirmation should be delayed until relocation sites are found. There is no obligation on the LDA to provide relocation sites as a prerequisite to the confirmation of the CPO. The Secretary of State would be entitled to find that a compelling public interest existed, bearing in mind the benefits of the Olympic and Legacy proposals, even if he concluded on the evidence that there would be no relocation sites in July 2007. If no sites were available the relevant local authorities would be obliged to re-house the Gypsies and Travellers. However, the LDA considers that progress to date should provide a high degree of comfort that suitable relocation sites will be provided in time. Both sides are working towards this outcome.

4.3.391 In respect of Human Rights, the needs and lifestyle of the Gypsies should be given special consideration in decision-making, but this does not extend to guaranteeing Gypsy and Traveller pitches.²⁰⁵ The LDA has taken positive steps to provide new pitches, and the confirmation of the CPO would be compatible with Article 8 of the *European Convention on Human Rights*. It would strike a fair and proportionate balance between the public interest and the interference with the *Convention Rights*.

²⁰⁴ OBJ/317/6 Document 4

²⁰⁵ *R (Margaret Price) v Carmarthenshire County Council*

Plot Number: 354

Address: Templar House, Clays Lane (Rooftop Telecommunications Installation)

Objector 380: BT O2 (UK) Ltd

Plot Description

19,526 square metres of part of housing estate known as Park Village comprising residential buildings, car parks, landscaped and amenity areas, refuse and bicycle storage areas, electricity substation, with public roads and footways known as Clays Lane Close, Trafford Close and Clays Lane

Case for Objector 380

4.3.392 The development will require the decommissioning and removal of a mobile phone transmitter station. This will have a significant and adverse impact on the coverage and quality of the mobile phone service in the immediate and wider area; and run contrary to the Objector's obligations under the *Telecommunications Act 1984* and the terms of its operating licence. There is no provision for the replacement of the base station in accordance with national planning policy guidance on telecommunications (PPG8); and reconfiguration of the network will not be covered by compensation.

Response by the London Development Agency

4.3.393 The general case applies. The LDA is the landowner and the Objector has been served with a 'Notice to Quit', although it has recourse to counter steps. In addition, if the CPO were to be confirmed, the Objector would have the protection of the *Telecommunications Code* which would safeguard its interests until a relocation site is found.

Plot Number: 357

Address: Abbots Shoots Allotments (more commonly known as Manor Gardens or Eastway Allotments)

Objector 427: Lammas Land Defence Committee (unknown)

Objector 429: Miss J Sumner

Plot Description

16,832 square metres of access tracks and allotment gardens, situated east of the River Lea and west of the Eastway Cycle Circuit

Case for Objector 427

4.3.394 Former Lammas Lands at Marsh Lane Fields are the only exchange land that has ever been considered by the LDA for the allotment holders at Eastway allotments. The June 2006 revisions to the Olympic Park show a substantially different layout of facilities from the earlier plan. In particular, the hockey stadium, which would have been in the Bully Point area is now relocated to the north-west of the site, removing any necessity for the relocation of the allotments. The Secretary of State should be recommended not to confirm the Order in respect of the allotments site.

Case for Objector 429

- 4.3.395 The Manor Gardens Allotments is a mature site that has been in use for at least 75 years. There are currently 80 allotment holders forming a culturally diverse community. It is widely recognized as a long-established, close-knit and unique community, occupying a beautiful site, which fosters cultural exchange and long-term friendships. There has been inadequate consultation with plot holders.
- 4.3.396 It is 'special land' as defined in Section 19 the *Acquisition of Land Act 1981*, which provides a process for the relocation and preservation of public open space. However, that has been overtaken by the *London Olympic and Paralympic Games Act 2006*. The LDA is offering the alternative Marsh Lane site on a 'take it or lose everything' basis.
- 4.3.397 The original plans for the Olympic site would have replaced Manor Gardens by a small section of green space and hockey facilities. The June 2006 revisions have moved the hockey facilities, expanded the green space and indicate that the land will not be levelled.²⁰⁶ This provides an opportunity for the allotment gardens to be kept intact.
- 4.3.398 A majority of the allotment holders, are opposed to relocation on the grounds that:
- (i) it is unnecessary and disproportionate, as the allotments could be incorporated into the Olympic Park. Many plot-holders have signed a petition to this effect.²⁰⁷ Counter proposals are being developed whereby the allotment gardens can be incorporated into the design of the Olympic Park. Three options are being developed comprising the allotment gardens as an exhibition site; the allotment gardens with educational facilities; and an urban eco-centre with allotment gardens;²⁰⁸
 - (ii) the site at Marsh Lane is far from suitable because it is filled ground with a shallow top soil; it is close to a busy road; the nearby CTRL is noisy and floodlit at night which will discourage wildlife; people local to the site are opposed to the relocation, as it may be Lammas Land, public open space or Common Land and it is heavily used for informal recreation; and existing allotment holders consider the site to be unsafe or inaccessible and older members will not be physically able to start again;
 - (iii) a return to the area is far from certain. The proposed new site, if obtained, can only be guaranteed for 7 years and the community may be uprooted again. Current plans for the Legacy park place some allotments in a corner edged by dual carriageway roads;

²⁰⁶ OBJ/429 - Plan accompanying submission

²⁰⁷ OBJ/429 - Appendix to submission

²⁰⁸ OBJ/429 - (Paragraphs 35 to 42)

- (iv) relocation to Marsh Lane would lead to a net loss of public open space, contrary to the public interest;
- (v) it will lead to environmental loss, contrary to the public interest. Many of the allotments are cultivated organically, providing a haven for wildlife, and an extension of the nature reserve that runs along the east side of the allotments. In addition to the natural flora and fauna, a great variety of plants are cultivated. If the allotments were to remain in situ, the contaminated ground underneath would remain undisturbed;
- (vi) it will jeopardise a special cultural community, against the public interest. Removal, with or without relocation, would result in this unique garden community being broken up;
- (vii) it will involve a breach of Human Rights. The holding of an allotment is an interest which is capable of being recognized by *European Human Rights* law as a civil right at whose removal '..... everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.' (Article 6 of the *European Convention on Human Rights*) The removal by the *London Olympic Games and Paralympic Games Act* of the safeguards offered by the *Allotments Act 1922* and the *Acquisition of Land Act 1981* against the unfair removal of allotment rights is contrary to Article 6. It is submitted that this Inquiry is not sufficient to remedy the breach. The Objector is not financially eligible for legal aid (were it available), and does not have the financial means to pay privately for representation at the Inquiry. The submission has been prepared with the assistance of a lawyer acting *pro bono*, but the extent of whose assistance has been, of necessity, limited. Furthermore, the absence of properly funded legal assistance is a breach of the *Aarhus Convention*, as ratified by the UK Government.

Response by the London Development Agency

- 4.3.399 The proposed relocation site for the allotments is the south-eastern part of the former playing fields at Marsh Lane in the London Borough of Waltham Forest.²⁰⁹ The playing fields are no longer used for formal sports, but they include a number of disused football pitches and changing rooms. The total area of the disused playing fields is about 12 hectares and the proposed relocation site is 1.6 hectares. Although this is slightly smaller than the Eastway Allotments site, it is quite capable of accommodating equivalent facilities. The area is now generally used for informal recreation and the allotment proposals will have a minimal impact on this use.
- 4.3.400 The Objectors assert that the relocation site is former Lammas Land. Certain areas of land within what is broadly described as Leyton Marshes were once classified as being Lammas Lands. Such lands were subject to a commons right which enabled inhabitants of the locality to graze cattle at certain times of the year. However, the relocation site is not land that was classified as Lammas Land or former Lammas Land.

²⁰⁹ The location is shown at LDA/REP/427, Document 2

- 4.3.401 Lammas Lands became regulated by the *Leyton Urban District Council Act 1904*. The area then subject to Lammas rights was defined on a plan which was annexed to the Act.²¹⁰ The Act provided for extinguishment of the rights and the acquisition of the land by the Council. It further provided that land affected by the Lammas rights should be used for the purposes of public open space or recreation ground.
- 4.3.402 An examination of contemporary plans showing the extent of the Lammas Lands and the area proposed for relocation of the allotments demonstrates that the proposed site is not within the classification of Lammas Lands or former Lammas Lands area. It follows that the provisions of the *1904 Act* relating to former Lammas Lands have no relevance to the site. Prior to the decision to pursue the allotment relocation site, another location within the former playing fields was considered. However, this location did fall within the former Lammas Lands, and was rejected.
- 4.3.403 The area currently occupied by the existing Eastway Allotments will become part of the Olympic concourse during the Games. The embankment on which the allotments currently sit will be regraded to form the route for the main pedestrian concourse, leading to the A12 land bridge. This will involve a change in topography and the inclusion of drainage, lighting and other infrastructure. The general alignment of this route will remain in the Legacy proposals to form part of the strategic north/south walkway from the Thames to the Lea Valley Park.²¹¹ During the Olympic construction phase, beginning in July 2007, the site must be safe and secure for construction, so it is not possible to retain the allotments in their current location after that date. For these reasons the 3 options referred to by Objector 429 are not feasible.
- 4.3.404 The movement of the hockey stadium under the July 2006 revisions make no difference as in the January 2006 proposals it did not occupy any part of the allotment site.²¹²
- 4.3.405 The proposed relocation site has been identified after a site search process and consultation with the Manor Gardening Society (which co-ordinates day-to-day management of the site). The LDA has sought to find a site as close as possible to the existing site and where existing plot holders could remain together as a community. Various other sites were considered but rejected because of planning policy restrictions or competing uses.²¹³
- 4.3.406 The Marsh Lane site was identified as the closest, most suitable site to the existing allotments. It is about 1.5 kilometres away, which should ensure that the Manor Garden community can remain together. It is more accessible by public transport than the existing site.²¹⁴ The southern boundary of the site is formed by a dense vegetation screen, which separates it from Orient Way and the CTRL depot.

²¹⁰ LDA/REP/427 Document 3

²¹¹ CD27 Lower Lea Valley OAPF

²¹² LDA/REP/427 (Document 6)

²¹³ LDA/REP/427 (paragraphs 6.3 – 6.5)

²¹⁴ LDA/REP/427 (paragraphs 6.7 – 6.10)

- 4.3.407 A site investigation has been carried out and the initial findings confirm that ground conditions comprise topsoil (over the majority of the area), above made-ground over cohesive alluvium, with river terrace gravels beneath. The soils should promote root penetration and the loamy nature of much of the soil is a good plant growth medium.²¹⁵
- 4.3.408 The site is owned by the London Borough of Waltham Forest which will undertake overall management and grant tenancies to allotment holders. As with the present site, it is envisaged that the Manor Gardening Society will undertake day-to-day management. The new allotments would be prepared and various services, such as water and a communal facility, will be provided by the LDA.
- 4.3.409 The relocation of the allotments will be temporary and there are long-term proposals for the relocation back to the Olympic Park in the Legacy phase.²¹⁶ The LDA remains committed to these proposals and to continuing consultation and engagement with the plot holders in respect of detailed design matters.
- 4.3.410 The loss of open space during the construction phase is acknowledged, but there will be considerable improvements in quantity, quality, functionality and accessibility of open space in the Legacy proposal. The development will also bring significant environmental benefits.
- 4.3.411 The proposals are in accordance with the relevant policies of the development plan and are supported by the officers of the London Borough of Waltham Forest.²¹⁷
- 4.3.412 Objector 429 made no objection to, or representations in respect of, the Order until a very late stage in the proceedings.²¹⁸ In assessing the weight to be attributed to this objection, the Secretary of State should take into account the fact that the Objector failed to give the LDA an opportunity to question this evidence at the Inquiry or to call rebuttal evidence.
- 4.3.413 Regarding the alleged breach of Article 6 of the *European Convention of Human Rights*, this Inquiry, combined with the statutory right to challenge the Secretary of State's decision in the High Court, meets the requirements of Article 6. The absence of sufficient means to be represented at the Inquiry does not justify the failure to make views known in a timely fashion. Legal representation is not a necessity. There is no evidence of an application for funding to any body.
- 4.3.414 The LDA has had significant contact with the Manor Gardens Society which has been explicitly informed of why the allotments have to be relocated. A survey of existing allotment holders was undertaken by the LDA in February 2006, and, of the 20 respondents, 16 (70%) approved the move to Marsh Lane.

²¹⁵ LDA/REB/43 (paragraphs 23 and 24)

²¹⁶ LDA/JS/1 (paragraphs 4.3.1 & 5.21.7)

²¹⁷ LDA/REP/427 (Section 7)

²¹⁸ LDA/REB/43 (paragraphs 4 – 7)

Plot Number: 363

Address: High Meads Industrial Estate and Lee Valley Regional Park

Objector 123: Hugo Food International Ltd (sub-lessee)

Objector 124: H Smith Food Group Plc (sub-lessee and occupier)

Objector 125: Todd Meat Trading Company Ltd (sub-lessee)

Objector 126: HMS and Kim Son Ltd (sub-lessee)

Objector 171: Eurocross Frozen Fish Ltd (sub-lessee)

Objector 403: Hing Man trading as HMS Meat (reputed sub-lessee)

Plot Description

57,863 square metres of industrial estate known as High Meads, comprising depots, warehouses, cold stores, offices, buildings, yards, car parks, road, access ways and electricity pylon, with part of the Lee Valley Regional Park comprising wooded and overgrown areas, situated south of the park and west of the Stratford City development

Case for Objectors 123-126 & 403

- 4.3.415 The occupiers of the various units are in the allied businesses of meat distribution and frozen food preparation. They require a secure location, remote from residential development; highly specialist facilities; and significant parking and servicing areas. The businesses enjoy a certain level of reciprocity and mutual trade.
- 4.3.416 Relocation would have a serious impact because of potential difficulties in achieving appropriate operators' licenses. Furthermore the businesses draw on a specialist and highly qualified local workforce with ready access to the site by public transport. The customer base is within a 3 mile radius of the premises, outside the London Congestion Charging Zone.
- 4.3.417 It is not clear why it is necessary to acquire this site and for all the above reasons the Objectors formally object to the CPO.
- 4.3.418 **Objectors 123 and 125**, in response to the LDA's case below, explain that they have found the LDA most unco-operative and unhelpful in negotiations to find alternative premises and it has not taken any steps to minimise disruption to their businesses. This is supported by a chronology of events which include the failure of the LDA's agents to introduce the Objectors to any sites; their need to instruct their own property agent; confusion and delay about alternative premises at Beckton Waterfront; and the actions of the LDA in seeking to jointly bind the separate commercial transactions of each of the Objectors.

Case for Objector 171

4.3.419 The main customer base for this frozen fish import and wholesale business is in London and the surrounding area. This site is ideally located for business purposes and the size of building needed would make it very difficult to find suitable replacement premises in East London. The costs of relocation would be likely to lead to the closure of this relatively small family-run business. For these reasons this objection is lodged against the CPO, despite strong support for the London Olympics.

Response by the London Development Agency

4.3.420 **All Objections on this plot:** The plot is required for the creation of the facilities for the Olympic Games within the Olympic Park and the subsequent Legacy development. The evidence establishes that the Games would bring huge benefits.²¹⁹

4.3.421 Furthermore the LDA has attempted to minimise disruption as far as possible in assisting businesses. There would, inevitably, be some disruption to existing businesses but it is far outweighed by the benefits that would be achieved by the Order.

4.3.422 **Objectors 123 – 126 & 171:** The LDA has entered into negotiations and has held a meeting with the Objectors with a view to finding a relocation site to suit the Objectors' specific needs. Negotiations for the relocation of **Objectors 123 & 125**, to a potential site at Beckton, are currently progressing, but no agreement has yet been reached. However, a suitable site has now been identified for **Objector 124** and heads of terms are being progressed. As regards **Objector 126** a suitable site has not yet been found, despite potential relocation properties having been drawn to the attention of the Objector's agent. Further sites are currently being considered, but no agreement has yet been reached. A number of contacts have taken place between the LDA and **Objector 171**, but no agreement has yet been reached.

4.3.423 **Objectors 123-126 & 403:** The Objectors' leasehold interests expire in December 2008 and their landlord has entered into administration. The LDA understands that, in the absence of the Order, the lease would not have been renewed beyond 2008; and, irrespective of the Order, the Objectors would, in all probability, have been faced with having to relocate in the near future. In such circumstances, there would have been no guarantee that all of the leaseholders would have been able to relocate together.

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²¹⁹ LDA/JP/1 & LDA/GB/1

4.4.0 Local Area Ad - Stratford Rail Lands/Chobham Farm

- 4.4.1 Local Area Ad is located in the eastern part of the Order Lands. It is bordered to the east by Leyton Road; railways run from the south-east round to the south-west; and an industrial estate road from Temple Mills Lane marks its northern limits.
- 4.4.2 The area was once occupied almost entirely by railway marshalling yards, depots and sidings, most of which have gone. It now includes the works associated with the CTRL which cuts through the area in an east-west direction in a new cutting (the CTRL box) and Stratford International station.
- 4.4.3 The area also includes parts of the Stratford City development site; the Freightliner terminal; cold stores on its north-western edge; and industrial premises alongside part of Leyton Road. Chobham Farm, lying to the west of Leyton Road, and east of the north London railway line, which runs generally north-south through the area, was cleared as part of the CTRL works. There is limited highway access to this local area, principally because of restrictions imposed by rail infrastructure.

Plot Numbers: 371, 372, 385 & 435
Plot 371 Address: Former Chobham Farm Container Depot, Temple Mills Lane
Plot 372 Address: Land formerly known as Chobham Farm and Dorset Place (part)
Plot 385 Address: Leyton Road (part)
Plot 435 Address: Land west of Angel Lane and north of Angel Lane Bridge

Objector 63: Scottish Widows Fund & Life Assurance Society (owner)
Objector 197: P&O Property Holdings Ltd (lessee)

Plot Descriptions

- Plot 371:** 816 square metres of hardstanding and part of construction site, situated south of Temple Mills Lane and west of Leyton Road
- Plot 372:** 86,939 square metres of construction site, sunken railway under construction known as the Channel Tunnel Rail Link, part width of public road and footway, with barrier and gatehouse, and buildings
- Plot 385:** 2,352 square metres of part width of public road and footways
- Plot 435:** 49 square metres of part of disused entrance splay, with railway known as the Central Line in tunnel under

Procedural Matters

- 4.4.4 The original letter of objection submitted on behalf of Scottish Widows Fund and Life Assurance Society referred to plots 371, 372, 384, 385, 435 – 437. That made on behalf of P&O Property Holdings Limited was in respect of plots 370 and 435. I queried the interest in plot 370 as it was not recorded on the Schedule to the Order. Moreover, correspondence between the Objector and the LDA indicated that P&O's interest was in plots 371, 372, 388 (part) and 435. Subsequent correspondence confirms that the Objectors' titles extend over plots 371, 372, 385 and 435.

- 4.4.5 The appearance for the Objectors was to cross-examine 2 of the LDA's witnesses and to make submissions; no evidence was called on their behalf. A letter preceding the appearance suggested that the LDA's witnesses should not introduce any new evidence into the Inquiry. This was opposed by the LDA as there were matters that had arisen recently on which the Secretary of State should be informed. In response, it was claimed that the introduction of fresh evidence would result in an adjournment and due time for it to be considered.
- 4.4.6 I ruled that the exclusion of relevant evidence would not be in the public interest and that I would continue to hear the case for the LDA with the additional evidence to be given orally or in note form. Counsel for the Objectors indicated that his instructions were to proceed in any event and invited a short adjournment for the additional material to be set out in writing before being introduced into the Inquiry. I ruled accordingly.

Case for Objectors 63 & 197

- 4.4.7 Chobham Farm comprises some 9 hectares of predominantly flat vacant land. Part is in use for construction purposes associated with the Stratford International station and the CTRL. A tunnel cutting structure, referred to as the CTRL box, with access roads and an emergency route either side, occupies the middle section of plot 372.
- 4.4.8 Scottish Widows own a freehold interest in the lands and P&O are the long lessees. The site has been held for more than 20 years. Long-held intentions to redevelop it have been frustrated by the construction of the CTRL across it and the associated CPO. That Order did not extend to the entirety of the Objectors' lands and title did not pass to Union Railways. Arrangements to enter the site, to the extent necessary to construct the rail link, were agreed by P&O; with Scottish Widows having no part in the process. Negotiations for compensation remain unresolved, after a period of 5 years, and there is no basis to assume that Union Railways will take possession of the residual lands. There is no positive evidence to suggest that the Objectors will lose their interests in the site.
- 4.4.9 The Objectors do not seek to oppose the compulsory acquisition of those parts of their lands which are required to guarantee the road links to the Stratford City development. However, there is no proper basis to acquire the lands for temporary coach parking and other unspecified facilities for the Games, as such provision could be secured under lease or licence. The actions of the LDA are disproportionate, particularly as the acquiring authority admits that it proposes to embark upon a profitable redevelopment in conjunction with the private sector once the Games are over.
- 4.4.10 There are no firm proposals in the Legacy phase, other than to secure industry-led mixed-use regeneration consistent with the aims of the *Lower Lea Valley OAPF*. Such development could be achieved successfully by the private sector and the acquiring authority has not shown why compulsory purchase powers are needed to secure delivery or integration with the Stratford City development. Added to this there are no complications in land

assembly as title is vested in only 2 interests; and there is no reason to assume that the long-standing ambition of regeneration would be delayed once the land becomes available.

- 4.4.11 Scottish Widows and P&O are major concerns and it is self-evident that they have the funds, the experience and the wherewithal to develop the Legacy project as it affects Chobham Farm. The Order, if confirmed, would deprive them of the opportunity of realizing valuable redevelopment and merely transfer that opportunity to another private sector interest. Although neither P&O nor Scottish Widows have put forward detailed alternative proposals, it is plain that their self-interest would coincide with the aspirations of the Legacy project. Overall, the LDA has approached the use of the site with a high degree of generality and its case falls well short of demonstrating a compelling need for acquisition.
- 4.4.12 In relation to the potential provision of a Travellers' site on the northern side of the CTRL box, such a proposition is fundamentally at odds with the *OAPF*. The Secretary of State should give no weight to this suggested potential change. In any event it relates to a small part of the overall site and does not undermine the strength of the case set out above.
- 4.4.13 On this basis, save insofar as it relates to the land required for the link roads, the CPO should not be confirmed in relation to Chobham Farm as there is no clear evidence that the public benefit will outweigh the private loss.²²⁰

Response by the London Development Agency

- 4.4.14 Although the LDA does not challenge the standing of the Objectors to appear at the Inquiry, it is material to note that the majority of their lands were included within a CPO for the construction of the CTRL; and the remainder was to be acquired by agreement. It is understood that the matter has been referred to the Lands Tribunal and, once compensation has been determined, title will transfer to Union Railways with subsequent control of the non-rail lands being passed (via the Secretary of State for Transport and English Partnerships) to the LDA.
- 4.4.15 By way of background, Notice to Treat was served in December 2000; arrangements to take possession were set out in a letter dated 4 May 2001 from Union Property to P&O; and 2 small parcels of land, just outside the Order boundary, were also to be acquired at P&O's request. A further letter (25 May 2001) from P&O confirmed that '*P&O do not require to retain or have the opportunity to repurchase any of the land currently in our possession known as Chobham Farm*'. A later letter (26 June 2001) said that Scottish Widows would be '*open to discussing a complete disposal of their interest in the site*'. This was against the background of a *UDP* which sought the regeneration of these lands.²²¹

²²⁰ Circular 06/2004 paragraph 19

²²¹ CD11 LB Newham UDP (June 2001) (paragraphs 2.122 – 2.140); Policy UR14

- 4.4.16 The Objectors now assert, without any evidence, that they have long held intentions to redevelop Chobham Farm. That is simply at odds with the correspondence before the Inquiry. The Objectors have not presented any alternative proposals nor sought planning permission for any development; and, even if one were to accept that suitable proposals might come forward, there is no evidence that these Objectors could secure implementation.
- 4.4.17 The primary purpose of including Chobham Farm in the current Order was to secure 3 access points to facilitate the Stratford City development.²²² The highways and related embankments would divide the site into 4 separate parcels with subsequent development being more likely at the end of the Games if the land were to be controlled by the same body as Stratford City. Comprehensive planning and implementation would achieve integration with surrounding development and would secure necessary planning obligations. It would also prevent a potential land ownership dispute, arising from the Objectors' claim for the retention of their rights, that is as yet apparently unknown to Union Railways; and avoid any risk of conflict between freehold and lessee interests.
- 4.4.18 Although the LDA does not have any specific proposals for redevelopment, acquisition will provide an assembled site which is recognized to be a vital instrument for implementing regeneration.²²³ The absence of a planning permission is countered by the clear development plan framework which promotes regeneration.²²⁴ In particular, the London Borough of Newham UDP (2001) includes Chobham Farm within MOZ1 which, with the Stratford Rail Lands and Thornton's Field, is seen as being capable of achieving the critical mass to sustain the momentum of improvements to the economic and physical environment of East London.²²⁵
- 4.4.19 In turn, the *Lower Lea Valley Planning Framework* includes the Stratford Rail Lands within the Stratford Development Node and identifies Chobham Farm for mixed-use development.²²⁶ It is also referred to in the *Stratford Rail Lands Planning Framework (2004)* as one of 15 regeneration sites, which are to be developed in a co-ordinated manner. Chobham Farm is seen as a key site in terms of integrating development into the wider area.
- 4.4.20 When the CPO was made there were no specific proposals for Olympic or Legacy related development on Chobham Farm.²²⁷ The revisions to the Olympics and Legacy Masterplans (January 2006) saw the introduction of back-of-house facilities and the relocation of Olympic coach parking, from Fish Island, on land to the north of the CTRL box; and in Legacy mixed-use redevelopment with a predominantly residential element adjacent to the CTRL box.²²⁸ A further change was made in June 2006 to provide a permanent site, immediately to the north of the box, for Gypsies to be

²²² CD25 Appendix of Plans: Plan 11

²²³ Circular 06/2004 Appendix B (paragraph 7)

²²⁴ Circular 06/2004 Appendix B (paragraph 13)

²²⁵ CD11 LB Newham UDP (June 2001)

²²⁶ CD13 Newham's Arc of Opportunity Planning Framework (November 2002) (pages 25 & 28)

²²⁷ CD25 Appendix of Plans: Plans 20 & 21

²²⁸ CD25 Appendix of Plans: Plans 22 & 27

displaced from Clays Lane; and replacement coach parking to the south of the CTRL box.²²⁹

- 4.4.21 Legacy development is intended to accord with the emerging *Lower Lea Valley OAPF*.²³⁰ Chobham Farm is seen to be pivotal in integrating Stratford City with existing housing areas to the east; improving connections and reducing physical severance; and securing the co-ordinated delivery of social and community infrastructure, energy and utilities and public open space.²³¹
- 4.4.22 Site characteristics demand a comprehensive approach as small parcels to the north of the box, constrained by road connections and level changes, need to be brought together with existing industrial uses to the east as set out in the *Rail Lands Planning Framework* and the *Lower Lea Valley OAPF*. Careful design will also be required to integrate the area with Stratford City, at a much higher level beyond the railway line, Stratford Regional station, the town centre and housing to the east.
- 4.4.23 Similarly, there will be a need to provide good connections from the proposed Gypsy site to schools and other community facilities. Finally, development of the land to the south of the CTRL box, which is surrounded by railways, will require co-operation with adjacent land owners and the rail operators, particularly in relation to the provision of pedestrian and highway connections.

Plot Numbers: 373 & 374

Plot 373 Address: 5 Henrietta Street, Leyton Road, London E15

Plot 374 Address: Henrietta Street (part) and 160 Leyton Road

Objector 167: Linde Gas UK Ltd (Plot 373)-(lessee and occupier); (part Plot 374)-(occupier)

Objector 351: Ibrahim Syed (beneficiary of easements and other rights in respect of both plots)

Plot Descriptions

Plot 373: 230 square metres of yard to depot

Plot 374: 986 square metres of public road and footways, with part of yard to builders merchants

Case for Objector 167

- 4.4.24 Part of the property which Linde Gas occupies is included within the CPO, comprising plots 373, 374 & 375. The business could not function with the loss of land within these plots. The Order should therefore be amended so as to take the whole property.

²²⁹ LDA/14 Revisions to the Olympic and Legacy Masterplans, June 2006

²³⁰ CD27 Lower Lea Valley Opportunity Area Planning Framework (Consultation draft - April 2006) (paragraphs 2.2 – 2.17 & 2.103 – 2.123)

²³¹ CD27 Lower Lea Valley Opportunity Area Planning Framework (Consultation draft - April 2006) (paragraphs 2.128 – 2.163)

Case for Objectors 351

4.4.25 This is an objection to any compulsory purchase of the property or block.

Response by the London Development Agency

4.4.26 **Objectors 167 & 351:** Objector 167 is an industrial and medical gas supply company and is the lessee and occupier of plot 373 which comprises part of a depot at 5 Henrietta Street. It also occupies part of plot 374 which is part of Henrietta Street and a part of a builders merchants yard.

4.4.27 Objector 351 has the benefit of easements, and other such rights pursuant to the Housing Act 1985, over plots 373, 374, 380, 382 and 383.

4.4.28 Plots 380, 382 and 383 comprise scrap metal premises and yard, an amenity area and part of a timber merchants premises and yard. The Objector (along with a significant number of others, who are set out in the Order) has the benefit of an easement and other rights (Table 2 interests) in these plots.

4.4.29 Plots 382 and 383 are required for the southernmost of the proposed Leyton Road bridges. Plots 373, 374 and 380 are required for the middle of the proposed bridges. The bridges are required to address the current wholly inadequate access arrangements and to help deliver the Stratford City development which plays an important and fundamental part in the Olympic and subsequent Legacy developments.²³²

Plot Numbers: 375, 376 & 381(part)
Plot 375 Address: 190-196 (evens) Chobham Road.
Plot 376 Address: Leyton Road and Chobham Road (junction)
Plot 381 Address: Part of Chobham Road and 156 Leyton Road

Objector 95: Mr & Mrs Diebelius (Plot 375)-(owners); (adjoins Plots 376 & 381)
Objector 167: Linde Gas UK Ltd (Plot 375)-(reputed occupier)

Plot Descriptions

Plot 375: 821 square metres of builders' yard and offices

Plot 376: 1,295 square metres of public roads and footways

Plot 381: 927 square metres of public road and footways and land used for vehicle storage

Case for Objector 95

4.4.30 The LDA has no statutory CPO powers in connection with the Olympics; or for the acquisition of these plots as it would not result in significant regeneration of the area. Regeneration is only a possible consequence of the Olympics; it is not a primary purpose of the CPO.

4.4.31 The acquisition of any allotments, registered commons or similar should be compensated by the provision of equivalent exchange land.

²³² LDA/JP/1; LDA/GB/1

- 4.4.32 In making the CPO there has been a failure to balance the needs of existing businesses to remain in and contribute to the local economy against the short-term advantages of the Olympics and the long-term uncertainties of the Legacy and associated regeneration.
- 4.4.33 The making of the CPO is premature in the absence of a Business Relocation Strategy and a failure to offer alternative property. The LDA has failed to demonstrate a compelling reason for acquisition of the land, which would only be used as a car park. Furthermore, an alternative scheme option should be considered, which may obviate the need to destroy buildings, businesses and employment.
- 4.4.34 The LDA has failed to demonstrate that the matters set out in paragraph 14 of Appendix B to *Circular 06/2004* have been satisfied.
- 4.4.35 The acquisition of the plots, in which the Objector has an interest, would place a disproportionate burden on the Objector under the terms of Articles 6 and 8 of the *European Convention on Human Rights* and Article 1 to the First Protocol.

Response by the London Development Agency

- 4.4.36 The LDA has full statutory powers to affect this CPO.²³³
- 4.4.37 The plots are required to facilitate the delivery of the middle of the proposed Leyton Road bridges. The bridges are required to deliver the Stratford City development.²³⁴ The evidence establishes that the Olympic Games and the subsequent Legacy development will bring huge benefits and explains the importance of the Stratford City development.²³⁵
- 4.4.38 The Stratford Railway Lands have been identified as a potential major regeneration site for many years; but the extremely poor highway accesses into the land have acted as a significant impediment to redevelopment. The site is bounded to the east and south by railway lines, to the west by the River Lea and to the north by the Lee Valley Park. The only direct highway access to the site is from Temple Mills Lane, which lies at the northern extremity of the site and which in turn connects to Ruckholt Road (A106) and Leyton Road (A112).
- 4.4.39 These plots form an integral part of enabling an access strategy to the east that would encourage residents to benefit from the employment, leisure and retail opportunities on the site. They would also allow local residents to the east to gain better access to the greatly improved public transport facilities being provided around Stratford Regional and International stations, including the proposed new bus stations. In short they would ensure that one of the major challenges of reconnection and integration with the surrounding area would be met.

²³³ LDA/1

²³⁴ LDA/HW/1 (paragraph 2.46) & CD25 Appendix of Plans - Plan 32

²³⁵ LPA/JP/1 & LDA/GB/1

- 4.4.40 In relation to the objection in respect of allotments and other open space, the LDA relies on its Opening Statement;²³⁶ none of the land in which the Objectors have an interest comprises allotments or open space. The LDA has also met the requirements of the Circular, including those in paragraph 14 of Appendix B.²³⁷ It has similarly addressed *The European Convention* and the *Human Rights Act*.
- 4.4.41 The Olympic Games and the subsequent Legacy development will bring huge benefits, pursuant to the LDA's statutory purposes, and the Stratford City development has a vital role to play.²³⁸ Furthermore, the LDA has attempted to minimise disruption, as far as possible, in assisting businesses; and any consequential disruption will be far outweighed by the benefits that would be achieved by the Order.
- 4.4.42 The Business Relocation Strategy was submitted for consideration in January 2006 and it has been subject to public consultation.²³⁹ The LDA intends to develop the Strategy in light of the consultation responses.
- 4.4.43 There have been numerous contacts between the LDA's agents and the Objectors' agents, but no agreement has yet been reached.

Case for Objector 167

- 4.4.44 As reported for plots 373 and 374.

Response by the London Development Agency

- 4.4.45 The LDA's response to this objection makes no mention of any interest by the Objector in plot 375.

Plot Numbers: 379-381 (part)
Plot 379 Address: Land south of Henrietta Street
Plot 380 Address: Land south of Henrietta Street
Plot 381 Address: Part of Chobham Road and 156 Leyton Road

Objector 58: Terry Chambers (Plot 379)-(Mortgagees over registered freehold)
Objector 59: Castlemart Ltd (Plot 379)-(owner)
Objector 60: Workframe Ltd (Plot 379)-(occupier); (Plots 380 & part 381)-(owner and alleged occupier)
Objector 61: Jaymar Freight Services Ltd (Plot 379)-(lessee and occupier); (Plots 380 and part 381)-(tenant and occupier)
Objector 167: Linde Gas UK Ltd (Plot 380)-(beneficiary of easements and other rights)
Objector 351: Ibrahim Syed (Plot 380)-(beneficiary of easements and other rights)

²³⁶ LDA/1

²³⁷ LDA/1

²³⁸ LDA/JP/1 & LDA/GB/1

²³⁹ LDA/AJ/1

Plot Descriptions

Plot 379: 126 square metres of part of scrap metal premises and yard

Plot 380: 695 square metres of part of scrap metal premises and yard

Plot 381: 927 square metres of public road and footways and land used for vehicle storage

Case for Objectors 58 – 61

4.4.46 These plots would not be required to secure the carrying out of re-development or improvement nor for a purpose which would be necessary in the interests of, or to achieve, the proper planning of the area.

4.4.47 The Objectors have withdrawn their objections, in the light of the LDA's confirmation that it no longer needs to acquire plot 379, subject to the payment of reasonable professional fees and disbursements.

Case for Objectors 167 & 351

4.4.48 As reported for plot 373.

Response by the London Development Agency

4.4.49 **Objectors 58 - 61:** The LDA invites the Secretary of State not to confirm the Order in respect of plot 379.

4.4.50 **Objectors 167 & 351:** As reported for plot 373.

Plot Number: 382

Address: Land east of 1 Thornham Grove

Objector 49: I/S Stratford (a reputed lessee)

Objector 62: I/S Stratford (a reputed lessee)

Objector 167: Linde Gas UK Ltd (beneficiary of easements and other rights)

Objector 351: Ibrahim Syed (beneficiary of easements and other rights)

Plot Description

93 square metres of landscaped amenity area

Case for Objectors 49 & 62

4.4.51 The area to be acquired forms part of an existing planning permission. It is not clear for what purpose this land would be required. Acquisition of the land would inhibit the ability to transact with Hutchison 3G who have expressed a wish to construct a telecommunications mast on the site.

Case for Objector 167

4.4.52 As reported for plot 373.

Case for Objector 351

4.4.53 This is a holding objection subject to possible review at a later stage.²⁴⁰

Response by the London Development Agency

4.4.54 **Objectors 49 & 62:** The plot is required to facilitate the delivery of the southernmost of the proposed Leyton Road bridges. The bridges are required to deliver the Stratford City development. The Olympic Games and the subsequent Legacy development, with Stratford City, will bring huge benefits to the area.

4.4.55 This plot would also form an integral part of the access strategy from the east and the responses in this regard mirror those reported for plot 375.

4.4.56 It is accepted that the benefits of the Olympic Games must be balanced against the effect on the Objectors. The LDA contends that the need to use the area, in which the Objectors' plot is situated, in order to facilitate the delivery of the Olympic and Legacy project and the Stratford City development, outweighs the disruption caused to the Objectors.

4.4.57 The LDA and the Objectors have agreed heads of terms for the acquisition of the Objectors' interest and are in the process of progressing the transaction.

4.4.58 **Objector 167:** As reported for plot 373.

Plot Numbers: 383 & 384 Plot 383 Address: 70-72 (evens) Leyton Road Plot 384 Address: Dorset Place

Objector 165: Joseph Terence Chambers (Plot 383)-(owner) Objector 166: TC Chambers & Sons Ltd (Plot 383)-(lessee and occupier); (part Plot 384)-(occupier) Objector 167: Linde Gas UK Ltd (Plot 383)-(beneficiary of rights and other easements) Objector 351: Ibrahim Syed (Plot 383)-(beneficiary of easements and other rights)

Plot Descriptions

Plot 383: 307 square metres of part of timber merchants premises and yard

Plot 384: 633 square metres of part width of public road and footway and part private road with barrier and gatehouse

Case for Objectors 165 & 166

4.4.59 The Order does not make clear the extent to which the properties would be affected.

Case for Objector 167 and Response by the London Development Agency

4.4.60 As reported for plot 373.

²⁴⁰ Inspector's note – no further representations have been submitted

Case for Objector 351 and Response by the London Development Agency

4.4.61 As reported for plot 382.

Response by the London Development Agency

4.4.62 **Objectors 165 & 166:** The response mirrors that to Objectors 49 & 62 on plot 382.

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4.5.0 Local Area Ae – East Marsh

4.5.1 This area is located in the northern part of the Order Lands. It is separated from the main Hackney Marsh to the west by the River Lea. A footbridge over the river links the 2 areas. Ruckholt Road forms the southern boundary of the area, and the New Spitalfields Market lies to the east. East Marsh is an open recreation ground comprising mainly managed grassland, accommodating football and rugby pitches. There is a derelict pavilion in the south-west corner close to Ruckholt Road.

Plot Numbers: 6, 7 & 107

Address: East Marsh Recreation Ground

Objector 344: Mr N R Gansell

Objector 347: Hackney Environment Forum

Plot Descriptions

Plot 6: 3,879 square metres of part of recreation ground and athletics practice area with access to footbridge over the River Lea, situated east of the river and footbridge and being the site of the former White House

Plot 7: 157,967 square metres of recreation ground, changing rooms, hardstanding areas, sports facilities and wooded verges, with banks of the River Lea, part of footbridge and outfall, situated south east of New Spitalfields Market and east of the river

Plot 107: 2.787 square metres of wooded area, electricity sub station and enclosure, situated south west of the entrance to New Spitalfields Market

Case for Objector 344

4.5.2 The Objector does not object overall to the Order, but considers that the football pitches on Hackney Marsh, which will be lost, should be re-provided elsewhere in Hackney.

Case for Objector 347

4.5.3 Parts of Hackney Marshes, including East Marsh, are designated as Metropolitan Open Space and registered as Common Land. There is no recognition of the necessity to provide replacement land or information about such replacement land for these areas of Hackney Marshes.

Response by the London Development Agency

- 4.5.4 The general case outlines issues relating to open space, including Common Land and exchange land. East Marsh will be used as a coach drop-off point during the Games, with the land being returned to sports pitches in the Legacy development. There will not be any loss of sports pitches as capacity exists on the main Marsh to accommodate uses from East Marsh whilst it is temporarily out of use. The LDA is working with the London Borough of Hackney with the intention of improving sporting facilities and carrying out environmental enhancements ahead of the Games.
- 4.5.5 The quality and quantity of accessible open space will be increased in the Legacy development and the overall benefits to the local community of the Olympic and Legacy proposals will be significant. These benefits outweigh any impact resulting from the temporary loss of East Marsh.

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4.6.0 Local Area Ba – Fish Island

- 4.6.1 Local Area Ba is located in the western part of the Order Lands. The area between Hackney Wick station to the north, the East Cross Route (A12) to the west, and the River Lee Navigation to the east is known as 'Fish Island'. The former Scottish & Newcastle site, within 'Fish Island Central', is identified as a potential relocation site for a bus depot currently located on Waterden Road. The Wallis Road Triangle is identified as a potential relocation site for a Travellers' Site currently located at Waterden Crescent.
- 4.6.2 The Olympic and Legacy development relates to the southern part of this area – known as 'Fish Island South'. This is bounded to the north by the Northern Outfall Sewer, to the west and south by the East Cross Route (A12), and to the east the River Lea. This area is largely industrial in character with waste management being one of the main uses. There is a large self storage facility and several other generally small (and in some cases run down) industrial units. A major aggregates depot connected to the rail network lies at the southern tip of the area.

Plot Number:	102
Address:	Parts of Wallis Road and Chapman Road

Objector 205:	Mr Derrick Price (alleged owner of an adjoining premise)
Objector 322:	Sara & Tony Price (owners of an adjoining premise)
Objector 325:	Mr J Rouffignac of Quicksilver (GB) (owner, tenant and occupier of an adjoining premise)
Objector 326:	Conroy Rouffignac (owner of an adjoining premise)

Plot Description

1,222 square metres of part widths of public roads and footways

Cases for Objectors 205 & 322 and Response by the London Development Agency

4.6.3 As reported for plot 104.

Cases for Objectors 325 & 326 and Response by the London Development Agency

4.6.4 As reported for plot 103.

Plot Number:	103
Address:	27 Wallis Road and 20a Chapman Road

Objector 323:	Derek Corney of Fox Finishers (tenant and occupier of Unit 1)
Objector 324:	Mr P Rouffignac of Justin Waine Finishers (tenant and occupier of Unit 2)
Objector 325:	Mr J Rouffignac of Quicksilver (GB) (owner (Mr J Rouffignac), tenant and occupier (Quicksilver (GB)))
Objector 326:	Conroy Rouffignac (owner)

Plot Description

2,270 square metres of 2-storey workshops and offices known as Units 1-4, scaffolders' yard and offices known as Capital Scaffolding, and advertising hoarding

Case for Objectors 323 - 326

4.6.5 The overall objective of delivering the regeneration of the Lower Lea Valley cannot be met if it involves the disruption of so many businesses to areas where they would be separated from their client base and subject to poorer communications than at present. Planning conditions require the submission of various strategies, including a Housing Strategy and a Business Relocation Strategy. Most of these have not been submitted. The impact on the Objectors' businesses and property interests and their potential for future growth, together with the financial constraints faced have not been fully considered.

4.6.6 The LDA has overlooked the Objectors' interests and over-ridden their legal rights as part of a cost-saving exercise in Traveller relocations, as the site is an easily converted yard. This part of the CPO is last minute as it is not meeting the needs of the Objectors or the Travellers. There is a burden on the LDA to acquire land by agreement, and the issue of a CPO before businesses have had an opportunity to negotiate and to consider alternatives is onerous. The LDA has consistently ignored the fact that there is a lack of like-for-like relocation sites, which will have the effect of sterilising the business community without providing viable alternatives.

Response by the London Development Agency

4.6.7 The Objectors' plots are required for the relocation of Travellers from Waterden Crescent to allow for the creation of facilities for the Olympic Games and the subsequent Legacy development which will bring huge benefits. The LDA has also set out to assist businesses so as to minimise

disruption and any resultant effects will be far outweighed by the benefits that will be achieved.

- 4.6.8 The Business Relocation Strategy and the Travellers' Relocation Strategy were submitted in January 2006 and have undergone a period of public consultation. The LDA intends to develop these strategies in the light of the consultation responses. Evidence reported elsewhere deals with the LDA's approach to the relocation of Travellers and Gypsies, and the relocation of Travellers from the Waterden Crescent site in particular.
- 4.6.9 Terms have been agreed for the acquisition of the freehold interests of Objectors 325 and 326, but a contract has not yet been entered into.

Plot Number:	104
Address:	29 Wallis Road, formerly 27-43 (odds) Wallis Road

Objector 205:	Mr Derrick Price (alleged owner)
Objector 322:	Sara & Tony Price (owners)

Plot Description

1,155 square metres of scrap and fireplace reclamation yard and premises known as AA Salvage & Parts

Case for Objector 205

- 4.6.10 The overall objective of delivering the regeneration of the Lower Lea Valley cannot be met if it involves the disruption of so many businesses to areas where they would be separated from their client base and subject to poorer communications than at present. The Business Relocation Strategy, required by a condition of the planning permission, has not been submitted.
- 4.6.11 The impact on the business, the Objector's property interests and potential for future growth, together with the financial constraints faced have not been fully considered. The LDA has consistently ignored representations that there is a lack of like-for-like relocation sites and there has been a failure to provide a viable alternative. There is a burden on the LDA to acquire land by agreement, and the issue of a CPO before businesses have had an opportunity to conclude negotiations and to consider alternatives is onerous.

Case for Objector 322

- 4.6.12 As reported for Objectors 323 – 326 on plot 103.

Response by the London Development Agency

- 4.6.13 **Objector 205:** The Objector's replies to the LDA's requisitions and current Land Registry title results confirm that the Objector does not have any interests in this plot.
- 4.6.14 The general case demonstrates the LDA's approach to assisting businesses to minimise disruption; it identifies the employment and other benefits that regeneration will bring; and records the significant positive impacts

identified in the ES. There will, inevitably, be some disruption but that will be far outweighed by the benefits that will be achieved. The Business Relocation Strategy was submitted in January 2006 and has undergone a period of public consultation. The LDA intends to develop the Strategy in the light of the consultation responses.

- 4.6.15 **Objector 322:** The Objectors' plot is required for the relocation of Travellers from Waterden Crescent to allow for the creation of facilities for the Olympic Games and the subsequent Legacy development.
- 4.6.16 The general case is as set out in the response to Objectors 323 – 326 on plot 103.
- 4.6.17 Negotiations between respective agents are ongoing, but no agreement has been reached as yet.

Plot Numbers:	243 & 244
Plot 243 Address:	4 Roach Road
Plot 244 Address:	Part of Roach Road

Objector 328:	B.V Investments (owner and occupier of plot 243 which adjoins plot 244)
Objector 329:	MK Associates (occupier of plot 243 which adjoins plot 244)
Objector 330:	Carlton Shoes (occupier of plot 243 which adjoins plot 244)

Plot Descriptions

Plot 243 876 square metres of part of warehouse, offices and yard

Plot 244 62 square metres of part width of public road and footways

Case for Objectors 328 - 330

- 4.6.18 As the OLY1 planning permission area only includes part of plot 243, it does not authorise the development required to connect bridge R10 to Roach Road and the connecting highway cannot be constructed without further planning permission. The LDA has provided insufficient details of the costs of constructing the proposed bridge and proposed construction methods. Insufficient investigation of alternatives has been carried out by the LDA and the Objectors wished to provide evidence on the provision of alternative sites for bridges in the vicinity.
- 4.6.19 The compulsory acquisition of the site would have a negative impact on the Objectors' existing businesses and could also result in job losses. The Order would also inhibit major development proposals for the site. Planning permission to redevelop the site to provide office headquarters and housing has been applied for and a resolution to grant permission (subject to a Section 106 agreement) was made in December 2004. The LDA has failed to comply with the requirements of the Olympic and Paralympic Games Business Relocation Charter and, in failing to communicate with the Objectors, it has breached the requirements of *Circular 06/2004*.

4.6.20 It is unreasonable to proceed with the compulsory acquisition of the Objectors' interests without finalising the LDA's plans and without explaining the full impact upon the Objectors' land. Furthermore, the Objectors have neither been provided with assistance in finding alternative premises nor received confirmation that they can remain on site.

Response by the London Development Agency²⁴¹

4.6.21 The LDA understands that the Objectors exist as separate legal entities, but in practice function as one and have the same registered address. The LDA also understands that, prior to service of the Order, it was the Objectors' intentions to vacate 4 Roach Road temporarily and to redevelop the site for a mixed-use scheme of 5, 6 and 7 storey buildings for use as flats, B1 (business), A3 (food and drink) and A1 (shop) uses, with the Objectors occupying the business part of the development.

4.6.22 Highway access between Central Fish Island, in Local Area Ba, and the area currently occupied by the Bow Industrial Estate and Carpenters Business Park, in Local Area Bb, is relatively poor. The limited number of existing bridges across the Lee Navigation results in the need for further bridges for emergency access to and/or evacuation from the Olympic Park during the Olympic Games. Without new movement routes, access and integration between the Legacy development and adjoining areas would remain fragmented. Local Area Bb will be transformed to provide a large area of residential development and it will also provide employment floorspace and a new school. The proposed Roach Road Bridge is intended to be the principal route linking Central Fish Island with Local Area Bb. The plots are required to construct this bridge.

4.6.23 This location was chosen because it would provide a good alignment with Monier Road, which is proposed to be a key east-west road link across Fish Island and provides direct access to the strategic road network via Wick Lane. The bridge would also provide communities to the west with access to open spaces and a new primary school and stadium to the east, as well as enabling a bus service to be provided between Fish Island and the Stratford stations. Given that outline planning permission has been granted for this bridge, there is no obvious reason as to why any supplemental permission to connect the bridge to Roach Road would not be granted.

4.6.24 Other local roads, such as those parallel to Monier Road, would not provide such direct access and an alternative location would unnecessarily increase through-traffic on adjoining roads. In particular, Beachy Road was considered as an alternative location, but that would not provide a satisfactory highway alignment. Only the western abutment and the access ramp are proposed to be constructed on the western side of the canal with retaining structures being used to achieve the change in vertical alignment, thereby minimising the land requirement. The Objectors have been provided with a plan showing a suitable location for a new access from Roach Road to their retained site.

²⁴¹ LDA/REB/1

- 4.6.25 As a result of the proposal to construct the Roach Road Bridge, it is understood that the Objectors' architects have been instructed to prepare an alternative mixed-use redevelopment scheme on the retained site. If the revised scheme is approved and if it proceeds, the Objectors will relocate the office/showroom part of their business to the redeveloped site and transfer the warehouse/storage element elsewhere.
- 4.6.26 The general case addresses the guidance of *Circular 06/2004* and establishes that the Olympic Games and Legacy development will bring huge benefits. It is accepted that these benefits must be balanced against the effect on the Objectors, but the need to use these plots for the construction of the Roach Road Bridge, in order to facilitate the Olympic Games and the Legacy development, outweighs the effects on the Objectors. Negotiations between respective agents concerning the relocation of the Objectors' business activities are progressing, but no formal agreement has been reached.

Plot Numbers:	252 & 253
Plot 252 Address:	The former Scottish & Newcastle site, Wyke Road
Plot 253 Address:	Substation at Wyke Road

Objector 119:	Roadglen Ltd (lessee and occupier)
Objector 336:	Neptune Wharf (owner)

Plot Descriptions

- Plot 252** 24,389 square metres of warehouse and offices, with yards, outbuildings, entrances, access ways and verges, and bank of the Hertford Union Canal
- Plot 253** 14 square metres of electricity substation

Case for Objectors 119 & 336

Legal principles

- 4.6.27 The main issue is whether the LDA has established a proper basis to justify the expropriation of the Objectors' lands in accordance with the law. Attention is drawn to *Chesterfield Properties PLC v. Secretary of State for the Environment* by reference to the *Prest* case and the basic principle that '..... no person is to be deprived of his land by any public authority against his will, unless it is expressly authorised by Parliament and the public interest so demands.....'. The Judge in that case added:- 'If there is any reasonable doubt on the matter, the balance must be resolved in favour of the citizen'.²⁴²
- 4.6.28 Moreover, of especial importance in the context of this objection is *Brown v. Secretary of State for the Environment*, by reference to *De Rothschild*:- 'If, in fact, the acquiring authority is itself in possession of other suitable land - other land that is wholly suitable for that purpose - then no reasonable Secretary of State

²⁴² *Chesterfield Properties PLC v. Secretary of State for the Environment* (1997) 76 P & CR 117, particularly pages 128 - 130)

faced with that fact could come to the conclusion that it was necessary for the authority to acquire other land compulsorily for precisely the same purpose'.²⁴³

- 4.6.29 *Baker v. First Secretary of State* is also relied on in establishing that the decision-maker has to consider whether the confirmation of the CPO would be a proportionate interference with the Human Rights of the Objector and whether compulsory acquisition is the only alternative, or the least intrusive means of securing the public interest. In the context of CPO cases, the Judge stated: '..... real consideration has to be given to the rights of the owner and occupier, and the potential injustice of being deprived of a potentially valuable property.....'.²⁴⁴
- 4.6.30 Here, the CPO is concerned with land assembly for redevelopment purposes; where the LDA will enter into development agreements with private sector developers who will, in due course, profit from the Objectors' land. Clear and unchallenged evidence exists of the ambition and ability of Neptune Wharf to redevelop the site as a mixed-use regeneration scheme and its lost opportunity to create justifiable profit should be weighed in the balance.
- 4.6.31 Case law consistently shows:- compulsory purchase to be a matter of last resort; the need for the acquiring authority to show that it seeks to pursue the least intrusive means and that it has considered alternatives to expropriation. The justification put forward in this case does not begin to satisfy these tests.

Bus depot use

- 4.6.32 The LDA's approach to this site has been incremental in that the first scheme presented to the Inquiry showed an open storage layout which was conceded to be an unacceptable and inadequate urban design solution.²⁴⁵ It was, in any event, withdrawn because it would have resulted in an unacceptable noise impact on the occupiers of neighbouring residential properties at Omega 3.
- 4.6.33 The next design (drawing SK1rE), which represented the eighth attempt to produce a workable layout, was devised to mitigate the noise impact. This showed a building with a footprint of 67 metres by 95 metres and a height ranging between 6.6 metres and 8 metres; and again it was conceded that it would need further changes.
- 4.6.34 The ability to accommodate 210 buses, for current operations and expansion, relies on a number of omissions from the layout including:- like-for-like car parking; the electricity sub-station; a hydrogen refuelling facility; additional maintenance bays; pedestrian routes between buses; motorcycle storage; a sprinkler tank; and an above-ground refuelling tank.²⁴⁶ It is also alarming that First Bus, for whom the facility is intended, has not been involved in the design process, despite its formal request to be afforded full access to the design of the replacement depot.²⁴⁷

²⁴³ *Brown v. Secretary of State for the Environment* (1978) 40 P & CR 285 & *De Rothschild* (1998) 57 P & CR 330.

²⁴⁴ *Baker v. First Secretary of State* [2003] EWHC 2511 (Admin)

²⁴⁵ LDA/REB/2, Drawing SK1rC

²⁴⁶ OBJ/336/119/8, Chapter 8

²⁴⁷ OBJ/336/119/15/1, Appendix 7

- 4.6.35 Moreover, the facility can only be provided by erecting a substantial over-sized garage building to provide noise mitigation for the Omega 3 residential accommodation at the north-eastern end of the site. This will add £3.09m to the cost of developing the site which represents poor value for money and raises the questions of whether such a cost can be justified and whether the scheme would proceed in the light of cheaper and better alternative locations.
- 4.6.36 Whilst it was asserted that such increased costs could be provided from a contingency fund, there is no evidence that this has been balanced against any further consideration of alternatives or any comparable cost-benefit analysis. It is also notable that no business case has been produced by Transport for London to justify the added cost and no agreement has been reached that it should be paid. Similarly, there is no evidence that First Bus has undertaken a business case appraisal of the extra costs of the bus depot.
- 4.6.37 The process has, in effect, been predicated on a decision to acquire the land before asking the operator to confirm its suitability and without any input into the design; the cost is identified and alarmingly inflated by unexpected mitigation measures; and, finally, an attempt is made to concoct a business case. Such a process does not provide any basis to demonstrate a compelling case for acquisition. What is more, planning permission for the bus depot does not exist and the informal views of the local planning authority have not been sought.
- 4.6.38 Turning to development control matters, the proposed bus depot would conflict with policies DEV46 and DEV47 of the *Tower Hamlets UDP* which, generally, seek to protect and enhance water corridors.²⁴⁸ It would also conflict with the adopted *Canalside Development Supplementary Planning Guidance*, which, unbeknownst to the LDA's planning witness, seeks to avoid the provision of inherently unattractive canalside uses, such as car parking, in areas adjacent to the canals.²⁴⁹
- 4.6.39 Furthermore, the *Lower Lea Valley OAPF* seeks to create amazing places adjacent to the waterways²⁵⁰ There is no dispute that the site is located in a very sensitive location, adjacent to the Hertford Union Canal and the OLY1 development area, where the catalytic effect of regeneration should be particularly strong. Although the site is currently occupied by a large building, the LDA acknowledges that redevelopment should strive to make the townscape more attractive, not less, as that is part of the essence of regeneration. The LDA further agrees that this is a key site which should not be squandered.
- 4.6.40 However, the proposed use will involve the erection of a huge new building, the open storage of buses and some form of canalside enclosure as an attempt to provide screening. The overall effect will be some 270 metres of dead canal frontage in a sensitive lock-side location.

²⁴⁸ CD12 Tower Hamlets UDP (Adopted 1998) (page 61)

²⁴⁹ OBJ/336/119/4

²⁵⁰ CD27 Lower Lea Valley Opportunity Area Planning Framework (Consultation draft - April 2006) (page 9: A1)

- 4.6.41 Design, townscape impacts and the treatment of the canal-side frontage will clearly be a critical issue in the determination of any future planning application; but, from the numerous attempts made by the LDA to produce a layout for the site, there can be no confidence that a workable design could be achieved. Even if it is, a bus depot would be fundamentally at odds with the desire to see regeneration in such a sensitive location.
- 4.6.42 In addition, the new building would be located within 12 metres of the Omega 3 development and it would present a particularly harsh outlook for established residents and represent a serious worsening of their living conditions.
- 4.6.43 Moving on to the highway considerations, the planning application for the proposed bus depot will need to be accompanied by a Transport Assessment which will, amongst other things, assess the impact of bus traffic on Monier Road in the Legacy phase. In this regard, after the Olympic Games, Monier Road will become a key east/west link across Fish Island and it will also provide access to the strategic road network via Wick Lane²⁵¹ and the Old Ford junction. It is particularly relevant to note that the Transport Assessment which accompanied the OLY1 planning application made a serious omission in that it did not consider this key link.
- 4.6.44 After 2012 there is no doubt that traffic will increase along Monier Road. Furthermore, as the junction's capacity to accommodate traffic emerging from Smeed Road is constrained by the available depth of vision splay, it will have the effect of increasing the risk of queuing; and it will not be possible to achieve any significant improvement as there is insufficient land within the highway boundary.
- 4.6.45 Further, a rigid bus wishing to turn left from Smeed Road into Monier Road would require the whole width of the carriageway to do so and its manoeuvre would result in conflict with other traffic (and an articulated bus would not be able to make the turn at all).²⁵² Until the results of the Transport Assessment are known, it is impossible to tell what the potential for queuing would be and whether the junction would operate safely.
- 4.6.46 Against this background it is apparent that any or all of the issues concerning planning policy, design, residential amenity and highway safety could lead to planning permission being refused for the proposed bus depot.

Objectors' proposals

- 4.6.47 It is highly relevant that Neptune Wharf has redevelopment proposals for the site, which would have a greater regenerative effect than a bus garage use, and there is no challenge to its ability to deliver a large regeneration project at Wyke Road.²⁵³

²⁵¹ LDA/REB/1 (paragraph 4.3.2)

²⁵² OBJ/336/119/12 (paragraphs 2.4 and 2.5)

²⁵³ OBJ/336/119/2/1 (paragraphs 10-17)

- 4.6.48 Given the agreed sensitivity of the site; the acknowledged need for regeneration, in particular, in an area immediately adjacent to the Olympic and Legacy development area; and the policy background which would seek to locate uses such as bus depots outside such locations, the Neptune Wharf proposals would clearly be preferable from a regeneration perspective.
- 4.6.49 Although emerging planning policy seeks to define the site as Strategic Employment Land, neither the emerging *Local Development Framework* nor the consultation draft *Lower Lea Valley OAPF* justify such a designation or its extent.²⁵⁴ For that reason, and because they are at an early stage, only minimal weight can be attached to the emerging policies.
- 4.6.50 Furthermore, it is highly significant that the LDA did not challenge the Objectors' Employment Land Study which identifies a substantial supply of vacant industrial land in the catchment area surrounding Wyke Road with very low take up rates.²⁵⁵ Against this background there is every reason to suppose that the Objectors' proposals for a large scale mixed-use regeneration scheme, which would be fully in accordance with the principle of regenerating a sensitive location such as this, would find favour.
- 4.6.51 In the short-term, the site is to be used as a fabrication site to service, by canal, a 'modern methods of construction' building project, at Suttons Wharf.²⁵⁶ The importance of the site for this purpose cannot be underestimated given its sustainable credentials and that the Suttons Wharf affordable housing project contains a condition on access by canal. No alternative location has been offered and no other suitable site has been identified.

Alternative locations - general

- 4.6.52 Only a handful of sites were considered in the site search carried out by Transport for London and the LDA, with many being too far away from bus routes to be realistic contenders.²⁵⁷ Nonetheless, the fact that they were individually assessed indicates that dead mileage is not as important as Transport for London suggests. Of the identified sites now agreed to be the most realistic contenders, the majority were identified by the Objectors and the list should not be taken to be exhaustive.²⁵⁸
- 4.6.53 Given the extent of employment land in the area, numerous other appropriate locations may be available, or might become available in the future. In this context, the LDA has extended the time available for relocation by making provision for existing operations to remain within the Olympic Park until July 2008.²⁵⁹ In addition, the LDA has not shown beyond doubt that the land without any identifiable purpose on the Masterplan could not be used for a further period.

²⁵⁴ CD27 Lower Lea Valley Opportunity Area Planning Framework (Consultation draft - April 2006)

²⁵⁵ OBJ/336/119/2/2 (Appendix 9)

²⁵⁶ OBJ/336/119/2/2 (Appendix 2)

²⁵⁷ LDA/AM/1 (paragraphs 8.4-8.10)

²⁵⁸ Statement of Common Ground in relation to potential alternative sites for bus garage relocation

²⁵⁹ LDA/REB/35 (paragraph 8)

- 4.6.54 In the calculation of the cost of dead mileage, associated with alternative locations, the additional costs of constructing the building at Wyke Road needs to be taken into account. A comparative exercise, capitalising over a period of 10 years, rather than 30 years, shows that a number of locations, namely Chobham Farm, the general area around the Big Yellow storage premises, Fish Island South, Empson Street, Parcel Force, Prologis, Cody Road and Orchard Place are all better value on a net present value basis. Apart from dead mileage, the LDA identified no other operational reasons as to why any of these locations should be rejected; and it was agreed that there are no highway and access constraints to their development as a bus depot.
- 4.6.55 In policy terms, the potential impacts of a bus depot would be similar to those of general industry or storage and it would be acceptable in an established employment location.²⁶⁰ Moreover, in principle, the provision of a bus depot on a site which seeks regeneration would be in accordance with the criteria of policy EMP11 of the *Tower Hamlets UDP* and policy EMP4 of the *Newham UDP*.²⁶¹

*Alternative locations - Chobham Farm (sites G & H)*²⁶²

- 4.6.56 Approximately half of site G, all of site H and the area immediately to the south of it are within the Order Lands. These are in a general location that scores best in terms of dead mileage and would, from an operational point of view, be preferable to Wyke Road, against which they would produce a substantial saving of £4.72m. They lie within the Stratford Rail Lands where employment-generating uses, including class B2 uses, are sought by policy UR14 of the *Newham UDP*.²⁶³ A bus depot would, therefore, be an acceptable use in principle; and it would result in a higher employment density than the uses expressly sought by policy.
- 4.6.57 In terms of the LDA's identified use for part of site H as a Gypsy site, such a location would be inappropriate and inhospitable as it would be surrounded on 4 sides by transport infrastructure. Taking the anticipated noise levels in isolation from the CTRL, and ignoring the effects of any other noise sources, the site would be likely to be at the upper end of Noise Exposure Category B, as defined in *Planning Policy Guidance: Planning and Noise* (PPG24), where the effects of noise need to be taken into account. Union Rail has also identified a need to maintain access to its operational land. Whilst site H is also stated to be required for temporary coach parking during the Games, there is no evidence as to why coach parking could not take place on the extensive areas of operational land or on the objection site, as offered by the Objectors.

²⁶⁰ LDA/REB/5 (paragraph 4.16)

²⁶¹ LDA/REB/5 (paragraph 4.17); CD11 LB Newham UDP (June 2001) (page 181)

²⁶² Individual references to sites G and H taken from the evidence presented, rather than OBJ/336/119/16 which appears to transpose G and H.

²⁶³ CD11 LB Newham UDP (June 2001) (pages 76-78)

Alternative locations - Parcel Force (site A)

- 4.6.58 This is a site which can be considered alongside an extension to Cody Road (site Q). It is already in the LDA's ownership; Stagecoach will be relocating there from Waterden Road; and, operationally, it is large enough to accommodate First Bus as well. Although Parcel Force occupies the site under lease, that arrangement will expire in December 2007, which would allow sufficient time for First Bus to be relocated before July 2008.²⁶⁴
- 4.6.59 The site lies within *Newham UDP's* MOZA, an area of some 22.4 hectares, where B2 use is identified as being appropriate in the areas further away from West Ham station.²⁶⁵ A second bus garage could be located in the southern part of the site, leaving the most accessible part, nearest to West Ham station, for mixed uses. There is no evidence to suggest that this would be unacceptable in planning terms. Although the LDA sought to discount this location, as the bus operators do not favour side-by-side depots, the same operators currently run out of adjoining garages on Waterden Road and there is no credible support for such a notion.
- 4.6.60 This site is better located to public transport than Wyke Road, and this is set to improve significantly with the potential provision of a new eastern corridor spine road bus route passing immediately adjacent to the site²⁶⁶. Given the principles enunciated in *Brown v. Secretary of State*, as set out in paragraph 4.6.28 above, this is a particularly suitable site.

Alternative locations - Orchard Place (site N)

- 4.6.61 This is a derelict site of sufficient size which has an Industrial Employment designation within the *Tower Hamlets UDP* and it would, therefore, be suitable in policy terms.²⁶⁷ However, the LDA has not made any enquiries as to its availability.

Alternative locations - Big Yellow Storage (site R) and adjoining land

- 4.6.62 Although the LDA is no longer seeking to acquire a number of plots in this locality, the area as a whole remains in the CPO; and it would be open to the Secretary of State to confirm the Order with this land included. Operationally, it is in a good location, being better than all except Chobham Farm. It lies within a designated Industrial Employment Area and its use as a bus depot would be in accordance with the development plan.²⁶⁸

Overall conclusion

- 4.6.63 The LDA has pursued the Wyke Road site with single-minded arrogance, wantonly ignoring the significant number of serious impediments to the implementation of the scheme. As such it has failed to demonstrate a

²⁶⁴ LDA/REB/35

²⁶⁵ CD11 LB Newham UDP (June 2001) (page 82)

²⁶⁶ CD27 Lower Lea Valley Opportunity Area Planning Framework (Consultation draft - April 2006) (Figure 2.9)

²⁶⁷ CD12 Tower Hamlets Unitary Development Plan – Proposals Map

²⁶⁸ CD12 Tower Hamlets Unitary Development Plan – Proposals Map

compelling case in the public interest for this part of the CPO and the Objectors' land and interests should be excluded from the Order.

Response by the London Development Agency

The Wyke Road site

- 4.6.64 There is a need to find a site on which to relocate the operation of First Bus from Waterden Road so as to release that site to play a vital role in the regeneration described in the general case. The Wyke Road site is the place at which to achieve that end.
- 4.6.65 Once work began on the details of the Olympic bid it became clear that, if successful, the First Bus and Stagecoach operations would need to be relocated. Agents were asked to search for sites and various possibilities were identified culminating in the identification of Wyke Road as the appropriate choice for relocating the First Bus operation.²⁶⁹ The site is of an appropriate size; it is close to the existing depot, yet it is better served by public transport and it is better placed in terms of dead mileage. In their searches and those of their agents, Transport for London and the LDA have not found a better site available; neither has the best efforts made on behalf of the Objectors.

The suitability of Wyke Road

- 4.6.66 First Bus's Waterden Road depot has a theoretical capacity for 210 buses. It also contains a maintenance building, an administrative building, a hydrogen fuel cell maintenance facility, a fuel tank and fuel bay, as well as a commercial vehicle wash and a separate engine wash bay enclosure.²⁷⁰ First Bus also has the use of part of the former Hackney Stadium, on the opposite side of Waterden Road, for car parking.
- 4.6.67 The Wyke Road site is about 0.8 hectares (2 acres) larger than the Waterden Road depot site and, even with the provision of an area of dedicated car parking, it would offer equivalent space for buses. Although the illustrative layout does not show all of the facilities required, Transport for London has confirmed that it would provide sufficient space for the operation. While the provision of a hydrogen fuel cell filling station would affect the number of parked buses, this could not be implemented without an agreement with First Bus; and it is nothing more than a notional requirement which will be fully assessed in 2008/2009.²⁷¹ Crucially, First Bus is happy with Wyke Road as a replacement facility.
- 4.6.68 Whilst much was made of apparent deficiencies in the internal organisation and operation of the site, over-night bus parking could take place in the maintenance building; and over-spill car parking could occupy vacated bus bays. This is not an uncommon arrangement, even if it does rely on careful organisation, and Government policy seeks to keep work-place parking to the minimum necessary. In terms of the need for some buses to re-enter the

²⁶⁹ LDA/AM/1 (Tables at paragraphs 8.4 to 8.7)

²⁷⁰ OBJ/336/119/1/2 (Appendix B)

²⁷¹ LDA/REB/34 (paragraph 2.5)

public highway after washing and re-fuelling, this would only apply on a limited basis if the site were almost fully parked up.

- 4.6.69 In terms of general accessibility, Wyke Road has the advantage of being served better by public transport than Waterden Road,²⁷² and it would not be materially worse than the present garage in terms of proximity to existing routes in the Hackney Wick, Hackney and Mile End areas. This would minimise the impact of the relocation on operating costs in terms of dead mileage and the associated environmental issues of emissions, noise, residential disruption etc. Significantly, as compared to Waterden Road, Wyke Road would represent an annual reduction of 27,575 kilometres in dead mileage.
- 4.6.70 As to the accessibility to the strategic road network at Old Ford Junction, the majority of the 600 metres length is already on bus routes.²⁷³ Although there are junctions along the way, that is hardly unusual and there is no reason to suppose that this is an abnormal stretch of road. Furthermore, First Bus are content that access constraints are no worse than those in Waterden Road and it sees itself as being able to support growth in the bus market from the Wyke Road site.²⁷⁴

Planning policy

- 4.6.71 Policy EMP11 of the *Tower Hamlets UDP* designates the area as an Industrial Employment Area and encourages development for class B2 and class B8 uses.²⁷⁵ *The London Plan*, in identifying the area as a Strategic Employment Location, adds support for these uses; and it can be taken as given that a bus depot would be acceptable, in principle, as it would have the same general characteristics as a class B2 use.²⁷⁶ Hence, such a use would be in accordance with the development plan. The *UDP* canalside protection policies, DEV63, DEV46 and DEV47, would also be relevant but these fall to be applied in what is an industrial setting.²⁷⁷
- 4.6.72 In the context of the emerging *Local Development Framework*, the draft *Leaside Area Action Plan* identifies the site as being within a Strategic Employment Location and the draft *Lower Lea Valley OAPF* identifies the site as lying within the Fish Island Strategic Employment Location.²⁷⁸ As a result, there is nothing in emerging policy that suggests a change in direction from adopted policy.

The prospects for planning permission

- 4.6.73 A planning application for a bus garage on the Wyke Road site will be submitted in the near future against a policy that supports the principle of

²⁷² OBJ/336/119/15/1 (Appendix 17)

²⁷³ LDA/REB/4 (Plan HW/S-1.1)

²⁷⁴ OBJ/336/119/15/1 (Appendix 17)

²⁷⁵ CD12 Tower Hamlets UDP (Adopted 1998) (page 97)

²⁷⁶ CD16 The London Plan (Annex 2)

²⁷⁷ CD12 Tower Hamlets UDP (pages 61 & 70)

²⁷⁸ LDA/REB/5 (paragraphs 3.25 & 3.30)

such a use. Unless there are apparent environmental or highway impediments, there is no obvious reason why permission might be withheld.

- 4.6.74 The aspect to the canalside will undoubtedly require careful detailing; and the provision of a 6 metres wide strip alongside the canal will allow public access and appropriate landscaping. All in all, a suitably designed bus depot will be able to meet the relevant criteria of policy DEV47 of the *UDP*; and there is nothing in the *Canalside Development Supplementary Planning Guidance* to contradict this analysis.²⁷⁹
- 4.6.75 Nearby residential properties, notably Omega 3, have been built in what is to all intents and purposes an industrial area. There is no dispute that the issue of noise can be mitigated adequately; and it would be possible to avoid creating a harsh outlook for existing residents by skilful design.²⁸⁰
- 4.6.76 Although the Objectors explored a number of detailed highway issues, it is apparent that their concerns hang on the issue relating to the junction of Smeed Road with Monier Road in the Legacy phase.
- 4.6.77 In this regard, the opening of the Roach Road bridge will bring more traffic along Monier Road, and whilst the local planning authority will have to reach a judgement on its effects, there is no reason to suppose that traffic levels would be such so as to preclude a relatively small number of additional movements from Smeed Road in the morning peak. Although it is accepted that a bus turning left from Smeed Road would over-run the opposing carriageway, this prospect will not arise until 2012; and even then it cannot be guaranteed that buses would need to turn left into Monier Road.
- 4.6.78 In terms of the visibility available for vehicles leaving Smeed Road, no evidence was given to the effect that improvement to meet the recommended standard might be required for either safety or capacity reasons.

Objectors' Proposals

- 4.6.79 The Objectors' proposals are that Roadglen should use the site until 2011 followed by a hotel, residential, leisure/retail and commercial development by Neptune Wharf.²⁸¹ The suggested temporary use of the site as a coach park during the Olympic Games is not practicable for security reasons but it is recognised that this is not an integral part of the Objectors' proposals.
- 4.6.80 The Roadglen proposal, associated with their development of a site at Suttons Wharf, is essentially opportunistic, as their proposal to use this site for that purpose was in the full knowledge of the CPO. Moreover, the Neptune Wharf redevelopment proposal is not consistent with the development plan or with emerging policy; and, the Objectors' stance that the policy is not well founded, or supportable, is not material to the current policy framework for this site.²⁸²

²⁷⁹ OBJ/336/119/4

²⁸⁰ LDA/32 (paragraph 2.1.8)

²⁸¹ OBJ/336/119/2/1 (paragraph 7.25)

²⁸² OBJ/336/119/2/1 (paragraph 3.3)

Other sites suggested by the Objectors

- 4.6.81 First Bus will be able to stay at its current site until December 2007, and it will be possible for it to park buses, but not to maintain them, within the Olympic Park until July 2008.²⁸³ However, there is no basis to suppose that there is a reservoir of untapped land within the Order Lands which would provide an alternative facility; and those areas not specifically identified on the Masterplan will be required for extensive back-of-house and operational areas in a very compact Olympic Park.
- 4.6.82 If the CPO is confirmed for the Wyke Road plots, there is good reason to suppose that the replacement depot could be available by December 2007 based on a 50 week programme, with 8 weeks for the demolition of existing buildings and 42 weeks for the construction of the new facility.²⁸⁴
- 4.6.83 In terms of assessing the suitability of alternative locations, one of the important considerations, amongst others, is dead mileage. This is more than just money as reducing dead mileage contributes to the important goal of reducing emissions and to the efficiency of public transport. Whilst the calculations need to be treated with caution, they do serve to identify the relative strengths of the different locations.
- 4.6.84 It is apparent from the Statement of Common Ground on Bus Matters that all but 2 of the Objectors' candidate sites perform worse than the Wyke Road site with most resulting in significant extra mileage and delay.²⁸⁵ The only 2 sites that bear comparison with Wyke Road are Chobham Farm and Big Yellow Storage. For First Bus's operation, but not Stagecoach's, the Parcel Force site comes a significant way back.²⁸⁶
- 4.6.85 In opposing a bus depot at Wyke Road the Objectors seek to deny the support of the development plan and emerging policy for such uses and to suggest that the facility would squander a regeneration opportunity. Nonetheless, they turn to sites which have been identified in the development plan for regenerative development and claim that a bus garage is an appropriate use.²⁸⁷
- 4.6.86 But that shows a misunderstanding in that the regenerative effects to be obtained from good public transport do not necessarily coincide with locating a bus depot on a site that is itself set aside for regeneration. In this regard developing a second bus depot at the Parcel Force site, even if it were realistic to do so in the timescale required, would be to risk the benefits envisaged by MOZ4 and the opportunity to create a focus of high quality mixed-use development linked to a new West Ham district centre.²⁸⁸

²⁸³ LDA/REB/35

²⁸⁴ LDA/REB/35 (paragraph 4)

²⁸⁵ OBJ/336/119/11

²⁸⁶ LDA/REB/2 (paragraph 3.12)

²⁸⁷ OBJ/336/119/16 (paragraph 45)

²⁸⁸ CD11 LB Newham UDP (June 2001) (in particular policy UR25, page 82);
LDA/REB/5 (paragraph 6.7.1 reference to Lower Lea Valley Planning Framework)

- 4.6.87 Similarly, the 2 areas within Chobham Farm have a materially different planning context from the Wyke Road site. For example, the Stratford Rail Lands MOZ reinforces the need to bring forward regenerative development of both Chobham Farm and the adjacent area to connect the existing residential communities to the east with Stratford City and Olympic Park development to the west.²⁸⁹ A bus garage at Chobham Farm would not achieve these policy ambitions.
- 4.6.88 It is expected that the southern end of the Chobham Farm area will come forward for more residentially-led and business B1 uses, rather than class B2 uses which may be more appropriate in the northern part of the site. This is supported by the *Lower Lea Valley Planning Framework*, which indicates that the southern section of Chobham Farm is considered appropriate for town centre uses, such as leisure, retail, office and residential development that are integrated with Stratford town centre.²⁹⁰ The *Rail Lands Framework Plan* indicates that this area will comprise high density mixed-use development including residential and commercial uses on the southern end of the site.²⁹¹ Furthermore, the emerging *Lower Lea Valley OAPF* designates site H and the area immediately to the south of it as a potential new residential area.²⁹²
- 4.6.89 When it comes to availability, the Objectors accept that many of the sites may fail this test, for example Cody Road and Big Yellow Storage. As such they are not credible alternatives.
- 4.6.90 It must be assumed that the Objectors' closing submissions highlight the sites which they say are the most attractive alternatives, namely:- Chobham Farm (sites G and H), Parcel Force (site A), Orchard Place (site N), and Big Yellow Storage (site R) and adjoining land; none are available.
- 4.6.91 Taking Chobham Farm first, the LDA seeks to acquire land here, with the western part of site G being required for Olympic related purposes as part of the Athletes' Village; and site H is required, partly, as a relocation site for Gypsies and also for temporary coach parking during the Olympic Games. Other areas are required to provide access to Stratford City from Leyton Road.
- 4.6.92 In terms of the Parcel Force site, it will not be physically possible to put 2 bus garages here until Parcel Force have vacated, and this could be as late as December 2008. The Orchard Place site is owned by a developer and it is expected to come forward as a residential-led mixed-use development; and acquisition would be very expensive.
- 4.6.93 Although Big Yellow Storage and some adjoining land was included in the CPO, the LDA informed relevant landowners in January 2006 that it would not proceed with the compulsory acquisition of land in that part of Fish Island. As a result, many Objectors did not pursue their objections. To

²⁸⁹ LDA/REB/36 (paragraph 5.3)

²⁹⁰ CD13 Newham's Arc of Opportunity Planning Framework (November 2002) (page 28)

²⁹¹ Stratford – a 2020 vision: Rail Lands Framework Plan, May 2004

²⁹² CD27 Lower Lea Valley OAPF (Consultation draft - April 2006) (Figure 4.4)

attempt to locate a bus depot in this location would inevitably take considerable time; it would probably entail another CPO; and it would require numerous existing occupiers to be displaced. In comparison, the only occupier at Wyke Road has gone onto the site already aware of the CPO.

Conclusion

- 4.6.94 The compulsory acquisition of this site will enable the achievement of a replacement bus garage for First Bus, something which is important to achieve in the public interest.
- 4.6.95 In the judgement on *R. (on the application of Edith Baker) v. First Secretary of State*, it was noted that proportionality requires a 2 stage consideration.²⁹³ At the first stage, the question is: can the objective of the measure be achieved by means which are less interfering of an individual's rights? At the second stage, the question is does the measure have an excessive or disproportionate effect on the interests of affected persons?
- 4.6.96 On the facts of this case, the answer to the first question is no. The objective of the CPO is to ensure that the replacement bus garage is provided in a timely manner. The only way to achieve that is by confirmation of the CPO. The Objectors have not attempted to argue that the achievement of the legitimate aim of the CPO would have an excessive or disproportionate effect on them. Once the facts are correctly understood and interpreted, there is nothing in Human Rights legislation to prevent confirmation of the CPO. Putting the same point in the language of *Chesterfield Properties Plc v. Secretary of State for the Environment*, on the facts, the public interest demands the confirmation of the CPO.²⁹⁴

Plot Numbers:	257-262
Plots 257 – 262 Address:	Big Yellow Storage, 400 Wicks Lane

Objector 148:	Sytner Group Ltd (unknown)
Objector 240:	Big Yellow Self-Storage (occupier)

Plot Descriptions

- Plot 257:** 24 square metres of overgrown part of yard to the Big Yellow premises, with bridge carrying part of hard shoulder to public road known as the East Cross Route (A102M) over
- Plot 258:** 90 square metres of part of yard
- Plot 259:** 1,314 square metres of part of car and trailer park with access way and landscaped areas
- Plot 260:** 11,248 square metres of warehouse, disused offices, forecourt, yard, car park and access ways, with parts of roads and footways known as Wick Lane and Crown Close and advertising hoarding
- Plot 261:** 17 square metres of electricity substation
- Plot 262:** 7 square metres of electricity substation

²⁹³ *R. (on the application of Edith Baker) v. First Secretary of State* [2004] JPL 729

²⁹⁴ *Chesterfield Properties Plc v. Secretary of State for the Environment* (1997) 76 P & CR 118

Case for Objector 148

4.6.97 As reported for plots 759 and 763 in Local Area Ce.

Case for Objector 240

4.6.98 This is a holding objection whilst the Objector reviews the detailed implications.²⁹⁵

Response by the London Development Agency

4.6.99 The Objectors have been informed that these plots are no longer required.

Plot Number:	263
Address:	Wick Lane, Crown Close, Atley Road (disused), Maverton Road, Iceland Road and Autumn Street, Soundings Alley

Objector 39:	Coal Pension Properties Ltd (owner)
Objector 57:	Mr Stephen Brown & Mr Michael Dover (owners)
Objector 94:	Kallwin Limited (alleged beneficiary of other rights)
Objector 120:	Point Deal Ltd (owner)
Objector 148:	Sytner Group Ltd (unknown)
Objector 240:	Big Yellow Self-Storage (owner)

Plot Description

12,066 square metres of public roads and footways, part of footbridge leading to Wendon Street, path known as Soundings Alley and advertising hoardings, with part of yard to the Big Yellow premises at 400 Wick Lane and bridge carrying part of hard shoulder to the East Cross Route

Case for Objector 39

4.6.100 The impact on business and property interests has not been fully considered by the acquiring authority. Furthermore, the potential for future growth of business, or improvement of property, would be constrained by the proposals. Inadequate consideration has been given to the protection, preservation and relocation of employment-generating business within the CPO zone.

4.6.101 Insufficient time has elapsed since 6 July 2005 to render it necessary for a CPO to be issued where there remains a reasonable prospect of obtaining requisite lands by agreement.

Case for Objector 57

4.6.102 The disruption and cost of relocating residents and businesses on land covered by OLY4 is out of proportion to the requirement to provide a temporary coach drop-off/parking facility which would be used for a maximum of 6 weeks. Sufficient consideration has not been given to alternative options and locations that could entail less disruption.

²⁹⁵ Inspector's note – no further representations have been submitted

- 4.6.103 Furthermore it is unfair that residential units developed after the Olympic plans were approved are to be exempted from demolition whilst the Objectors are expected to give up their home for demolition.

Case for Objector 94

- 4.6.104 The LDA has no statutory CPO powers in connection with the Olympics; or for the acquisition of these plots as it would not result in significant regeneration of the area.
- 4.6.105 Regeneration would require other regeneration proposals and these are not at present being advanced by the LDA for this land; nor has the LDA shown that the acquisition of the Objector's plots is required for regeneration of the area after the Games. Regeneration is only a possible consequence of the Olympics; it is not a primary purpose of the CPO.
- 4.6.106 The acquisition of any allotments, registered commons or similar should be compensated by the provision of equivalent exchange land.
- 4.6.107 In making the CPO there has been a failure to balance the needs of existing businesses to remain in and contribute to the local economy against the short-term advantages of the Olympics and the long-term uncertainties of the Legacy and associated regeneration.
- 4.6.108 The making of the CPO is premature in the absence of a Business Relocation Strategy; a failure to offer alternative property; and the LDA has failed to demonstrate a compelling reason for acquisition of land, the intended use of which is unknown.
- 4.6.109 The LDA has failed to demonstrate that the matters set out in paragraph 14 of Appendix B to *Circular 06/2004* have been satisfied.
- 4.6.110 The acquisition of the plots, in which the Objector has an interest, would place a disproportionate burden on the Objector under the terms of Articles 6 and 8 of the *European Convention on Human Rights* and Article 1 to the First Protocol. The Objector should not have to suffer this disproportionate burden for the short-term advantage of the 2012 Olympic Games and the uncertain proposals in the subsequent Legacy period.

Case for Objector 120

- 4.6.111 The use of this land during the period of the Olympics is unknown and demolition of the existing buildings would not be required. Justification of compulsory purchase of the land has not been made out for the Olympic or Legacy uses.
- 4.6.112 The area would not require uniform and universal acquisition in order to bring about the extent and quality of regeneration envisaged; existing planning permissions allow for regeneration.
- 4.6.113 The CPO would have the effect of preventing the very form of development which is needed in the defined Mixed Opportunity Area. The land is currently used for productive industrial and educational uses.

Case for Objectors 148 & 240

4.6.114 As reported for plots 257 – 262.²⁹⁶

Response by the London Development Agency

4.6.115 The Objectors have been informed that these plots are no longer required.

Plot Numbers:	267 & 268
Address:	413 Wick Lane

Objector 120:	Point Deal Ltd (owner)
Objector 121:	Commercial Concerns Ltd (tenant and occupier)

Plot Descriptions

Plot 267: 5,713 square metres of warehouses and offices, yards, access way and land used for storage, with advertising hoarding

Plot 268: 776 square metres of hardstanding and wooded area, situated north of 413 Wick Lane and south of the Northern Outfall Sewer

Case for Objectors 120 & 121

4.6.116 As reported for Objector 120 in respect of plot 263.

Response by the London Development Agency

4.6.117 The Objectors have been informed that these plots are no longer required.

Plot Number:	269
Address:	417 Wick Lane

Objector 67:	Plus Minus Accountancy Solutions (Sukumar saha) (lessee and occupier)
Objector 252:	Moss Limited (alleged lessee)
Objector 265:	Raminder Kaur Kahlon (lessee and occupier)
Objector 273:	Ms Rita Shah (alleged owner)
Objector 275:	Mr Robert Slomka (lessee and occupier)
Objector 276:	Fawad Khan (lessee and occupier)
Objector 277:	Mr Joseph Farrugia (lessee and occupier)
Objector 279:	Mr Roy Farrugia & Mr Mark Scollan (lessees and occupiers)
Objector 280:	Mr Joseph Farrugia (lessee and occupier)
Objector 283:	Tunde Shoderu (lessee and occupier)
Objector 284:	Seretta Sancho (lessee and occupier)
Objector 295:	Mr Daniel Miller & Ms Wendy Harper (lessee and occupier)
Objector 296:	Mr Robert & Mrs Georgina Weston (lessee and occupier)
Objector 314:	Mr Peter Lancaric & Lenka Loviskova (lessee and occupier)
Objector 448:	417 Wick Lane Residents (headed by Julian Parry) (Lessees and occupiers)

²⁹⁶ The objection by Objector 148 is reported at plots 759 and 763 in Local Area Ac

Plot Description

2,861 square metres of block of apartments and offices known as Riverside,
access way and grounds under development

Case for Objector 67

4.6.118 The CPO is not required to deliver the London 2012 Olympics.

Case for Objector 252

4.6.119 The evacuation of the premises is not necessary; other measures could be made to secure the premises.

Case for Objectors 265, 273, 275 - 277, 279, 280, 283 & 284

4.6.120 The CPO is not necessary for the fulfilment of the contract with the IOC; there are credible alternatives to taking possession of this site.

Case for Objector 295

4.6.121 The property is not necessary to fulfil the contract with the IOC.

Case for Objector 296

4.6.122 This apartment would not pose a security risk if the Objector remained in-situ; there has been inadequate notification of the CPO process and inadequate adherence to process by the LDA.

Case for Objector 314

4.6.123 The temporary requirement for this site is confusing. The public notice was the first the Objectors knew that the CPO was being implemented. The proposals would significantly restrict the Objectors' lives for 6 years. Exclusion of their land would be more economically viable for the LDA.

Case for Objector 448

4.6.124 This objection, on behalf of the 417 Wick Lane Residents, is supported by a petition, signed by 19 residents, and a further 10 e-mails. The CPO is opposed as remaining in-situ would not pose a security risk; the boundary could either be moved or security clearance given.

Response by the London Development Agency

4.6.125 The Objectors have been informed that this plot is no longer required.

Plot Number:	283
Address:	3 Crown Close

Objector 169:	E.U. Limited (tenant and occupier)
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Plot Description

658 square metres of workshop and offices known as Exhausts Unlimited
and forecourt

Case for Objector 169

- 4.6.126 This is a highly successful automotive parts distribution business operating from modern purpose-built premises, providing long-term local employment and contributing to the local economy. The compulsory purchase of the site would result in the extinguishment of the business and the loss of local employment opportunities. However, the site currently achieves more than the purposes for which the CPO is purported to have been made and any further development of the site resulting in displacement would not be justified. Regeneration of the wider area would be best secured by allowing the existing business to continue and operate from the site.
- 4.6.127 Compulsory acquisition for the purpose of providing the Legacy facilities cannot be justified as little information has been made available regarding the LDA's long-term proposals and the associated timetable. Little weight can therefore be given to the possible regeneration benefits associated with the unspecified Legacy development.
- 4.6.128 The CPO should not be confirmed as it does not further the LDA's broad purposes for which it is allegedly made. The CPO does not comply with *Circular 06/2004*. If the CPO is confirmed the site should be excluded as the private loss to the Objector outweighs the public gain.

Response by the London Development Agency

- 4.6.129 The Objector has been informed that this plot is no longer required.

Plot Number:	284
Address:	Units 9 & 10, Crown Close Business Centre

Objector 203:	The New Bethnal Ministry/Pastor Newman (owner and occupier)
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Plot Description

206 square metres of chapel and offices

Case for Objector 203

- 4.6.130 Fish Island is required for a temporary car park and there are alternative means of providing these facilities by using Victoria Park. The disruption of the church would not be necessary.
- 4.6.131 The long-term plan for the church is to retain it for similar community use for the Legacy.
- 4.6.132 It is a condition of the Olympic planning permission that the LDA submit relocation strategies. In addition, policy guidance places a burden on the LDA to acquire land by agreement but this CPO has been issued before the Ministry has had the opportunity to find out whether it can stay in the current premises.
- 4.6.133 As the relocation of the church remains unclear, the objection is not limited to the above grounds.

Response by the London Development Agency

4.6.134 The Objector has been informed that this plot is no longer required.

Plot Number:	285
Address:	Units 6-8 (inclusive) the Crown Close Business Centre

Objector 204:	Studio Tone Ltd (owner occupier)
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Plot Description

149 square metres of workshop and offices and forecourt

Case for Objector 204

4.6.135 The property is required for a temporary car park for which there would be an alternative and more convenient venue at Victoria Park.

4.6.136 Disruption of so many businesses is unnecessary and would be contrary to the overall objectives of the CPO. Furthermore, it is a condition of the planning permission that the LDA submit a business relocation strategy.

4.6.137 The LDA has consistently ignored representations from the businesses. There is a burden on the LDA to acquire land by agreement and this CPO has been issued before these particular businesses have had the opportunity to negotiate and to consider alternatives.

Response by the London Development Agency

4.6.138 The Objector has been informed that this plot is no longer required.

Plot Number:	287
Address:	The Crown Close Business Centre, 2-4 (evens) Crown Close

Objector 228:	Mr Deegan of Gizzard Recording (lessee and occupier)
Objector 229:	Ms Penton of Vogue Facilities (lessee and occupier)

Plot Description

704 square metres of part of business estate comprising buildings, yard and access ways

Case for Objectors 228 & 229

4.6.139 The businesses have been asked to relocate elsewhere in the Lower Lea Valley. However the overall objective of the CPO cannot be met if it involves disruption of so many businesses to areas where they would be separated from their client base and subject to poorer communications than their present sites provide.

4.6.140 A condition of the Olympic planning permission was that the LDA was to submit a Business Relocation Strategy. The LDA has consistently ignored the representations of the businesses.

4.6.141 The LDA is obliged to acquire land by agreement but the CPO has been issued before the businesses have had an opportunity to conclude meaningful negotiations and to consider alternatives.

Response by the London Development Agency

4.6.142 The Objectors have been informed that this plot is no longer required.

Plot Number:	290
Address:	1 Crown Close

Objector 48:	Crown Close Holdings (owner)
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Plot Description

1,110 square metres of workshop, offices and yard

Case for Objector 48

4.6.143 The OLY4 area does not need regenerating; it does not lack employment, economic development and business efficiency and does not require investment.

4.6.144 The stated objective of providing a temporary car park could be achieved in a less disruptive way by using Victoria Park.

Response by the London Development Agency

4.6.145 The Objector has been informed that this plot is no longer required.

Plot Number:	293
Address:	Units 1-5 (inclusive), Old Ford Trading Centre, Maverton Road

Objector 39:	Coal Pension Properties Ltd (owner)
Objector 74:	R S Components (UK) and Electrocomponents plc (lessee and occupier)
Objector 75:	Electrocomponents plc (lessee and occupier)

Plot Description

5,423 square metres of part of industrial estate, access way, hardstanding, verge and shrubbery

Case for Objector 39

4.6.146 As reported for plot 263.

Case for Objectors 74 & 75

4.6.147 The property is essential to the business and is required to service customers in London and East London; acquisition of the property would be very damaging to the business.

Response by the London Development Agency

4.6.148 The Objectors have been informed that this plot is no longer required.

Plot Numbers:	294 - 296, 299, 300 & 330
Address:	Old Ford Trading Centre, east of Atley Road

Objector 39:	Coal Pension Properties Ltd (owner)
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Plot Descriptions

Plot 294: 15 square metres of electricity substation

Plot 295: 15 square metres of electricity substation

Plot 296: 625 square metres of part of industrial estate comprising Unit 6 and forecourt

Plot 299: 48 square metres of footpath and landscaped verge

Plot 300: 80 square metres of footpath and landscaped verge

Plot 330: 142 square metres of footpath and landscaped area

Case for Objector 39

4.6.149 As reported for plot 263.

Response by the London Development Agency

4.6.150 The Objector has been informed that these plots are no longer required.

Plot Number:	297
Address:	Unit 7, Old Ford Trading Centre, Maverton Road

Objector 39:	Coal Pension Properties Ltd (owner)
Objector 227:	Trident Trading Ltd (lessee and occupier)

Plot Description

592 square metres of part of industrial estate comprising unit 7 and forecourt

Case for Objector 39

4.6.151 As reported for plot 263.

Case for Objector 227

4.6.152 As reported for Objectors 228 and 229 on plot 287.

Response by the London Development Agency

4.6.153 The Objectors have been informed that this plot is no longer required.

Plot Number:	298
Address:	Unit 8, Old Ford Trading Centre, Maverton Road

Objector 39:	Coal Pension Properties Ltd (owner)
Objector 192:	Partco Autoparts (lessee and occupier)

Plot Description

542 square metres of warehouse and offices and forecourt

Case for Objector 39

4.6.154 As reported for plot 263.

Case for Objector 192

4.6.155 As reported for Objector 169 on plot 283.

Response by the London Development Agency

4.6.156 The Objectors have been informed that this plot is no longer required.

Plot Number:	302
Address:	Iceland Wharf, 5 Iceland Road

Objector 243:	Kingsview Solutions Ltd (owner)
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Plot Description

4,900 square metres of industrial units, yards, storage areas, works and land

Case for Objector 243

4.6.157 The CPO is not necessary for the fulfilment of the contract with the IOC. Furthermore, it has been adequately demonstrated, and accepted by the LDA, that the site would not be required for delivery of the Olympics.

Response by the London Development Agency

4.6.158 The Objector has been informed that this plot is no longer required.

Plot Number:	304
Address:	1-37 (odds) Autumn Street

Objector 94:	Kallwin Limited (owner and occupier)
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Plot Description

1,621 square metres of warehouse, offices and yards

Case for Objector 94

4.6.159 As reported for plot 263.

Response by the London Development Agency

4.6.160 The Objector has been informed that this plot is no longer required.

Plot Numbers:	305, 307 & 308
Plot 305 Address:	Unit 1, Autumn Yard, 39 Autumn Street
Plots 307 & 308 Address:	Unit 2, Autumn Yard, 39 Autumn Street

Objector 91:	Stephen William Burnett Hodd (plots 307 & 308)-(owner, subject to covenant with respect to Plot 305)
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Plot Descriptions

Plot 305: 686 square metres of workshop and offices and overgrown yard

Plot 307: 356 square metres of workshop and offices with forecourt and part of bank of river

Plot 308: 17 square metres of overgrown bank of river

Case for Objector 91

4.6.161 The CPO site is a priority area for regeneration in *RPG9* and *RPG9a*. The property falls within OLY4 and would be a temporary drop-off zone. The planning applications and ES do not cover the construction of Legacy development facilities in the OLY4 area.

4.6.162 To force the closure and removal of the businesses, to clear their sites and then to plan to use the area for 4 weeks as a temporary coach park would not achieve sustainable economic development.

4.6.163 Insufficient consideration has been given to an alternative site for the provision of the temporary coach park facility proposed at OLY4. It would be premature to confirm the CPO in respect of OLY4 until alternative sites have been explored with the principal objective of avoiding the enforced removal of established businesses and demolition of their premises.

Response by the London Development Agency

4.6.164 The Objectors have been informed that these plots are no longer required.

Plot Numbers:	306 & 311
Plot 306 Address:	Unit 1, Autumn Yard, 39 Autumn Street
Plot 311 Address:	Unit 4, Autumn Yard, 39 Autumn Street

Objector 91:	Stephen William Burnett Hodd (Plot 306)-(subject to covenant)
Objector 93:	Landport Developments Ltd (Plots 306 & 311)-(subject to covenant)

Plot Descriptions

Plot 306: 9 square metres of electricity substation

Plot 311: 139 square metres of vacant workshop premises

Case for Objector 91

4.6.165 As reported for plot 305.

Case for Objector 93

4.6.166 As reported for Objector 94 on plot 263.

Response by the London Development Agency

4.6.167 The Objectors have been informed that these plots are no longer required.

Plot Numbers:	309, 310, 318, 320 & 324
Plots 309 & 310 Address:	Units 3 & 4, Autumn Yard, 39 Autumn Street, & 445 Wick Lane
Plot 318 Address:	1a Riverside Business Park, 455 Wick Lane
Plot 320 Address:	Riverbank adjoining Units 3-7 (inclusive), Riverbank Business Park, Wick Lane
Plot 324 Address:	J B Riney premises, 455 Wick Lane

Objector 93:	Landport Developments Ltd (Plot 320)-(owner)
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Plot Descriptions

Plot 309: 1,263 square metres of workshops and offices with car park and access way

Plot 310: 8 square metres of bank of river

Plot 318: 214 square metres of warehouse and yard

Plot 320: 404 square metres of bank of river

Plot 324: 13 square metres of part of yard

Case for Objector 93

4.6.168 As reported for plot 306.

Response by the London Development Agency

4.6.169 The Objector has been informed that these plots are no longer required.

Plot Number:	314
Address:	441 Wick Lane

Objector 57:	Mr Stephen Brown & Mr Michael Dover (owners and occupiers)
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Plot Description

132 square metres of residential building with access drive, garage and yard

Case for Objector 57

4.6.170 As reported for plot 263.

Response by the London Development Agency

4.6.171 The Objector has been informed that this plot is no longer required.

Plot Numbers:	315 & 316
Address:	443 - 453 (odds) Wick Lane

Objector 87:	Octane Properties Ltd (lessee and occupier)
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Plot Descriptions

Plot 315: 1,280 square metres of petrol station known as Shell Old Ford comprising shop, forecourt and pumps, with telecommunications equipment

Plot 316: 17 square metres of forecourt to Shell Old Ford petrol station

Case for Objector 87

4.6.172 This property does not need to be included within the CPO.

Response by the London Development Agency

4.6.173 The Objector has been informed that these plots are no longer required.

Plot Numbers:	319 & 321
Address:	Riverbank Business Park, Dye House Lane, 455 Wick Lane

Objector 93:	Landport Developments Ltd (owner)
Objector 163:	Mr Bekir Sarpdag t/a RightFit Designs Ltd (alleged lessee and occupier)
Objector 226:	Goldleaf Engineering (occupier)

Plot Descriptions

Plot 319: 3,764 square metres of part of industrial estate, comprising units and yard, with bank of river

Plot 321: 9 square metres of part of car park

Case for Objector 93

4.6.174 As reported for plot 306.

Case for Objector 163

4.6.175 The acquisition would result in the disastrous ruination of the business, financial losses and loss of jobs.

Case for Objector 226

4.6.176 As reported for Objectors 228 and 229 on plot 287.

Response for the London Development Agency

4.6.177 The Objectors have been informed that these plots are no longer required.

Plot Number:	322
Address:	Unit 3, Riverside Business Park, 455 Wick Lane

Objector 1:	Mr C T Lau (owner)
Objector 2:	Mr John Tsang (alleged owner)
Objector 3:	Mr W S Lau (owner)

Plot Description

198 square metres of warehouse

Case for Objectors 1 - 3

4.6.178 The proposed plan to establish the western car park is wholly misconceived. The scheme could be better achieved in an entirely different way by using Victoria Park. It is vital for the business to remain in Bow because of its close proximity to Spitalfields vegetable market, Billingsgate fish market and Smithfield meat market.

Response by the London Development Agency

4.6.179 The Objectors have been informed that this plot is no longer required.

Plot Number:	323
Address:	Unit 12, Riverbank Business Park, 455 Wick Lane

Objector 93:	Landport Developments Ltd (owner)
Objector 226:	Goldleaf Engineering (lessee and occupier)

Plot Description

64 square metres of workshop and offices, with telecommunications base station on roof

Case for Objector 93

4.6.180 As reported for plot 306.

Case for Objector 226

4.6.181 As reported for plot 319 & 321.

Response by the London Development Agency

4.6.182 The Objectors have been informed that this plot is no longer required.

Plot Number:	327
Address:	Castle Timber Merchants, 455 Wick Lane

Objector 149:	Castle Timber (occupier)
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Plot Description

2,151 square metres of timber merchants offices and yard

Case for Objector 149

- 4.6.183 The impact on business and property interests has not been fully considered by the acquiring authority.
- 4.6.184 The constraint on the potential for future growth of the occupier's business and the aims of the LDA could be met by way of a short-term lease acquisition of the property for the duration of the Games. The freehold acquisition is unnecessary.
- 4.6.185 As a supplier of building materials it would be of benefit to the Olympic Games project and construction contracts for the Games facilities and for the subsequent Legacy projects that the occupiers remain in-situ and be able to continue to trade before and after the Games.
- 4.6.186 Inadequate consideration has been given to the protection, preservation and relocation of employment-generating businesses within the CPO zone. Furthermore insufficient time has elapsed since 6 July 2005 to render it necessary or appropriate for a compulsory purchase order to be issued where there remains a reasonable prospect of retaining requisite land by agreement.

Response by the London Development Agency

- 4.6.187 The Objector has been informed that this plot is no longer required.

Plot Number:	328
Address:	1-4 (inclusive) Maverton Road

Objector 39:	Coal Pension Properties Ltd (owner)
Objector 140:	Wyndeham Graphics (lessee and occupier)

Plot Description

6,474 square metres of workshops and offices, with yard, car park and grassed areas

Case for the Objector 39

- 4.6.188 As reported for plot 263.

Case for the Objector 140

- 4.6.189 This is an in principle objection with a specific objection being submitted on investigation of the impact of the Order and the development proposals.²⁹⁷

Response by the London Development Agency

- 4.6.190 The Objectors have been informed that this plot is no longer required.

0-0-0-0

²⁹⁷ Inspector's note – no further representations have been submitted

4.7.0 Local Area Bb – Fish Island East

4.7.1 Local Area Bb is located in the western part of the Order Lands. It is bordered to the north by the North London railway line; to the west by the River Lee Navigation (Hackney Cut); and its eastern and southern boundaries are marked by the River Lea.

4.7.2 Most of the area is occupied by the Bow Industrial Park and Carpenters Business Park; both are relatively modern and appear well maintained. An older block of properties, which includes Kings Yard, occupies the northern part of the area; and there is a single residential unit, former Lock Cottages, at the southern tip of the area.

Plot Numbers:	157-165 & 177 ²⁹⁸
Plot 157 Address:	Unit 16, Kings Yard, Carpenters Road
Plot 158 Address:	Unit 16 Kings Yard, Carpenters Road
Plot 159 Address:	Unit 16, Kings Yard, Carpenters Road
Plot 160 Address:	Unit 7, Kings Yard, Carpenters Road
Plot 161 Address:	Unit 18, Kings Yard, Carpenters Road
Plot 162 Address:	Unit 18, Kings Yard, Carpenters Road
Plot 163 Address:	Units 1- 9 Kings Yard, Carpenters Road
Plot 164 Address:	Unit 9, Kings Yard, Carpenters Road
Plot 165 Address:	Unit 2, Kings Yard, Carpenters Road
Plot 177 Address:	Carpenters Road

Objector 98:	Landregal Ltd (Plots 157 & 158)-(alleged owner); (Plots 159-165, which adjoin Plot 177)-(owner)
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Plot Descriptions

Plot 157: 49 square metres of part of yard

Plot 158: 12 square metres of part of access road

Plot 159: 2,011 square metres of part of industrial estate, comprising premises, areas of hardstanding, access ways and toilet block

Plot 160: 941 square metres of part of industrial estate, comprising part of office block, areas of hardstanding and access ways

Plot 161: 12 square metres of part of electricity substation

Plot 162: 12 square metres of part of electricity substation

Plot 163: 6,251 square metres of part of industrial estate, comprising premises, areas of hardstanding, access ways and weigh bridge

Plot 164: 71 square metres of electricity substation

Plot 165: 9 square metres of electricity substation

Plot 177: 4,255 square metres of public road and footways

Procedural matters

4.7.3 The objection was due to be heard on 20 June 2006. No appearance was made as changes to the Olympic and Legacy Masterplans, published on

²⁹⁸ See also subsequent entries for Plot 159 (Objectors 9 & 146); Plot 163 (Objectors 69,138, 139, & 145) & Plot 177 (Objector 93)

7 June, identified the objection site for a CCHP facility.²⁹⁹ The Objector's proof of evidence, in so far as it related to the use of Kings Yard for the purposes shown on the Masterplan published in January 2006, was overtaken by these changes.³⁰⁰ The objection was subsequently heard on 20 and 21 July 2006.

Terminology

4.7.4 The OLY1 planning permission includes permission for a CCHP plant. The revised Olympic and Legacy Masterplans (June 2006) allocate the objection site for the same purpose. However, much of the evidence refers to a Combined Heating Plant (CHP) and there is some doubt as to whether the cooling element is intended. For consistency I shall use 'CCHP' as an inclusive term in so far as it relates to the objection site.

Site Characteristics

4.7.5 The land known as Kings Yard is a small industrial complex, of Edwardian origins, containing 7 buildings (1 – 3 storeys high) which are used for a variety of industrial and warehouse purposes. Kings Yard is located on the northern side of Carpenters Road. It is bounded to the north by the North London railway; to the west by the River Lee Navigation (Hackney Cut) and to the east by warehouse premises. It lies within the OLY1 development area.

Case for Objector 98

Introduction and Legal Submissions

4.7.6 The main issue in this objection is whether the LDA has made out a compelling case in the public interest for the expropriation of the Objector's land. Where there is any element of doubt as to whether this high threshold has been passed, the law is clear that the decision should come down against compulsory acquisition.³⁰¹ Factors to be taken into account include other suitable sites that might be available, especially where the acquiring authority is in possession of other suitable land;³⁰² and the overall proportionality of the action.³⁰³

4.7.7 Government advice states that '*if an acquiring authority does not have a clear idea of how it intends to use the land which it is proposing to acquire,*' it will be difficult for the authority to demonstrate that the expropriation is in the public interest.³⁰⁴ The time when it has to demonstrate its intentions for the land is the time of the making of the Order, not some later time, such as at the Inquiry. It is a test which the LDA has manifestly failed to meet.

²⁹⁹ LDA/14 Revisions to the Olympic and Legacy Masterplans, June 2006

³⁰⁰ OBJ/98/1/1

³⁰¹ per Lord Denning in *Prest v. Secretary of State for Wales* [1983] 81 LGR 193, at 198;

³⁰² *Brown v Secretary of State for the Environment* [1978] 40 P & CR 285

³⁰³ *Baker v First Secretary of State* [2003] EWHC 2511 (Admin)

³⁰⁴ Circular 06/2004 (paragraph 19)

Proposals for the use of Kings Yard

- 4.7.8 When the CPO was made, Kings Yard was stated to be needed to accommodate the Olympic Loop Road, the food and beverage area for the Games and for a mixed-use development in Legacy.³⁰⁵ None of these purposes remain. A succession of changes has been made which has seen the introduction of a CCHP plant and the relocation of the Loop Road outside the site.³⁰⁶ Moreover, the LDA seek to retain flexibility in the event of the CCHP not proceeding by ear-marking the site to accommodate security personnel during the Games and conversion to employment/mixed-use purposes in Legacy.
- 4.7.9 It is not known whether the proposed plant can be built on the site, as the scheme will need to be subject to an EIA; an application for a permit under the Pollution Prevention and Control regime; and an application for planning permission. The LDA is not aware as to whether the plant can be accommodated in the existing buildings, since it has no knowledge of their condition, layout and structural constraints. They may even need to be demolished.
- 4.7.10 The LDA's plans are at an embryonic stage with no specific design proposals; no notion of how the plant would be powered; and no certainty as to whether community cooling can be provided on the site to meet the requirements of the Olympic Bid Book.³⁰⁷ Additionally, no operator has been identified for the plant; once chosen the operator would need to be consulted on its location; and it is not known whether this location would be economically viable.
- 4.7.11 Furthermore, no assessment has been undertaken regarding energy distribution and the possibility of connection to a southern energy centre outside the Park, which has been identified as a key requirement of powering the entire Lower Lea Valley in Legacy.³⁰⁸ Thus, there can be no certainty that this site will eventually be used for a CCHP plant.
- 4.7.12 In recognition of this, the LDA has a fallback intent to use the site to provide security accommodation for the Games and thereafter for development in Legacy. If this were to be the case, there would be no need for the LDA to acquire the freehold interest as the land and buildings could be leased to them for the duration of the Games. This would be the most proportionate way of achieving the LDA's requirements. However, the Objector's offer in this regard has been rejected.
- 4.7.13 In any event, the Objector intends to redevelop the site itself for a mixed-use scheme, including residential, which would be consistent with other projects envisaged for this area in Legacy. Landregal's excellent track record of delivering such projects was not challenged.

³⁰⁵ CD2 Statement of Reasons

³⁰⁶ OBJ/98/1/5 Appendix 1; Appendix 2

³⁰⁷ OBJ/98/2/1 Appendix.2, page12.

³⁰⁸ CD20.10 Volume 10 Engineering (page 56)

4.7.14 The site is subject to a number of tenancies, all of which expire before 2012. Most fall outside the protection of the *Landlord and Tenant Act 1954* and, for those within, the landlord can resist the grant of a new tenancy where the land is required for redevelopment. Leases expiring in the near future would be capable of renewal; but it is quite clear that the Courts would only grant a short-term tenancy until the time that the landlord actually intends to carry out the redevelopment project.³⁰⁹ There is no doubt that the Objector would be able to offer vacant possession at the appropriate time.

Alternative Sites and Site Search

4.7.15 It is apparent that the site search for a CCHP plant has been driven by the spatial planning requirements of the Olympics and not by any technical or engineering requirements or advantages. In spatial planning for the Legacy development, it is agreed that there is no requirement for the plant to be located at Kings Yard. In addition, there are no overriding technical or engineering reasons why the plant must be located at Kings Yard, in either the Olympics or Legacy phases.

4.7.16 The spatial planning reasons for locating the plant at Kings Yard are sketchy and unsupported and rest on an assertion that there was no room in the operational areas north of Stratford City, or elsewhere. Reference to the Olympic Masterplan shows, for example, that there are huge areas of operational land north of Stratford City (165,175 square metres) and further land immediately to the north of Kings Yard (2,300 square metres).

4.7.17 The LDA has planning permission for a large CCHP plant adjacent to the Aquatics Centre, which was designed to power the Olympics and Stratford City during the Games and in Legacy. Towards the end of 2005 consultants proposed a decentralised strategy with 5 small discrete plants around the Olympic Park embedded within specific buildings (e.g. Main Stadium and Aquatics Centre).³¹⁰ None of the locations identified included Kings Yard.

4.7.18 This strategy was rejected by the LDA and by mid-April 2006 consultants were advocating a site in the west of the Olympic Park having 'tested' it against 2 other possible locations adjacent to the Aquatics Centre and land to the south of the CTRL box. Assessment was based on a crude 'in-house' ranking selection matrix which lacks credibility; but it provides the only basis on which a decision was taken to identify the immediate vicinity of Kings Yard.³¹¹

4.7.19 In terms of locating the plant in the western part of the Park, consideration was restricted to Kings Yard and a new-build site opposite, on the northern side of the railway.³¹² Although it was intended to carry out an architectural and technical design study to identify options for plant design, no such study was undertaken.³¹³ However, it is common ground that there were no

³⁰⁹ *Rehorn v. Barry Corporation* 1957 1 WLR 845.

³¹⁰ OBJ/98/1/5 Appendix 2

³¹¹ OBJ/98/1/5 Appendix 4 (Table 2)

³¹² OBJ/98/2/1 Appendix 2 (page 8)

³¹³ OBJ/98/2/1 Appendix 2 (page 8)

technical or engineering reasons why a plant could not be located north of the railway.

- 4.7.20 Further examination of the relationship between the Olympic Park and Stratford City took place in June 2006 comprising:- a single plant located in the western part of the Olympic Park to serve both developments (Option 1); 2 installations with one serving the greater part of Stratford City and the other serving the remainder in addition to the Olympic Park and Olympic Village (Option 2); and 3 plants with 2 serving the whole of Stratford City, and the third serving the Olympic Park (Option 3). Option 2 emerged as the recommended solution but even that could be subject to change.³¹⁴
- 4.7.21 Furthermore, there is no compelling technical reason why the plant should not be located to the north of the CTRL box. Although additional cost was advanced as a factor, no figures were put before the Inquiry. Equally, none of the technical reports provide justification for ruling out a CCHP on the approved site. Nor is there good reason to exclude a search for land on the western side of the Hackney Cut, outside the Park boundary.
- 4.7.22 The whole process has been highly partial and has lacked transparency. The identification of Kings Yard has been driven by spatial planning requirements which are themselves unsupported by evidence. There are many alternative locations where the plant could be located, notably all on land either owned by the LDA or which it intends to acquire.

Impediments to the scheme proceeding

- 4.7.23 The LDA does not have planning permission or a permit from the Environment Agency to operate the plant at Kings Yard. The site is not allocated for the proposed use in the adopted *Tower Hamlets UDP*, the draft *Leaside Area Action Plan* or the draft *Lower Lea Valley OAPF*. Whilst the *Area Action Plan* does identify the need to bring forward CHP schemes, there are already 2 extant planning permissions for such uses in the northern part of the Lower Lea Valley.³¹⁵
- 4.7.24 The proposal would fall to be considered against Policy U1 of the *Tower Hamlets UDP*, which includes pollution and visual impacts as guiding criteria.³¹⁶ In terms of the former, the level and type of emissions is not known, as details of the plant have not been specified and emissions modelling will have to be undertaken. Moreover, there is no conclusive evidence to show that the necessary Pollution Prevention and Control consent would be forthcoming. Additionally, CCHP plants can be the source of outbreaks of Legionnaire's Disease; and without a detailed proposal there is nothing to show that the risk could be satisfactorily mitigated. In terms of visual impact, the plant would require a chimney some 8 metres x 4 metres and at least 30 metres in height. It will have an obvious adverse impact on views from the new linear park which could lead to planning permission being refused.

³¹⁴ OBJ/98/2/1 Appendix 1

³¹⁵ CD23 Leaside Area Action Plan (page 41)

³¹⁶ CD12 Tower Hamlets UDP (Adopted 1998) (page 200)

Response by the London Development Agency

Regeneration benefits

4.7.25 The LDA's general case applies, in that the provision of a successful Olympic Games will bring significant benefits by providing a catalytic effect for the regeneration of the Lower Lea Valley. The promotion of a CPO is the only way of ensuring the unified control of the Olympic Park in the time available. In these circumstances, there can be no doubt that, looking at the Olympic Park as a whole, there is a compelling case in the public interest for the compulsory acquisition of Kings Yard.

Proposals for the use of Kings Yard

4.7.26 The proposals that lie behind this CPO are on a very large scale. The particular nature of the project means that time is of the essence. There have been alterations to the Masterplans in both January and June 2006; and it is inevitable that refinements will occur during such a large and complex design process. However, the movement of secondary components does not obscure the LDA's clear vision of how it intends to develop the area of OLY1. Indeed, it is notable that the fundamental layout of the Park has remained unchanged throughout, with the main venues and ancillary facilities arranged alongside a central linear concourse. Throughout the masterplanning process Kings Yard has been an integral part of the OLY1 area; and a CCHP plant has been a continuous and vital component of the development proposed for the Olympic and Legacy phases.

4.7.27 The Olympic Masterplan now reflects the optimum relationship between the venues, their associated requirements for back-of-house functions, security and evacuation measures, crowd movement and spectator access, and athletes' accommodation and amenities. There may be more changes to the distribution of facilities during on-going design development, to further improve the operation of the Games as well as the opportunities for regeneration in Legacy. However, these will not change the fundamental principles on which the Masterplans are based.

4.7.28 It is true that the intended use of the Kings Yard site has changed over time, but the evidence shows clear, lucid and compelling proposals for the site. Even if they were to fail, for some unforeseen reason, the site would be needed at an early stage to provide accommodation for security personnel and facilities during the construction phase of the Olympic Park and during the Olympic Games.³¹⁷ The landowner is entangled in a web of tenancies, with the last one expiring in December 2011, and, as a consequence, early vacant possession could not be offered to the LDA.³¹⁸

³¹⁷ LDA/REB/15 (paragraphs 3.21 – 3.25)

³¹⁸ LDA/23

Alternative sites and site search

- 4.7.29 Work on reviewing the Olympic and Legacy Masterplans began soon after London was successful in its bid to host the Olympic Games. Initial proposals for a series of decentralised plants moved in favour of a centralised plant in the western part of the Olympic Park, on the grounds of efficiency, capital and operating costs and greater market attractiveness. None of the decentralised locations offered potential for a centralised plant and the search focused on the area to the west of the River Lea, in the vicinity of Kings Yard. Its suitability, ranked against the Aquatics Centre and land to the south of the CTRL box, was confirmed.³¹⁹
- 4.7.30 In parallel with the work undertaken to identify the most appropriate area within the Olympic Park to house a CCHP plant, 3 general options for its integration with the Stratford City development have been explored. The preferred option is based on a combination of a CCHP plant within the Stratford City development and a second installation in the western part of the Olympic Park.³²⁰
- 4.7.31 Site-specifically, the Aquatics Centre site was ruled out on grounds of design and desirability in the context of works associated with the removal and under-grounding of over-head power lines and on-going works for the construction of the Aquatics Centre. Land south of the CTRL box was considered impractical. As to the Kings Yard area, of the 2 sites identified, the land on the northern side of the railway is required for back-of-house facilities for the Handball Arena; moving these to the opposite side of the railway would not be feasible.
- 4.7.32 In terms of the practicality of locating the plant within the vicinity of the Athletes' Village, extensive and contiguous back-of-house facilities are a key component. From an operational point of view it would be remote from future Legacy development and the limitations of the existing utilities infrastructure could be an added drawback. The Objector's further suggestion of a location to the west of the Park (west of the Hackney Cut) would rely on acquiring an alternative site outside the Order Lands. Operationally, any site in this location would be marginally less well placed to serve demand; and its location outside the security cordon of the Olympic Park would be a disadvantage.
- 4.7.33 Overall, Kings Yard is the best solution and the preferred option. It is ideally located to serve the principal centres of energy demand; it will have good road access in both Olympic and Legacy phases; it is close to existing and proposed utility networks; and it will make best use of an 'island' site bounded by roads to the east and south, the Hackney Cut to the west and the railway to the north.

³¹⁹ OBJ/98/1/5 (Appendix 4 – Table 2)

³²⁰ OBJ/98/2/1 (Appendix 1)

4.7.34 Whilst there might have been, at first sight, other suitable sites, the positioning of a CCHP plant has to form part of the overall masterplanning process and the constraints arising from that exercise. The land within the Park is indeed extensive; but the design optimisation process of January 2006 has resulted in a compact layout, with the minimum possible land-take, and space throughout the Park is at a premium. It is not simply a matter of swapping one piece of the jigsaw with another.

Impediments to the scheme proceeding

4.7.35 Although no specific site is identified in the development plan, or supplementary documents, there is a strong policy imperative for the provision of a CCHP plant in the Olympic and Legacy development.³²¹ Policy U1 of the *Tower Hamlets UDP* sets out guiding criteria.³²² As part of the planning and pollution control regimes, noise and air quality would be matters in common and its appearance, notably its chimney(s), would be an added development control consideration.

4.7.36 The Environmental Statement for the permitted Olympic and Legacy development modelled the effects of a significantly larger plant on air quality:- it is reasonable to assume that the receptors of the proposed plant would be broadly similar. That assessment concluded that '*.....even on that worst case basis the modelling shows that the impact of the Plant over and above background levels and traffic emissions is likely to be small.*'³²³

4.7.37 In the case of Kings Yard the prevailing wind would carry any emissions across the central parkland, and with the plant capacity being less than that envisaged for the proposal adjacent to the Aquatics Centre, any effect would be even further reduced by comparison.³²⁴ Bespoke modelling to achieve acceptable emissions, and employment of the best practicable technologies and techniques, provides reassurance that the controlling regimes would not prevent a CCHP at Kings Yard.

4.7.38 Similarly, on noise, there is no reason to suppose that the LDA will be unable to meet the required standards. Concerns raised about Legionella are matters that can be addressed by appropriate maintenance and would in any case apply to comparable installations, irrespective of location.³²⁵ In terms of visual impact, the proposal is for an industrial development, in an industrial setting which will be enhanced by the removal of unsightly accretions from the 3 principal Edwardian buildings at the site; and in an area where chimneys are not an alien feature.

³²¹ LDA/REB/29

³²² CD12 Tower Hamlets UDP (Adopted 1998) (page 200)

³²³ CD 20.11 Regulation 19 Further Information Volume 03 (paragraph 4.60)

³²⁴ LDA/REB/29 (Appendix 1 - item (j))

³²⁵ CD20.11 Regulation 19 Further Information Volume 03 (paragraph 4.28)

Legal submissions

- 4.7.39 It is accepted that the specific use intended for Kings Yard has been the subject of on-going changes but those are entirely consistent with the evolution of the masterplanning process. The acquisition of Kings Yard has always been integral to the delivery of the Olympic Games and the Legacy phase. There is no reason to suppose why the Secretary of State should not take account of current site-specific proposals and the most up-to-date information available. It should be borne in mind that it may be appropriate for a Regional Development Agency 'to assemble land for which it has no specific detailed proposals'.³²⁶
- 4.7.40 The evidence is clear that there is no better site that would be available to the LDA for the provision of a CCHP plant; accordingly the **Brown** test is met.³²⁷ Even if the Secretary of State is not satisfied that the CCHP would go ahead that is not, by itself, an impediment to the Order being confirmed.³²⁸

Plot Number: 159 Plot 159 Address: Unit 16, Kings Yard, Carpenters Road
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Objector 9: Curved Pressings Limited (lessee and occupier)-(Unit 16A) Objector 146: Dave Sheppard t/s D&C Glass & Glazing (lessee and occupier)-(Unit 16A)

Plot Description

2,011 square metres of part of industrial estate, comprising premises, areas of hardstanding, access ways and toilet block

Case for Objector 9

- 4.7.41 The nature of the business is to manufacture vinyl records. It would be difficult, if not impossible, to relocate the Objector's business because of the nature of the old manufacturing equipment; the local availability of the specialist work force; the difficulty in replacing the unique equipment; and the need for an unusually large gas supply.
- 4.7.42 Furthermore, the extensive lead time for relocation would jeopardise work commitments and affect the client base.
- 4.7.43 It would be very difficult, if not impossible, to find alternative premises with comparable overheads and costs; this would bring into doubt the company's continued viability, as would the necessary long-term financing of such a move. Clarification of compensation has been sought.

³²⁶ Circular 06/2004 Appendix B paragraph 13

³²⁷ *Brown v Secretary of State for the Environment* [1978] 40 P & CR 285

³²⁸ *Chesterfield Properties plc v Secretary of State for the Environment* [1997] P & CR 76

Case for Objector 146

4.7.44 This is an in principle and specific objection pending the outcome of an investigation of the impact of the Order and development proposals. Full grounds of objection will be provided following this investigation.³²⁹

Response by the London Development Agency

4.7.45 **Objector 9:** The Objector's plot is required for the creation of the facilities for the Olympic Games and the subsequent Legacy development. The justification, and an explanation of the huge benefits that the project will bring, is set out in the general case.

4.7.46 In assisting businesses the LDA's approach has been to minimise disruption as far as possible. It is accepted that the benefits of the Olympic Games must be balanced against the effect on the Objector; but, in the LDA's opinion, the benefits of the development outweigh the disruption caused.

4.7.47 The Objector entered into administration in January 2006 and it is understood that it has ceased trading and is unlikely to relocate.

4.7.48 However, the LDA remains ready and willing to progress negotiations with the Objector, its administrator and its agents. There is no certainty that negotiations will be successful and the Order should be confirmed in relation to the Objector's interest in this plot.

4.7.49 **Objector 146:** No further grounds of objection have been submitted. The response above sets out the benefits arising from the Games.

4.7.50 The Objector's business is glass and mirror manufacture. It requires 418 square metres in Essex for relocation. The LDA has met with the Objector and understands that the initial objection, made by an agent, was done without the Objector's instructions.

Plot Number: 163

Plot 163 Address: Units 1- 9 (inclusive) Kings Yard, Carpenters Road

Objector 69: Eight by Four Ltd (lessee and occupier Unit 6A)

Objector 138: London Tradition (former lessee Unit 2B)

Objector 139: Style Trade (former lessee Unit 2B)

Objector 145: LeePat Productions Ltd (lessee and occupier Unit 5)

Plot Description

6,251 square metres of part of industrial estate, comprising premises, areas of hardstanding, access ways and weigh bridge

³²⁹ Inspector's note – no further representations were received

Case for Objector 69

- 4.7.51 The CPO could result in the loss of livelihood, as there is nowhere to relocate the business to; and such a loss would not be outweighed by the public benefit of the Olympic and Legacy proposals.

Case for Objectors 138, 139 & 145

- 4.7.52 In principle objections pending an investigation on the impact of the Order.³³⁰

Response by the London Development Agency

- 4.7.53 This plot is required for the creation of the facilities for the Olympic Games within the Olympic Park and the Legacy development. The Games and the Legacy will bring huge benefits which outweigh the disruption caused to the Objectors.
- 4.7.54 Negotiations have taken place with the agent for Objector 69, but no agreement has yet been reached.
- 4.7.55 No further grounds of objection have been submitted by Objectors 138, 139 and 145. The businesses of Objectors 138 and 139 are inter-related and, despite a number of requests, no details of relocation requirements or draft claims have been submitted.
- 4.7.56 Objector 145 is known to require about 250 square metres of land to relocate to within the boundary of the A13. There has been no agreement as yet; but the LDA has identified a number of potential relocation properties.

Plot Number: 168

Address: Nageena House, Carpenters Road/Waterden Road

Objector 51: G A Nazir (joint owner)

Objector 64: UK Snacks Ltd (tenant and occupier)

Plot Description

3,177 square metres of warehouse and factory

Case for Objectors 51 & 64

- 4.7.57 Compulsory acquisition of the property would result in the loss of local jobs which would be detrimental to the local economy; there is nowhere to relocate the business to. The Olympics is a temporary employer and the acquisition of the site would result in the loss of long-term employment.
- 4.7.58 The CPO would have a significant, direct impact on the business which would not be outweighed by the public benefit of the 2012 Olympic Games, Paralympic Games and Legacy facilities.

³³⁰ Inspector's note – no further representations were received

Response by the London Development Agency

- 4.7.59 The plot is required for the creation of the facilities for the Olympic Games within the Olympic Park and the Legacy development. The evidence establishes that the Olympic Games and the Legacy development will bring huge benefits in terms of employment and environmental improvement.
- 4.7.60 Furthermore, the LDA has attempted to minimise disruption, as far as possible, in assisting businesses; and any resultant disruption would be far outweighed by the benefits that would be achieved by the Order.

Plot Numbers: 170, 172 & 177

Address: Waterden Road, Britannia Works and Carpenters Road

Objector 51: G A Nazir (owner Plot 168 which adjoins Plot 170)

Objector 93: Landport Developments Ltd (owner Plot 172 which adjoins Plots 170 & 177)

Plot Descriptions

Plot 170: 1,365 square metres of public road and footways

Plot 172: 2,671 square metres of workshop, offices, scrap yard and grounds

Plot 177: 4,255 square metres of public road and footways

Case for Objector 51

- 4.7.61 Compulsory acquisition of the property would result in the loss of local jobs which would be detrimental to the local economy.

Case for Objector 93

- 4.7.62 The LDA has no statutory CPO powers in connection with the Olympics; or for the acquisition of these plots as it would not result in significant regeneration of the area.
- 4.7.63 Regeneration would require other regeneration proposals and these are not at present being advanced by the LDA for this land; nor has the LDA shown that the acquisition of the Objector's plots is required for regeneration of the area after the Games. Regeneration is only a possible consequence of the Olympics; it is not a primary purpose of the CPO.
- 4.7.64 The acquisition of any allotments, registered commons or similar should be compensated by the provision of equivalent exchange land.
- 4.7.65 In making the CPO there has been a failure to balance the needs of existing businesses to remain in and contribute to the local economy against the short-term advantages of the Olympics and the long-term uncertainties of the Legacy and associated regeneration.
- 4.7.66 The making of the CPO is premature in the absence of a Business Relocation Strategy and a failure to offer alternative property. The LDA has failed to

demonstrate a compelling reason for acquisition of the land, the intended use of which is unknown.

4.7.67 The LDA has failed to demonstrate that the matters set out in paragraph 14 of Appendix B to *Circular 06/2004* have been satisfied.

4.7.68 The acquisition of the plots, in which the Objector has an interest, would place a disproportionate burden on the Objector under the terms of Articles 6 and 8 of the *European Convention on Human Rights* and Article 1 to the First Protocol. The Objector should not have to suffer this disproportionate burden for the short-term advantage of the 2012 Olympic Games and the uncertain proposals in the subsequent Legacy period.

Response by the London Development Agency

4.7.69 **Objector 51:** The LDA has attempted to minimise disruption as far as possible in assisting businesses. There would, inevitably, be some disruption to existing businesses but it would be far outweighed by the benefits that would be achieved by the Order.

4.7.70 **Objector 93:** The position regarding statutory powers has been established. Plots 170, 172 and 177 are required for the creation of the facilities for the Olympic Games within the Olympic Park and the subsequent Legacy development. The evidence establishes that the Olympic Games and the Legacy development would bring huge benefits pursuant to the LDA's statutory purposes.

4.7.71 In relation to the objection in respect of allotments and other open space, the LDA relies on its Opening Statement.³³¹ The guidance of *Circular 06/2004*, including Human Rights considerations is addressed in the general case.

4.7.72 In assisting businesses the LDA's approach has been to minimise disruption so far as possible. The Order would bring identifiable regeneration benefits, including employment, together with positive environmental impacts. The Business Relocation Strategy was submitted for consideration in January 2006 and has undergone a period of public consultation. This Strategy will be developed in the light of responses.

4.7.73 There have been some initial discussions with the Objector, and the LDA remains ready and willing to progress negotiations.

Plot Number: 174

Address: Unit 1, Lea Works, Carpenters Road

Objector 187: BBA Group Executive Pension Trustees Limited (alleged owner)

Plot Description

1,042 square metres of factory premises

³³¹ LDA/1

Case for Objector 187

- 4.7.74 This is not an in-principle objection to the Games, which it is accepted will bring wider benefits to the capital. However, the impact on the Objector's business and property interests has not been fully considered. The proposals would constrain future growth.
- 4.7.75 Inadequate consideration has been given to the protection, preservation and relocation of employment-generating businesses and such proposals that have been put forward do not reflect the financial constraints which affect businesses. Furthermore, insufficient time has elapsed to enable negotiations to take place to deal with acquisition by agreement.

Response by the London Development Agency

- 4.7.76 According to the LDA's records, the Objector's interests are limited to having the benefit of undetermined rights and easements.
- 4.7.77 This plot is required for the creation of the facilities for the Olympic Games within the Olympic Park and the subsequent Legacy development. The evidence establishes that the Olympic Games will bring huge benefits, which the Objector accepts.
- 4.7.78 The LDA has attempted to minimise disruption as far as possible in assisting businesses and any resultant disruption would be far outweighed by the benefits that would be achieved by the Order. Numerous attempts to enter into negotiations have not met with a response.

Plot Number: 182

Address: Units 1 & 5, Carpenters Business Park, Carpenters Road

Objector 76: Federal Express Europe Inc (lessee and occupier Unit 5a)

Objector 79: The Boots Group Plc & Boots The Chemist (lessee and occupier Unit 1)

Plot Description

26,064 square metres of depots known as Boots and Fedex, car parks, access roads and landscaped areas

Case for Objector 76

- 4.7.79 The business will be severely disrupted by compulsory acquisition causing severe temporary and permanent financial loss; and loss of goodwill and client confidence. The property is essential to the Objector's business being necessary to service customers in the City and East London. Despite an extensive search by the Objector and the LDA no suitable premises have been identified and acquisition of an existing property may result in staff redundancy. The offer of a site at Beckton is under discussion, but it does not meet the Objector's operational requirements and any move to that location would be damaging to the business.

Case for Objector 79

4.7.80 The LDA has not established that the use of compulsory purchase powers, to acquire privately owned property interests for the purpose of promoting a sporting and commercial venture, is justified.

Response by the London Development Agency

4.7.81 This plot is required for the creation of the facilities for the Olympic Games and the subsequent Legacy development. The evidence establishes that the Olympic Games will bring huge benefits.

4.7.82 In so far as **Objector 79** challenges the LDA's justification for the use of its statutory powers, the LDA relies on its Opening Statement.³³²

4.7.83 The approach to assisting businesses has been to minimise disruption as far as possible. The LDA and **Objector 76** are in detailed negotiations to relocate the business to an LDA-owned site at Beckton, but no agreement has yet been reached.

Plot Number: 198

Address: Unit 2, Bow Industrial Park, south of Carpenters Road.

Objector 52: Travers Smith Service Ltd (reputed lessee and occupier)

Plot Description

871 square metres of warehouse, offices and forecourt known as Travers Smith

Case for Objector 52

4.7.84 The Order may have been served on the wrong company (the lease of the property is vested in Travers Smith Service Company).

4.7.85 The property is used as an archive storage and disaster recovery unit for offices in the City; there is no appropriate relocation place for the facility. The CPO would have a significant and direct impact on the business which would not be outweighed by the public benefit of the 2012 Olympic Games, Paralympic Games and the Legacy facilities.

Response by the London Development Agency

4.7.86 The Order was served on Travers Smith Braithwaite Limited, the party whom the LDA understood was the lessee and occupier of this plot. According to the Objector, it is the lessee of this plot. The LDA understands that both the Objector and Travers Smith Braithwaite Limited are non-trading companies controlled by Travers Smith, a UK partnership of solicitors. The Objector and Travers Smith Braithwaite Limited both have the same registered address, to which the Order was served.

³³² LDA/1(paragraphs 20 – 25)

- 4.7.87 This plot is required for the creation of the facilities for the Olympic Games and the subsequent Legacy development, both of which will bring huge benefits. The benefits must be balanced against the effect on the Objector; but, in the LDA's opinion, they outweigh the disruption caused.
- 4.7.88 The Objector has yet to decide whether it will relocate its archive storage facility, or whether it will use a dedicated archive storage operator, following which further progress can be made.

Plot Numbers: 210, 226 - 228, 232 & 233
Address: Bow Industrial Park, Carpenters Road

Objector 111: Quickmarsh (Plots 232 & 233)-(lessee and occupier); (part Plots 210 & 228)-(occupier)
Objector 112: Logicmedia & Webprint (Plots 226 & 227)-(lessee and occupier); (part Plots 227 & 228)-(occupier)

Plot Descriptions

- Plot 210:** 9,812 square metres of part of industrial estate, comprising access roads, car parks, wooded and landscaped areas, forecourts to Units 9 - 12, 15 & 20 - 29, with advertising hoarding
- Plot 226:** 535 square metres of part of warehouse and offices known as Unit 20
- Plot 227:** 159 square metres of part of warehouse and offices known as Unit 20
- Plot 228:** 1,872 square metres of part of Units 21, 22, 25 and 26, part of forecourts to Units 20-27 (inclusive), part of access road, footways and car park, wooded area and landscaped area
- Plot 232:** 232 square metres of part of warehouse and offices known as Unit 24
- Plot 233:** 152 square metres of part of warehouse and offices known as Unit 24

Case for Objectors 111 & 112

- 4.7.89 The removal of these successful employment-generating businesses would not fulfil the statutory purposes for making the CPO as it would not further the economic development and regeneration of the area, promote business efficiency or promote employment in the area.
- 4.7.90 The exercise of compulsory purchase powers to acquire this site is considered to be contrary to the overarching aim of regeneration of the Lower Lea Valley area as the Bow Industrial Estate was only developed in the 1980s and it is not in need of regeneration.
- 4.7.91 It is unreasonable and not within the public interest to favour the short-term benefits of the Olympic Games in the balance against the potential closure of these businesses. There is inadequate justification for pursuing the CPO for the Olympics, for which there is insufficient evidence regarding the viability of the Games and Legacy developments.

- 4.7.92 The timing of acquisition of this site is premature; it would only accommodate the Sponsors' Showcase, which would not require 5 years construction time.
- 4.7.93 The LDA has confirmed that it is acquiring land significantly in excess of the 200 hectares required for the Olympic Park. The compulsory purchase of this property cannot therefore be justified.
- 4.7.94 In summary, it is not considered that the regeneration purpose of the CPO is a valid reason for its promotion in relation to these properties. Lack of timely relocation would result in loss of the businesses and employment. The LDA has not presented a compelling case to justify the use of CPO powers in the public interest to regenerate this area and provide land for the Olympics. In addition, it should be stressed that there is a need to maintain proximity to other members of the publishing and distribution consortium that is established on the Bow Industrial Estate, in order to preserve distribution efficiencies.
- 4.7.95 The LDA has not devoted time to address the questions of negotiation and relocation.

Response by the London Development Agency

- 4.7.96 The position regarding statutory powers has been established.³³³ The Objectors' plots are required for the creation of the facilities for the Olympic Games and the Legacy development which will bring huge benefits and outweigh the disruption to the Objectors' businesses.³³⁴
- 4.7.97 The evidence has demonstrated how the Olympic Games and the Legacy development would be funded and underwritten by the Government.³³⁵
- 4.7.98 There have been numerous contacts between agents acting for the Objectors and the LDA, but no agreement has yet been reached. The managing director of Objector 111 is also the owner of Logicmedia and Webprint (combined as Objector 112). All 3 companies are closely associated and are looking to relocate together.

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³³³ LDA/1(paragraphs 20 – 25)

³³⁴ LDA/JP/1; LDA/GB/1

³³⁵ LDA/DH/1

4.8.0 Local Area Bc – Marshgate Lane Area

- 4.8.1 Local Area Bc is located in the central part of the Order Lands. Its boundaries are formed by the River Lea to the west and north, the Waterworks River to the east and the Great Eastern railway line to the south. The area can be sub-divided into 3 wedges of land by the Greenway and City Mill River.
- 4.8.2 The easternmost wedge is a finger of mainly open ground known as Thornton's Field that lies between the City Mill River and the Waterworks River. The eastern part is occupied by extensive railway sidings with some low industrial buildings to the north facing the Waterworks River. The western part comprises open space which is recognised as having nature conservation value.
- 4.8.3 The next wedge of land is situated between the City Mill River, the River Lea, and the Greenway. Marshgate Lane runs from the northern tip of this wedge, along part of the north-west boundary, before running south through the centre of the wedge. The wedge formerly housed the Faculty of Engineering of Queen Mary College and the Warrington Fire Research facility on the western side of Marshgate Lane. The laboratory buildings are surrounded by open land with substantial stands of mature trees and scrub immediately north of the point where the Greenway crosses the River Lea. This includes semi-derelict land managed as a nature reserve. The Old Ford Nature Reserve, north of the Greenway and adjacent to the River Lea is an area of semi-natural habitat which has nature conservation value.
- 4.8.4 A number of industrial buildings are located on the eastern side of Marshgate Lane. Several of these buildings located between Marshgate Lane, Knobs Hill Road and City Mill River are in a good state of repair. South of Knobs Hill Road, the industrial units are smaller, more fragmented and of poorer quality, and include tanks and silos. There are a number of semi-derelict sheds along the canal, generally used for heavy plant storage. There is also an area of unmanaged open space which has nature conservation value.
- 4.8.5 The third wedge lies between the Greenway and the Great Eastern Line/DLR rail lines, with the Lea River along the western side. The eastern part includes a mix of large and small industrial units with several of the businesses relating to waste management. Immediately south of the Greenway, and west of Pudding Mill Lane, there is a major demolition waste recycling facility adjacent to a concrete batching plant and a steelwork business. There is also a large waste transfer station and recycling facility which is connected to the railway network.

Plot Numbers: 476, & 481-483
Address: 44 Marshgate Lane

Objector 114: Alphachoice Ltd (Plot 481 - occupier)
Objector 115: Dominion Mosaic & Tile Co Ltd (owner)

Plot Descriptions

Plot 476: 52 square metres of overgrown towing path to the Waterworks River

Plot 481: 9,752 square metres of offices, showroom, warehouses, empty house, yards and access ways

Plot 482: 52 square metres of part of workshop known as Maples Windows, formerly housing electricity substation

Plot 483: 8 square metres of electricity substation

Procedural Matter

4.8.6 The objections in relation to these plots are made in the name of Dominion Mosaic & Tile Company Limited and on behalf of 18 other occupiers and tenants of the Order Lands.³³⁶

Case for Objectors 114 & 115

4.8.7 Mr Halpern, the owner of the property, has run his business from the plots for almost 25 years. The principal building within the 1.01 hectares (2.5 acres) ownership is a 5575 square metres (60,000 square feet) warehouse with offices and a retail showroom for the sale of tiles, kitchens and bathrooms and associated products. The business, which traded earlier from other premises in the locality, has flourished on its reputation.

4.8.8 Relocation locally to like-for-like premises, occupying a similar area of land, is crucial. The Objector would be prepared to move to a position off Stratford High Street to accommodate the Olympic Games; although he seeks the return of his lands to give him the opportunity of building flats on the site, or promoting a mixed-use development incorporating a new warehouse and showroom facility. He had been told that the London Borough of Newham would support such a proposal in principle once safeguarding restrictions by the Strategic Rail Authority had been resolved. It is understood that this constraint has been lifted.

4.8.9 Mr Halpern's search for suitable premises has been frustrated by the LDA and its failure to meet the terms of its own Business Relocation Charter in assisting local businesses to achieve successful relocation. It became apparent during 2003 that the LDA was seeking to purchase land in Stratford. Its first approach for the premises was made in June 2004, in standard letter form, with a derisory offer of around £1.6 million. Telephone calls and letters to the LDA went unanswered and the lack of progress on assessing the value of the site, taking account of its future development potential in the non-Olympic world, was drawn to the attention of the Chief Executive of the LDA in October 2005.

³³⁶ OBJ/115 Schedule of occupiers of the Order Lands attached to Statement of Objection

4.8.10 A revised offer, in October 2005, of £3.65 million was an improvement but it did not allow for relocation. Further difficulties were encountered in agreeing the future development value of the site, with the added complication of having to negotiate with a new case officer and the LDA's failure to be transparent about its calculations. Even when, in April 2006, a revised offer was made of an advance payment of £5.4 million, pending agreement on future value, the level of guaranteed compensation fell well short of the £10 million necessary to secure relocation on an equivalent basis. The position is no better following the marginally uplifted offer made on 9 June 2006.

Response by the London Development Agency

4.8.11 The general case for the LDA applies with particular reference to the benefits that regeneration will bring to the area. Site-specifically, the plots identified are required as part of the major public concourse to the north of the main Olympic stadium which will also form part of the circulation system over the nearby waterways and provide access to back-of-house facilities.

4.8.12 In the Legacy phase the main stadium will remain and the public areas will sit at the heart of the Lea Valley parkland, consistent with the strategic aim of delivering a linear park stretching from the River Thames northward into Hertfordshire. That, in its own right, represents a compelling case in the public interest; the tests of paragraph 14, Appendix B of *Circular 06/2004* would be fulfilled; and the return of the land to the Objector after the Olympics would be wholly at odds with the important long-term Legacy objectives and benefits.

4.8.13 The LDA has, contrary to the Objector's case, fully engaged in seeking to achieve agreement through negotiation. The initial offer for the property, made in June 2004, was accompanied by a letter which explained its preliminary basis. It invited a response and further discussion. None was forthcoming as the Objector took the view that there was no point in negotiating on the terms outlined.

4.8.14 The subsequent appointment of agents to act on behalf of the Objector moved matters on and discussions explored the potential long-term value of the site, in the absence of the Olympic and Legacy proposals. Progress was slow as assumptions about the density of any future development, and hence the value of the site, could not be agreed. In any event valuation based on site density alone is a crude and imprecise indicator which falls well short of a full development appraisal.

4.8.15 Nonetheless, a revised offer was made in October 2005 and further discussions, about the mechanics of the valuation, took place soon after. By the end of January 2006 the LDA had suggested an initial payment based on current market value and an element of disturbance with a provision for future site value to be considered in due course and with reference to the Lands Tribunal as necessary. However, agreement could not be reached as Mr Halpern continued to seek payment of full future market value and an

additional payment for disturbance. This would be at odds with the Compensation Code.

- 4.8.16 Negotiations throughout have been conducted purely on the basis of establishing a value for the property and these have been hindered by Mr Halpern's unrealistic aspirations. It is telling that the Objector has not talked to the LDA in a meaningful way about relocating his business, despite his insistence that his purpose was to secure equivalent replacement premises, and it is apparent that the disagreement between the parties is essentially one of compensation.

Plot Number: 477
Address: Clearun Wharf, 151 Marshgate Lane

Objector 179: Clearun Limited (owner and occupier)
Objector 180: Area Recycling Ltd (unknown)
Objector 181: Patrick William Gladwell (owner)

Plot Description

4,460 square metres of warehouse, buildings, yard and waste management facility

Case for Objectors 179 - 181

- 4.8.17 The Clearun Wharf site has the benefit of a 24-hour, 7 days a week waste transfer licence. The site is isolated and therefore has a limited impact on neighbours and the environment. Suitable sites for waste transfer stations are scarce. The LDA has only offered a short-term lease at Thames Wharf as a relocation site. The Objector is past normal retirement age and he had been hoping to sell the business to provide for his retirement. This has not been possible because of the blight resulting from the Olympic proposals. The short-term lease at Thames Wharf means that the business could not be sold at the end of that term and would be extinguished. The Objector supports the case made by Objectors 182 - 184 (see plots 512 – 515 & 517 below).
- 4.8.18 The Objector has found a site in Barking, but the LDA considers it to be too expensive. Two other sites have been suggested which were, in fact, not available or unacceptable for planning reasons. The LDA has not complied with its Charter and has not offered relocation on a like-for-like basis. It does not have the money to pay compensation and the CPO should not be confirmed.

Response by the London Development Agency

- 4.8.19 The LDA has offered the Objectors a site of 0.4 – 0.6 hectares on land at Thames Wharf. It is understood that the location is acceptable to the Company. If the Company relocates there, it will be well-placed to take advantage of the intense activity arising from the Olympic and Legacy development. The LDA will be submitting a planning application for the relocation of the Objectors, and other waste management companies, at

Thames Wharf and the site is expected to be ready by July 2007, to coincide with the need to take vacant possession of the Objectors' land.

- 4.8.20 Clearun has been offered a 7 year lease with a tenant-only rolling 6 month break clause or a longer lease (which could be 15 or 20 years) with a landlord-only rolling break clause, on 6 months notice, after the 7th year. Either lease would be outside the protection offered by the *Landlord and Tenant Act 1954*.
- 4.8.21 Occupation cannot be guaranteed beyond the 7 year period because the land may be required for the wider regeneration of the Lower Lea Valley, including a new Thames crossing. The term of the tenancy will be reflected in any claim for compensation and discussions regarding the fitting-out of the site will be determined as part of the overall relocation package. The negotiations regarding compensation will be progressed when requested financial information is made available.
- 4.8.22 The LDA remains committed to achieving a successful relocation of the business, whether at Thames Wharf or any other site which is advanced by the Objectors.

Plot Numbers: 487 & 494

Address: Riverside Works, Marshgate Lane

Objector 17: Wedge Group Galvanising & Parkes Galvanising Ltd (lessee)

Objector 41: BE Wedge Holdings Ltd (lessee)

Plot Descriptions

Plot 487: 11,787 square metres of public road and footways known as Marshgate Lane, verges thereto, parts of yard to Riverside Works, bank of the City Mills River, wooded areas and electricity pylon

Plot 494: 3,796 square metres of factory and offices known as Riverside Works and yard

Case for Objectors 17 & 41

- 4.8.23 Whilst not objecting in principle to the Olympic Games, it is stressed that the acquiring authority has not fully considered the impact on these businesses, the future growth of which would be constrained.
- 4.8.24 Inadequate practical and financial considerations have been given to the protection, preservation and relocation of businesses. This has been exacerbated by the speed with which the CPO has been made, when there remains a reasonable prospect of obtaining requisite lands by agreement.

Response by the London Development Agency

- 4.8.25 The Objectors' plots are required for the creation of the facilities for the Olympic Games and the subsequent Legacy development; and any resultant disruption to the Objectors' business will be far outweighed by the huge benefits that will be achieved by the Order.

Plot Numbers: 489-491 & 493
Address: Gateway House, 34 Marshgate Lane

Objector 101: First Venture Limited (owner)

Plot Descriptions

Plot 489: 20,700 square metres of workshops, offices and warehouses known as Gateway House, car park, lorry park, wooded areas and scrubland, with electricity pylon

Plot 490: 33 square metres of electricity substation

Plot 491: 3,210 square metres of wooded and overgrown area, situated east of 34 Marshgate Lane

Plot 493: 1,770 square metres of public roads and footways known as Marshgate Lane and the spur to Arnell House, and verge, situated south of 34 Marshgate Lane

Case for Objector 101

4.8.26 It is inappropriate for the LDA to use its compulsory powers because it has not been established that there is a compelling case in the public interest to acquire the premises.

4.8.27 The LDA has not taken into account the disruption and disturbance caused by the compulsory acquisition and has not provided sufficient alternative locations in order to overcome the inevitable difficulties involved in a compulsory relocation.

Response by the London Development Agency

4.8.28 The Objectors' plots are required for the creation of the facilities for the Olympic Games and the subsequent Legacy development; and any resultant disruption to the Objector's business will be far outweighed by the huge benefits that will be achieved by the Order.

4.8.29 The Objector has agreed in principle to relocate to an LDA-owned site at Beckton and negotiations to secure this are on-going.

Plot Number: 492
Address: East and south of 34 Marshgate Lane

Objector 399: Antalis Ltd (beneficiary of a restriction on disposition of the land)

Plot Description

7,323 square metres of fenced-off scrubland and public road and footways known as Marshgate Lane

Case for Objector 399

4.8.30 It is considered that the benefit of the long-term regeneration of the Lower Lea Valley would be better met by other forms of development than the Olympics scheme.

4.8.31 Furthermore, there is insufficient evidence to show a compelling case in the public interest to compulsorily acquire interest in the land.

Response by the London Development Agency

4.8.32 This plot is required for the creation of the facilities for the Olympic Games and the subsequent Legacy development which will bring huge benefits.³³⁷

4.8.33 The Objector has not identified other sites where the proposed uses for the plot could be better accommodated nor proposed an alternative long-term regeneration scheme for the Lower Lea Valley. As such there is nothing to undermine the LDA's proposals.

<p>Plot Numbers: 496 & 497 Address: Harrow Green Interiors, Unit 4, Marshgate Trading Estate, Marshgate Lane</p>
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<p>Objector 206: Harrow Green Group Limited (lessee and occupier)</p>
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Plot Descriptions

Plot 496: 3,690 square metres of depot and offices, car park and landscaped area

Plot 497: 276 square metres of overgrown area, situated south of Unit 4

Case for Objector 206

4.8.34 The overall regeneration objective of the CPO cannot be met if it involves disruption of so many businesses to areas where they would be separated from their client base and subject to poorer communications than their present sites provide.

4.8.35 The LDA has not fulfilled its obligation of submitting a Business Relocation Strategy to the Council to ensure the sensitive relocation of the businesses affected. Furthermore the LDA has consistently ignored representation of the businesses and has not fully considered the range of impacts on them.

4.8.36 The LDA is obliged to acquire land by agreement but the CPO has been issued before the businesses have had an opportunity to conclude meaningful negotiations and to consider alternatives.

Response by the London Development Agency

4.8.37 Plots 496 and 497 are required for the creation of the facilities for the Olympic Games and the subsequent Legacy development; and any resultant disruption to the Objector's business will be far outweighed by the huge benefits that will be achieved by the Order.

4.8.38 The Business Relocation Strategy was submitted to the relevant local planning authorities in January 2006 and it has undergone a period of public consultation. The LDA intends to develop the Business Relocation Strategy in the light of the consultation responses.

³³⁷ LDA/JP/1 & LDA/GB/1

4.8.39 The LDA's agents have been in negotiations with the Objector since September 2005, but no agreement has yet been reached.

Plot Numbers:	498 & 527-530
Plot 498 Address:	Unit 5, Marshgate Trading Estate, Marshgate Lane
Plots 527 – 530 Address:	Land at the former Queen Mary College Faculty of Engineering, 101 Marshgate Lane

Objector 130:	Bywaters (Leyton) Ltd (plot 498 - owner and occupier; other plots - lessee)
Objector 131:	Bywaters (1986) Ltd (plot 498 - occupier; other plots - unknown)
Objector 132:	Bywaters Waste Management Ltd (plot 498 - occupier; other plots - unknown)

Plot Descriptions

Plot 498: 2,336 square metres of depot and offices known as Bywaters, car park and landscaped area

Plots 527-530: Land and buildings at the site of the former Queen Mary College Faculty of Engineering

Case for Objectors 130 - 132

4.8.40 The loss of employment resulting from the potential extinguishment of the business is contrary to the purposes of the LDA. There may be insufficient time now to allow for relocation of operations as a going concern.

Response by the London Development Agency

4.8.41 Bywaters currently occupies 3 sites. The LDA has acquired one large modern unit for the relocation of the business with scope for expansion. A relocation agreement has been exchanged, with one outstanding matter to be resolved.

4.8.42 These plots are in the vicinity of the main Olympic stadium and acquisition is essential to the scheme. The LDA considers, on the basis of the general case, that the benefits to be derived from the Games would outweigh the inevitable disruption to businesses.

Plot Number:	501
Address:	Stratford Mercedes Benz, Marshgate Trading Estate, Marshgate Lane

Objector 199:	Daimler Chrysler UK Retail Ltd (lessee and occupier)
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Plot Description

7,377 square metres of workshop and offices

Case for Objector 199

4.8.43 Planning permission had been obtained, prior to the Olympic announcement, for the extension of these premises.

4.8.44 The same area of land and buildings must be provided in an equally advantageous location; failure to do this would result in greater loss than would be covered by statutory compensation. Therefore the Order should not be confirmed for these premises.

Response by the London Development Agency

4.8.45 The Objector's plot is required for the creation of the facilities for the Olympic Games and the subsequent Legacy development. Any resultant disruption to the Objector's business will be far outweighed by the huge benefits that will be achieved by the Order.

4.8.46 Negotiations have been entered into but no agreement has yet been reached.

Plot Number: 502

Address: Arnell House, Marshgate Trading Estate, Marshgate Lane

Objector 27: Tyrone Textiles Ltd (owner and occupier)

Plot Description

3,116 square metres of factory, offices and warehouse

Case for Objector 27

4.8.47 Whilst not objecting in-principle to the Olympic Games, it is stressed that the acquiring authority has not fully considered the impact on this business, the future growth of which would be constrained.

4.8.48 Inadequate practical and financial considerations have been given to the protection, preservation and relocation of businesses. This has been exacerbated by the speed with which the CPO has been made, when there remains a reasonable prospect of obtaining requisite lands by agreement.

Response by the London Development Agency

4.8.49 The Objector's plot is required for the creation of the facilities for the Olympic Games and the subsequent Legacy development; and any resultant disruption to the Objector's business will be far outweighed by the huge benefits that will be achieved by the Order.

4.8.50 During extensive discussions the Objector has confirmed interest in relocating to an LDA site in Enfield. The LDA is awaiting confirmation that the terms proposed are acceptable.

Plot Number: 508
Address: Angel House, 30 Marshgate Lane

Objector 20: PA Finlay & Co Ltd (owner and occupier)
Objector 21: PA Finlay Pension Trust (owner and occupier)

Plot Description

5,492 square metres of warehouses and offices known as Angel House, car park, yard and overgrown land

Procedural Matters

- 4.8.51 Mr Finlay made an application for Mr Tony Winterbottom, an employee of the LDA, to be called to give evidence to confirm statements important to the Objector's case which other witnesses would be unable to deal with; and because his earlier involvement with local businesses remained relevant. It was also considered that the LDA would dispute Mr Winterbottom's stance and this should be formally tested. The application was resisted by the LDA. I indicated that I was not minded to issue a witness summons, but I would be prepared to reconsider the matter after hearing Mr Finlay's evidence. I heard nothing during the Inquiry to alter my view.
- 4.8.52 The hearing of Mr Finlay's case was adjourned on 13 June, and a second appearance was scheduled for 11 July. During the adjournment the LDA submitted a rebuttal proof; and Mr Finlay made various requests for documents to be produced and for his appearance to be deferred beyond 11 July. I asked Mr Finlay to attend the Inquiry on 5 July to explain his position.
- 4.8.53 In brief, Mr Finlay requested a number of documents and other information including:- details of the financial feasibility study for a development in the Royal Docks; details of the LDA's budget for business relocation; a copy of a report by Arup *London 2012 Costs and Benefits May 2002*; details of the way in which various employment statistics in the LDA's evidence had been calculated; and copies of correspondence between the LDA and Mr Finlay or his advisors.
- 4.8.54 Having heard both parties, I provided a written ruling. I ruled against the disclosure of financially sensitive documents; I asked that the Arup report be included as an Inquiry core document; and that the LDA produce an explanatory note in relation to employment figures (subsequently produced as LDA/19). The LDA undertook to produce copies of correspondence that Mr Finlay might, reasonably, not have seen. I also drew the parties attention to the opportunity to make submissions, in closing, about the claimed relevance of any document not disclosed.
- 4.8.55 Mr Finlay also sought to defer his appearance, scheduled for 11 July, because he needed more time to prepare his cross-examination of the LDA's witnesses, in the light of the contents of the rebuttal proof, which were '*weighty and technical*' in his view. It was also suggested that a deferment of

his appearance would allow more time for a relocation deal to be discussed, which might obviate his need to return to the Inquiry.

- 4.8.56 I declined a deferment because the very late submission of Mr Finlay's evidence had denied the LDA an opportunity to provide a written rebuttal before his first appearance. However, I was satisfied that there was no procedural unfairness as the points made in the rebuttal had been put to Mr Finlay in cross-examination; the rebuttal proof was available several days before his scheduled appearance; it was a response to evidence he had produced, and no new matters of substance were raised; and I did not consider it to be weighty and technical. Furthermore, there was no indication that the parties were close to agreeing a relocation deal and there was every expectation that Mr Finlay would maintain his objection.

Case for Objectors 20 & 21

The LDA's powers

- 4.8.57 At the time the Order was made, the LDA did not have the specific legal powers to acquire land for the Olympic Games. The LDA's general powers do not provide for Olympic development, and paragraph 6 of Appendix B of *Circular 06/2004* indicates that the LDA's land acquisition powers will generally be of greatest value in fulfilling the economic and regeneration purpose. It states that the discretionary nature of the general power is intended to assist with the practical problems of ensuring that land can be speedily turned to beneficial use. These objectives could not be achieved by the Order as made. By virtue of Section 31 of the *Greater London Authority Act 1999*, the general powers of the Greater London Authority cannot be relied upon.
- 4.8.58 Section 20 of the *Regional Development Agencies Act 1998* authorises the LDA to acquire land either by agreement or compulsorily for its purposes; but its purposes do not include the power to provide housing. Section 5(3) of the Act states:- 'a regional development agency may only provide housing by acquiring existing housing accommodation and making it available on a temporary basis for purposes incidental to its purposes.' The Legacy phase will require 9,000 homes to be built, with the LDA and private companies forming joint venture partnerships. If the LDA is prohibited from providing housing, it cannot seek to procure it through a direct or even arms-length arrangement with a private company. Furthermore the LDA could benefit financially from such arrangements.
- 4.8.59 The Order would not fulfil the stated purpose of regeneration. The developments which are proposed will only serve to decimate the thriving business community existing within the Order Lands. Employment opportunities in Stratford, in particular, are being lost and not replaced; and few businesses have completed relocation agreements with the LDA. On balance, regeneration is not likely to be achieved if the land is acquired by the LDA. Moreover, the LDA was not able to confirm that the jobs likely to be lost would be replaced, and the employment numbers given were not

substantiated by any background information to enable an analysis of the figures.³³⁸

- 4.8.60 Mr Finlay's business, and others in the Marshgate Lane area, are sustainable and contribute to the employment of the area. They are in effective use and are not derelict or underused. By contrast, the LDA is no longer seeking to acquire poor quality premises at Fish Island, whereas good quality premises elsewhere are still being pursued. Recent trends indicate that regeneration of the area would have happened in any event; but such pre-existing regeneration plans will now have to be shelved. It is notable that Mr Finlay's premises would not have been taken in the name of regeneration if the Olympic Games had not been awarded to London. Yet, under the LDA's current proposals the regeneration of the area will be deferred until after the Olympics.
- 4.8.61 Although the Marshgate Lane area is identified as a Strategic Employment Location in *The London Plan*, the Olympic and Legacy proposals will result in a transfer of protected industrial land to open spaces. This will compound the shortage of suitable industrial land, particularly close to central London; and the Olympic and Legacy proposals will themselves reduce the supply of industrial land. Overall, there is insufficient land available to which existing businesses can relocate.
- 4.8.62 The LDA has not fulfilled the guidance in *Circular 06/2004* in relation to the resource implications of the Order. Although the ODA may have guaranteed funding for the Olympic Games, the offers being made to acquire sites within the CPO fall short of current property prices, and as a result, businesses are not able to relocate. It would appear that sufficient resources to acquire properties are either not available or that they are not being given to the businesses for relocation purposes. The final cost of the Olympics is not yet known and there can be no assurance that funds will be available and the prospect for the Legacy phase is all the more uncertain.
- 4.8.63 The LDA's reliance on the 2002 Arup report is unsound as the document was produced without consulting local businesses, and the overall cost of holding the Games was not substantiated. The report provided a strategy for the acquiring authorities to minimise compensation to existing landowners by abusing the CPO process to force them out.

Planning Policy framework

- 4.8.64 It is an established principle that a planning proposal should be determined in accordance with the development plan for the area unless there are material considerations that indicate otherwise. In this regard the LDA conceded that the adopted plans of the constituent local planning authorities were out of date. Moreover, *The London Plan* is in draft and the *Lower Lea Valley OAPF*, issued in April 2006, is in the process of consultation. Therefore, this creates a policy vacuum in relation to the stated purposes of the CPO.

³³⁸ LDA/19

4.8.65 Moreover, the revised Olympic and Legacy Masterplans do not have planning permission and there are no detailed proposals for the Legacy phase. As such, the final proposals cannot be assessed, and they cannot support confirmation of the Order. There is, overall, considerable uncertainty and the LDA cannot show a reasonable prospect of the scheme going ahead.

Planning permissions

4.8.66 Guidance in the Circular requires the acquiring authority to show that the scheme is unlikely to be blocked by any impediments to implementation; and that there should be no obvious reason why planning permission might be withheld. The LDA cannot show whether it will be possible for the proposed revisions to the existing planning permissions, or any new permissions, to remain within the parameters of the original ES. Failure to secure that could be subject to legal challenge and a block to implementation. Moreover, the requirements of the existing planning permissions to submit various strategies, including a Business Relocation Strategy, are part of the parameters and principles which underpin the ES; and they are no longer being progressed.

4.8.67 It was suggested that there would be a joint approach by the local planning authorities to ensure the smooth implementation of the project. However, their history of not co-operating with each other is resulting in businesses being refused planning permission for relocation sites. Even though the ODA now has planning powers for Olympic development, it will need to devolve much of the detail to the existing planning authorities. Delay could ensue and decisions could be subject to the right of appeal and potential judicial review.

Business relocation

4.8.68 As far as the Business Relocation Strategy is concerned, the LDA offered Mr Finlay a relocation property, only for the vendor to withdraw it from the market. The latest offer, on another site, has serious planning impediments which the LDA has yet to address or to give assurances about; and the long-term occupation of the land may well be affected by the future plans of the DLR. This provides testimony to the LDA's stalled and flawed negotiation practice which has affected all of the businesses. The LDA's contention that most of them have now been relocated is not borne out, as only 28 out of 206 businesses affected have completed relocation deals.

4.8.69 The general guidance in the Circular, (and the specific guidance in relation to Regional Development Agencies), confirms that the LDA has not made a compelling case to justify the confirmation of the CPO. In particular the absence of any final proposals on which to make a judgement preclude confirmation of the CPO.

4.8.70 Paragraph 19 of the Memorandum to the Circular states that '*Parliament has always taken the view that land should only be taken compulsorily where there is clear evidence that the public benefit will outweigh the private loss. The Human Rights Act reinforces that basic requirement.*' The LDA has not been able to put

forward a compelling case which would justify interfering with the Human Rights of those who have interests in the land affected by the CPO.

4.8.71 Against this background, the Secretary of State should not confirm the Order.

Response by the London Development Agency

Powers of the LDA

- 4.8.72 The powers of the LDA to acquire land are set out in the general case. The evidence before the Inquiry demonstrates, beyond doubt, that the Order has been made so as to achieve all of the LDA's purposes and, above all, to achieve regeneration.
- 4.8.73 In this regard, the LDA does not intend to provide housing, in the sense of building homes; although it will assemble land and make it available to others who will provide the housing. There is nothing in the statutory provisions to support the contention that the LDA is not authorised to procure housing through joint venture arrangements nor to benefit financially from the provision of housing.
- 4.8.74 Indeed, paragraph 8 of Appendix B to *Circular 06/2004* includes, as a reason why a Regional Development Agency might consider it appropriate to exercise its land acquisition powers, '*the assembly of previously used land for new development to provide housing, employment, shopping, open space, leisure and other facilities*'. Although this does not provide a definitive interpretation of the legislation, it suggests that the inclusion of a residential element is unlikely to be a basis to preclude the confirmation of an Order.
- 4.8.75 Moreover, paragraph 13 confirms that it would be unusual for the Order making authority to undertake extensive building development itself and that it would be more likely that it would seek to achieve its objectives by stimulating private sector development. The advantages of a joint venture would include the ability to ensure that the public purse shared in the profits of developing the land; to regulate the timescale of provision; and to ensure proper arrangements for affordable housing and other community benefits.
- 4.8.76 In relation to the *London Olympic Games and Paralympic Games Act 2006*, there is no reason to infer that this was enacted to supplement the LDA's powers in relation to the regeneration of the Lower Lea Valley. Its purpose is to give regional development agencies the power to acquire land solely for Olympic purposes.
- 4.8.77 It is accepted that there are some good quality premises within the Order Lands, but they are in the minority. It is necessary to look at the Order Lands and the project as a whole. It is too simplistic to characterise the Legacy proposals as a transfer of industrial floorspace to open space. The proposals comprise a complex and wide ranging regeneration scheme for a balance of uses. One of the objectives is to increase the quantity and quality of open space to provide the right environment to encourage development. Such environmental improvements enable regeneration, promotion of employment and sustainable development.

- 4.8.78 The LDA estimates that there will be a net gain of 4,500 jobs in the Olympic Park, arising from the Olympics and Legacy scheme. This estimate may be conservative as a very large proportion of the estimated 5,500 existing jobs will be relocated, not lost. It is incorrect to say that the LDA has failed to produce background information to enable the figures to be analysed and it is telling that the Objector did not make any enquiries in this regard until the LDA's rebuttal evidence was served. This was supplemented by Note LDA/19.
- 4.8.79 Marshgate Lane is identified as a Strategic Employment Location in *The London Plan*, which is adopted and forms part of the development plan. However, the relevant policy has to be read in the context of the general surplus of industrial land and in the light of the policies in *The London Plan* which support the Olympic Games.
- 4.8.80 It is untrue that regeneration will not occur until the Legacy phase, as a significant number of construction jobs will be created in the development of the Olympic Park itself. Without the Games, regeneration would have been a longer and less co-ordinated process.
- 4.8.81 There are examples of recent redevelopment in the Lower Lea Valley, but these have been piecemeal, using existing street patterns and infrastructure. In the absence of intervention by the LDA, the severe problems of the area would not have been addressed, nor would the opportunities to provide for London's future development have been grasped in accordance with regional policy aspirations. For years, various layers of policy have been adopted with little result and little prospect of achieving anything significant without the intervention of a body with public funds, such as the LDA.
- 4.8.82 Although the LDA indicated, in 2003, that the Objectors' premises would not be required for regeneration, if the Olympic Bid were to be unsuccessful, it does not mean now that his property is required for the Games alone. Whilst the current proposals for regeneration are very different to those that would have occurred in a non-Olympic scenario, there is no basis to claim that the inclusion of the Olympic element is inconsistent with the aim of regenerating the Lower Lea Valley. On the contrary, it illustrates the point that in the absence of the Games the LDA would not have been able to embark on such a comprehensive approach to regeneration.

Planning permissions

- 4.8.83 The LDA accepts that some form of further planning permission will be required and this will be accompanied by a revised ES to reflect the changes made. The proposals will have many similarities with those already approved, which will be material to their consideration. The LDA contends there is no obvious reason why planning permission should be refused. In terms of the powers of the ODA, Parliament has recognised that future planning decisions relating to the Olympic Games must be taken with the

minimum of delay; and it has granted development control powers to the ODA which have yet to take effect.³³⁹

- 4.8.84 Whilst the revised proposals will need to be subject to EIA, it is believed that the changes to the scheme will not be so substantial so as to give rise to an expectation that the environmental effects will be materially different. In addition, the requirements of the original permissions, for the LDA to submit a number of strategies, have been overtaken by events and they await the submission of the new planning applications. At that time a judgement will be taken on their continuing relevance and necessity and new conditions can be imposed as appropriate.

Relocation of businesses

- 4.8.85 The general case sets out the LDA's approach to assisting the relocation of businesses affected by the scheme. The obligation placed on an acquiring authority by *Circular 06/2004* is to negotiate to acquire interests by agreement so far as possible. It is not a requirement of the Circular that the acquiring authority should actively assist land owners and occupiers to relocate although, in the particular circumstances of this case, the LDA set out to do so. It has endeavoured to assist Mr Finlay to relocate and options remain, even though the Objector may not see that to be ideal. However, any resultant disadvantages to the company are matters that might fall to be included in a claim for compensation.
- 4.8.86 The contention that the LDA has conducted the relocation of businesses generally, and Mr Finlay's business in particular, unreasonably is not supported by the evidence. The number of formal agreements reached to date is not a useful measure of the success of the LDA's efforts. Arrangements with businesses are moving forward in parallel, and as the date by which the land is required approaches, it is expected that agreements will be finalised and the relocations will be carried out.

Plot Numbers: 512-515 & 517

Address: 4, 5, 5a, and 6 Knobs Hill Road and 28 Marshgate Lane

Objector 54:	Paul Vanstone (plots 513 & 514 - lessee and occupier)
Objector 179:	Clearun Limited (plots 513 & 515 - unknown)
Objector 180:	Area Recycling Ltd (plots 513 & 515 - unknown)
Objector 181:	Patrick William Gladwell (plots 513 & 515 - owner)
Objector 182:	Brewsters Waste Management Ltd (all plots - occupier)
Objector 183:	Brewsters Waste Management Services (all plots - trading name for Objector 182)
Objector 184:	Mr Brian Brewster, Sheila Brewster, Barry Brewster (all plots - owners)
Objector 217:	Meyers Transport Ltd (plots 513 & 514 - lessee and occupier)

³³⁹ Inspector's note: The ODA's development control powers took effect from 7 September 2006

Plot Descriptions

Plot 512: 105 square metres of alley-way and part of yard

Plot 513: 4,015 square metres of scrap yard, depots and part of waste management facility

Plot 514: 49 square metres of part of storage yards to depots, situated south of 4-6 (inclusive) Knobs Hill Road

Plot 515: 25 square metres of part of waste management facility

Plot 517: 2,716 square metres of part of waste management facility

Procedural Matter

4.8.87 **Objectors 182 – 184**, in their written submissions, sought a direction requiring the LDA to respond on a number of points relating to the company's proposed relocation to Thames Wharf. I took the view that these were matters related to compensation and payment of legal costs, rather than to the merits of the CPO, and I declined to make a direction.

Case for Objector 54

4.8.88 The compulsory acquisition of the property will result in the loss of local jobs, to the detriment of the local economy. There is nowhere to relocate the business. The impact on the business will not be outweighed by the Olympic Games and Legacy facilities.

Case for Objectors 179 - 181

4.8.89 As reported for plot 477

Case for Objectors 182 – 184

4.8.90 The Company operates a waste transfer station, and it has been subjected to compulsory purchase procedures on 3 previous occasions. Proximity to the vast majority of customers in central London is important to maximise the number of trips that can be made to ensure the efficiency and viability of the business. The existing site is on the cusp of viability, and the business would not be profitable if it were to be located any further from central London. Although the LDA has indicated that it will provide alternative sites, the only one offered is at Thames Wharf. Its availability on a 7 year lease compares unfavourably with the 25 year lease on the majority of the existing site, which has the added expectation of future renewal, and the freehold ownership of the remainder of the site.

4.8.91 The LDA indicates that it will not pay for the cessation of the business unless the short-term lease is accepted. The Objectors will lose out further in that they will not receive any compensation at the end of the lease; and the lease will be contracted out of the provisions for security under the *Landlord and Tenant Act 1954* which means that the business could be evicted at the end of the term without any compensation. In addition, the LDA is expecting the business to pay for the fitting out of the new site. The Objectors support the

evidence of GB Macks Skips in relation to the proposals to relocate to Thames Wharf.³⁴⁰

- 4.8.92 The LDA acknowledges the special needs of waste transfer businesses, but fails to make provision for their long-term needs. The undertaking in the Charter to relocate all businesses affected is not discharged by the relocation package currently on offer. The LDA's attitude demonstrates that it does not have the funds necessary to implement the CPO proposals. In those circumstances the Order should not be confirmed until all businesses have been relocated or compensated by agreement. To do otherwise would allow the LDA to delay payment of compensation and excuse its failure to negotiate on the basis that matters will be determined several years later by the Lands Tribunal.

Case for Objector 217

- 4.8.93 The overall objective of delivering the regeneration of the Lower Lea Valley cannot be met if it involves the disruption of so many businesses to areas where they would be separated from their client base and subject to poorer communications than at present. The Business Relocation Strategy, required by a condition of the planning permission, has not been submitted.
- 4.8.94 The impact on the business, and the Objector's property interests and their potential for future growth, together with the financial constraints faced, has not been fully considered. The LDA has consistently ignored representations that there is a lack of like-for-like relocation sites and there has been a failure to provide a viable alternative. There is a burden on the LDA to acquire land by agreement; the issue of a CPO before businesses have had an opportunity to conclude negotiations, and to consider alternatives, is onerous.

Response by the London Development Agency

- 4.8.95 **Objectors 54 & 217:** The plots are required for the creation of facilities for the Olympic Games and the subsequent Legacy development. The general case sets out the LDA's approach to assisting businesses to minimise disruption and any resultant disruption will be far outweighed by the huge employment and other benefits that the project will bring to the area.
- 4.8.96 **Objectors 179 - 181:** As reported for plot 477.
- 4.8.97 **Objectors 182 - 184:** The LDA has offered the Objectors a site at Thames Wharf which is understood to be suitable for their needs. Relocation there would make the company well-placed to take advantage of the intense activity arising from the Olympic and Legacy development. The LDA intends to submit a planning application for the relocation of the Objectors, and other waste management companies, at Thames Wharf. The relocation site is expected to be ready by July 2007, to coincide with the need to take vacant possession of the Objectors' site.

³⁴⁰ GB Macks Skips withdrew its objection after appearing at the Inquiry; but the evidence is reported in Local Area New Spitalfields Market and Temple Mills Sidings

- 4.8.98 The offer of the site is on a 7 year lease with a tenant-only rolling 6 month break clause or a longer lease (which could be 15 or 20 years) with a landlord-only rolling break clause, on 6 months notice, after the 7th year. Either lease would be outside the protection offered by the *Landlord and Tenant Act 1954*. Occupation cannot be guaranteed beyond the 7 year period because the land may be required for wider regeneration of the Lower Lea Valley, including a new Thames crossing. The Objectors' concerns regarding the length of the tenancy are matters to be assessed by way of compensation which can be progressed when financial information, requested from the Company, is made available.
- 4.8.99 The LDA confirms that it has funding available for the relocation of all businesses affected by the Order, and the level of compensation payable will be governed by the CPO Compensation Code.

Plot Numbers: 520 & 522³⁴¹
Address: Marshgate Centre, 22 Marshgate Lane

Objector 10: Mr Nik Litton, Mr Alex Frith, Mr Asher Levin, Mr Linnet Bruce (occupiers)
Objector 99: Print Finishers Ltd (lessee and occupier)
Objector 100: Priest Brothers Furniture (lessee and occupier)
Objector 107: B D Corporation UK (PVT) Ltd (lessee and occupier)
Objector 108: Discount Beds Direct Ltd (lessee and occupier)
Objector 109: Post Scriptum Distribution & Marketing Service (lessee and occupier)
Objector 110: Bangla Frozen Food Ltd (lessee and occupier)
Objector 218: Print Emporium Ltd (lessee and occupier)

Plot Descriptions

- Plot 520:** 10,722 square metres of part of business park known as the Marshgate Centre, comprising warehouses, offices, yards, storage areas and access ways
Plot 522: 703 square metres of part of business park known as the Marshgate Centre, comprising warehouses, offices, yards, storage areas and access ways

Case for Objector 10

- 4.8.100 The Hangar Group comprises a partnership of performing artists who took a lease on Unit D4 in 2002. This Unit comprises first floor industrial type accommodation. It has a gross internal area of 288 square metres and a mezzanine of 96 square metres. Its low rent reflected the poor condition of what was an empty shell of a building.
- 4.8.101 Members of the Group made it fit for use through hard personal endeavours, obtained second-hand gym equipment and began training physical performers. All this was achieved without any external funding. A sprung dance floor was constructed; new companies were attracted; and circus specialists used it for photographic shoots at an affordable price.

³⁴¹ All objections relate to plot 520; objections 110 & 218 also relate to plot 522

- 4.8.102 This was followed by circus classes in the evenings for non-professionals and The Hangar now runs classes on 5 days a week. One of the resident companies has undertaken consulting work, developing a stilt-walking puppet, for the stage musical Lord of the Rings; and a group of students, who have been approached by the Arts Council, hope to start a non-professional circus company. Other work has included the creation of walk-about costumes for street animation (e.g. stilt walking Belisha Beacons for the Congestion Zone); and aerial shows.
- 4.8.103 The Hangar has grown from its originally intended purpose of providing creative space for a small partnership of professionals into a unique facility which seeks to support and facilitate the artistic and recreational aspirations of a wide community of creative individuals. It has operated on low margins, achieved fractional profitability and has established a brand that is known and respected by many industry professionals, as well as an increasing number of amateur circus enthusiasts, and it was recognized by the Arts Council with a grant of £5,000 in 2005.
- 4.8.104 However, none of this is enough to fund a leap into another building at the present time; although a further year might make all the difference in being able to afford higher or market rents. The use of the Hangar is consistent with Olympic ideals and the building has already provided training facilities for 2012 Olympic events on 2 occasions.
- 4.8.105 Agents engaged to assist in the relocation process have not, as yet, identified any suitable premises, and the first meeting in March resulted in some misunderstanding. The Objectors remain flexible in their needs but it is vital to secure a like-for-like facility, or adequate funds to create one; good access to central London and good access to public transport are essential. Regrettably the first positive suggestions came too late, just before the appearance at the Inquiry, to be considered. However, the Group looks forward to assessing these possible options.
- 4.8.106 In the absence of appropriate alternative premises the Objector asks for the building to be excluded from the CPO.

Case for Objectors 99, 100, 107, 109 & 110

- 4.8.107 Print Finishers Ltd has been operating from this site for 14 years, and employs 14 staff. The majority of its clients are based in East London. Priest Brothers Furniture has been there from 1977 carrying out furniture manufacturing, French Polishing and other specialist finishes. B D Corporation UK (PVT) Ltd has been in occupation since 2001, its main business being the importation and distribution of frozen fish. Post Scriptum Ltd has been operating from the premises since 1994 in the sale and distribution of newspapers, magazines, and periodicals throughout the UK and abroad. Bangla Frozen Food Ltd took occupancy in 2003, and it is engaged in the sale of frozen and dry food to Indian cash and carry supermarkets.

- 4.8.108 Several Objectors indicate that they rely on machinery such as refrigeration units, or other specialist equipment which will have to be moved/replaced as a result of relocation. Some indicate that they have found suitable premises to relocate to, and wish to do so soon, to minimise disruption to their businesses.
- 4.8.109 The Objectors are supportive of the Games and Legacy proposals, but they feel that the impact on businesses should be minimised. The project is a threat to businesses that operate on low margins and rely on 'no frills' accommodation, previously offered in Stratford at low rents. The Objectors have found themselves with increased costs, as a direct result of inflated property prices arising from the Games. In addition there are costs involved in carrying out internal building works in new premises to meet current building regulations.
- 4.8.110 In the absence of intervention by the Inspector, the Objectors, and similar businesses, are likely to become insolvent. The CPO should be conditional on specified matters relating to compensation being awarded to the Objectors.³⁴²

Case for Objector 108

- 4.8.111 Whilst fully supporting the 2012 London Olympics this objection is lodged on the grounds of financial losses that would be suffered as a result of the CPO. The Objector operates in an existing market with increased competition and pressures on margins. In the light of this competition the Objector intended to expand into north London and took additional space at Marshgate Lane to facilitate this. However, it has not been possible to fulfil its potential due to uncertainty over the Olympic Games.
- 4.8.112 The Objector's business requires low overhead costs, and a location where customers can collect their purchases. Given the proprietor's age, and that the impending compulsory purchase of the premises has discouraged the owner's son from taking up the role of managing the expansion plan, it will regrettably be necessary to seek the extinguishment of the business.
- 4.8.113 The Objector's business losses will include loss of goodwill, outstanding rent on leasehold premises, losses on enforced quick sale of stock, staff redundancies and administration costs of winding up the business.

Case for Objector 218

- 4.8.114 The overall regeneration objective of the CPO cannot be met if it involves the disruption of so many businesses to areas where they would be separated from their client base and subject to poorer communications than their present sites provide.
- 4.8.115 The LDA has not fulfilled its obligation to submit a Business Relocation Strategy to the Council to ensure the sensitive relocation of the businesses

³⁴² As itemised in OBJ/99/1/1, OBJ/100/1/1, OBJ/107/1/1, OBJ/109/1/1, OBJ/110/1/1

affected. Furthermore the LDA has consistently ignored the representations of businesses and has not fully considered the range of impacts on them.

- 4.8.116 The LDA is obliged to acquire land by agreement but the CPO has been issued before the businesses have had an opportunity to conclude meaningful negotiations and to consider alternatives.

Response by the London Development Agency

- 4.8.117 **All Objectors on these plots:** The building is located in the vicinity of the main stadium. The plots are required to accommodate the 'back-of-house facilities' (e.g. training, medical, food preparation etc) and exclusion from the Order would not be practicable. The evidence establishes that the Olympic Games and the Legacy development will bring huge benefits.

- 4.8.118 **Objector 10:** The Objector does not object to either the Olympic or Legacy proposals. The LDA owns the freehold of the building. The leasehold interest is excluded from the protection offered by the *Landlord and Tenant Act 1954*; and the LDA could secure vacant possession by giving 6 months notice. However, the LDA wishes to assist the Hangar Group in its relocation.

- 4.8.119 As with all affected properties, the LDA wrote to the Group in July 2005 indicating the need to acquire the premises by July 2007. External surveyors were appointed in January 2006 to represent the Objector in discussions regarding relocation options; the appointment of an independent firm to advise the Hangar Group was sanctioned in March 2006; and a meeting took place on 27 March 2006 to establish the needs of the enterprise.

- 4.8.120 The LDA concedes that it will not be an easy task to find a suitable relocation property at the rent that the Hangar Group currently enjoys. However, the LDA is continuing its search and is being advised by its in-house Creative Industries Team; one option might be the use of an upper floor of a multi-storey building where lower rents are generally available. Shortly before the objection was heard, the LDA advised the Objector of a range of premises in East London, which were available either from the LDA or on the open market. In addition, potential opportunities were continuing to be monitored and the LDA was investigating the possibility of making available part of a building in which it held a joint interest.

- 4.8.121 The LDA is keen to support creative industries, in recognition of the sector's significant contribution to the capital's economy and the Mayor's support for creative industry clusters throughout London. The LDA's Creative London programme manages and provides specific assistance to creative industries; with initiatives to provide investment finance, intellectual property advice and introductions to investors and specialist advice networks.

- 4.8.122 The LDA has also directed The Hangar to potential Arts Council funding. These provide additional opportunities to the Business Link for London programme, which is funded and administered by the LDA; and the Selective Finance for Investment in England grant scheme for capital expenditure. The

Hangar Group has also been introduced to a property finding service and to The Creative Space Agency.³⁴³

- 4.8.123 The LDA recognises the achievements of The Hangar, its contribution to performing arts and its loyal following. As the Group anticipates being on a firmer financial footing within the next 12 months, the task of relocation should become much easier. The LDA wishes to continue an active dialogue in order to achieve successful relocation. It remains confident, like the Objector, that there will be another Hangar somewhere; and that can be achieved with the assistance of the LDA.
- 4.8.124 **Objectors 99, 100, 107, 109 & 110:** The LDA has attempted to minimise disruption, as far as possible, in assisting businesses; but any resultant disruption will be outweighed by the benefits that would be achieved by the Order. The LDA understands that Objectors 99, 100, 107 and 109 have found relocation premises, and negotiations for compensation are underway. The LDA has also entered into negotiations with Objector 110. Most of the matters raised by these Objectors relate to the assessment of compensation, and are matters for the Lands Tribunal.
- 4.8.125 **Objector 108:** The LDA considers, on balance, that the benefits of the Olympic Games and the Legacy development will outweigh the disruption caused to the Objector.
- 4.8.126 **Objector 218:** The Business Relocation Strategy was submitted to the relevant local planning authorities for consideration in January 2006 and has undergone a period of public consultation. The LDA intends to develop the Strategy in the light of the consultation responses.

Plot Numbers: 524-526, 547-549, 551-557 & 577-580³⁴⁴
Address: Marshgate Lane, Pudding Mill Lane and access roads to the former Queen Mary College and Unit 1, Marshgate Trading Estate, parts of forecourts to 24 & 26 Marshgate Lane

Objector 83: Mastpine Ltd (lessee / Table 2 interest)³⁴⁵
Objector 84: Meir Levine Scrap Yard (unknown)³⁴⁶
Objector 219: Parts Plaza UK Ltd (lessee and occupier)³⁴⁷

Plot Descriptions

Plot 524: 6,071 square metres of public roads and footways known as Marshgate Lane, Pudding Mill Lane and access roads to the former Queen Mary College and Unit 1, Marshgate Trading Estate, parts of forecourts to 24 & 26 Marshgate

³⁴³ LDA/18 Note for the Inspector re: funding opportunities to assist creative industries such as The Hangar

³⁴⁴ See also plot numbers 576, 581, 677, 686, 687 & 689 in Local Area Ca

³⁴⁵ Objector's interests relate to all plots listed:- plots 549, 551, 552, 554 & 557 - lessee; all other plots - 'registered caution as to title'

³⁴⁶ Objector's interests relate to plots : 549, 551, 552, 554 & 557

³⁴⁷ Objector's interests relate to plots 548, 549, 551 - 556 & 577 - 580

- Lane, bank of river known as the Pudding Mill River and bed in culvert, overgrown verges and footpath
- Plot 525:** 1,795 square metres of bed of river known as Pudding Mill River, with bridge carrying public road and footways leading from Marshgate Lane to the former Queen Mary College Faculty of Engineering and footbridge over parts
- Plot 526:** 25,078 square metres of offices, workshops, storage compound, film set, rough land and grassed areas known as Bywaters, situated on the site of the former Queen Mary College Faculty of Engineering site, 101 Marshgate Lane.
- Plot 547:** 951 square metres of bridge carrying sewer known as the Northern Outfall sewer and footpath and cycleway known as the Greenway over public road and verges known as Pudding Mill Lane
- Plot 548:** 2,819 square metres of public roads and footways known as Pudding Mill Lane and Marshgate Lane, rough land and wooded area, with part of scrap yard known as Parts Plaza, situated south east of the Northern Outfall Sewer
- Plot 549:** 39 square metres of part of scrap yard known as Parts Plaza, situated north east of Pudding Mill Lane
- Plot 551:** 399 square metres of part of scrap yard known as Parts Plaza and public footway to Pudding Mill Lane, situated at 57- 63 (odds) Marshgate Lane
- Plot 552:** 765 square metres of parts of scrap yard known as Parts Plaza and rough land, situated south west of Marshgate Lane and north east of Pudding Mill Lane
- Plot 553:** 79 square metres of workshop premises in railway arch under bridge carrying the Pudding Mill Lane to Stratford railway
- Plot 554:** 1,040 square metres of part of scrap yard known as Parts Plaza and arches under the Pudding Mill Lane to Stratford railway, situated at 57- 63 (odds) Marshgate Lane
- Plot 555:** 46 square metres of part of scrap yard known as Parts Plaza in arch under the Pudding Mill Lane to Stratford railway, situated south of Marshgate Lane
- Plot 556:** 296 square metres of part of scrap yard and workshops known as Parts Plaza, situated at 57-63 (odds) Marshgate Lane.
- Plot 557:** 3,499 square metres of public road and footways known as Marshgate Lane, with bridge carrying the Pudding Mill Lane to Stratford railway
- Plot 577:** 71 square metres of part of bridge carrying the Stratford to Pudding Mill Lane railway over workshop premises in railway arch below
- Plot 578:** 110 square metres of part of bridge carrying the Stratford to Pudding Mill Lane railway over workshop premises in railway arch below
- Plot 579:** 259 square metres of part of bridge carrying the Stratford to Pudding Mill Lane railway over storage premises in railway arches below
- Plot 580:** 358 square metres of part of bridge carrying the Stratford to Pudding Mill Lane railway over storage premises in railway arches below

Case for Objectors 83 & 84

- 4.8.127 The LDA has no statutory CPO powers in connection with the Olympics; nor for the acquisition of these plots as it would not result in significant regeneration of the area.
- 4.8.128 Regeneration would require other regeneration proposals and these are not at present being advanced by the LDA for this land; nor has the LDA shown that the acquisition of the Objector's plots is required for regeneration of the area after the Games. Regeneration is only a possible consequence of the Olympics; it is not a primary purpose of the CPO.
- 4.8.129 The acquisition of any allotments, registered commons or similar should be compensated by the provision of equivalent exchange land.
- 4.8.130 In making the CPO there has been a failure to balance the needs of existing businesses to remain in, and contribute to, the local economy against the short-term advantages of the Olympics and the long-term uncertainties of the Legacy and associated regeneration.
- 4.8.131 The making of the CPO is premature as the LDA has failed to produce a Business Relocation Strategy and to offer alternative property. It has also failed to demonstrate a compelling reason for the acquisition of land, the intended use of which is unknown.
- 4.8.132 The LDA has failed to demonstrate that the matters set out in paragraph 14 of Appendix B to *Circular 06/2004* have been satisfied.
- 4.8.133 The acquisition of the plots, in which the Objector has an interest, would place a disproportionate burden on the Objector under the terms of Articles 6 and 8 of the *European Convention on Human Rights* and Article 1 to the First Protocol. The Objector should not have to suffer this disproportionate burden for the short-term advantage of the 2012 Olympic Games and the uncertain proposals in the subsequent Legacy period.

Case for Objector 219

- 4.8.134 The overall regeneration objective of the CPO cannot be met if it involves the disruption of so many businesses to areas where they would be separated from their client base and subject to poorer communications than their present sites provide.
- 4.8.135 The LDA has not fulfilled its planning obligations by preparing and submitting a Business Relocation Strategy to the Council to ensure the sensitive relocation of the businesses affected. Furthermore the LDA has consistently ignored representation of the businesses and has not fully considered the range of impacts on businesses.
- 4.8.136 The LDA is obliged to acquire land by agreement but the CPO has been issued before the businesses have had an opportunity to conclude meaningful negotiations and to consider alternatives.

Response by the London Development Agency

- 4.8.137 **All Objections on these plots:** The LDA is making proper use of statutory powers as set out in its opening statement.³⁴⁸ The acquisition of these plots is required for the creation of the facilities for the Olympic Games and the subsequent Legacy development. The LDA has attempted to minimise disruption, as far as possible, in assisting businesses; and any resultant disruption will be far outweighed by the benefits that would be achieved by the Order.
- 4.8.138 **Objectors 83 & 84:** Objector 83 had refused to enter into negotiations until the LDA's acquisition of the freehold in 22 Marshgate Lane (owned by a related company - Objector 82) had been completed. The transfer was affected in April and its objection was formally withdrawn on 16th June 2006. The Objector has not identified other sites where uses of the plots might be better accommodated; and the Objector is no longer in occupation of any of the plots. Negotiations are not significantly advanced.
- 4.8.139 The tests of *Circular 06/2004*, including those of paragraph 14 of Appendix B, have been met; and the *European Convention and the Human Rights Act* have been addressed.³⁴⁹ None of the land in which the Objector has an interest comprises allotments, registered commons or similar lands..
- 4.8.140 **Objector 219:** The Objector has secured a relocation site and has agreed heads of terms for a relocation agreement and an advance payment.

Plot Numbers: 541 & 542

Address: Bow Midland Waste Transfer Site & Marshgate Railway Sidings

Objector 213: Ms Donna King of Docklands Waste Recycling (lessee and occupier)

Plot Descriptions

Plot 541: 29,558 square metres of land known as Bow Midland Waste Transfer Site, comprising warehouses, depots, yards, areas of hardstanding, café, railway lines and scrubland

Plot 542: 5,087 square metres of part of land known as Marshgate Railway Sidings comprising warehouse, yard and car park

Case for Objector 213

- 4.8.141 The overall regeneration objective of the CPO cannot be met if it involves the disruption of so many businesses to areas where they would be separated from their client base and subject to poorer communications than their present sites provide.

³⁴⁸ LDA/1 (paragraphs 20 – 25)

³⁴⁹ LDA/1

- 4.8.142 The LDA has not fulfilled its obligation to submit a Business Relocation Strategy to the Council to ensure the sensitive relocation of the businesses affected. Furthermore, the LDA has consistently ignored the representations of the businesses and it has not fully considered the resultant range of impacts.
- 4.8.143 The LDA is obliged to acquire land by agreement but the CPO has been issued before the businesses have had an opportunity to conclude meaningful negotiations and to consider alternatives

Response by the London Development Agency

- 4.8.144 The Objector's plots are required for the creation of the facilities for the Olympic Games and the subsequent Legacy development; and any resultant disruption to the Objector's business will be far outweighed by the huge benefits that will be achieved by the Order.
- 4.8.145 The Business Relocation Strategy was submitted to the relevant local planning authorities in January 2006 and has undergone a period of public consultation. The Business Relocation Strategy will be developed in the light of the consultation responses³⁵⁰.
- 4.8.146 Initial negotiations with the Objector have not yet produced any agreement.

Plot Numbers:	543, 560 & 565
Plots 543 & 560 Address:	Marshgate Railway Sidings
Plot 565 Address:	Bow Midland Waste Transfer Station

Objector 55:	BTS Skips Ltd (plot 560)–(tenant and occupier)
Objector 72:	Freightliner Heavy Haul Limited (all plots)-(rights to call for a lease of the land for rail freight use)
Objector 156:	Bulk Fuels (plot 543)–(occupier)
Objector 216:	Mr Timothy Norman of Edwin Shirley Holdings (plot 543)–(lessee and occupier)

Plot Descriptions

- Plot 543:** 35,703 square metres of land known as Marshgate Railway Sidings, comprising warehouses, workshops, depots, offices, aggregate plant and storage, car parks, hardstanding areas, access ways, wooded area and scrubland
- Plot 560:** 7,756 square metres of part of land known as Marshgate Railway Sidings, comprising storage yards, sheds and offices, access roads and verges
- Plot 565:** 266 square metres of part of railway siding, embankment and land, with bridge carrying the railway over access roads

³⁵⁰ LDA/AJ/1

Case for Objector 55

- 4.8.147 Compulsory acquisition of the property would result in the loss of local jobs which would be detrimental to the local economy; there is nowhere to relocate the business to. The Olympics is a temporary employer and the acquisition of the site would result in the loss of long-term employment.
- 4.8.148 The CPO would have a significant, direct impact on the business which would not be outweighed by the public benefit of the 2012 Olympic Games, Paralympic Games and Legacy facilities.

Case for Objector 72

- 4.8.149 The objection is lodged to protect Freightliner's business operations along the routes of railways likely to be affected by the CPO. In particular, the inclusion of Network Rail-owned land would appear to contravene the Objector's rights to call for a lease of this land for rail freight use.
- 4.8.150 Compensation considerations should address the shortage of rail-connected freight sites in London which would be exacerbated by the loss of this land.

Case for Objector 156

- 4.8.151 Whilst not objecting in principle to the Olympic Games, it is stressed that the acquiring authority has not fully considered the impact on this business, the future growth of which would be constrained.
- 4.8.152 Inadequate practical and financial considerations have been given to protection, preservation and relocation of businesses. This has been exacerbated by the speed with which the CPO has been made, when there remains a reasonable prospect of obtaining requisite lands by agreement.

Case for Objector 216

- 4.8.153 The overall regeneration objective of the CPO cannot be met if it involves the disruption of so many businesses to areas where they would be separated from their client base and subject to poorer communications than their present sites provide.
- 4.8.154 The LDA has not fulfilled its planning obligations by preparing and submitting a Business Relocation Strategy to ensure the sensitive relocation of the businesses affected. Furthermore, the LDA has consistently ignored the representations of the businesses and it has not fully considered the resultant range of impacts.
- 4.8.155 The LDA is obliged to acquire land by agreement but the CPO has been issued before the businesses have had an opportunity to conclude meaningful negotiations and to consider alternatives.

Response by the London Development Agency

- 4.8.156 **Objector 55:** The Objector's plot is required for the creation of the facilities for the Olympic Games and the subsequent Legacy development; and any resultant disruption to the Objector's business will be far outweighed by the huge benefits that will be achieved by the Order.
- 4.8.157 The Objector has 11 employees; and negotiations have taken place with regards to relocation, but no agreement has yet been reached.
- 4.8.158 **Objector 72:** Both plots are owned by Network Rail Infrastructure Limited (Network Rail). An agreement was completed on 12 June 2006 in which Network Rail agrees, amongst other things, to transfer to the LDA rights to occupy and use temporarily plots 543, 560 and 565. Plots 543 and 560 will be used as warm-up athletics tracks, Olympic Loop Road and parkland during the Olympic Games; and for industrial development, roads and parkland in the Legacy development. Plot 565 will be developed and maintained as railway and parkland during both phases of the project.
- 4.8.159 For its part, the LDA agrees to ask the Secretary of State not to confirm the Order in respect of Network Rail's interests in these plots, and not to exercise any rights granted to it in the Order in respect of Network Rail's interests in these plots. On this basis, Network Rail has withdrawn its objection.
- 4.8.160 Objector 72 has an arrangement, which has arisen from statute, to call for a lease of this land from Network Rail under Schedule 7 of the *Rail Transfer Scheme* as the land is defined as a 'Strategic Freight Site.' However, this right can only be exercised under 2.3 (i) of Schedule 7 if '*there is a reasonable prospect that the Site will come into rail freight use and the appropriate track access [is] agreed.*' Network Rail has the further right to let such a Strategic Freight Site for any purpose.
- 4.8.161 The LDA is only seeking to temporarily use plots 543, 560 and 565 for the period leading up to, and during, the Olympic Games; and therefore, in theory, the Objector's right to call for a lease is still preserved. However, it is acknowledged that for the Olympic period, these plots may not be capable of being brought into rail freight use. This temporary restriction on the Objector's ability to exercise its contractual rights is, in the LDA's opinion, adequately offset by the fact that these plots, will in the main, revert to railway freight use and bring a positive benefit for all licensed rail non-passenger operators.
- 4.8.162 **Objectors 156 & 216:** The plot is required for the creation of the facilities for the Olympic Games and the subsequent Legacy development. Any resultant disruption to the Objectors' businesses will be far outweighed by the huge benefits that will be achieved by the Order.
- 4.8.163 It is believed that Objector 156 has relocated and Objector 216 has found a suitable relocation site. Heads of terms for the relocation agreement have been prepared and are expected to be finalised shortly.

4.9.0 Local Area Bd – Carpenters Road Area

4.9.1 Local Area Bd is located in the central part of the main Order Lands. It contains a number of car repair/breaking businesses, a concrete batching plant and some land has been cleared for remediation and development.

Plot Numbers: 389, 391 & 392
Address: Carpenters Road

Objector 208: Mr Michael Featherstone t/a Wallis Motor & Salvage (lessee and occupier)

Plot Descriptions

Plot 389: 5,690 square metres of hardstanding, offices and demolition site, situated at 103 Carpenters Road

Plot 391: 1,779 square metres of workshop, office and yard known as Wallis Recovery, situated at 111 Carpenters Road

Plot 392: 2,064 square metres of yard and electricity substation, situated east of 111 Carpenters Road

Case for Objector 208

4.9.2 The business has been asked to relocate elsewhere in the Lower Lea Valley. However, the overall regeneration objective of the CPO cannot be met if it involves the disruption of so many businesses to areas where they will be separated from their client base and subject to poorer communications than their present site provide.

4.9.3 It was a condition of the Olympic planning permission that the LDA was to submit a Business Relocation Strategy to ensure the sensitive relocation of businesses. However the LDA has consistently ignored the representations of the businesses.

4.9.4 The LDA is obliged to acquire land by agreement but the CPO has been issued before the businesses have had an opportunity to conclude meaningful negotiations and to consider alternatives.

Response by the London Development Agency

4.9.5 The Objector's plots are required for the creation of the facilities for the Olympic Games and the subsequent Legacy development which will bring huge benefits and outweigh any disruption to existing businesses.³⁵¹

4.9.6 The Business Relocation Strategy was submitted to the relevant local planning authorities in January 2006 and has undergone a period of public consultation. It also confirms that the LDA intends to develop the Business Relocation Strategy in light of the consultation responses.

4.9.7 The LDA's agents commenced negotiations with the Objector in November 2004, but no agreement has yet been reached.

³⁵¹ LDA/JP/1 & LDA/GB/1

Plot Numbers: 390 & 400

Address: Caerns Works, 263-269 (odds) Carpenters Road & part of Carpenters Road

Objector 97: Finepoint Estates Ltd (owner Plot 400 which adjoins Plot 390)

Objector 185: Paul David (Plot 400)-(lessee and occupier Unit 4)

Objector 205: Mr Derrick Price (owner of Plots 405-407 which adjoin Plot 390)

Plot Descriptions

Plot 390: 9,735 square metres of public road and footways with bridge carrying the Stratford to Pudding Mill Lane railway over part

Plot 400: 2,733 square metres of workshops and offices known as Caerns Works, yards and access way

Case for Objector 97

4.9.8 The location and configuration of the proposed pedestrian link from Stratford City to the main Olympic stadium has changed from the original planning permission drawings.³⁵² It would appear that this link would now avoid Caerns Works with, at worst, possible impact only on the southern edge of the site. However, the exact impact on Caerns Works has not been explained by the LDA. It is not clear why this land is required. In summary, the LDA has failed to demonstrate a clear and consistent case for the proposed use of the site during 2012 or to what use it would be put after 2012.

4.9.9 Furthermore, no evidence has been adduced regarding the post-2012 use of this land. The Objector would prefer to retain the land and redevelop it for his own future purposes. The LDA has not shown why it should regenerate the site, rather than the Objector, and it has therefore failed to show how public benefit would outweigh the private loss; nor has it indicated why the public interest would be better served by a CPO, rather than acquiring by negotiation.

Case for Objector 185

4.9.10 The principle of the acquisition is flawed. The LDA has failed to demonstrate that the area would be sufficiently regenerated. The scheme involves the loss of a number of businesses in the Stratford area which are much needed contributors to the local economy. The LDA has failed to justify adequately how the proposed redevelopment will achieve a long-lasting public benefit which outweighs this loss.

4.9.11 The acquiring authority has provided limited opportunities for owners to enter into meaningful negotiations. It has not been demonstrated that the public interest could be equally well served by an alternative scheme not requiring the use of CPO powers.

³⁵² OBJ/97/1/1

4.9.12 The CPO constitutes an interference with the Human Rights of existing occupiers contrary to Article 8 and Article 1 of the First Protocol to the *European Convention on Human Rights*. The LDA has failed to demonstrate a compelling case in the public interest as required by paragraph 14 of *Circular 02/2003*.³⁵³

Case for Objector 205

4.9.13 As reported for plots 405 - 407.

Response by the London Development Agency

4.9.14 **Objectors 97 & 185:** Caerns Works and the adjoining highway are within the Olympic Park and are critical for the delivery of the Stratford City Bridge, part of the Olympic Loop Road and parts of the Aquatics Centre and associated circulation space.³⁵⁴ Permanent acquisition of these plots is necessary to deliver these fundamental elements of the Olympic and Legacy proposals; and the Objector's aspirations to develop the site cannot therefore be accommodated.

4.9.15 Caerns Works is occupied by a number of different tenants with differing requirements. Every attempt has been made to contact all of the occupiers and to start negotiations in anticipation of the confirmation of the CPO. However there are still some tenants who, despite repeated attempts, have not responded to letters. Due to the varying nature of the tenancies it is anticipated that significant investment, of the order of £3.1 million, would be needed to deliver the property for the proposed Olympic and Legacy uses. Vacant possession would be unlikely to be achieved by negotiation in the appropriate timescale.

4.9.16 **Objector 205:** As reported for plots 405 – 407.

Plot Numbers: 405-407
Plot 405 Address: North-east of Carpenters Road
Plot 406 Address: Thatched House Yard, Carpenters Road
Plot 407 Address: Thatched House Yard, Carpenters Road

Objector 16: DDS (London) Ltd (lessee and occupier - plot 405)
Objector 36: F R Kestla & Sons (lessee and occupier - plots 405 & 406)
Objector 40: Carpenters Garage/ Falcon Print Distribution & Storage Ltd (lessee and occupier - plots 405 & 406)
Objector 205: Mr Derrick Price (owner)

Plot Descriptions

Plot 405: 4,085 square metres of industrial units, works, yards and access ways, with advertising hoarding

Plot 406: 279 square metres of part of industrial unit, yard and storage areas

Plot 407: 145 square metres of part of industrial unit, yard and storage area

³⁵³ Inspector's Note: Circular 02/2003 has been replaced by Circular 06/2004

³⁵⁴ LDA/REB/15 & 16

Case for Objectors 16, 36 & 40

- 4.9.17 The impact on business and property interests has not been fully considered by the LDA and potential for future growth of the businesses, or the improvement of the properties, would be constrained by the proposals. Moreover, inadequate consideration has been given to the protection, preservation and relocation of employment-generating businesses within the CPO zone.
- 4.9.18 Insufficient time has elapsed since 6 July 2005 to render it necessary for a CPO to be issued where there remains a reasonable prospect of obtaining requisite lands by agreement.

Case for Objector 205

- 4.9.19 The business has been asked to relocate elsewhere in the Lower Lea Valley. However, the overall regeneration objective of the CPO cannot be met if it involves the disruption of so many businesses to areas where they will be separated from their client base and subject to poorer communications than their present site provide.
- 4.9.20 It was a condition of the Olympic planning permission that the LDA was to submit a Business Relocation Strategy to ensure the sensitive relocation of businesses. However, the LDA has consistently ignored the representations of the businesses.
- 4.9.21 The LDA is obliged to acquire land by agreement but the CPO has been issued before the businesses have had an opportunity to conclude meaningful negotiations and to consider alternatives.

Response by the London Development Agency

- 4.9.22 **Objectors 16, 36 & 40:** These plots are needed to create the facilities for the Olympic Games and the subsequent Legacy development which will bring huge benefits and outweigh any disruption to existing businesses.³⁵⁵
- 4.9.23 There have been numerous contacts between the LDA's agents and the Objectors' agents but no agreement has yet been reached.
- 4.9.24 **Objector 205:** The LDA understands that the Objector is not in occupation and does not carry out a business from the site. However, the plots are required for the creation of the facilities for the Olympic Games and the subsequent Legacy development which will bring huge benefits and outweigh any disruption to local businesses.
- 4.9.25 The Business Relocation Strategy was submitted to the relevant local planning authorities in January 2006 and has undergone a period of public consultation. It also confirms that the LDA intends to develop the Business Relocation Strategy in the light of the consultation responses.

³⁵⁵ LDA/JP/1 & LDA/GB/1

Plot Number: 471
Address: 92 Carpenters Road,

Objector 133: TJ Japanese Auto Spares (unknown)³⁵⁶
Objector 160: Japanese Stars Ltd (occupier Units 2 & 3)

Plot Description

4,714 square metres of breakers premises and yard

Case for Objector 133

4.9.26 This is an in principle objection. A specific objection will be made following an investigation of the impact of the Order and the development proposals.³⁵⁷

Case for Objector 160

4.9.27 The principle of the acquisition is flawed. The LDA has failed to demonstrate that the area would be sufficiently regenerated. The scheme involves the loss of a number of businesses in the Stratford area which are much needed contributors to the local economy. The LDA has failed to justify adequately how the proposed redevelopment will achieve a long lasting public benefit which outweighs this loss.

4.9.28 The acquiring authority has provided limited opportunities for owners to enter into meaningful negotiations. It has not been demonstrated that the public interest could be equally well served by an alternative scheme not requiring the use of CPO powers.

4.9.29 The CPO constitutes an interference with the Human Rights of existing occupiers contrary to Article 8 and Article 1 of the First Protocol of the *European Convention on Human Rights*. The LDA has failed to demonstrate a compelling case as required by paragraph 14 of *Circular 02/2003*.³⁵⁸

Response by the London Development Agency

4.9.30 **Objector 160:** Plot 471 is required for the creation of the facilities for the Olympic Games and Legacy development which will bring huge benefits and outweigh any disruption to existing businesses.³⁵⁹

4.9.31 The LDA has met the Objector who is examining a potentially suitable relocation site in Dagenham with a business plan for the site.

4.9.32 *The European Convention on Human Rights* and the *Human Rights Act* have been addressed as part of the general case.

0-0-0-0

³⁵⁶ The Objection is made in the name of TJ Japanese Auto Spares – the entry in the Schedule to the Order is TJ Autos (East London) Limited

³⁵⁷ Inspector's note – no further representations have been submitted

³⁵⁸ Inspector's Note: Circular 02/2003 has been replaced by Circular 06/2004

³⁵⁹ LDA/JP/1 & LDA/GB/1

4.10.0 Local Area Ca – North-west of Stratford High Street

- 4.10.1 The Order Lands within Local Area Ca include the area between the City Mill River, the River Lea, Blackwall Tunnel Northern Approach Road (A12), the Great Eastern line (and the parallel DLR line), and the Waterworks River. It is mixed in character, encompassing new development, industrial premises of varying age and quality and areas of dereliction. The majority of development is in industrial use. The area to the west of Marshgate Lane and north of City Mill River (including Barbers Road and Cooks Road) contains some relatively modern factory premises in good condition.
- 4.10.2 A further part of the Order Lands within Local Area Ca is the area north of the Greenway, south of the Great Eastern railway line and west of the Waterworks River. This is bisected by Bridgewater Road. It includes some business units and a paper works, as well as some scrubland.

Plot Numbers:	576, 581, 677, 686, 687 & 689 ³⁶⁰
Plot 576, 581 & 689 Address:	Pudding Mill Lane
Plot 677 Address:	Marshgate Lane, Pudding Mill Lane and Barbers Road
Plots 686 & 687 Address:	53 Marshgate Lane

Objector 35:	M Laurier & Sons Ltd (Plot 677)-(owner)
Objector 83:	Mastpine Ltd (lessee/owner) ³⁶¹
Objector 209:	Mr Zuber Mohamed of Bibeuns of London Ltd (Plot 677)-(owner)
Objector 211:	Mr Ken Nicholls of Kenton Steel (Plots 665 & 666 which adjoin Plot 677)-(owner)
Objector 219:	Parts Plaza UK Ltd (occupier) ³⁶²

Plot Descriptions

- Plot 576:** 245 square metres of part of bridge carrying the Docklands railway over public road and footways and railway arch below
- Plot 581:** 307 square metres of part of bridge carrying the Docklands railway over storage premises in railway arches below
- Plot 677:** 7,887 square metres of public roads and footways with advertising hoardings
- Plot 686:** 1,147 square metres of offices and yard known as O'Connell Plant and access to railway arches
- Plot 687:** 154 square metres of part width of public road footway and verge, access road to railway arches and part of yard
- Plot 689** 600 square metres of public road footway and verge

Case for Objector 35

- 4.10.3 As reported for plot 655.

³⁶⁰ See also plot numbers 524 – 526, 547 – 549, 551 – 557 & 577 – 580 in Local Area Bc

³⁶¹ Objectors interests:- plots 576 & 581 - lessee; plots 677, 686 687 & 689 - owner

³⁶² Relates to plots 686, 687 & 689

Case for Objector 83

- 4.10.4 The LDA has no statutory CPO powers in connection with the Olympics; nor for the acquisition of these plots as it would not result in significant regeneration of the area.
- 4.10.5 Regeneration would require other regeneration proposals and these are not at present being advanced by the LDA for this land; nor has the LDA shown that the acquisition of the Objector's plots is required for regeneration of the area after the Games. Regeneration is only a possible consequence of the Olympics; it is not a primary purpose of the CPO.
- 4.10.6 The acquisition of any allotments, registered commons or similar should be compensated by the provision of equivalent exchange land.
- 4.10.7 In making the CPO there has been a failure to balance the needs of existing businesses to remain in, and contribute to, the local economy against the short-term advantages of the Olympics and the long-term uncertainties of the Legacy and associated regeneration.
- 4.10.8 The making of the CPO is premature as the LDA has failed to submit a Business Relocation Strategy and to offer alternative property. It has also failed to demonstrate a compelling reason for acquisition of land, the intended use of which is unknown.
- 4.10.9 The LDA has failed to demonstrate that the matters set out in paragraph 14 of Appendix B to *Circular 06/2004* have been satisfied.
- 4.10.10 The acquisition of the plots, in which the Objector has an interest, would place a disproportionate burden on the Objector under the terms of Articles 6 and 8 of the *European Convention on Human Rights* and Article 1 to the First Protocol. The Objector should not have to suffer this disproportionate burden for the short-term advantage of the 2012 Olympic Games and the uncertain proposals in the subsequent Legacy period.

Case for Objectors 209, 211 & 219

- 4.10.11 The overall regeneration objective of the CPO cannot be met if it involves the disruption of so many businesses to areas where they would be separated from their client base and subject to poorer communications than their present sites provide.
- 4.10.12 The LDA has not fulfilled its planning obligations by preparing and submitting a Business Relocation Strategy to the Council to ensure the sensitive relocation of the businesses affected. Furthermore, the LDA has consistently ignored the representations of the businesses and it has not fully considered the resultant range of impacts.
- 4.10.13 The LDA is obliged to acquire land by agreement but the CPO has been issued before the businesses have had an opportunity to conclude meaningful negotiations and to consider alternatives.

Response by the London Development Agency

- 4.10.14 **Objector 35:** As reported for plot 655.
- 4.10.15 **All Objectors on these plots:** The acquisition of these plots is required for the creation of the facilities for the Olympic Games and the subsequent Legacy development; and any resultant disruption to the Objectors' businesses will be far outweighed by the huge benefits that will be achieved by the Order.
- 4.10.16 **Objector 83:** The LDA is making proper use of statutory powers as set out in its opening statement.³⁶³ The Objector had refused to enter into negotiations until the LDA's acquisition of the freehold in 22 Marshgate Lane (owned by a related company - Objector 82) had been completed. The transfer was effected in April and the objection was formally withdrawn on 16th June 2006. The Objector has not identified other sites where uses of the plots might be better accommodated; and the Objector is no longer in occupation of any of the plots. Negotiations are not significantly advanced.
- 4.10.17 The tests of *Circular 06/2004*, including those of paragraph 14 of Appendix B, have been met; and the European Convention and the *Human Rights Act* have been addressed.³⁶⁴ None of the land in which the Objector has an interest comprises allotments or open space.
- 4.10.18 **Objectors 209, 211 & 219:** The Business Relocation Strategy was submitted to the relevant local planning authorities in January 2006 and it has undergone a period of public consultation. The LDA intends to develop the Business Relocation Strategy in the light of the consultation responses.
- 4.10.19 The LDA has not ignored the representations of businesses and remains ready and willing to progress negotiations with the Objectors. Objector 219 has secured a relocation site and has agreed heads of terms for a relocation agreement and an advance payment.

Plot Number: 631
Address: Part of Bridgewater Road

Objector 7: H Cormacey & Company Limited (owner)

Plot Description

1,199 square metres of part of private roadway, footways and turning circle, situated south east of Warton Road leading to McGregor Cory House

Case for Objector 7 and Response by the London Development Agency

- 4.10.20 As reported for Objector 8 on plot 642.

³⁶³ LDA/1 (paragraphs 20 – 25)

³⁶⁴ LDA/1

Plot Numbers: 642 & 645-647

Address: Bow Paper Works, Bridgewater Road

Objector 8: Kendon Packaging Group Plc (Plot 642)-(owner and occupier); (Plots 645-647)-(owner)

Plot Descriptions

Plot 642: 18,392 square metres of factory and offices together with yards, parking areas, access ways and scrubland with electricity pylon

Plot 645: 96 square metres of overgrown and wooded land, situated east of the bridge carrying the Pudding Mill Lane to Stratford railway over the City Mill River

Plot 646: 177 square metres of overgrown and wooded land

Plot 647: 8 square metres of overgrown land, situated east of the bridge carrying the Pudding Mill Lane to Stratford railway over the City Mill River

Case for Objector 8

- 4.10.21 Kendon Packaging Group Plc produces and distributes a comprehensive range of packaging materials for industry. Its location close to central London is integral to its business. Its Bridgewater Road site is also the head office and key distribution node for its other sites around the country. Over 60 people are employed at Bridgewater Road, and a further 150, which depend on the head office, are employed at other sites. The site comprises about 2 hectares of land, including over 6,800 square metres of buildings. The site's visibility from the London-Stratford railway line raises the company's profile.
- 4.10.22 Other than land required for the company's expansion, the Bridgewater Road estate forms a fully functioning industrial park providing employment and an economic contribution to its area.
- 4.10.23 It is understood that the land is required for the construction of a bridge over the London-Stratford railway which would form part of the southern access to the Olympic Park. The southern approach to this land bridge would be along the Greenway, the limited width of which (approximately 10 metres) would act as a constraint on the number of pedestrians able to cross over the proposed bridge at any one time. There is no suggested access to the land bridge, other than from this 'pinch point'.
- 4.10.24 Given the above constraint, there are no engineering or other reasons why such a large area of land, comprising the whole of the Kendon Packaging Group's land, and that of its neighbours, is required. An alternative scheme could be designed, which would only require part of the land (principally comprising the land held for expansion) to be taken. The Objectors have not seen the detailed design work referred to by the LDA to demonstrate that the land bridge and associated areas cannot be further reduced in size so as to allow Kendon Packaging to remain in its current location.

- 4.10.25 The amount of land to be taken is also more than required for the land bridge, with the rest originally proposed to be used as parkland and landscaping during the Games. The June 2006 revisions to the Olympic Masterplan show that the land is now also required for a security check point and the LDA indicates that Bridgewater Road would be used as an emergency evacuation route. Nonetheless, the entire road is not included in the Order, and a search of the local highway authority indicates that the part closest to Warton Road is owned by H Cormacey & Company Limited and is not a highway. As a result, all of the road will not be available to the acquiring authority and it should not be regarded as an emergency route available to the public.
- 4.10.26 Furthermore, there is no justification for the Objector's land being taken for any aesthetic, regeneration, economic, social or environmental reason. The Bow Paper Works is well-ordered and presentable and fully functioning economically, whereas derelict buildings nearby are not being acquired. This suggests an inconsistent approach.
- 4.10.27 The Legacy proposals, which are very vague, suggest that the land will be used for housing or other redevelopment. There is no justification for this, as opposed to allowing successful businesses to continue on a site which could easily be left out of the Order. The Objector also objects to the Olympics on the basis of the loss of a significant amount of employment.
- 4.10.28 An alternative scheme of a reduced size bridge would allow the Olympics to function fully, whilst allowing Kendon Packaging to remain at the Bridgewater Road site. The Objector would be willing, subject to appropriate compensation, to accede to the expropriation of its vacant expansion land, if the remainder of its land were left outside the Order.
- 4.10.29 For the above reasons, there is no compelling need in the public interest to acquire the whole of the Objector's land. This would be disproportionate and unreasonable and, therefore, outside the scope of the acquiring authority's powers. The absence of any compelling case to acquire the whole of the Bridgewater Estate, when a land bridge could be designed to have no impact on the existing premises and occupiers, indicates that confirmation of the Order, as it relates to the Objector's land, would be outside the Secretary of State's powers. It would not be a proportionate approach, contrary to the Human Rights of the Objector.
- 4.10.30 Furthermore, the relocation sites offered by the LDA have not been suitable on grounds of size, location and planning impediments.

Response by the London Development Agency

- 4.10.31 The southern land bridge over the Great Eastern main line will provide one of 3 main spectator access points to the Olympic Park. It will be used by those arriving from West Ham station and the southern coach drop-off and parking and disabled parking facility, with the Greenway being used to reach it from these arrival points. Although the Greenway is relatively narrow, it is also fairly long, thereby allowing spectators to spread out along the route and prevent it from becoming congested.

- 4.10.32 The 2 principal venues in the southern part of the Olympic Park are the Main Stadium and the Aquatics Centre, and the southern land bridge has been located so as to bring visitors to a point between these venues. The need to use the land bridge as a crowd holding area in the event of an emergency evacuation of either of these venues requires the width to be increased beyond that required simply for access and egress. The evacuation strategy also requires the provision of significant capacity on as many of the routes from the Olympic Park as possible in case evacuation of the entire Park is needed. This requires the land bridge to have a minimum width of 45 metres.³⁶⁵
- 4.10.33 In the event of an evacuation of the entire Park, dispersal routes for those doing so via the southern land bridge would be the along the Greenway together with emergency routes towards Bridgewater Road and along the City Mill river towpath. The capacity limitations on these routes, and the need to get spectators out of the Park as soon as possible, result in the need for an open buffer area between the land bridge and the continuing exit routes. It is proposed to use the part of the triangular area defined by the Great Western line, the Greenway and the Waterworks River, not already taken up by operational requirements associated with the access, for this purpose.³⁶⁶
- 4.10.34 For the above reasons, the Objector's lands are needed to provide access to the Olympic Park, associated operational areas, and sufficient space to ensure safe and effective evacuation. The width of the land bridge has been reduced from 60 metres in the January 2006 Masterplan as a result of ongoing design optimisation.³⁶⁷ However, the primary evacuation requirements will prevent any further reduction in the scale of the bridge, or the areas around it.
- 4.10.35 The most westerly section of Bridgewater Road is a private road and is included in the Order. The LDA has entered into an agreement with British Waterways for the use of the bridge carrying the road over the Waterworks River.³⁶⁸ Searches of the local highway authority show that the section of Bridgewater Road between the bridge and Warton Road is a public highway.³⁶⁹ In any event, alternative access over the river could be achieved through the provision of a new bridge, with the abutments on land within the Order, under arrangements agreed with British Waterways.
- 4.10.36 The objection sites form part of a triangle of land, cut off from surrounding areas by the railway lines, the Greenway and the river. Current access routes into the site, via Bridgewater Road, are substandard and would not support regeneration of the site. The Olympic land bridge will provide infrastructure which will enable development of the area in the Legacy phase.

³⁶⁵ LDA/REB/23

³⁶⁶ LDA/REB/23

³⁶⁷ LDA/REB/23

³⁶⁸ LDA/22

³⁶⁹ Eversheds letter to Bond Pearce dated 2 August 2006

- 4.10.37 The objection sites will also be a vital component in delivering continuity of the park along the river; continuity of the urban fabric, especially residential development which will overlook the Greenway, enhancing security; and improved vehicular, cycle and pedestrian links. The delivery of a new park, linking the Lee Valley Regional Park to the Thames, is a central principle of the Regeneration Strategy for the Lower Lea Valley which is endorsed through the *Lower Lea Valley OAPF*.
- 4.10.38 The LDA has been in negotiation with the Kendon Packaging Group to acquire the site and to assist in relocating the business. The LDA is confident that it will be possible for Kendon Packaging to be relocated by July 2007, either in a new-build facility or by a refurbishment and fit-out of an existing building.³⁷⁰ For the reasons given in the general case the LDA does not accept that the Olympic and Legacy proposals will result in a loss of employment.

Plot Number: 653

Address: Unit 3, Axis Business Centre, 20 Marshgate Lane

Objector 38: Discount (Construction) Double Glazing Ltd (owner and occupier)

Plot Description

794 square metres of warehouse and offices and yard

Case for Objector 38

- 4.10.39 Whilst not objecting in principle to the Olympic Games, it is stressed that the acquiring authority has not fully considered the impact on this business, the future growth of which would be constrained.
- 4.10.40 Inadequate practical and financial considerations have been given to protection, preservation and relocation of businesses. This has been exacerbated by the speed with which the CPO has been made, when there remains a reasonable prospect of obtaining requisite lands by agreement

Response by the London Development Agency

- 4.10.41 The Objector's plot is required for the creation of the facilities for the Olympic Games and the subsequent Legacy development; and any resultant disruption to the Objector's business will be far outweighed by the huge benefits that will be achieved by the Order.
- 4.10.42 The Objector has secured alternative premises and has reached a preliminary agreement for the LDA to purchase its interest in the plot.

³⁷⁰ LDA/24

Plot Number: 654
Address: Axis Business Centre, 20 Marshgate Lane.

Objector 141: Outline Associates t/a Bodyworks (unknown)
Objector 219: Parts Plaza UK Ltd (lessee and occupier)

Plot Description

4,290 square metres of industrial estate, yard, car park and electricity substation

Case for Objector 141

4.10.43 This is an in-principle objection pending the outcome of an investigation of the impact of the Order on the Objector's interests. Full grounds of objection will be provided following this investigation.³⁷¹

Case for Objector 219

4.10.44 The overall regeneration objective of the CPO cannot be met if it involves the disruption of so many businesses to areas where they would be separated from their client base and subject to poorer communications than their present sites provide.

4.10.45 The LDA has not fulfilled its planning obligations by preparing and submitting a Business Relocation Strategy to the Council to ensure the sensitive relocation of the businesses affected. Furthermore, the LDA has consistently ignored the representations of the businesses and it has not fully considered the range of resultant impacts.

4.10.46 The LDA is obliged to acquire land by agreement but the CPO has been issued before the businesses have had an opportunity to conclude meaningful negotiations and to consider alternatives.

Response by the London Development Agency

4.10.47 **Objector 219:** The LDA is making proper use of statutory powers as set out in its opening statement.³⁷² The acquisition of these plots is required for the creation of the facilities for the Olympic Games and the subsequent Legacy development; and any resultant disruption to the Objector's business will be far outweighed by the huge benefits that will be achieved by the Order.

4.10.48 The Objector has secured a relocation site and has agreed heads of terms for a relocation agreement and an advance payment.

³⁷¹ Inspector's note – no further representations were received

³⁷² LDA/1 (paragraphs 20 – 25)

Plot Number: 655
Address: 18 Marshgate Lane

Objector 35: M Laurier & Sons Ltd (owner and occupier)

Plot Description

2,754 square metres of warehouse and offices with yard and overgrown land

Case for Objector 35

- 4.10.49 The company has been trading in the Stratford area since the 1920s. It now specialises in the distribution of scaffold sheeting and debris netting together with a range of ancillary products which are widely used in the construction industry. The company directly employs 7 people and, indirectly, many more. The company's current location at Marshgate Lane is ideally suited for delivery and collection in relation to sites in the City, the West End and the East End, such as Canary Wharf. Unless the company is able to stay close to its current location the business will lose existing customers and will not survive.
- 4.10.50 The company has not been offered a suitable site by the LDA and it cannot bridge the affordability gap, i.e. the difference between the value being offered for the existing premises and the cost of sites just outside the Olympic zone. The Company is currently negotiating to purchase premises that are far from ideal in a location that may not be suitable and it will be £250,000 out of pocket on the purchase price alone. The company is already suffering because profits, turnover and margins are all adversely affected by the time spent searching for alternative premises and the uncertainty.
- 4.10.51 The existing site will be used for security during the Olympics and for commercial development in Legacy. The company will get no benefit, but the site will ultimately be sold for millions of pounds, which is unfair. An alternative, fairer, means of land acquisition should be found.

Response by the London Development Agency

- 4.10.52 The Objector occupies somewhat antiquated Victorian premises and is highly dependent on one product. However, it appears that an arrangement has been reached which will enable the company to relocate. One of the Objector's difficulties is the affordability gap and the open market value will, by definition, reflect the quality and location of the respective premises. One way of minimising that gap would be to reduce the size of the premises to which the company relocates. The LDA has put the Objector in touch with the Manufacturing Advisory Service to see how the company could make more efficient use of space.

- 4.10.53 The Objector does not object, in principle, to the Olympics. To achieve the benefits of the Olympics some disruption to existing occupiers is inevitable. The LDA regrets the disruption and has genuinely been doing what it can to assist. If there is an impact on Mr Behar's business, his company will be entitled to compensation. This Inquiry is not the right forum to debate whether the rules of compensation operate fairly.

Plot Number: 656 Address: The Glory Life Church and the Celestial Church of God, Unit 1, Vanguard Trading Estate, 16 Marshgate Lane

Objector 108: Discount Beds Direct Ltd (lessee and occupier) Objector 209: Mr Zuber Mohamed of Bibeuns of London Ltd (owner)

Plot Description

411 square metres of warehouse and places of worship and hardstanding

Case for Objector 108

- 4.10.54 Whilst fully supporting the 2012 London Olympics this objection is lodged on the grounds of financial losses that would be suffered as a result of the CPO. The Objector operates in an existing market with increased competition and pressures on margins. In the light of this competition the Objector intended to expand into North London and took additional space at Marshgate Lane to facilitate this. However, it has not been possible to fulfil its potential due to uncertainty over the Olympic Games.
- 4.10.55 The Objector's business requires low overhead costs, and a location where customers can collect their purchases. Given the proprietor's age, and that the impending compulsory purchase of the premises has discouraged the owner's son from taking up the role of managing the expansion plan, it will regrettably be necessary to seek the extinguishment of the business.
- 4.10.56 The Objector's business losses will include loss of goodwill, outstanding rent on leasehold premises, losses on enforced quick sale of stock, staff redundancies and administration costs of winding up the business.

Case for Objector 209

- 4.10.57 The overall regeneration objective of the CPO cannot be met if it involves the disruption of so many businesses to areas where they would be separated from their client base and subject to poorer communications than their present sites provide.
- 4.10.58 The LDA has not fulfilled its planning obligations by preparing and submitting a Business Relocation Strategy to the Council to ensure the sensitive relocation of the businesses affected. Furthermore, the LDA has consistently ignored the representations of the businesses and it has not fully considered the range of resultant impacts.

4.10.59 The LDA is obliged to acquire land by agreement but the CPO has been issued before the businesses have had an opportunity to conclude meaningful negotiations and to consider alternatives.

Response by the London Development Agency

4.10.60 **Objector 108:** The LDA considers that the benefits of the Olympic Games and the Legacy development will outweigh the disruption to the Objector.

4.10.61 **Objector 209:** The Objector's plot is required for the creation of the facilities for the Olympic Games and the subsequent Legacy development; and any resultant disruption to the Objector's business will be far outweighed by the huge benefits that will be achieved by the Order.

4.10.62 The Business Relocation Strategy was submitted to the relevant local planning authorities in January 2006 and has undergone a period of public consultation. The Business Relocation Strategy will be developed in the light of the consultation responses.

4.10.63 The LDA has not ignored the representations of businesses and remains ready and willing to progress negotiations with the Objector and it has made an offer of 90% of the estimated freehold value on an advance payment basis.

Plot Numbers: 657 & 664

Address: Unit 2a, Vanguard Trading Estate, 16 Marshgate Lane

Objector 22: Pound Express Ltd (Plot 657)-(alleged lessee)

Objector 24: S Mohmed & Patels (owner of both plots)

Objector 37: Euro Hygiene Products London Ltd (Plot 657)-(alleged lessee)

Objector 221: Euro Hygiene Products Ltd (Plot 657)-(alleged lessee)

Objector 222: Pound Express Ltd (Plot 657)-(alleged lessee)

Objector 223: Saeed Mohmed, (Plots 657 & 664)-(owner)

Objector 224: Mohamed Salim Patel (Plots 657 & 664)-(owner)

Objector 225: Jabir Yusuf Patel (Plots 657 & 664)-(owner)

Plot Descriptions

Plot 657: 631 square metres of vacant warehouse and offices and hardstanding

Plot 664: 196 square metres of area of yard associated with Unit 2a

Case for Objectors 22, 24 & 37

4.10.64 Whilst not objecting in principle to the Olympic Games, it is stressed that the acquiring authority has not fully considered the impact on these businesses, the future growth of which would be constrained.

4.10.65 Inadequate practical and financial considerations have been given to protection, preservation and relocation of businesses. This has been exacerbated by the speed with which the CPO has been made, when there remains a reasonable prospect of obtaining requisite lands by agreement.

Case for Objectors 221 - 225

- 4.10.66 The overall regeneration objective of the CPO cannot be met if it involves the disruption of so many businesses to areas where they would be separated from their client base and subject to poorer communications than their present sites provide.
- 4.10.67 The LDA has not fulfilled its planning obligations by preparing and submitting a Business Relocation Strategy to the Council to ensure the sensitive relocation of the businesses affected. Furthermore, the LDA has consistently ignored the representations of the businesses and it has not fully considered the range of resultant impacts.
- 4.10.68 The LDA is obliged to acquire land by agreement but the CPO has been issued before the businesses have had an opportunity to conclude meaningful negotiations and to consider alternatives.
- 4.10.69 There is a procedural flaw in the service of the CPO as there are 3 freeholders and 2 leaseholders of the premises and the 2 leaseholders have not been served with notices of the CPO.

Response by the London Development Agency

- 4.10.70 **All Objections on these plots:** The plots are required for the creation of the facilities for the Olympic Games and the subsequent Legacy development; and any resultant disruption to the Objectors' businesses will be far outweighed by the huge benefits that will be achieved by the Order.
- 4.10.71 The Business Relocation Strategy was submitted to the relevant local planning authorities in January 2006 and has undergone a period of public consultation. The Business Relocation Strategy will be developed in the light of the consultation responses.
- 4.10.72 All owners and occupiers of this plot have relocated to new premises.
- 4.10.73 Upon the LDA receiving notification of the reputed leasehold interests in this plot, the LDA served notice of the Order on the leaseholders, including the Objector, on or around 9 December 2005.

Plot Numbers:	658, 659 & 669
Plot 658 Address:	Unit 4 Vanguard Trading Estate, 16 Marshgate Lane
Plot 659 Address:	Units 5 & 6a, Vanguard Trading Estate, 16 Marshgate Lane
Plot 669 Address:	Unit 3 Vanguard Trading Estate, 16 Marshgate Lane

Objector 31:	K&D Joinery Ltd (Plots 658 & 669)-(occupier)
Objector 352:	Free Trade Beers & Minerals Ltd (Plot 659)-(alleged owner and occupier) ³⁷³

³⁷³ Plot description refers to 'Freetrade Beers and Minerals'

Plot Descriptions

Plot 658: 1,091 square metres of workshop, offices and yard

Plot 659: 821 square metres of vacant warehouses and offices

Plot 669: 3,712 square metres of part of warehouse, yard, access ways and electricity substation

Case for Objectors 31 & 352

4.10.74 The impacts on business and property interests have not been fully considered by the acquiring authority and the potential for future growth of business or improvement of property is constrained by the proposals.

4.10.75 Inadequate consideration has been given to the protection, preservation and relocation of employment-generating business within the CPO zone.

4.10.76 Furthermore, insufficient time has elapsed since 6 July 2005 to render it necessary for a CPO to be issued where there remains a reasonable prospect of obtaining requisite lands by agreement.

Response by the London Development Agency

4.10.77 The plots are required for the creation of the facilities for the Olympic Games and the subsequent Legacy development; and any disruption to the Objectors' business will be far outweighed by the benefits that will be achieved by the Order.

4.10.78 Objector 31 has secured new premises at Chequers Lane, Dagenham. The value of the Objector's interest in the property has been agreed; and assessment of the claim for disturbance is progressing. However, there is no certainty that the outstanding negotiations will be successful and the Order should be confirmed in relation to the Objector's interests in these plots.

4.10.79 According to the LDA's records, Objector 352 is not the freeholder of plot 659 and the freeholder, in his reply to the LDA's requisition, indicated that the plot is unoccupied. In this regard, Objector 352 relocated its business prior to May 2004.

Plot Numbers: 660 & 661

Plot 660 Address: Unit 6a Vanguard Trading Estate, 16 Marshgate Lane

Plot 661 Address: Unit 6 Vanguard Trading Estate, 16 Marshgate Lane

Objector 117: H Schwartz (Plot 661)-(owner)

Objector 118: G Schwartz (Plot 660)-(owner); (Plot 661)-(unknown)

Objector 152: J G Belts (Plot 661)-(lessee and occupier)

Plot Descriptions

Plot 660: 65 square metres of part of warehouse formerly known as Freetrade Beers and Minerals

Plot 661: 232 square metres of warehouse and office

Case for Objector 117

4.10.80 The CPO would result in a reduction in value of the Objector's 'pension fund' investment. Furthermore, there is no provision for relocation in appropriately lower priced accommodation, which the Marshgate Lane area provides.

Case for Objector 118

4.10.81 The store is inexpensive and the Objector is unable to find alternative accommodation on a similar basis, or any basis. The Marshgate Lane area has thriving industries in relatively low rented property and there are no comparable properties available for them to relocate to. Any new premises would be too expensive and also reflect the fact that the Olympic development proposals have increased the value of the area.

4.10.82 The CPO proposals have not realistically taken into account the relocation of businesses affected by the CPO proposals.

Case for Objector 152

4.10.83 Whilst not objecting in principle to the Olympic Games, it is stressed that the acquiring authority has not fully considered the impact on this business, the future growth of which would be constrained.

4.10.84 Inadequate practical and financial considerations have been given to protection, preservation and relocation of businesses. This has been exacerbated by the speed with which the CPO has been made, when there remains a reasonable prospect of obtaining requisite lands by agreement.

Response by the London Development Agency

4.10.85 These plots are required for the creation of the facilities for the Olympic Games and the subsequent Legacy development. Any resultant disruption to the Objectors' businesses will be far outweighed by the huge benefits that will be achieved by the Order.

4.10.86 The LDA's agents have entered into negotiations with Objectors 117 and 118, but no agreement has yet been reached.

4.10.87 **Objector 152** has purchased alternative premises in Barking and will be vacating the premises shortly.

Plot Number: 663

Address: Unit 8 Vanguard Trading Estate, 16 Marshgate Lane

Objector 48: Crown Close Holdings (owner)

Plot Description

330 square metres of vacant warehouse and office formerly known as Abrahams & Co, with forecourt

Case for Objector 48

- 4.10.88 This land does not need regenerating; it is a thriving economic area full of local employment. The proposal for the area, a temporary car park, is not regeneration. Furthermore, no Legacy development has been planned for this area.
- 4.10.89 An alternative approach should be adopted. The temporary car park could be located in Victoria Park. This would have significant economic benefits for the area and for the Government.

Response by the London Development Agency

- 4.10.90 This objection relates only to plot 290 which the LDA no longer seeks to acquire.

Plot Numbers: 665 & 666 Address: Vanguard Trading Estate, 16 Marshgate Lane
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Objector 211: Mr Ken Nicholls of Kenton Steel (owner and occupier)

Plot Descriptions

- Plot 665:** 172 square metres of part of industrial estate, comprising area of yard with portacabins
- Plot 666:** 599 square metres of warehouse and offices

Case for the Objector 211

- 4.10.91 The overall regeneration objective of the CPO cannot be met if it involves the disruption of so many businesses to areas where they would be separated from their client base and subject to poorer communications than their present sites provide.
- 4.10.92 The LDA has not fulfilled its planning obligations by preparing and submitting a Business Relocation Strategy to the Council to ensure the sensitive relocation of the businesses affected. Furthermore, the LDA has consistently ignored the representations of the businesses and it has not fully considered the range of resultant impacts.
- 4.10.93 The LDA is obliged to acquire land by agreement but the CPO has been issued before the businesses have had an opportunity to conclude meaningful negotiations and to consider alternatives.
- 4.10.94 There is a procedural flaw in the service of the CPO as there are 3 freeholders and 2 leaseholders of the premises and the 2 leaseholders have not been served with notices of the CPO.

Response by the London Development Agency

- 4.10.95 The plots are required for the creation of the facilities for the Olympic Games and the subsequent Legacy development; and any resultant disruption to the Objector's business will be far outweighed by the huge benefits that will be achieved by the Order.

4.10.96 The Business Relocation Strategy was submitted to the relevant local planning authorities in January 2006. It has undergone a period of public consultation and it will be developed in the light of the responses.

4.10.97 The LDA has agreed to compensate the Objector on the basis of the total extinguishment of the company and an indication has been given that the objection will be withdrawn once agreement is documented.

Plot Number: 670
Address: 14 Marshgate Lane

Objector 219: Parts Plaza UK Ltd (lessee and occupier)

Plot Description

2,434 square metres of workshop, offices, access way and yard

Case for Objector 219

4.10.98 As reported for Objector 209 on plot 656.

Response by the London Development Agency

4.10.99 The Objector has been informed that this plot is no longer required.

Plot Numbers: 674 & 675
Address: Marshgate Business Centre

Objector 42: Andy's Motors (Plots 674 & 675)-(lessee and occupier)
Objector 44: Andy Latham Scenery (Plot 675)-(lessee and occupier)
Objector 144: Alpha Building Services (plot 675)-(lessee and occupier)

Plot Descriptions

Plot 674: 1,131 square metres of part of industrial estate comprising part of Units 15-18 (inclusive) and part of yard situated at 10-12 (evens) Marshgate Lane

Plot 675: 8,188 square metres of industrial estate, workshops, offices, yard, car park and electricity substation, situated at 10-12 (evens) Marshgate Lane

Case for Objector 42

4.10.100 Mr Solomou has run his business from the premises for some 17 years. His garage is modern and represents the next step down from a main dealer, providing servicing and repairs of 'late' cars. Much of the business is based locally; some with leasing companies. The relocation of many nearby businesses will leave the premises isolated; and access restrictions and construction activity will hinder his business.

4.10.101 Mr Solomou had come to the reluctant conclusion that it would be best for him to relocate and start afresh; and he had already begun to look for premises when the January 2006 announcement was made. Guidance from professional advisors by that date was notably lacking and he feels badly let down, especially as fees and expenses remain to be settled.

4.10.102 Mr Solomou is now in the position of having to search for a new garage by himself, for which he does not have either the time or the resources. He would like positive help from the LDA to identify new premises, apply for planning permission and to pay compensation for lost earnings. He sees the Business Support Team's offer of attending seminars on how to find new customers to be of no solution to his enforced problem.

Case for Objector 44

4.10.103 As reported for Objector 38 on plot 653.

Case for Objector 144

4.10.104 This is an in principle objection. A specific objection may be submitted following investigation of the impact of the Order and the development proposals.³⁷⁴

Response by the London Development Agency

4.10.105 **Objector 42:** As a result of the revised Olympics and Legacy proposals announced in January 2006, plots 674 and 675 are no longer required. The Objector was, like others, informed in July 2004 that his premises were in the Olympic zone and that they might be required for that purpose.

4.10.106 It is acknowledged that the Objector entered into the process of seeking to relocate and the LDA will meet his reasonable abortive legal and surveyor's costs. The LDA has also offered to take an assignment of the Objector's lease in order to release his financial commitment to the premises. The services of the Agency's Business Support Team have also been offered. Overall, the matters raised by the Objector are not relevant to the process of considering whether the Compulsory Purchase Order should be confirmed.

4.10.107 **Objectors 44 and 144:** The Objectors have been informed that the LDA no longer requires plot 675.

Plot Numbers:	682-684
Plots 682 & 683 Address:	43-45 (odds) Marshgate Lane & 1a Pudding Mill Lane
Plot 684 Address:	47-49 (odds) Marshgate Lane

Objector 23:	R G Properties Ltd (Plots 682 & 683)-(owner)
Objector 30:	I Field & Barrett Roofing Ltd (Plot 684)-(occupier)

Plot Descriptions

Plot 682: 522 square metres of offices known as Site Analytical Services, with accommodation, yard and access way

Plot 683: 277 square metres of workshop and offices known as H for Mercedes

Plot 684: 480 square metres of offices and yard known as Ifield and Barrett Roofing

³⁷⁴ Inspector's note – no further representations have been submitted

Case for Objectors 23 & 30

- 4.10.108 Whilst not objecting in principle to the Olympic Games, it is stressed that the acquiring authority has not fully considered the impact on this business, the future growth of which would be constrained.
- 4.10.109 Inadequate practical and financial considerations have been given to the protection, preservation and relocation of businesses. This has been exacerbated by the speed with which the CPO has been made, when there remains a reasonable prospect of obtaining the requisite lands by agreement.

Response by the London Development Agency

- 4.10.110 The plots are required for the creation of the facilities for the Olympic Games and the subsequent Legacy development. Any resultant disruption to the Objectors' businesses will be far outweighed by the huge benefits that will be achieved by the Order.

Plot Numbers:	693, 695 & 697
Plot 693 Address:	Grays Waste Services, Barbers Road
Plots 695 & 697 Address:	Units 3 to 9 (inclusive) Heron Industrial Estate, Barbers Road

Objector 29:	Gray's Waste Services Ltd (Plot 693)-(owner occupier)
Objector 150:	South Hertfordshire Waste Management Ltd (Plots 695 & 697)-(occupier)

Plot Descriptions

- Plot 693:** 1,930 square metres of offices, yard and workshops known as Grays Waste Services, situated at 8 Barbers Road
- Plot 695:** 11,852 square metres of part of industrial estate, comprising Units 3 to 9 (inclusive), forecourts, parking areas, access ways and verges
- Plot 697:** 2,636 square metres of part of industrial estate, comprising Units 1 & 2, forecourt and access way

Case for Objectors 29 & 150

- 4.10.111 As reported for Objectors 23 and 30 on plots 682 – 684 above.

Response by the London Development Agency

- 4.10.112 The Objectors have been informed that these plots are no longer required.

Plot Numbers:	698 & 699
Plot 698 Address:	Robertons, Cook's Road
Plot 699 Address:	Robertons Gatehouse, Cook's Road

Objector 102:	Gem Supplies Ltd (both plots)-(owner)
Objector 162:	Springbreeze Limited (both plots)-(unknown)
Objector 206:	Harrow Green Group Limited (Plot 698)-(lessee and occupier)

Plot Descriptions

Plot 698: 3,818 square metres of warehouse, factory, offices and yard

Plot 699: 54 square metres of electricity substation, situated at Robertons Gatehouse

Case for Objectors 102 & 162

4.10.113 It would be inappropriate for the LDA to acquire these Objectors' interests as it has not been established that there is a compelling case in the public interest to acquire the premises. Furthermore, the LDA has not taken into account the disruption and disturbance that would be caused by the compulsory acquisition nor has it provided sufficient alternative locations. The Order would be both unnecessary and inappropriate in relation to this land.

Case for Objector 206

4.10.114 The overall regeneration objective of the CPO cannot be met if it involves the disruption of so many businesses to areas where they would be separated from their client base and subject to poorer communications than their present sites provide.

4.10.115 The LDA has not fulfilled its planning obligations by preparing and submitting a Business Relocation Strategy to the Council to ensure the sensitive relocation of the businesses affected. Furthermore, the LDA has consistently ignored the representations of the businesses and it has not fully considered the range of resultant impacts.

4.10.116 The LDA is obliged to acquire land by agreement but the CPO has been issued before the businesses have had an opportunity to conclude meaningful negotiations and to consider alternatives.

Response by the London Development Agency

4.10.117 The Objectors have been informed that these plots are no longer required.

Plot Numbers:	701 – 703 & 716
Plots 701 – 703 Address:	Marlborough Yard, Cook's Road
Plot 716 Address:	Cook's Road

Objector 102:	Gem Supplies Ltd (Plot 698 which adjoins Plot 716)-(owner)
Objector 122:	Lamborfore Management Ltd (Plot 702 which adjoins Plot 716)-(owner and occupier); (Plot 703)-(owner); (Plot 701)-(unknown)
Objector 153:	Hazel Carr Pension Services Ltd (Plot 153 which adjoins Plot 716)-(owner)
Objector 154:	Goddard & Gibbs (Plot 701 which adjoins Plot 716)-(lessee and occupier)

Plot Descriptions

Plot 701: 3,008 square metres of warehouse, offices and yard

Plot 702: 9,853 square metres of warehouse, offices and yard known as Continenta

Plot 703: 10 square metres of part of scrub verge to towpath of the River Lea and part of hardstanding to industrial site known as Continenta

Plot 716: 2,413 square metres of public road and footways with derelict advertising hoarding

Case for Objector 102

4.10.118 It would be inappropriate for the LDA to use its compulsory powers to acquire interests in this plot because it has not been established that there is a compelling case in the public interest to acquire the premises.

4.10.119 Furthermore, the LDA has not taken into account the disruption and disturbance caused by the compulsory acquisition and has not provided sufficient alternative locations in order to overcome the inevitable difficulties involved in a compulsory relocation.

Case for Objector 122

4.10.120 The stated purposes for making the Order are not entirely relevant to the sites. If the CPO is pursued for regeneration purposes this would be a basis for objection.

4.10.121 Proposals for a comprehensive redevelopment of this site were submitted to the London Borough of Newham in June 2005. This scheme was designed to accommodate the needs of the Olympic Masterplan, to achieve regeneration in terms of the Legacy, to be compatible with other locally permitted developments and to be compliant with a raft of planning policies. It could be adapted to address the proposed parking requirements of this area of the Olympic Masterplan.

4.10.122 It would be neither appropriate nor necessary for the site to be compulsorily acquired. Non-acquisition would save public funding. There is no guarantee that the necessary resources would be available to implement the Legacy proposals within a reasonable timescale.

4.10.123 The inclusion of the site within the CPO does not accord with the terms of *Circular 06/2004* and the compulsory acquisition would breach the Objector's Human Rights.

Case for Objectors 153 & 154

4.10.124 Whilst not objecting in principle to the Olympic Games, it is stressed that the acquiring authority has not fully considered the impact on this business, the future growth of which would be constrained.

4.10.125 Inadequate practical and financial considerations have been given to protection, preservation and relocation of businesses. This has been exacerbated by the speed with which the CPO has been made, when there remains a reasonable prospect of obtaining requisite lands by agreement.

Response by the London Development Agency

4.10.126 The Objectors have been informed that these plots are no longer required.

Plot Number: 706 Address: Vulcan Wharf, Cook's Road.

Objector 18: W J Curley & Sons (owner and occupier) Objector 28: Gilchris (Property Services) Ltd (owner)
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Plot Description

1,699 square metres of warehouse and offices known as Vulcan Wharf and yard thereto

Case for Objectors 18 & 28

4.10.127 Whilst not objecting in principle to the Olympic Games, it is stressed that the acquiring authority has not fully considered the impact on this business, the future growth of which would be constrained.

4.10.128 Inadequate practical and financial considerations have been given to the protection, preservation and relocation of businesses. This has been exacerbated by the speed with which the CPO has been made, when there remains a reasonable prospect of obtaining requisite lands by agreement.

Response by the London Development Agency

4.10.129 The Objectors' plot is required for the creation of the facilities for the Olympic Games and the subsequent Legacy development; and any resultant disruption to the Objectors' business will be far outweighed by the huge benefits that will be achieved by the Order.

Plot Numbers:	718 & 719
Plot 718 Address:	Rooff House and Merganser House, Cook's Road
Plot 719 Address:	River Bank, Cooks Road

Objector 189:	The Rooff Group Ltd (Plot 718)-(owner and occupier)
Objector 206:	Harrow Green Group Limited (lessee and occupier)

Plot Descriptions

Plot 718: 11,318 square metres of warehouses and offices with yards, car parks and access ways

Plot 719: 63 square metres of part of bank of the Bow Back River and access steps

Case for Objectors 189 & 206

- 4.10.130 The required regeneration could be provided by the Objector, as a contractor, within the property as well as providing the required facilities for the Olympic Games.
- 4.10.131 The uses proposed in this area have changed from the original Olympic Masterplan and mixed-use could be delivered in the Objector's property.
- 4.10.132 The overall regeneration objective of the CPO cannot be met if it involves the disruption of so many businesses to areas where they would be separated from their client base and subject to poorer communications than their present sites provide.
- 4.10.133 The LDA has not fulfilled its planning obligations by preparing and submitting a Business Relocation Strategy to ensure the sensitive relocation of the businesses affected. Furthermore, the LDA has consistently ignored the representations of the businesses and it has not fully considered the range of resultant impacts.. It is not making available suitable relocation premises.
- 4.10.134 The LDA is obliged to acquire land by agreement but the CPO has been issued before the businesses have had an opportunity to conclude meaningful negotiations and to consider alternatives.
- 4.10.135 There is a procedural flaw in the service of the CPO as there are 3 freeholders and 2 leaseholders of the premises and the 2 leaseholders have not been served with notices of the CPO.

Response by the London Development Agency

- 4.10.136 The Objector has been informed that these plots are no longer required.

Plot Numbers:	722 & 723
Plot 722 Address:	Dacca Cash and Carry, the BBL Building, Cook's Road
Plot 723 Address:	12 Barbers Road, Stratford

Objector 150:	South Hertfordshire Waste Management Ltd (both plots - occupier)
Objector 155:	Badat Brothers Ltd (Plot 722)-(lessee and occupier)

Plot Descriptions

Plot 722: 6,229 square metres of warehouse with yard and car park

Plot 723: 4,134 square metres of waste management facilities, offices and yard

Case for Objectors 150 & 155

4.10.137 Whilst not objecting in principle to the Olympic Games, it is stressed that the acquiring authority has not fully considered the impact on these businesses, the future growth of which would be constrained.

4.10.138 Inadequate practical and financial considerations have been given to the protection, preservation and relocation of businesses. This has been exacerbated by the speed with which the CPO has been made, when there remains a reasonable prospect of obtaining requisite lands by agreement.

Response by the London Development Agency

4.10.139 The plots are required for the creation of the facilities for the Olympic Games and the subsequent Legacy development; and any resultant disruption to the Objectors' businesses will be far outweighed by the huge benefits that will be achieved by the Order.

Plot Numbers: 726 & 729

Address: Greengate Works, 7 Marshgate Lane

Objector 134: Nova Link (Plot 729)-(sub-tenant of Objector 135)

Objector 135: Panache (Plot 726)-(lessee); (Plot 729)-(lessee and occupier)

Objector 136: C2 (Plot 729)-(business partner of Objector 135)

Plot Descriptions

Plot 726: 1,075 square metres of car park and verges

Plot 729: 2,150 square metres of workshops and offices, forecourt, yards, works and access ways

Case for Objectors 134 - 136

4.10.140 This is an in-principle objection. A specific objection will be submitted on investigation of the impact of the Order and the development proposals on the Objector's interests.³⁷⁵

Response by the London Development Agency

4.10.141 These plots are required for the creation of the facilities for the Olympic Games and the subsequent Legacy development; and any resultant disruption to the Objectors' business will be far outweighed by the huge benefits that will be achieved by the Order.

4.10.142 The LDA has been in negotiation with the Objectors but no real progress has been made.

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³⁷⁵ Inspector's Note – no further representations have been submitted

4.11.0 Local Area Cb – Stratford Town Centre (part) and Warton Road

- 4.11.1 A small part of the Order Lands lies at the north eastern end of Local Area Cb, between Stratford Shopping Centre and the Great Eastern railway line, comprising mainly the car park, Meridian Square and other land associated with Stratford Regional station.
- 4.11.2 Two further small parts of the Order Lands located towards the south eastern end of Local Area Cb are required to deliver highway access improvements associated with the Stratford City development. The first area lies to the north of Stratford High Street and follows Warton Road to the north. It includes an area of open ground on the northern edge of Stratford High Street, as well as sections of Stratford High Street and Warton Road. The second area includes land to the east and west of Warton Road, to the south of the Great Eastern Line/District Line/Central Line railway. The land to the east of Warton Road is a development site whilst the land to the west of Warton Road comprises small industrial premises between the road and the Waterworks River.

Plot Number: 440

Address: Part of Great Eastern Road, Meridian Square, and adjacent areas, situated between Stratford Bus Station and Angel Lane

Objector 85: Van Wagner (UK) (leaseholder in respect of advertising hoarding)

Plot Description

8,281 square metres of part width of public road and footway known as Great Eastern Road, wooded amenity areas and verges, advertising hoardings, telephone junction box, public area and road known as Meridian Square, landscaped areas and car park

Case for Objector 85

- 4.11.3 There are no clear reasons why the hoarding, on the periphery of the Order Lands, has to be removed to allow the Olympics scheme to proceed. In addition, there is nothing to demonstrate how its retention will interfere with the proposed Olympic scheme and there is insufficient evidence to show a compelling case in the public interest to compulsorily acquire interests in the land.
- 4.11.4 In response to the LDA's case below, confirmation of the Objector's legitimate interest is by right of Licence dated 3 October 2002 and a Deed of Variation dated 3 September 2003 between the Objector and the London Borough of Newham. The Objector supports the LDA's objective to secure the land for the Olympic Games and the Legacy development, but considers that this could be achieved without extinguishing its interest in this location. It therefore seeks an alternative location to re-establish these or similar displays once the works to this area have been completed.

Response by the London Development Agency

4.11.5 Plot 440 is required for the creation of the facilities for the Olympic Games and subsequent Legacy development. The general case establishes that the Olympic Games and Legacy development will bring huge benefits. The Objector indicates that it has a leasehold interest in an advertisement hoarding on the plot, although it has not provided any evidence in support. According to the LDA's records the Objector does not have any interests in this plot but, to the extent that it does, the LDA remains willing to progress negotiations for the acquisition of that interest.

Plot Numbers: 618, 619 & 737

Plot 618 Address: Parts of Warton Road and Biggerstaff Road

Plot 619 Address: 40 Warton Road

Plot 737 Address: 160 - 170 (evens) High Street

Objector 127: Thomas Bernard McFeely (Plot 737)-(owner)

Objector 358: Ujima Housing Association (Plot 737)-(prospective purchaser)

Objector 386: Ahmed Investment Ltd (former owner of plot 619, which adjoins plot 618)

Objector 387: Best Selling Ltd (former owner of plot 619, which adjoins plot 618)

Plot Descriptions

Plot 618: 2,102 square metres of public roads and footways

Plot 619: 5,538 square metres, previously warehouse and offices known as Maxmor House, with yard, car park, electricity sub-stations and land

Plot 737: 689 square metres of part of warehouse known as Laxmi House, electricity substation and car park

Case for Objector 127

4.11.6 The London Borough of Newham has resolved (subject to a Section 106 agreement) to grant planning permission for the construction of 250 flats on the site. This proposal accords with Government housing policy whereas the Order does not. The land included in the Order is far in excess of that required for the proposed highway works.

Case for Objector 358

4.11.7 The Objector has Housing Corporation funds to provide 127 affordable housing units on this site and the Order would result in a large part of it being used for road-widening. This would have a significant effect on the housing scheme resulting in the loss of affordable units in an area of high need. If the housing scheme were not to proceed, the Objector would be obliged to return the social housing grant to the Housing Corporation.

Case for Objectors 386 & 387

4.11.8 The Objectors retained overage rights when plot 619 was sold to Telford Homes (Stratford) Limited in May 2003. At the time of exchange there was no public record of any intention to acquire the plots through compulsory purchase. The development of the site, when complete, will deliver significant affordable housing and affordable workspace. Construction work is well advanced and contracts for the sale of all of the proposed flats have been exchanged. It appears that there is no specific designated use for the property in connection with the Olympic Games.

Response by the London Development Agency

4.11.9 **All objections on these plots:** The general case explains the importance of the Stratford City development. The access strategy for Stratford City involves new and improved highway links, which includes a connection to Stratford High Street along Carpenters Road. However, the limited headroom beneath the Liverpool Street-Stratford railway line cannot be increased by lowering Carpenters Road, because of the limited depth of the Central Line tunnels in this area. Warton Road is therefore identified as an alternative which can be lowered to provide suitable headroom under the railway line.

4.11.10 The general case establishes that the Olympic Games and the subsequent Legacy development will bring huge benefits. It also demonstrates the LDA's approach to assisting businesses, identifies the employment and other benefits that the regeneration envisaged will bring, and records the significant positive impacts identified by the ES.

4.11.11 **Objectors 127 & 358:** Part of plot 737 is required to accommodate the necessary improvements to the junction of Warton Road with Stratford High Street. Agreement in principle has been reached to alter the boundary of the land required; and the LDA invite that part of plot 737 which is no longer required to effect the junction improvement be not confirmed. The agreement is in the process of being finalised, after which it is understood that Objection 127 will be withdrawn, although there is no certainty that it will be completed.

4.11.12 **Objectors 386 & 387:** These objections were made in common with an objection made by Telford Homes (Stratford) Limited which has subsequently been withdrawn based on an agreement which allows the developer to carry out some works on part of plot 619. The LDA seek the removal of most of the plot from the Order.

4.11.13 As a consequence of the agreement, the Order should be confirmed in respect of all interests held in plot 618 and the part of plot 619 which is still required, including any interests or rights retained by the Objectors.

4.12.0 Local Area Cd – North-west of West Ham Station

4.12.1 The Order Lands in Local Area Cd are generally to the south of the Greenway and to the west of the DLR lines, generally to the north and west of West Ham station. The land includes part of the vacant and cleared site of the former Abbey Mills Chemical Works, on which it is proposed to build a mosque, which is crossed by overhead electricity pylons. The access from the east over the railway has been closed to public use with the only other access being off Abbey Road and along Canning Road.

Plot Number: 740
Address: Site of former 189 High Street

Objector 56: Ranger Ltd (occupier)
Objector 65: A Rashid (owner)
Objector 66: A Hussain (owner)

Plot Description: 11 square metres of part of overgrown car park

Case for the Objectors 56, 65 & 66

4.12.2 As reported in Local Area Ce, plots 739 and 742.

Response by the London Development Agency

4.12.3 As reported in Local Area Ce, plots 739 and 742.

Plot Numbers: 774, 775, 779 & 780
Plot 774 Address: Part of site of former Abbey Mills Chemical Works
Plot 775 Address: Land adjacent to West Ham to Stratford Jubilee Line railway
Plot 779 Address: Land off Crows Road
Plot 780 Address: Part of Crows Road

Objector 233: Solad S Mohammed (Plots 774, 775 & 779)-(joint owner); (Plot 780)-(owner of adjacent land); (and trustee of Objector 236)
Objector 236: Anjuman-E-Islahul-Muslimeen (Plots 774, 775 & 779 and land adjacent to Plot 780)-(owned by trustees of Objector)

Plot Descriptions

Plot 774: 8,138 square metres of made (reclaimed) ground and electricity pylon, being the proposed site of the Masjid-e-Ilyas Mosque, part of access road thereto and part of disused weighbridge and land

Plot 775: 36 square metres of disused land

Plot 779: 28 square metres of disused access splay

Plot 780: 702 square metres of public road and verges

Case for Objectors 233 & 236

4.12.4 These are in principle objections with grounds of objection to follow.³⁷⁶

Response by the London Development Agency

4.12.5 Both objection letters refer to plots 774, 775, 789 and 780. However, there is no evidence that either Objector has any interests in plot 789, which is a considerable distance away. It has been assumed that the reference to plot 789 is an error and that it should have been to plot 779.

4.12.6 The Objectors' plots are required for the West Ham Ramp which will provide a key point of pedestrian access for the Olympic Games and the subsequent Legacy development. The general case outlines why the West Ham Ramp is needed and establishes that the Olympic Games and the Legacy development will bring huge benefits. It is accepted that these benefits must be balanced against the effect on the Objectors. However, the need to use the area in which these plots are situated to facilitate the Olympic Games and Legacy development outweighs any disruption that would be caused to the Objectors.

4.12.7 The general case also demonstrates the LDA's approach to assisting businesses to minimise disruption, identifies the employment and other benefits that the regeneration envisaged will bring, and records the significant positive impacts identified in the ES. Negotiations with the Objectors are ongoing but no agreement has yet been reached.

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4.13.0 Local Area Ce – Rick Roberts Way/Livingstone Road

4.13.1 The Order Lands in Local Area Ce are bounded to the north-west by Stratford High Street (A11); to the north by Rick Roberts Way, a modern industrial estate road; to the south-east by Abbey Lane; and the Greenway to the south-west. The area contains a range of small, old industrial units and cleared sites; a large multi-storey vacant building, Livingstone House, which is served from Rick Roberts Way by Union Street and Livingstone Road; a gas depot and recently built car showrooms. Similarly, 2 large modern industrial units, situated outside the Order Lands, occupy a significant part of the north-eastern side of Rick Roberts Way.

Plot Number: 731

Address: 731: Parts of Rick Roberts Way, Union Street, Livingstone Road, High Street, and Northern Outfall Sewer, Stratford³⁷⁷

Objector 4: Mason Pearson Brothers (beneficiary of easements and other rights)

Objector 159: Manser Homes (owner of adjoining premises)

³⁷⁶ Inspector's note – no further objections have been submitted

³⁷⁷ Plot 731 lies partly in Local Areas Cb and Cd

<p>Objector 161: McFen Haulage & Plant Ltd & Mr AJ Fennessey (beneficiaries of easements and other rights)</p> <p>Objector 220: Ronald Leonard Leader & Michael Adkins as trustees of the H.C. Leader Will Trust & Denise Rosamond Leader (beneficiaries of easements and other rights)</p>

Plot Description

5,347 square metres of part and full widths of public roads and footways, with bridge carrying High Street over sewer; footpath and cycleway and disused land; and sewer and footpath

Case for Objector 4, 161 & 220

4.13.2 As reported for plot 738.

Case for Objector 159

4.13.3 The outline alignment of bridge PO7 flies over a small section of the north-eastern end of the Objector's land and there is an alternative technical solution which would obviate the need for it to do so. The LDA has not demonstrated exactly how this land is to be used but it has not rejected the alternative alignments or designs. It is possible for both the bridge and the Objector's development to be built in the interests of regeneration and to the benefit of sound planning of the area. In any event, the footbridge is not an operational necessity.

Response by the London Development Agency

4.13.4 **Objectors 4, 161 & 220:** As reported for plot 738.

4.13.5 **Objector 159:** For the avoidance of doubt, references to the Objector's land only refer to the part of plot 731 in which the Objector has interests in the sub-soil thereof by virtue of its acquisition of an adjoining site from Marsham Tyre Co Ltd.

4.13.6 The general case demonstrates the importance of improvements to pedestrian access to the Olympic Park from West Ham station. A pedestrian bridge over Stratford High Street is an operational necessity in this respect and it will also provide pedestrian access to the Olympic Park from the temporary southern coach drop-off and parking facility. There is no finalised alignment for the proposed bridge, but design work is ongoing and all the alternative alignment options considered by the LDA require the confirmation of the Order in respect of the Objector's land.

4.13.7 The Objector has not submitted any alternative technical solution that would avoid the bridge flying over plot 731. Although the LDA has received information about a planning application on the adjoining site, it lacks detail and clarity and there is nothing to suggest that any alternative alignment would be feasible so as not to require confirmation of the Order in respect of the Objector's land.

4.13.8 The general case establishes that the Olympic Games and Legacy development will bring huge benefits. It is accepted that these must be balanced against the effect on the Objector. However, the need to use the area in which plot 731 is situated to facilitate the Olympic Games and subsequent Legacy development outweighs any disruption to the Objector, who has expressed general support for the principle of a bridge at this location.

4.13.9 The LDA is seeking to achieve a comprehensive and co-ordinated approach to the design of the bridge to enable its construction with minimum disruption to the Objector. No agreement has yet been reached but the LDA remains ready and willing to progress negotiations.

Plot Numbers:	738, 743, 744, 747, 749-752 & 754-756
Plot 738 Address:	221 High Street
Plot 743 Address:	1-5 (inclusive) Livingstone Road, Stratford
Plot 744 Address:	Parts of Livingstone Road, Union Street and Stanley Road
Plot 747 Address:	Land south of the junction of Rick Roberts Way and High Street
Plot 749 Address:	Substation at Union Street
Plot 750 Address:	55-57 (odds) Stanley Road
Plot 751 Address:	Land and building south east of 55-57 (odds) Stanley Road
Plot 752 Address:	Building to east of Stanley Road and north of Unit 2, Stanley Road
Plot 754 Address:	5 Livingstone Road
Plot 755 Address:	Part of Unit 1 Stanley Road
Plot 756 Address:	22-42 (evens) Livingstone Road
Plot 757 Address:	87-111 (odds) Livingstone Road

Objector 4:	Mason Pearson Brothers Ltd (Plot 754)-(lessee and occupier); (Plots 738, 743, 744, 747, 749-752 & 756)-(beneficiaries of easements and other rights)
Objector 26:	Tropifruit Ltd (Plot 743)-(lessee and occupier of Units 2, 3 & 4)
Objector 33:	Lazerlink UK (Plot 743)-(lessee and occupier of Unit 1)
Objector 106:	Timothy Sylvester Rait (Plot 750)-(lessee)
Objector 114:	Alphachoice Ltd (Plot 744)-(owner of adjoining premises)
Objector 142:	Adler & Allan Ltd (Plot 755)-(occupier); (Plot 756)-(lessee and occupier)
Objector 161:	McFen Haulage & Plant Ltd & Mr AJ Fennessey (Plots 750-752) – (lessees and occupiers); (Plots 738, 743, 744, 747, 749, 754 & 756)-(beneficiaries of easements and other rights)
Objector 214:	Mr Brian John Bluck of Embassy Demolition Contractors Ltd (Plot 743)-(occupier of Unit 5)
Objector 220:	Ronald Leonard Leader & Michael Adkins as trustees of the H.C. Leader Will Trust & Denise Rosamond Leader (Plot 757)-(owner); (Plots 755 & 756)-(lessee); (Plots 738, 743, 744, 747, 749-752 & 754)-(beneficiaries of easements and other rights)

Plot Descriptions

Plot 738: 126 square metres of disused land and part of public footways with advertising hoarding

- Plot 743:** 1,702 square metres of warehouse, workshops and demolition contractors yard
- Plot 744:** 4,021 square metres of public roads and footways
- Plot 747:** 4,575 square metres of overgrown land and advertising hoardings
- Plot 749:** 17 square metres of electricity substation
- Plot 750:** 911 square metres of workshop and yard
- Plot 751:** 753 square metres of workshop and yard
- Plot 752:** 235 square metres of workshop
- Plot 754:** 1,030 square metres of factory and offices known as Royal Victor House (formerly known as Star House), and yard
- Plot 755:** 7 square metres of shed
- Plot 756:** 3,288 square metres of workshops and offices known as Adler & Allan, with associated storage tanks, yard and car park
- Plot 757:** 930 square metres of workshop and yard known as Stratford Commercial Repairs and Coachwork

Case for Objector 4

- 4.13.10 Given that the Objector's premises are only required for temporary parking facilities and no Legacy plans are proposed, the public interest would be better served by not expropriating the Objector's land and allowing its business to continue. Despite requests, no information has been provided on the consideration of alternative sites for the coach parking facility. The OLY3 planning permission is subject to a Section 106 agreement whereby the LDA covenanted to use all reasonable endeavours to submit planning applications for Legacy uses for the OLY3 site no later than 6 months from 1 October 2004, but no plans have been submitted.
- 4.13.11 The Order would result in the extinguishment of a long-standing employer providing specialist goods, with an international reputation, and its replacement with a temporary coach park with no plans for the long-term use of the site. It is difficult to see how this can be seen as regeneration. It is unlikely that the business would be able to relocate to an appropriate location in the area and this would result in the loss of 55 skilled posts with no prospect of suitable alternative employment. None of the relocation properties suggested are acceptable or in suitable locations. Despite requests to commence negotiations, communication has been minimal and the LDA has been particularly unaccommodating in response to Freedom of Information applications.

Case for Objectors 26 & 33

- 4.13.12 The wider benefits of holding the Games in London are recognised. However, the impact on the businesses and the Objectors' property interests has not been fully considered. Furthermore, the potential for future growth of the businesses, or improvements to the properties, is constrained by the proposals. Inadequate consideration has been given to the protection, preservation and relocation of employment-generating business within the CPO zone. In particular, such proposals as have been put forward do not reflect the financial constraints on existing businesses. Insufficient time has

elapsed to render it necessary for a CPO to be issued where there remains a reasonable prospect of obtaining requisite lands by agreement.

- 4.13.13 In March 2006, the LDA agreed to allocate Unit 2, at the proposed Leyton Business Park, to Objector 26 and to hold the offer open for a reasonable period. However, the LDA failed to honour the promise made and it continues to offer different accommodation which is unsuitable for the Objector's needs. Furthermore, the Objector has been told that the possession date has been put back to July 2009, but this has not been confirmed in writing. These events have had a blighting effect and are causing considerable uncertainty and the Objector is concerned that the business will suffer as a result.³⁷⁸

Case for Objector 106

- 4.13.14 The LDA's proposed development could proceed without the need to acquire the Objector's long leasehold interest in the property, which extends well beyond 2012.

Case for Objector 114

- 4.13.15 As reported for plot 745.

Case for Objector 142

- 4.13.16 This is an in-principle objection pending an investigation of the impact of the Order and the development proposals on the Objector's interests.³⁷⁹

Case for Objector 161

- 4.13.17 The Objector carries on a concrete crushing business on the site and it is essential that the operation is no further away from the City of London. No alternative site is available. If the CPO proceeds, the business will be decimated, it will no longer be a viable operation and it will have to close.

Case for Objectors 214 & 220

- 4.13.18 The overall objective of delivering the regeneration of the Lower Lea Valley cannot be met if it involves the disruption of so many businesses to areas where they would be separated from their client base and subject to poorer communications than at present. The Business Relocation Strategy, required by a condition of the planning permission, has not been submitted.
- 4.13.19 The impact on the business, and the Objectors' property interests, and their potential for future growth, together with the financial constraints faced have not been fully considered. The LDA has consistently ignored representations that there is a lack of like-for-like relocation sites and there has been a failure to provide a viable alternative. There is a burden on the LDA to acquire land by agreement; and the issue of a CPO before businesses have had an opportunity to conclude negotiations, and to consider alternatives, is onerous.

³⁷⁸ Letter from Jones Lang LaSalle to Inquiry Programme Officer (dated 13 July 2006)

³⁷⁹ Inspector's Note – no further representations have been submitted

Response by the London Development Agency

- 4.13.20 **All objections on these plots:** All of these plots are required for the construction of temporary coach drop-off and parking facilities which are an essential element of the infrastructure required to enable the Olympic and Paralympic Games to be held. Works will include the demolition of all buildings; stopping up of highways; and site preparation and construction works. Stanley Road, Union Street and Livingstone Road will cease to exist; existing utility services and drainage will be removed and replaced with services and infrastructure to meet the requirements of the temporary Olympic development.
- 4.13.21 After the Games, the cleared sites will form a level development platform, which will be made available for comprehensive development, without the constraints imposed by existing land ownerships and highway layout. This will enable future development to be delivered at the appropriate density, with the efficient installation of services and infrastructure, and it will make the provision of essential community services far more likely.
- 4.13.22 The OLY3 planning permission does not include any post-Olympic development proposals as the London Borough of Newham has agreed that it would be more appropriate for long-term development proposals to be brought forward in the context of the wider Lower Lea Valley Regeneration Strategy.
- 4.13.23 The general case also demonstrates the LDA's approach to assisting businesses, identifies the employment and other benefits that the regeneration envisaged will bring, and records the significant positive impacts identified in the ES. There will, inevitably, be some disruption to existing businesses but it would be far outweighed by the benefits that would be achieved.
- 4.13.24 **Objector 4:** Vacant possession is required by July 2009. The LDA is keen to facilitate the relocation of the Objector's business and it will continue to assist in the search for alternative premises. Details of a number of potential relocation properties have been submitted by the LDA and Gateway to London but the Objector indicated that none of these were suitable. Nonetheless, given the nature and size of their existing accommodation, it is felt that it will be possible to identify appropriate relocation premises and avoid any loss of employment.³⁸⁰
- 4.13.25 **Objectors 26 & 33:** There have numerous contacts with the Objectors' agents but no agreement has yet been reached.
- 4.13.26 **Objectors 106:** Negotiations are taking place between respective agents but no agreement has been reached as yet.
- 4.13.27 **Objectors 142 & 161:** Repeated attempts to arrange further meetings with the Objector's agent have met with little response.

³⁸⁰ LDA/REB/20 & LDA/REB/21a

4.13.28 **Objector 214 & 220:** The Business Relocation Strategy was submitted to the relevant local planning authorities in January 2006 and has undergone a period of public consultation. The LDA intends to develop the Strategy in the light of the consultation responses; and it has not ignored the representations of businesses. Negotiations between respective agents have commenced but no agreement has been reached as yet.

Plot Numbers:	739, 740 & 742
Plot 739 Address:	189-195 (odds) High Street
Plot 740 Address:	189 High Street
Plot 742 Address:	Discovery House, 1 Livingstone Road

Objector 56:	Ranger Ltd (occupier)
Objector 65:	A Rashid (owner)
Objector 66:	A Hussain (owner)

Plot Description

Plot 739: 344 square metres of hardstanding and overgrown land, with advertising hoardings

Plot 742: 1,235 square metres of warehouse and offices with forecourt

Procedural Matters

4.13.29 Notwithstanding the description in the letters of objection (OBJ/65 & OBJ/66) the objections relate solely to plots 739, 740 and 742.

4.13.30 These objections were withdrawn, after the Objectors' appearance at the Inquiry, as a result of the revisions to the Olympic and Legacy Masterplans (June 2006).

Case for Objectors 56, 65 & 66

4.13.31 The implementation of OLY3, itself a temporary planning permission for development that does not accord with the development plan for the area, does not provide a reason to acquire the plots in question as the temporary use could be achieved by agreement.³⁸¹ It was telling that the LDA had not sought to negotiate such arrangements. The provision of the Olympics use is not a compelling reason for acquisition.

4.13.32 In turn, there are no Legacy proposals for the site and the planning framework for the area, notably in MOZ2, does not dictate comprehensive redevelopment.³⁸² It is also telling that the planning framework for the area is changing in that the adopted *Newham UDP* and the *Arc of Opportunity Planning Framework* document have an end date of 2006; and recognition is made in the latter of the need to review and update the document on a regular

³⁸¹ OBJ/56(65&66)/1/2 (Appendix 7)

³⁸² OBJ/56(65&66)/1/2 (Appendix 8 Extracts from Newham UDP): Proposals Map (part); & (pages 83 & 84)

basis in order to guide regeneration beyond 2006.³⁸³ There is therefore no policy basis to support the LDA's quest for comprehensive redevelopment. In addition, very little weight can be attached to the identification of the wider area as an area of search for social infrastructure as the *Lower Lea Valley OAPF* is at a very early stage in the consultation process.³⁸⁴

- 4.13.33 The practical considerations underlying the LDA's preference for comprehensive redevelopment are overstated in so far as the picture of landownership is radically different to that portrayed. The London Borough of Newham controls a significant portfolio of plots but has made no attempt to negotiate the acquisition of the Objectors' adjacent lands; and the LDA has recently agreed terms for the purchase of Plot 758.³⁸⁵ In effect, the bulk of the land required for the implementation of OLY3 has been secured.
- 4.13.34 Other regeneration projects have taken place recently in the locality with no hint of fragmented ownerships being an insurmountable constraint. High quality development has been undertaken adjacent to Rick Roberts Way and projects along Stratford High Street include a 110 bedroom hotel, residential development and a Porsche dealership.³⁸⁶ Were it not for the Olympic Games further redevelopment would be inevitable within the vicinity.
- 4.13.35 Private landowners have been active in securing planning permission for further development. The owners of the properties which are the subject of these Objections sought planning permission in 2000 for a mixed-use development on their lands. The proposal was favourably received reflecting the aim of MOZ2 in the then recently adopted *Newham UDP*; but the resolution to grant planning permission, subject to a legal agreement, was not pursued as the owners decided to review the development mix.³⁸⁷
- 4.13.36 More recently unsolicited interest in the site has been received from residential developers. In addition, the owners of Livingstone House, Livingstone Way (plot 745) secured planning permission in November 2000 for the refurbishment, conversion and extension of their property to 84 flats, 16 live/work units and 6 business (B1) units. On this basis there is no reason why the lands should not be returned to the Objectors who would be perfectly capable of redeveloping the site in accordance with planning policies applicable at that time.
- 4.13.37 The general thrust of *Circular 06/2004* is that the owners of land are entitled to remain undisturbed in possession unless a compelling case justifies their disturbance. Here there is no basis to suppose that compensation is an adequate substitute or that the land in question is insignificant to the owners' interests and aspirations. Moreover, the LDA does not have any specific proposals for the land.³⁸⁸

³⁸³ CD13 Newham's Arc of Opportunity Planning Framework (November 2002) (page 1)

³⁸⁴ CD27 Lower Lea Valley Opportunity Area Planning Framework (Consultation draft - April 2006)

³⁸⁵ OBJ/56(65&66)/1/2 (Appendix 13)

³⁸⁶ OBJ/56(65&66)/1/2 (Appendix 6)

³⁸⁷ OBJ/56(65&66)/1/2 (Appendix 11)

³⁸⁸ Circular 06/2004 (paragraphs 17 19) & Appendix B (paragraphs 10, 13)

4.13.38 Notwithstanding the objections made by others in the locality, the objections in relation to these specific plots must be critically appraised on their own merits. The Inspector's decision to recommend that a number of objections to the Wembley Link be upheld should be followed.³⁸⁹

4.13.39 In conclusion, the Secretary of State is invited either to exclude the lands from the Order or to defer a decision on that part of the Order to allow the parties to negotiate an arrangement that will facilitate the provision of the coach park and related facilities.

Response by the London Development Agency

4.13.40 Plots 739, 740 and 742 are situated within the area covered by planning permission OLY3 which grants planning permission for a temporary coach parking and drop-off facility for the Olympic Games.³⁹⁰ Much of that area comprises a number of irregularly shaped and relatively small plots around an inefficient road layout; and fragmented land ownership is one of the main reasons why redevelopment has not materialised. The London Borough of Newham has purchased a number of interests but it has not succeeded in promoting redevelopment of the area.

4.13.41 The implementation of the OLY3 planning permission will involve:-

- the demolition of all existing buildings within the area of the planning permission apart from:- the derelict public house at the junction of Livingstone Road and High Street (plot 746); the gas works and car showrooms (plots 760 – 763);
- stopping up of Livingstone Road, Union Street and Stanley Road; the removal of services and infrastructure; subsequent site preparation and new site drainage;
- construction of a new access from Rick Roberts Way; internal vehicle circulation and parking areas; cycle access and cycle lane; and construction of pedestrian routes including a pedestrian access ramp to the Greenway;
- Construction of temporary structures for cycle parking; visitor and security facilities; temporary lighting and landscaping.

4.13.42 In the period immediately after the Games the temporary structures will be removed leaving a cleared level development platform for comprehensive redevelopment. The adopted development plan indicates that the local planning authority will promote mixed-use development for a range of high quality Business (B1), Hotel (C1) and General Industrial (B2) use which takes advantage of its location and good transport connections.³⁹¹ The explanatory text also anticipates the provision of live/work and general residential accommodation. These aims are supported by the non-statutory

³⁸⁹ OBJ/56(65&66)/1/2 (Appendix 14)

³⁹⁰ CD25 Plan 11

³⁹¹ CD11 LB Newham UDP (June 2001) The London Borough of Newham UDP (adopted June 2001) - Policies UR11 & UR19 (Area MOZ2)

'Arc of Opportunity' document with particular reference to the creation of *'a new high quality urban environment centred around a new water feature and linked to the Greenway'*.³⁹²

- 4.13.43 Specific proposals will be brought forward in the context of the Lower Lea Valley Regeneration Strategy and the Mayor's draft *Lower Lea Valley OAPF*. The latter endorses the principle of industrial-led mixed-use development and identifies the area as a potential location for a new community facilities cluster, including a primary school and health clinic.³⁹³
- 4.13.44 Acquisition of the Order Lands, within OLY3, will bring new development opportunities unencumbered by the historical legacy of a bygone industrial era. It will provide an opportunity to achieve appropriate densities with open spaces, access and circulation areas; and high standards of urban design reflecting its prominent frontage to Stratford High Street and proximity to the Greenway. There is no suggestion that these aspirations will be frustrated at the planning application stage. Although it is acknowledged that planning policy does not demand a comprehensive approach to redevelopment, all the circumstances indicate the value of such an approach given the primary aim of speeding up the regeneration of the Lower Lea Valley.
- 4.13.45 The alternative of restoring the current pattern of land ownership would see the return of complex ownerships and the frustrations of multi-layered occupation and leasehold interests; differing aspirations for regeneration; constraints to a comprehensive outcome; difficulties in negotiating and securing appropriate community facilities; and a costly and inefficient reinstatement of services to individual plots. Although the London Borough of Newham controls a significant proportion of land in the area, which is to be transferred to the LDA, there are notable gaps and experience suggests that negotiations for the final pieces can add to delay and added cost.
- 4.13.46 The suggestion made by the Objectors, that a lease be negotiated for the use of their lands for the period of the Olympic Games, should be treated with caution in that there is no binding commitment. It should also be borne in mind that the land would be returned in a very different condition. Given that attempts to bring forward regeneration of the area over a period of years have stalled, the aim is to secure early development after the Games have come to an end by involving the private sector.
- 4.13.47 Although there are no detailed Legacy proposals, the making of the Order at this early stage is justified as experience shows that it can take a number of years to prepare for regeneration and gain developer interest. The aim is to secure new development as soon after the Games as possible and to design and lay infrastructure as part of the Olympic project which will serve those needs in the most cost effective way.

³⁹² CD13 Newham's Arc of Opportunity Planning Framework (November 2002) Newham's Arc of Opportunity Planning Framework (November 2002) (page 33)

³⁹³ CD27 Lower Lea Valley Opportunity Area Planning Framework (Consultation draft - April 2006) (paragraphs 4.141 – 4.158) (Figure 4.9 – page 64)

- 4.13.48 The Objectors have no expertise or experience of joint venture agreements and resultant development and their attempts to market their land, despite third party interest, have failed. Additionally, the resolution of the Council, in September 2000, to grant planning permission for a mixed-use redevelopment scheme was not pursued due to a failure to conclude an agreement under Section 106 of the Town and Country Planning Act 1990. There is every indication that the return of the land would frustrate the anticipation of early redevelopment; and a joint venture arrangement would be another complication in bringing a range of development partners together.
- 4.13.49 It is clear that the Objectors are prepared to sell their lands – but only at what they consider to be the right price.³⁹⁴ That has been the stumbling block in recent negotiations with the LDA and it could be a similar stumbling block in negotiations with others, should this part of the Order be not confirmed. On balance, the LDA's proposals offer a more certain prospect of securing the redevelopment and regeneration of the area.

Plot Numbers: 745 & 746
Plot 745 Address: Livingstone House, Livingstone Road, Stratford
Plot 746 Address: 197 High Street, Stratford

Objector 114: Alphachoice Ltd (Plot 745)-(owner)
Objector 116: Overseas Plastic Import Export Co Ltd (Plot 746)-(owner)

Plot Descriptions

Plot 745: 4,388 square metres of disused factory outbuildings and land

Plot 746: 306 square metres of derelict land behind advertisement hoarding and temporary timber hoarding (site of demolished Two Brewers public house)

Background

- 4.13.50 The LDA seek to acquire these lands as they would form part of a temporary coach drop-off and coach parking area, car parking for disabled visitors, cycle parking and visitor and security facilities (hereafter referred to as 'the coach park'), to serve the Olympic Games and thereafter to be redeveloped as part of the Legacy proposals for the area.³⁹⁵ The plots form part of the OLY3 coach park planning permission. It does not contain any provisions for Legacy development.

³⁹⁴ OBJ/56(65&66)/1/1 (paragraphs 6.07 – 6.09); OBJ/56(65&66)/1/2 (Appendix 7)

³⁹⁵ LDA/REB/17 (Section 4)

Case for Objectors 114 & 116

Introduction and legal submissions

- 4.13.51 Plot 744 relates to public roads and footways known as Livingstone Road, Union Street and Stanley Road. Part of Livingstone Road has been stopped up:- Alphachoice claims to be the beneficial owner of that area of former highway.³⁹⁶
- 4.13.52 The Objectors raise no objection to the use of their lands for the temporary purpose sought by the LDA and they have made it clear that they would be prepared to grant leases to achieve this. Thereafter, they would wish to redevelop their own lands, possibly in conjunction with the owner of neighbouring land to the north (plot 747). There is no need, or justification, to acquire the freehold; and such action would be a disproportionate interference with their property rights. Case law consistently shows that compulsory purchase should be a measure of last resort; the acquiring authority should pursue the least intrusive action; and be able to show that it has considered alternatives to expropriation.³⁹⁷

The Olympic phase

- 4.13.53 The coach park stands in contrast to other parts of the Olympic development as a temporary facility and the land will be available for redevelopment in the Legacy phase. The Objectors volunteered a lease arrangement by letters dated 15 March 2004 and 28 November 2005; but the LDA has shown no intention of entering into negotiations; and it is clear that its only interest is outright acquisition.³⁹⁸ The Objectors' offer remains and, in the event of failure to agree terms, any disagreement could be subject to arbitration; or a further CPO could be made.
- 4.13.54 The June revisions to the Olympic and Legacy Masterplans show changes to the location of a footbridge over Stratford High Street, and its ramped connection between the Greenway and the coach park, which has an impact on plot 744. This would not prejudice a lease arrangement especially as it is unclear whether the ramp, as shown, would be retained in that form in Legacy. Even if it were, its impact on the Objectors' aspirations to redevelop the site would be peripheral and minor.³⁹⁹ The LDA concedes that the need to link OLY3 as part of the Legacy to either the Greenway or the footbridge

³⁹⁶ Stopping up of highway (part of Livingstone Road, Stratford E15): Order dated 11 April 2005

³⁹⁷ *Chesterfield Properties plc v Secretary of State for the Environment* [1998] 76 P & CR 117 (pages 128 - 130);

Baker v First Secretary of State [2004] JPL (pages 729 – 741);

Samaroo & Sezek v Home Secretary [2001] EWCA Civ 113;

R (Clays Lane Housing Co-Operative Ltd) v The Housing Corporation [2005] 1 WLR 2229;

Prest and others v Secretary of State for Wales and others [1983] 81 LGR 193, 199 – 200;

R v Secretary of State for the Environment ex parte Leicester City Council [1987] 5 P & CR 364;

Standard Commercial Property Securities Ltd v Glasgow City Council [2001] SC 177;

Standard Commercial Property Securities Ltd v City of Glasgow Council [2005] S LT144

³⁹⁸ OBJ/114/116/1/2 (Appendix 10 & 11)

³⁹⁹ LDA/REB17 (paragraphs 3.9 & 3.10)

provides no basis for confirmation of the CPO in relation to the Objectors' land.

The Legacy phase

- 4.13.55 In Legacy the LDA acknowledges that the frontage of the OLY3 site to Stratford High Street is very important as a gateway location. The LDA will want to make sure that the site is developed to best advantage, having regard to its width and depth; and the details of the permanent connection of the site to the Greenway is a matter to be decided. Rick Roberts Way will form the principal access to OLY3 and a road on the general alignment of Union Street is likely.
- 4.13.56 The Objectors' plots, and plot 747 to the north-east, in the ownership of the London Borough of Newham and subject to a co-operation agreement with the LDA, are large in themselves and they would combine to form a sensible block for redevelopment, involving only 2 owners. They are not typical of the small plots and fractured land-ownerships within the remainder of OLY3; and there is no reason why they should not be available for regeneration.
- 4.13.57 At this stage the regeneration of OLY3 is fluid in concept. There are no approved plans and current development plan policies will be no longer relevant in 2012. In terms of the emerging policy framework the LDA relies heavily on the *Lower Lea Valley OAPF* but that is no more than a consultation draft, open for response until September 2006. Its focus could change materially. As such, it merits very little weight; and its ambitions for the provision of social infrastructure in a wide area of search must be further tempered by anticipating that a site embedded within the community of Three Mills is likely to be preferred to a prime gateway site. The planning policy context offers no support for the CPO.
- 4.13.58 The LDA's co-operation agreement with the London Borough of Newham requires the preparation of a masterplan for the area by no later than 2010. Within that time the *Lower Lea Valley OAPF* should have completed all of the necessary stages leading to formal adoption to provide a clear guide to inform the masterplan and discussions between respective landowners. The Objectors have a right to contribute to that process and are ready, willing and able to be a part of those discussions to bring about regeneration in Legacy.
- 4.13.59 The Objectors obtained planning permission for the extension, refurbishment and conversion of Livingstone House to 84 flats, 16 live/work units and 6 B1 units in 1999; which was welcomed as contributing to the strategic regeneration of the area.⁴⁰⁰ Other examples of private sector regeneration projects are to be found in the locality along Stratford High Street.⁴⁰¹ Private sector regeneration will continue and the Objectors' land has excellent prospects, which will increase over time, for good quality development:- it has no major constraints, it is generally level and it is well-served by public transport.

⁴⁰⁰ OBJ/114/116/1/2 (Appendix 3)

⁴⁰¹ OBJ/114/116/1/2 (Appendix 4 - 8 & 18)

- 4.13.60 There is also no reason why piecemeal development should not contribute to the regeneration of the area; and there is nothing within the adopted or emerging planning policy framework which requires comprehensive regeneration. The Objectors' vision for redevelopment would fit comfortably with the wider objectives for the area. Legacy is some 6 years away. Within that time, significant changes could occur in market demand, housing, social and employment needs. It is therefore premature to contemplate a CPO in the absence of a more specific and realisable scheme for the site.
- 4.13.61 Moreover, the Objectors have previously attempted to bring forward the development of their land. They had expressed interest from the Hilton Hotel Group in 1996 and they have sought to involve the London Borough of Newham in a landmark tower project.⁴⁰² The evidence shows that the Council (even at Chief Executive level) was uncertain as to what to do with its land from 1999 onwards and at least until September 2003.⁴⁰³ There is nothing to suggest that it was refusing to make its land available or an unwillingness to discuss proposals with the Objectors. It should also be noted that from January 2004, or even October 2003, the involvement of the LDA in promoting the Olympic Games has caused blight and made it impossible for redevelopment schemes to be implemented or progressed.
- 4.13.62 The Objectors, and their related companies, also have experience as developers, both in assembling development sites, obtaining planning permission and undertaking the project.⁴⁰⁴ Although the LDA, unjustifiably, doubts the ability of the Objectors to carry through development, land assembly and obtaining planning permission is one of the most difficult and important parts of the development process and it is therefore of no consequence, for the purposes of a CPO, as to whether the landowner will carry out a development himself.
- 4.13.63 It is of some relevance that the LDA is willing to make available, to the Objectors, other land which it will acquire (subject to the confirmation of the Order). That land lies adjacent to property at Warton Road owned by the Objectors and in an area where the LDA is seeking to promote regeneration. The site adjoins a significant canal feature where it is intended to provide a highly attractive environment.
- 4.13.64 The Objectors can demonstrate a range of successful building projects; and the LDA's allegations of procrastination and delay ignore the hurdles of securing leasehold interests and the obstacles of obtaining planning permission.⁴⁰⁵ Participation in a regeneration project in Manchester is proceeding:- the criticisms levelled by the LDA are partial and ignore the frustrations caused by other parties.⁴⁰⁶

⁴⁰² OBJ/114/116/1/2 (Appendix 12)

⁴⁰³ OBJ/114/116/1/2 (Appendix 12 - 14)

⁴⁰⁴ OBJ/114/116/1/2 (Appendix 15)

⁴⁰⁵ OBJ/114/116/1/2 (Appendix 15)

⁴⁰⁶ Correspondence from Greenwood & Co (including letter dated 14 July 2006)

4.13.65 Moreover, the LDA does not come to the Inquiry whiter than white:- it mis-managed the process of securing the renewal of planning permission on the Objectors' behalf at Livingstone House; it failed to respond to requests for information from the London Borough of Newham; and volumes of correspondence from the Objectors have gone unanswered.⁴⁰⁷

Response by the London Development Agency

Introduction

4.13.66 It is common ground that the Lower Lea Valley has long been recognised as an area in need of regeneration and that the Olympics will be a catalyst for achieving that aim and securing the improvement of the economic and environmental status of this area. It is also agreed that the proposed use of the OLY3 area as a coach park is a necessary contribution to the achievement of that catalytic effect; and that the Objectors' sites are required for the benefit of facilitating the Games. It follows that the Objectors agree that acquisition in some form of the land comprised within OLY3 (including their plots) is justified in the public interest. The issue is about the form that that acquisition should take.

The Olympic phase

4.13.67 The Objectors have suggested that a lease would be sufficient to secure the coach park; but there is no certainty that a satisfactory lease will be forthcoming. No negotiations have been held and the Objectors' terms were not declared until 2 days before their appearance at the Inquiry. Those terms are not agreed:- the proposed rental appears randomly high; and the compensation clause for loss of value is illogical in the context of returning a cleared site ready for development.

4.13.68 The prospect is one of complicated and protracted negotiations, with no clear outcome, based on the experiences of other negotiations with the Objectors; and the offer of arbitration would not apply until the terms of a lease had been agreed. The Secretary of State cannot be satisfied, if the CPO is not confirmed in respect of these sites, that the public interest of ensuring that the OLY3 coach park is provided will be secured.

The Legacy phase

4.13.69 The OLY3 area needs comprehensive regeneration:- it is fragmented and does not readily lend itself to development laid out on the basis of existing plots.⁴⁰⁸ It displays the characteristics of unused or underused land and derelict buildings abandoned by past use; and, it has been like that for a considerable period of time.

4.13.70 Planning policies in the current *UDP*, and its predecessor, have sought to bring about the regeneration of the area.⁴⁰⁹ *The Lower Lea Valley Stratford to Thameside Planning Framework* also pointed to the

⁴⁰⁷ Bundle of general correspondence prepared by Greenwood & Co

⁴⁰⁸ LDA/REB/17 (paragraph 5.2)

⁴⁰⁹ CD11 LB Newham UDP (June 2001) (Policy UR19);

CD11 LB Newham UDP (June 1997) (Policies UR17 & UR18)

comprehensive development of the Rick Roberts Way development site.⁴¹⁰ Although limited modern development has been achieved, generally in the wider locality, most of OLY3 awaits regeneration. A significant area of land stands idle, typified by Livingstone House which became vacant in the late 1980s and was still vacant and undeveloped in 2003 when the Olympic proposals emerged.⁴¹¹ Proposals to bring new use to Livingstone House, and to redevelop Discovery House (plots 739, 740 & 742 – owned by others), have not come to fruition.⁴¹²

- 4.13.71 Confirmation of the CPO will allow the LDA to achieve comprehensive regeneration by removing the inhibitions caused by the number of different land ownerships; the clearance of the site; the design of the coach facility to correlate closely with the infrastructure for the Legacy development; and the consequent provision of a flexible development platform, which will enable the provision of high quality modern development in line with existing and emerging planning policy.
- 4.13.72 It will also allow the creation of built form at appropriate densities, with open spaces, access and circulation areas; and the high standards of urban design which are essential for this prominent location fronting Stratford High Street and adjacent to the Greenway. The delivery of the required community facilities and infrastructure is an added factor.⁴¹³ Although it is acknowledged that the *Lower Lea Valley OAPF* is at an early stage, it builds on the long established need for regeneration. Its aims and detailed policies, once finalised, will be best served by the availability of deliverable development platforms which are unconstrained by land ownership.
- 4.13.73 Achievement of that prized clear vision will be based on the preparation of a masterplan for OLY3 by the end of 2007, in consultation with the London Borough of Newham, and the release of a development brief to the property market. The development procurement process would be undertaken jointly; and clear evidence of a strong track record in delivering quality development would be an essential pre-requisite.
- 4.13.74 It would be realistic to allow about 12 months to complete that process; with a further 12 months to conclude negotiations for a project of this sort of scale and complexity. A successful outcome should lead to a development agreement with a private sector partner by April 2010. At that point the process of detailed planning would commence, with the expectation of planning permissions in place to enable the developer to start on site following the completion of the Games and to complete the development in a fixed timescale.
- 4.13.75 The alternative, even if a lease were a secure means of achieving the Olympic coach park proposal, would involve complex multi-party negotiations which would make the timely development and related community facilities all the more difficult with the strong possibility that

⁴¹⁰ CD13 Newham's Arc of Opportunity Planning Framework (November 2002) (page 32)

⁴¹¹ OBJ/114/116/1/2 (Appendix 2)

⁴¹² OBJ/114/116/1/2 (Appendix 7)

⁴¹³ CD27 (paragraphs 4.148 – 4.150)

the whole process would be frustrated. The Objectors' lands lack direct road frontage to Rick Roberts Way and they have a limited frontage to Stratford High Street. There would be merit, as the Objectors have recognised, in combining the plots with the adjoining London Borough of Newham land to create a logical building block. Rather than capture the best Legacy regeneration for the OLY3 area, the Objectors' proposals would be a recipe for delay, frustration and the frittering away of a rare opportunity.

- 4.13.76 The track record of the group of companies to which both Objectors belong provides a vivid expression of what might be expected. Their examples of achieving '*substantial regeneration of areas*' are contradicted by one mediocre example of refurbishment (Walker House) and a collection of vacant buildings (Commercial Road and Great Eastern Street), which, like Livingstone House, have remained that way for many years.⁴¹⁴ Their involvement in Manchester was a source of frustration to others.⁴¹⁵ These are salutary examples of what needs to be avoided at OLY3:- they are by no means peripheral matters; and they point to a strong possibility that the whole process of securing regeneration of this area would be frustrated if the CPO were not to be confirmed.
- 4.13.77 Against this background, the deal at Warton Road might appear to be inconsistent. However, it was offered as part of a package to deliver both of the objection sites and a further site at Marshgate Lane into the ownership of the LDA. These are recognised as strategic key sites within the Olympic zone which are critical for the delivery of wider regeneration. The exchange lands are small, less significant plots and any agreement would have contained the safeguard of a non-performance clause.
- 4.13.78 In terms of the criticisms levelled against the LDA, the failure to deal with correspondence and the like is overstated and not always an accurate reflection of events:- but these are not matters of relevance to the merits of the CPO.

Conclusion and legal submissions

- 4.13.79 Government guidance recognises that the process of acquiring and merging of plots of land in different ownerships, through compulsory purchase, '*.....provides a vital instrument for implementing regeneration projects.....*',⁴¹⁶ particularly '*.....where this will generate a greater overall benefit than a piecemeal approach based on competing schemes from individual landowners.*'⁴¹⁷ Here it is not a case where a judgement has to be made between rival schemes; but '*whether regeneration is, on balance, more likely to be achieved if the land is acquired*'⁴¹⁸ It is clear that the LDA's proposals will not only bring about the regeneration of the plots in

⁴¹⁴ OBJ/114/116/1/2 (Appendix 15 and photographs put in by Mr Blacker)

⁴¹⁵ LDA/REB/18 (Appendix 1; letter from Lyn Fenton dated 15 June 2006; LDA Closing submissions: paragraph 27 footnote 28)

⁴¹⁶ Circular 06/2004 Appendix B (paragraph 7)

⁴¹⁷ Circular 06/2004 Appendix B (paragraph 10)

⁴¹⁸ Circular 06/2004 Appendix B (paragraph 14(iv))

question but also form an integral and important part of the regeneration of the OLY3 area as a whole; the Objectors cannot offer that surety.

- 4.13.80 In terms of case law, the fundamental test is that of proportionality and whether confirmation of the CPO would be the least intrusive means of securing the public interest.⁴¹⁹ The public interest includes the achievement of the Olympic Games; its catalytic effect to deliver regeneration of the Lower Lea Valley; and the comprehensive and balanced regeneration of the OLY3 area in the swiftest realistic timescale and in accordance with policy that is being developed for that purpose. A decision to refuse confirmation of the CPO will not secure the achievement of those benefits.

Plot Number: 759 & 763
Plot 759 Address: Part of Rick Roberts Way and adjacent land
Plot 763 Address: Sytner BMW, Unit 4, Rick Roberts Way

Objector 148: Sytner Group Ltd. (lessee and occupier of Unit 4, apart from sub-station, and of hardstanding on plot 759)

Plot Descriptions

- Plot 759:** 5,641 square metres of public road and footways, with parts of hardstanding, areas of grassed land, footpath and advertising hoardings
- Plot 763:** 5,815 square metres of car showroom and offices, car park, car wash facility and electricity sub-station

Case for Objector 148

- 4.13.81 The stated reasons for making the CPO are not relevant to the Objector's plots. The Objector operates a highly successful car sales business from modern purpose built premises and this provides long-term local employment and contributes to the local economy. As such, the site more than achieves the purposes for which the CPO is purported to have been made, and development and regeneration of the wider area is best secured by allowing the Objector's business to continue to operate from the site. The displacement of the Objector is not justified and compulsory acquisition of the site would result in the extinguishment of the business and the loss of local employment opportunities.
- 4.13.82 The Objector's site is only required for a short period to provide a temporary coach drop-off and parking facility. Furthermore, very little information has been made available regarding long-term proposals for the Legacy facilities. The timetabling and funding for these facilities is so unclear that any compulsory acquisition for the purpose of providing such facilities cannot be justified. In effect, the proposals amount to the closure of a successful business in favour of a temporary use with no plans for future development.

⁴¹⁹ *Chesterfield Properties plc v Secretary of State for the Environment* [1998] 76 P & CR 117 (pages 128 - 130);
Baker v First Secretary of State [2004] JPL (pages 729 - 741);
Samaroo & Sezek v Home Secretary [2001]

4.13.83 The CPO should not be confirmed as it does not further the LDA's broad purposes and it does not comply with *Circular 06/2004*. It would be entirely justifiable to exclude the site as the private loss resulting from compulsory acquisition would outweigh the public gain. As an alternative, the Objector would be open to considering a temporary licence over the land, thereby making the facilities available to the Olympic Games but drastically mitigating the Objector's losses.

Response by the London Development Agency

4.13.84 The objection letter refers to plots 257-263, but these are located in an area which is a considerable distance from the Objector's known land interest in plots 759 and 763. In any event, all Objectors with land interests in plots 257-263 have been informed that they are no longer required and the LDA has requested that the Order not be confirmed in respect of these plots. Furthermore, the Objector has been informed that plot 763 is no longer required and the LDA has also requested that the Order not be confirmed in respect of this plot.

4.13.85 Plot 759 is situated within the area of the proposed temporary southern coach drop-off and parking facility. The general case demonstrates the need to acquire all the land within this area. It is accepted that the benefits of the Olympic Games and Legacy development must be balanced against the effect on the Objector, but the need to use the area in which plot 759 is situated to facilitate the Olympic Games and the subsequent Legacy development outweighs the disruption that would be caused to the Objector.

4.13.86 Promoting business efficiency and investment is one of the LDA's 5 purposes; and it may acquire land compulsorily where that would be consistent with one or more of these purposes. The general case demonstrates, without doubt, that the Order has been made so as to achieve these purposes, and above all, to achieve regeneration.

4.13.87 The general case also addresses the guidance of *Circular 06/2004* and how the Olympic Games and the Legacy development will be funded and underwritten by the Government.⁴²⁰ The general case also demonstrates the LDA's approach to assisting businesses to minimise disruption, identifies the employment and other benefits that the regeneration envisaged will bring, and records the significant positive impacts identified in the ES.

4.13.88 Negotiations with the Objector were suspended pending the design optimisation exercise which resulted in plot 763 no longer being required. The LDA remains ready and willing to progress negotiations with the Objector in respect of its interests in plot 759.

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⁴²⁰ Appendix to LDA/DH/1

4.14.0 New Spitalfields Market and Temple Mills Sidings

- 4.14.1 This area includes a small part of the eastern edge of the New Spitalfields Market which is bounded to the east by the Lea Valley railway line, and by Ruckholt Road to the south. It contains an area of lorry parking and the eastern end of two warehouse sheds.
- 4.14.2 The Temple Mills Sidings are a triangular strip of land bounded by Ruckholt Road to the north, the Lea Valley railway line to the east, and Temple Mills Lane to the west. The area is in use for waste recycling activities and includes an open area of skip storage.

Plot Number: 112
Address: New Spitalfields Market

Objector 449: Beales Market Gases Ltd (lessee and occupier)

Plot Description

8,390 square metres of part of market premises comprising building, stalls, yard, parking areas, verge and wooded embankment

Case for Objector 449

- 4.14.3 The Objector's business needs to be located within the boundary of the Market as it is the only on-site supplier of fuel for the market fork lift trucks. The harm caused to the business, and to New Spitalfields Market, would not be outweighed by any marginal benefits to the LDA. The LDA's aims can be achieved without taking this plot.

Response by the London Development Agency

- 4.14.4 There is no response from the LDA. However, it is no longer seeking to acquire this plot.

Plot Numbers: 125-128
Address: GB Macks Skips, Temple Mills Lane

Objector 212: B & S Huckle of GB Macks Skips (tenant and occupier under the name of G&B Compressor Hire Limited)

Plot Descriptions

- Plot 125:** 58 square metres of part of verge
Plot 126: 38 square metres of part of verge
Plot 127: 826 square metres of hardstanding and storage area
Plot 128: 1,043 square metres of part of depot

Procedural Matters

- 4.14.5 This objection was withdrawn after the Objector's appearance at the Inquiry

Case for Objector 212

- 4.14.6 The Objector occupies the site under lease from the Secretary of State for Transport; the land is therefore Crown land, and immune from compulsory purchase. Although the *London Olympic and Paralympic Games Act 2006* allows the LDA to compulsorily purchase Crown interests, it had not been enacted when the Order was made, and the Order as made was outside the legal powers of the LDA. Without the legal power to compulsorily purchase the freehold, the LDA has no justification to compulsorily acquire the Objector's leases.
- 4.14.7 Of the 2 leases held by the Objector, the major part of the depot is protected until 15 March 2010; although it has a break clause which purports to give the landlord the right to terminate the lease, in certain circumstances, on 6 month's notice. It allows the occupier 'quiet enjoyment' for 5 years after entering the lease and the break clause can only be used by the landlord if he requires the land for the purposes of his undertaking. In this case, the land is required for the relocation of the Thornton's Fields sidings in order to accommodate the Olympics; and when the Objector last renewed the lease, he was given to understand that the railway operator had no immediate plans for the site.
- 4.14.8 Nonetheless, the Objectors are willing to move. The company carries out the business of hiring skips and operates a waste transfer station. Much of the plant is mobile but the major component, which sorts the waste, would be difficult to move. The Company was initially expected to move to a temporary site at Waterden Road for about 8 months but it is impractical to move a waste transfer station for such a short period of time. The skip hire business only could continue, although, by itself, it would not be economically viable, as it is subsidised by the waste transfer operations.
- 4.14.9 The subsequent offer of a site at Thames Wharf, is based on a 7 year lease, which might be too short a time in which to rebuild the waste transfer operation at a reasonable profit. In addition, the need to vacate the current site in January 2007 would leave a 6 month gap before Thames Wharf becomes available and the company would have to pay to use a rival operator's waste transfer facility with consequential loss of profits.
- 4.14.10 The Order should therefore be modified to exclude the GB Macks Skips site.

Response by the London Development Agency

- 4.14.11 The effect of the Crown holding a number of interests within the Order Lands simply means that the Order could not be enforced against Crown interests. The Order schedule expressly excludes such interests.
- 4.14.12 The *London Olympic Games and Paralympic Games Act 2006* provides a new power in relation to the purchase of land by a Regional Development Agency for the purpose of preparing for the London Olympics; it was enacted on 30 March 2006 and its provisions will apply when a decision is made on the Order and, if confirmed, the LDA will also have the power to implement it.

- 4.14.13 In any event, the Secretary of State has indicated that he is willing and able to transfer to the LDA the land it requires.⁴²¹ The fact that the freehold interest in certain plots is held by the Crown, does not mean that lesser interests held by non-Crown bodies cannot be acquired. Paragraph 3 of Appendix N of *Circular 06/2004* implies that non-Crown interests can only be acquired where the enabling legislation is one of those listed, but the LDA is aware of no authorities to support that, and believe it to be incorrect.
- 4.14.14 The lease in respect of the main area of the site contains a break clause, enabling the Secretary of State to terminate the lease in defined circumstances. It is clear that the covenant for 'quiet enjoyment' is only intended to apply for the period of the lease and does not affect the ability to terminate the lease.
- 4.14.15 It is acknowledged that the reason for relocating Thornton's Fields sidings is to facilitate the Olympic and Legacy development. However, the purpose to which it will be put is railway sidings and the Secretary of State would be entitled to exercise the break clause for this purpose.
- 4.14.16 The LDA has acquired Thames Wharf for the specific purpose of relocating businesses in the waste management sector, which appears acceptable in principle to the Objector. The existing operation is relatively unsophisticated in terms of the structures and plant needed and replacement plant would offer greater efficiency. It is unfortunate that the Objector cannot be offered a site to enable the simultaneous relocation of the entire operation; but the disruption to the business would be covered by compensation.
- 4.14.17 The Objector has not questioned the need for the land, and therefore the Order should be confirmed, to enable the sidings to be relocated.

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4.15.0 Wallis Road, Hackney Wick

- 4.15.1 This area is located to the west of the main Order Lands being bounded on its eastern side by the River Lee Navigation (Hackney Cut).

Plot Number:	70
Address:	Part of 127 Wallis Road

Objector 13:	Eton Mission Rowing Club (owner and occupier)
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Plot Description

35 square metres of part of boat house electricity substation and bank of River Lee Navigation

⁴²¹ LDA/22

Case for the Objector

4.15.1 As reported for Plot 72.

Response by the London Development Agency

4.15.2 Further detailed design has shown that this plot is not required for structures or construction works and the LDA has requested that the Order not be confirmed in respect of this plot, the Objector has been so informed.⁴²²

Plot Numbers:	71 & 72
Plot 71 Address:	Part of Wallis Road
Plot 72 Address:	Parts of 127 Wallis Road and 90 Main Yard, Wallis Road

Objector 13:	Eton Mission Rowing Club and Eton Mission Rowing Club Limited (leasehold owner of part of plot 72 which adjoins plot 71)
Objector 15:	Pall Mall Investments (London) Ltd (alleged owner of plot 72 which adjoins plot 71)

Plot Descriptions

Plot 71: 140 square metres of road and footways, situated north of 90 Main Yard and south of 119 and 127 Wallis Road

Plot 72: 526 square metres of part of industrial unit known as Unit 90, electricity substation, 2-storey flat roofed annex to boat house at 127 Wallis Road, and enclosures and yards

Case for Objector 13

4.15.3 The Order would result in the removal of a community based sports facility with 120 years of history in the local area. There is no provision for relocating the rowing club, preserving its legacy, protecting its tenancy or the provision of similar alternatives. The club should not be subject to the Order without being relocated within the Legacy development.

4.15.4 There are already 2 road bridges over the Lee Navigation and very good access to the Olympic Park from the interchange at Waterden Road, all within 500 metres of Wallis Road. The proposed bridge is not required for the Olympic Park or subsequent Legacy development and appears to serve no purpose other than removing the Objector. The LDA has not been prepared to consult or provide detailed information regarding feasible alternatives, such as accommodating the proposed bridge and the Objector on the same site or a slight realignment of the proposed bridge.

4.15.5 The Order is premature as the planning and consultation processes in respect of Wallis Road appear to be in their early stages. The Legacy development is not required for at least 7 years and will then be subject to market forces.

⁴²² LDA/REB/1 and LDA/REP/13

4.15.6 It is accepted that meaningful discussions commenced in April 2006, but detailed plans and drawings have not yet been provided.⁴²³ The LDA has confirmed that the club should initially pursue any solutions that would allow it to continue operating, such as alternative trailer access. In the event that this could not be achieved, the LDA would assist with relocation to alternative premises. It is accepted that this is a fair basis for eventually withdrawing the objection, provided the LDA remains committed to these principals.

Case for Objector 15

4.15.7 The compulsory purchase of the Objector's interests is neither justified nor necessary to fulfil the LDA's purposes. The extent of the proposed land acquisition is excessive.

Response by the London Development Agency

4.15.8 **Objector 13:**⁴²⁴ Currently, there is no vehicular connection, and only one disused pedestrian link, across the River Lee Navigation, between Eastway and the Hackney Wick railway line. The limited number of existing bridges across the Lee Navigation results in the need for further bridges for emergency access to and/or evacuation from the north-western corner of the Olympic Park during the Games. Without new movement routes, access and integration between the Legacy development and adjoining areas would remain fragmented. Local Area Aa will become a mixed-use quarter comprising industrial, commercial, and residential development as well as playing fields and an arena for sporting and recreational use, with a new highway network.

4.15.9 The proposed Wallis Road Bridge across the River Lee Navigation would provide vehicular, pedestrian and cycle links from Fish Island North and from Hackney Wick station to Local Area Aa. The plots are required to construct this bridge. This particular location was chosen because it would provide a connection with Wallis Road, which is the most direct route to Hackney Wick station and areas south of the North London Line. This is essential to enable significant Legacy development to be accommodated in Local Area Aa. The proposed alignment has been designed to link directly with Wallis Road. A bridge slightly to the south of the Wallis Road alignment was considered, to minimise the impact on the Objector, but this would not have achieved an acceptable highway alignment.

4.15.10 The general case establishes that the Olympic Games and subsequent Legacy development will bring huge benefits. The general case also demonstrates the LDA's approach to assisting businesses, identifies the employment and other benefits that the regeneration envisaged will bring, and records the significant positive impacts identified in the ES.

⁴²³ Letter dated 24 July 2006 from Eton Mission Rowing Club Ltd to programme officer

⁴²⁴ LDA/REB/1 and LDA/REP/13

- 4.15.11 It is accepted that the benefits must be balanced against the effect on the Objector. However, the need to use the plots, in the construction of the Wallis Road Bridge, outweighs the disruption to the Objector. Discussions about alternative means of access, suggested by the Objector, are on-going. Although further meetings have been arranged, no agreement has yet been reached. The LDA remains ready and willing to progress negotiations so that the club can, if possible, continue to operate from its existing premises. If this proves impossible, the LDA will assist the club in finding a suitable relocation site and in any related move⁴²⁵.
- 4.15.12 **Objector15:**⁴²⁶ The Objector indicates that it is the freehold owner of plot 72 but, according to the LDA's records, it is the head-leaseholder.
- 4.15.13 Promoting business efficiency, investment and competitiveness in its area is one of the LDA's 5 purposes.⁴²⁷ It may acquire land compulsorily where that would be consistent with one or more of these purposes. The general case demonstrates, without doubt, that the Order has been made so as to achieve these purposes, and above all, to achieve regeneration.
- 4.15.14 The justification for an additional crossing of the River Lee Navigation at this particular point is given in the response to objection 13 above. The width of the proposed bridge would accommodate a 7.3 metres carriageway, 2 x 2 metres footways, a 2.5 metres cycle lane and an allowance of 1 metre for bridge parapets. Plot 72 also makes provision for maintenance access from the south side and additional construction space on both sides.
- 4.15.15 The general case establishes that the Olympic Games and subsequent Legacy development will bring huge benefits. The general case also demonstrates the LDA's approach to assisting businesses, identifies the employment and other benefits that the regeneration envisaged will bring, and records the significant positive impacts identified in the ES.
- 4.15.16 It is accepted that the benefits must be balanced against the effect on the Objector. However, the need to use the plots, in the construction of the Wallis Road Bridge, outweighs the disruption to the Objector. There have been numerous contacts with the Objector and discussions continue, but no agreement has yet been reached.

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⁴²⁵ Letter dated 28 July 2006 from Eversheds to Company Secretary, Eton Mission Rowing Club Ltd

⁴²⁶ LDA/REB/1 and LDA/REP/15

⁴²⁷ LDA/1 (paragraphs 20-25)

4.16.0 Jenkins Lane, Beckton

- 4.16.1 This site is located adjacent to the A13 flyover, close to its junction with the North Circular Road (A406). It is part of the overspill car park for a multi-screen cinema.

Plot Numbers:	789-792
Plot 789 Address:	Jenkins Lane (part)
Plot 790 Address:	Land north of Alfred's Way
Plot 791 Address:	Land at Jenkins Lane
Plot 792 Address:	River Roding

Objector 332:	National Amusements Ltd (owner and lessee)
Objector 333:	Mrs Tracey Giles

Plot Descriptions

- Plot 789:** 387 square metres of part width of public road and footways
Plot 790: 10,780 square metres of disused car parks, rough land, track, drain and bridge over
Plot 791: 380 square metres of part of disused car park, verges and track
Plot 792: 32 square metres of river bank

Case for Objector 332

- 4.16.1 The site does not have planning permission for use as a Gypsy site. The proposed use would be inappropriate development on Metropolitan Open Land and contrary to development plan policies to protect open space and green chains. The site has poor accessibility to shops and services, other than by car, and it is remote from existing residential areas. The site suffers from high levels of noise pollution which would be difficult to mitigate due to the nature of caravans, and because the A13 is elevated adjacent to the site. The site experiences high concentrations of road traffic pollutants, and odours from the nearby sewage treatment works. The site is at high risk of flooding and would be inappropriate for single storey development such as caravans.
- 4.16.2 The site itself is not of ecological value, but it is adjacent to 2 sites of nature conservation importance; Cuckolds Haven Nature Reserve and the River Thames and tidal tributaries. The proposed use of the site, particularly having regard to the likely business uses on site, could give rise to adverse ecological impacts. It would also result in the loss of car parking for visitors to the nature reserve.
- 4.16.3 For all these reasons the proposed use as a Gypsy site would not be a sustainable form of development and would conflict with development plan policies. The LDA has not demonstrated that there are no more suitable alternative sites, and the Gypsies do not wish to move to the site. The LDA has failed to show a compelling case in the public interest for the acquisition of the site.

- 4.16.4 It is understood that the LDA no longer seeks to acquire the plots in which the Objector has an interest. The LDA has provided an undertaking that, in the event of the Secretary of State deciding to confirm the Order in respect of those plots, the LDA will not exercise any powers of compulsory acquisition in that regard.

Case for Objector 333

- 4.16.5 The residents of the Clays Lane Gypsy site do not consider this to be a suitable relocation site because: it is a long way from the existing site; it is inaccessible other than by private car; it is remote from shops and services; it is close to a flyover, a waste transfer station, a sewage treatment works, and late-opening commercial uses; and it lies within the flood plain.

Response by the London Development Agency

- 4.16.6 At the time the Order was made the LDA believed that this was the most appropriate site for the relocation of the Clays Lane Gypsy site. Having regard to the results of the consultation with the residents, other sites are now considered preferable⁴²⁸.
- 4.16.7 The LDA requests that the CPO be modified to exclude plots 789 to 792.

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4.17.0 Otley Terrace, Lea Bridge Road

- 4.17.1 This is an area of old industrial buildings and land, some vacant, south of Lea Bridge Road and to the west of the Lee Navigation. The site also includes a Grade II Listed former school.

Plot Numbers:	1-5
Address:	Land at and adjacent to 142 and 146a Lea Bridge Road.

Objector 321:	The Lea Bridge Dock Residents' Association (alleged beneficiaries of right of access)
Objector 331:	Circle Thirty Three Housing Trust Ltd (prospective purchaser)
Objector 335:	Mount Anvil Plc (prospective purchaser)
Objector 340:	Mr Derek Sansom (non-statutory)
Objector 341:	Ms Ann Norton (non-statutory)
Objector 343:	Ms Sally & Mr Colin Groggon (non-statutory)
Objector 349:	Mr J Weir (non-statutory)
Objector 355:	Julia Lafferty (non-statutory)

Plot Descriptions

- Plot 1:** 508 square metres of part width of public roads and footways at Otley Terrace and Lea Bridge Slip Road

⁴²⁸ The relocation of Travellers and Gypsies is dealt with at plot 353 in Local Area Ac

- Plot 2:** 5,420 square metres of workshops, offices, yards, parking area, access ways and overgrown land
- Plot 3:** 426 square metres of part of public roads and footways at Lea Bridge Slip Road and School Nook, private road and enclosed land
- Plot 4:** 1,010 square metres of disused school, boarded-up works and overgrown land
- Plot 5:** 30 square metres of overgrown land

Case for Objectors 321, 331, 335, 340, 341, 343, 349 & 355

- 4.17.1 The site is not required for the Olympic Park, but for the relocation of the Waterden Crescent Travellers' site. The regeneration potential of the site, currently being pursued through the development of a mixed-use scheme, will be lost. Use as a Traveller site would conflict with the designation of the Lea Bridge Conservation Area and result in the destruction of heritage buildings. It would damage the leisure amenities enjoyed by surrounding residents and have a detrimental effect on the businesses in the area.

Response by the London Development Agency

- 4.17.2 Since the inclusion of the site in the CPO, the LDA has done further work to explore the full range of constraints at the site. As a result it has concluded that it would not be possible to deliver a satisfactory scheme. Specifically, it is apparent that any feasible scheme would involve the Travellers living adjacent to multi-storey residential and light industrial uses, as well as the existing public houses. The Travellers have expressed a strong desire not to be located near such uses.
- 4.17.3 The LDA requests that the CPO be modified by the exclusion of plots 1-5.

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4.18.0 Stratford Shopping Centre

- 4.18.1 This area comprises a cluster of retail units with access from the west mall of the shopping centre together with, market stalls, servicing areas, pedestrian way and multi-storey car parking.

Plot Numbers:	448-454
Address:	Units 28-46, K1, K2, Stratford Shopping Centre, Broadway, Stratford

Objector 129:	Ravenseft Properties Limited (lessee and occupier)
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Plot Descriptions

- Plot 448:** 1,623 square metres of retail unit known as Sainsburys, servicing area and part of multi-storey car park over
- Plot 449:** 3,397 square metres of part of shopping mall, comprising retail units, pedestrian way known as the Mall with market stalls, servicing area and part of multi-storey car park over with ramp thereto

- Plot 450:** 1,052 square metres of retail unit known as Woolworths, servicing area, forecourt and part of multi storey car park over with ramp thereto
- Plot 451:** 218 square metres of retail unit known as First Sport, servicing area and part of multi storey car park over
- Plot 452:** 461 square metres of retail unit known as Mothercare, servicing area and part of multi storey car park over
- Plot 453:** 19 square metres of part of shopping centre, comprising part of pedestrian way known as the Mall, storeroom and multi storey car park over
- Plot 454:** 20 square metres of part of shopping centre, comprising part of pedestrian way known as the Mall, storeroom and multi storey car park over

Case for Objector 129

- 4.18.2 The Objector is currently drawing up proposals to redevelop and extend the existing shopping centres southwards. The inclusion of the link extension bridge within the Order is unnecessary and prejudicial to the owner's legal interest given their proposals for the redevelopment and extension of the Stratford Shopping Centre. The aims underlying the Order are not assisted by, or dependent on, the inclusion of land to accommodate the link extension because: the boundary is not correctly delineated to reflect the original alignment and aspiration for creating a bridge link; the Objector is working up its own redevelopment proposals; and the extent of the land included is excessive. The inclusion of the land in the Order has had a detrimental affect on investment value.

Response by the London Development Agency

- 4.18.3 It is essential that the Olympic and Stratford City developments are planned and executed in tandem to ensure that Olympic facilities, in so far as they are to be provided on Stratford City land, are available in time. The Stratford City Development Partners are not able to implement the permissions without the intervention of a body with compulsory purchase powers because off-site highway and other works are required on land not at present in their control.⁴²⁹
- 4.18.4 These works include the town centre link extension to Stratford Shopping Centre which takes the form of a pedestrian bridge across the Great Eastern railway corridor into Meridian Square. Interests in the Stratford Shopping Centre were included in the Order because they were required to facilitate this link.⁴³⁰ Further design work has resulted in this link no longer being required.⁴³¹
- 4.18.5 The LDA requests that the CPO be modified by excluding plots 448 to 454.

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⁴²⁹ CD2 Statement of Reasons (paragraphs 6.9-6.10)

⁴³⁰ CD2 Statement of Reasons (Appendix 2 paragraph 3.10)

⁴³¹ LDA/GB/1 (paragraph 6.8)

4.19.0 General Objections

Objector 339:	Carrick Howell & Lawrence Architects, Milk Studios, The Albion, 34 Southern Row, London W10 5AN
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Procedural Matters

- 4.19.1 Mr Lawrence, an architect and partner in a private architectural practice, is a non-statutory objector in that he has no interest in any of the Order Lands. His grounds of objection, relating to a potential infringement of copyright, appeared to have no direct relevance to the CPO. In answer to one of my preliminary questions, he indicated, if he were to pursue a formal claim for breach of copyright, that the implementation of the scheme which the Order seeks to facilitate could be frustrated. I ruled, in agreeing to hear the matter, that the evidence should address the issue 'whether there is likely to be a legal impediment which might prevent the delivery of the scheme'.
- 4.19.2 Mr Lawrence sought permission to cross-examine Mr Prior, one of the LDA's witnesses, on:- the appointment of his practice in relation to the preparation of the London Bid; and aspects of the Masterplan in relation to the amount of land included within the CPO. It was established that Mr Lawrence supported the design of the scheme, and did not take a contrary view to Mr Prior. Moreover, I formed the view that questioning of Mr Prior would be inextricably bound with the alleged claim of copyright infringement and would not be directly related to the merits, or otherwise, of the Order. I therefore refused his request.

Case for Objector 339

- 4.19.3 The architectural layout for the Olympic facilities is unacceptably close to a scheme prepared by the Objector in 1999/2000 and put before the Secretary of State in March 2000. Permission to use the copyright material has not been sought or given and the compulsory purchase programme should be suspended until permission has been granted.⁴³² Legal advice, obtained by the Objector, indicates that '*the facts indicate that you do have a potential claim for breach of copyright.....*'.⁴³³
- 4.19.4 Following his appearance, and before the close of the Inquiry, Mr Lawrence submitted an additional folder of letters written and received between 13 June 2005 and 7 March 2006. These include copies of letters to Lord Coe, Rt Hon Alan Johnson MP and Robert Moore (ODPM) drawing attention to the alleged breach of copyright.⁴³⁴

Response by the London Development Agency

- 4.19.5 Mr Lawrence has not taken any formal steps to establish his claim to copyright. His advice is qualified to the extent that his solicitor has indicated '*.....that there are significant issues which will have to be overcome.*' It is also

⁴³² OBJ/339/1/1 & OBJ/339/1/2 – OBJ/339/1/5

⁴³³ OBJ/339/2 (paragraph 2)

⁴³⁴ OBJ/339/1/3.6

telling that the list of possible defendants does not include the LDA or the ODA.⁴³⁵ Overall, the Objector has not established a sufficient basis to demonstrate a legal impediment to the Order.

Objector 346: Carpenters TMO Board, 17 Doran Walk, Stratford London E15 2JL

Case for Objector 346

4.19.6 A notice of the Order was not displayed on a lamppost until after the date for objections had closed. This is unacceptable as notices should have been delivered to the housing offices or to residents who are affected. A full objection with a petition will be provided.

Response by the London Development Agency

4.19.7 According to the LDA's records, the Objector is a non-statutory objector and has no interest in the Order Land. No further evidence in support of the objection was submitted. The LDA complied with the statutory and regulatory requirements in making the Order⁴³⁶.

Objector 354: Capital Estates Ltd, c/o Philip Ross Solicitors, 4 Chandos Street, London, W1A 3BQ

Case for Objector 354

4.19.8 The Objector has contracted to purchase: 230 High Street, Stratford; land to the south-east of High Street, Stratford; and 225 High Street, Stratford. The Order is likely to have a prejudicial effect on the proposed redevelopment of these properties, with particular reference to the ground floor commercial space to be created and the residential accommodation to be constructed on the upper floors.

Response by the London Development Agency

4.19.9 The LDA believes the properties to be outside the Order Lands. The Objector has provided no evidence of the prejudicial effect, if any, of the Games and Legacy development on the Objector's proposed redevelopment.

Objector 359: Milan Ltd, c/o Calton & Co, 13 Blenheim Terrace, St John's Wood, London, NW8 0EH

Case for Objector 359

4.19.10 An in principle objection is lodged, and a specific objection will be submitted on investigation of the impact of the Order and the development proposals on the Objector's interests.

⁴³⁵ OBJ/339/2 (paragraph 2) & OBJ/339/3 (page 3)

⁴³⁶ LDA/2 Compliance bundle

Response by the London Development Agency

4.19.11 According to the LDA's records, the Objector has no interests in the Order Lands, and has not provided any evidence of the impact, if any, of the Games and Legacy development on its interests. The LDA understands that the Objector would like to relocate its business with Panache (Objector 135) and C2 International (Objector 136). If the Objector is able to establish that it has an interest in the Order Lands, the LDA would be willing to enter into negotiations with a view to acquiring that interest.

Objector 428: Martin Slavin, 24 Overbury House, Pedro Street, London, E5 0BH

Case for Objector 428

4.19.12 Previous Olympic Games have produced a gentrification effect on the housing market in areas surrounding the Games' locations, as a result of the improvements arising from infrastructure investment. The most vulnerable sector of the local population who have suffered a negative impact on housing choice is the poor, with insecure tenure on their homes. The probable impacts are characterised as: on-site impacts (e.g. Clays Lane); post-announcement speculative impacts; pre-event labour and tourism accommodation supply; and post-event impacts.

4.19.13 In East London it is those who live in privately-rented, often overcrowded, accommodation under short-let tenancies who are the most vulnerable. They are likely to experience above-average rent increases or be given notice to quit by landlords who are seeking to profit from rising property values. Ethnic minority communities will be particularly at risk of being made homeless. The scale and speed of the development of such large projects accelerates price rises in the housing market without introducing co-ordinated market monitoring and controls.

4.19.14 The LDA is committed to building over 42,000 homes in the region up to 2016 but the provision of affordable housing is unlikely to keep pace with the displacement of tenants in privately-rented accommodation. The LDA does not have policies in place to ameliorate the effects of gentrification during the planning and construction phases, before the construction of an adequate supply of affordable housing in the Legacy phase. The possibility of the displacement of tenants in privately-rented accommodation needs to be properly evaluated and addressed at the earliest opportunity to avoid the downward pressure on the local underclass which has occurred in Beijing, Sydney, Atlanta and Barcelona.

4.19.15 There is currently a crisis in housing supply, particularly of affordable social housing. This has arisen from privatisation of existing social housing stock, combined with under-funding of new building. The Olympic gentrification effect will compound this crisis which has already been exacerbated by new arrivals from the recently-expanded European Union.

Response by the London Development Agency

- 4.19.16 The evidence to the Inquiry demonstrates that the Order has been made to achieve the long-standing policy objective of regeneration of the Lower Lea Valley. The Games offers a unique opportunity to achieve regeneration of a nature, on a scale, and in a timescale which would otherwise be out of reach. The LDA has demonstrated that the Olympic and Legacy proposals will accord with national, regional and local planning policy.
- 4.19.17 The Legacy development will provide a net increase of the Order of 5,000 homes and the aim is that 50% should be affordable, no doubt on a range of tenures. There will also be improvements to sporting facilities, the environment, infrastructure and additional employment opportunities.
- 4.19.18 There are relatively few dwellings within the Order Lands, the great majority being at Clays Lane. Objections by a number of residents of Clays Lane, including concerns about rents, are the subject of detailed evidence.⁴³⁷
- 4.19.19 In the absence of intervention by the LDA, redevelopment may occur on a piecemeal basis but it would tend to be for small units, rather than family housing. It is unlikely that such a high proportion of affordable housing could be achieved. Concern that rents will rise above the London average reflects forces at work in the housing market and the proximity of the Lower Lea Valley to central London. There is no evidence that such forces would not affect the area in the absence of the Order.
- 4.19.20 The Lower Lea Valley will become a much more attractive place to live and work as a result of the Olympic and Legacy proposals. Whether or not, and the extent to which, housing rents are likely to rise above the general level of the market, due to such improvements in the area, is a matter of speculation on which there is no evidence. In so far as rising rents reflect improvements to the environment and infrastructure in the area brought about by the proposals, it is not accepted that this will be a disadvantage, but rather the market's recognition of the success of the proposals.
- 4.19.21 The overall effect of the proposals will be regeneration in its widest sense which will bring a huge range of benefits. These advantages greatly outweigh any disadvantages which may be identified. The LDA's design consultants have made themselves aware of the Legacy of the Olympic Games held in other cities. The lessons to be learned from Barcelona are of particular relevance to London and the Lower Lea Valley⁴³⁸.
- 4.19.22 Proposals such as these which are supported by national, regional and local policies should be considered to be in the public interest. It should be assumed that Government policy and the regional and local policies that flow from it have taken into account matters of the kind raised by the Objector. This CPO Inquiry is not the appropriate forum to question adopted policy or to promote an alternative vision of the social good.

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⁴³⁷ See 'The case for the LDA' in relation to plot 351 in Local Area Ac

⁴³⁸ LDA/JP/1 (paragraphs 5.7 – 5.9)

5. UNOPPOSED LANDS

- 5.1 The unopposed lands are spread across the Order Lands and separate identification is not necessary in so far as they arise in the Local Areas already covered in this report where the general area characteristics and the general case apply.
- 5.2 However, the Order contains Thames Wharf Sites 1 and 2 (plots 786 – 788).⁴³⁹ This site, as a whole, is irregular in shape; it is bounded to the north by the Lower Lea Crossing; to the west by the mouth of the River Lea where it is known as Bow Creek; to the south-west by the River Thames; and to the north-east by Dock Road. Part of the site wraps round an adjoining steel manufacturer and the DLR runs through the site. It is included in the Order to provide for the relocation of waste management uses.

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⁴³⁹ Order Map Tile No 14a

6. INSPECTOR'S CONCLUSIONS

Introduction

- 6.0.1 The references in superscript brackets ^[x'] are to the principal paragraphs in my report of the cases from where my conclusions are drawn.
- 6.0.2 My conclusions are set out in 5 parts. Firstly, I shall consider the case for regeneration; secondly, the outstanding Objections to the Order, which I discuss on a topic basis for each Local Area; thirdly, the unopposed lands; fourthly procedural, policy, legal and Human Rights issues; and, finally, in my overall conclusion, I shall assess whether, against the preceding background, there is a compelling case in the public interest for the acquisition of the Order Lands.
- 6.0.3 A glossary of abbreviations used in my conclusions precedes Part 1 of my report.

6.1.0 Part 1: The Case for Regeneration

The context for regeneration

- 6.1.1 The Lower Lea Valley, within which the Order Lands are located, is generally built-up in character. Land uses are mainly industrial, with a high proportion of older buildings and yards; open working/storage type activities; and transport-related facilities. These characteristics contribute to a low employment density, generally, throughout the area. The area has more than its fair share of vacant sites and derelict buildings awaiting re-use or redevelopment. More encouragingly, pockets of comparatively modern industrial and commercial buildings provide a marked contrast; but my general impression is of an area that is, as a whole, used inefficiently and demanding of regeneration.^[2.6-2.13, 3.22, 3.26, 4.43, 4.6.2, 4.7.2, 4.8.4-4.8.5, 4.10.1, 4.13.1, 4.14.2]
- 6.1.2 The general economic outlook is one of decline in the context of the area's recorded high level of deprivation which manifests itself through a number of economic indicators including:- high unemployment; a high incidence of manufacturing jobs; a low proportion of managerial or professional skills; and a marked concentration of employment in the waste and recycling sub-sector. Socially, crime levels are high; health is poor; the population is generally younger, more diverse and less settled than average.^[3.25-3.26]
- 6.1.3 Outwardly, areas of derelict and over-grown land, fly-tipping and the condition of some of the waterways, are symptomatic of the physical neglect of the environment; and widespread ground contamination is a legacy of the past. Open spaces, in relieving built-up form, are generally, at best, functional.^[3.24, 4.12-4.13, 4.2.1, 4.3.3]
- 6.1.4 The area as a whole, in my view, conveys a negative impression. Securing new development is made the more difficult by the limited capacity of utilities infrastructure; poor pedestrian, cycle and road links; poor quality community facilities; and potentially high development costs, arising from

infrastructure and site remediation works, set against depressed yields. All of the factors above show that the Lower Lea Valley has no real prospect of self-sufficient recovery.^[3.27-3.28]

- 6.1.5 I am in no doubt that the scale of the task requires a comprehensive approach to secure new utilities, transport infrastructure, the remediation of contaminated sites, wide-ranging improvements to the environment and the provision of new and improved community facilities. The task has been made the more difficult, and indeed unlikely, by the complexities of administrative boundaries and coverage by 4 local authorities with no single key player to lead co-ordinated regeneration.^[3.27, 3.29]
- 6.1.6 The desire for regeneration has been a long-standing and openly expressed objective for this area. As early as 1994 *RPG9* sought to revitalise the *East Thames Corridor*, extending from Docklands through East London to the north Kent coast. This was followed, in 1995, by *RPG9A* and the *Thames Gateway* programme of economic, social and environmental regeneration with the expectation that it would take some 20 – 30 years to fulfil. *Strategic Guidance for London Planning Authorities*, in the form of *RPG3*, was published in 1996 with Stratford and the Lower Lea Valley identified as key regeneration locations. Additional prioritisation was given to this area in the revision to *RPG9*, in 2001. However, none of these documents has realised its ambitions for the Lower Lea Valley; regeneration, as it is, is limited in scale, scattered in nature and, to my mind, it represents a poor return on more than 10 years of strategic promotion.^[3.1-3.3]
- 6.1.7 Planning policies across the boroughs, in general, seek to prevent the loss of employment land; secure new employment and housing opportunities; and to upgrade the quality of the environment. The *Hackney UDP*, in addition, aims, with the support of the *Lower Lea Valley Joint Area Action Plan and Opportunity Area Framework*, for the increased provision of sports grounds, recreational facilities and improved pedestrian and cycle routes; and to focus employment development on the 'gateway' of the Waterden Road/Hackney Wick area, with residential potential to the south.^[3.12-3.13]
- 6.1.8 In turn, the *Tower Hamlets UDP* sets out to retain and expand employment and points to the role of green chains adjacent to waterways in the Fish Island area. Draft Area Action Plans support the provision of the Olympics and provide a framework for subsequent Legacy development.^[3.14] The *Newham UDP* establishes an arc of major development sites, extending from Stratford through the Lower Lea Valley. These 'Major Opportunity Zones', backed by supplementary planning guidance, are intended to drive regeneration and to deliver new employment, housing and community facilities.^[3.15-3.17] Finally, the *Waltham Forest UDP – First Review* also has an employment thrust, and a desire to protect Metropolitan Open Land.^[3.18] All these policy documents provide a clear expression of intent; however, in my opinion, the challenge of securing implementation is colossal.
- 6.1.9 *The London Plan*, 2004, identifies a way forward by defining Stratford and the Lower Lea Valley as 'Opportunity Areas'. Unlike the raft of documents and policies that have gone before, its ambition of accomplishment focuses

on the benefits that would surge from hosting the 2012 Olympic Games.^[3.5-3.10] Such an event would drive major change, achieve investment on an unprecedented scale and, more specifically, secure delivery within a short space of time.^[3.29-3.31]

- 6.1.10 At the end of the Games there will be a legacy of:- a rejuvenated environment; improved communications and infrastructure; new facilities; major opportunities for employment-creating development; and a significant number of new homes, with a marked contribution to affordable needs for London and the south-east.^[3.50-3.51] Guiding policy is contained in the draft *Lower Lea Valley Opportunity Area Planning Framework*, prepared by the Mayor, and endorsed by the constituent boroughs.^[3.19-3.21]

The Olympic Park, Stratford City and the Legacy development

- 6.1.11 The northern part of the Lower Lea Valley was identified as the preferred location for the Olympic Park based on the concept of a central linear park alongside the River Lea, and a clearly defined perimeter of roads, rivers and railways. Accessibility by public transport was seen to be without equal, being served by the future Stratford International, Stratford Regional, West Ham, and Hackney Wick stations, to meet the aim of transporting the majority of spectators by public transport.^[4.3.145] Temporary coach parking areas have also been proposed to be laid out generally to the north, east and south of the Park.^[3.46-3.47]
- 6.1.12 Access from West Ham station will require a new ramp on to the pedestrian/cycle route of the Greenway; the southern coach park will also link to the Greenway which will extend over Stratford High Street on a new bridge into the Olympic Park. Similarly, a new bridge will be constructed over the River Lea in the vicinity of Hackney Wick station, and a series of land-bridges will link the other arrival and departure points with the Park.^[3.46-3.48, 3.89, 4.6.22]
- 6.1.13 The sites for the main Olympic venues have been chosen to allow crowds to be dispersed across the Park and also with their after-use in mind.^[3.43, 3.46] The Athletes' Village is to be located in the eastern part of the Park, close to Stratford stations, to integrate with, and to make partial use of, the proposed Stratford City development.^[3.45, 3.71, 3.84]
- 6.1.14 The Stratford City development, within Local Area Ad, is itself a large scale mixed-use regeneration project which will create a major new commercial centre for Stratford with a new residential quarter generally to the north of Stratford International station.^[2.9, 3.81] However, the implementation of that permission is dependent on off-site highway and other works over which the developers have no control.^[3.82] The CPO therefore includes the necessary lands to enable these works to be undertaken.^[3.86-3.87]
- 6.1.15 The CPO will unlock major private investment in Stratford City which will, in turn, provide some of the physical infrastructure required for the Olympic Games.^[3.84] Preparation for the Games will achieve the removal of contamination and remediation on a comprehensive and efficient scale; laying of new infrastructure; wholesale land modelling and creation of level

platforms for future development; new sporting venues; improvement of water courses; and general environmental enhancement.^[3.34-3.36, 3.58-3.59]

- 6.1.16 The scale and extent of these works necessitates control of the major part of the Order Lands by mid-2007. Construction of the Athletes' Village and major venues will follow from the early part of 2008, with completion by 2011.^[3.91] The programme, guaranteed by public funding, will deliver major change and enhancement within a fixed time-scale which will, in 2012, become the focus of the world.^[3.37, 3.110]
- 6.1.17 After the Games the Lower Lea Valley will be left with its substantial legacy of retained high quality sports and recreation facilities; modern employment floorspace with potential to create a net gain of some 4,500 jobs; over 9,000 homes with a target for half of these to be 'affordable'; new community facilities, including education and health; a comprehensive network of open spaces and enhanced waterways with related recreation, amenity and nature conservation benefits; and improved road, pedestrian and cycle routes across the area. This is likely to bring new confidence and investment into the area and create an attractive place to live and work. I am in no doubt that these benefits could only ever be secured by a major project supported by public sector intervention.^[3.49-3.59]
- 6.1.18 The land within the Order, save for Stratford City and several peripheral areas, was identified as the minimum necessary to deliver the Olympic Games, including its supporting facilities and necessary security. The design of the Park has been driven from the outset by the dual principles of providing a compact Games and a successful Legacy phase arising out of the venues and facilities provided for the Games.^[3.42, 3.88, 3.90, 4.3.64]
- 6.1.19 Design rationalisation, in January 2006, reduced the proposed land take on the western side of the Park and the effect on businesses; and the revised Olympic Masterplan of that date also introduced a number of internal amendments to take account of the International Olympic Committee's requirements and to increase efficiency by greater use of the Stratford City development.^[3.71-3.72] Further refinements followed in June 2006, principally with Legacy arrangements in mind.^[3.73-3.78]
- 6.1.20 Peripheral areas within the Order will deliver necessary temporary coach parking for the duration of the Games, with the northern one being restored to playing fields in Legacy; and the southern facility being transformed by mixed-use development.^[3.64, 3.71, 4.13.42, 4.13.69-4.13.72] Other areas are required principally to secure the necessary access improvements to serve Stratford City and the Games.^[3.82] Additional plots, outside the Olympic Park, which are included within the Order for uses displaced from the Park are considered site-specifically under their respective Local Area/plot references.

Business relocations and other interests

- 6.1.21 In identifying the very positive effects of hosting the Games, I have not lost sight of the potential adverse effects, especially on residents and businesses from where the bulk of the objections come. I deal with these in Part 2 of my conclusions; but, before moving on, it is relevant to record, in general terms,

the LDA's approach in seeking to mitigate the effects arising from the need to relocate a number of existing businesses from the Order Lands.

- 6.1.22 Initial contact was made with businesses in the lead up to the Olympic Bid; a letter followed in July 2004 with the two-fold purpose of alerting each business of the date by which its land would be required, in the event of a successful bid; and inviting early negotiations, irrespective of the outcome of the bid. A dedicated help-line was set up by the LDA and businesses were invited to appoint independent advisors with their reasonable costs and expenses to be met by the LDA.^[3.95-3.96]
- 6.1.23 These measures were reinforced by a team within the LDA to guide and assist businesses through the process and to identify relocation opportunities for them. This was supplemented by the LDA's portfolio of land which was held for that purpose, some of which was ear-marked for development to accommodate businesses displaced by the Order. Overall, the LDA's 'land bank' far exceeded the floor-space to be displaced. The LDA has also offered a variety of training and a special consultancy to review the efficiency of businesses and their floor-space requirements.^[3.97-3.100]
- 6.1.24 As is evident from my consideration of the objections that follow, a number of businesses have expressed dissatisfaction with the process; although it is apparent that some of those are progressing toward relocation. However, they do need to be put into the context of an Order that includes land occupied by over 300 businesses; more than 90 were spared by the January 2006 revisions; of those remaining, by the close of the Inquiry, 29 businesses had completed transactions, 58 had reached heads of terms, and 108 had identified their relocation site.^[3.71-3.72, 3.98, 3.124]
- 6.1.25 In addition, again by the close of the Inquiry, the LDA, or other public bodies working with the LDA, owned or controlled some 93% of the Order Lands and it had reached heads of terms for a further 2.5%. The over-riding impression is that most of the land within the Order has been secured by negotiation and that most of the jobs therein will be relocated successfully.^[3.124]
- 6.1.26 A number of statutory undertakers, local authorities and other bodies have interests in the Order Lands and arrangements have been put in place to enable the LDA to achieve its objectives while avoiding the need to acquire all of the interests originally included in the Order.^[3.126-3.130]

6.2.0 Part 2: The Objections to the Order

Local Area Aa – Hackney Wick Industrial Area

Plot Number:	Address:
Plot 9:	Land at Temple Mills Road/Eastway
Plots 25 & 26:	Units A, B & C Eastway Commercial Centre
Plot 27:	Units D1, D2 & D3 Eastway Commercial Centre
Plot 34:	Unit E Eastway Commercial Centre
Plot 36:	Part of the Eastway
Plot 38:	Substation north of 59 Eastway
Plot 39:	59 Eastway
Plot 40:	Arena Field Recreation Ground
Plots 43 & 44:	Land between Arena Field Recreation Ground and the River Lee Navigation
Plots 57 & 58:	Golden House, Waterden Road
Plot 59:	Part of Waterden Road
Plots 73 & 74:	Land between the East Cross Centre, Waterden Road, and the River Lee Navigation
Plots 77 & 78:	Unit I, The East Cross Centre, Waterden Road
Plots 79 & 80:	Unit J, The East Cross Centre, Waterden Road
Plot 81:	Units E & F, The East Cross Centre, Waterden Road
Plot 82:	Unit G, The East Cross Centre, Waterden Road
Plot 83:	Unit H, The East Cross Centre, Waterden Road
Plot 84:	Part of East Cross Centre, Waterden Road
Plot 87:	Unit A, The East Cross Centre, Waterden Road
Plot 88:	Units B, C & D, The East Cross Centre, Waterden Road
Plot 89:	Substation at the East Cross Centre, Waterden Road
Plot 93:	Parts of the East Cross Centre, Waterden Road and adjoining Hackney Wick to Stratford railway

Objector 6:	Axelcover Limited
Objector 34:	Lucky Wholesale
Objector 50:	Retriever Ltd
Objector 68:	Wanis Ltd
Objector 70:	Babs and Bola Awoyemi trading as Bayem Corporation
Objector 92:	Omila Properties Ltd
Objector 103:	Gladquote Ltd
Objector 104:	Sabreleague Ltd
Objector 105:	BOC Ltd
Objector 172:	Hoo Hing Ltd
Objector 176:	Percy Alder, Esther Adler & Paul Adler

Objector 177:	A&A Self Storage Ltd
Objector 194: ⁴⁴⁰	East London Bus & Coach Company Ltd
Objector 207:	A Warren & Sons Ltd
Objector 234:	Mr & Mrs S R Metcalfe
Objector 347:	Hackney Environment Forum

- 6.2.1 **Objectors 50, 68 and 70** are said to be substantial local employers. **Objector 68**, in particular, is noted as employing an ethnically diverse staff with varying skill levels and has achieved year on year growth. I acknowledge that such businesses are vital to the local economy and that the potential loss of valuable jobs should only be contemplated as a last resort; especially as the LDA and the Mayor promote ethnic enterprise and the diversity of London's food culture, respectively. The businesses also need to be located close to their outlets and to New Spitalfields Fruit and Vegetable Market. **Objector 172**, similarly, operates a food orientated business and I note that they have recently invested heavily in the refurbishment of the property; despite the LDA's regeneration aims for the area, irrespective of the outcome of the Olympic Bid, being made known to them in April 2004.^[4.1.7, 4.1.41-4.1.43]
- 6.2.2 Although **Objectors 50, 68, and 194** indicate that they have nowhere to go, it is apparent that the LDA has been seeking to secure their relocation with a very real prospect of suitable moves for **Objectors 50 and 68**; the latter to a site which the LDA is developing with the needs of the local food industry specifically in mind.^[4.1.53] **Objector 172** was also close to a solution, and, whilst that might not proceed, it is nonetheless indicative of the genuine efforts being made by the LDA to ensure that such businesses are not lost.^[4.1.12] I also note the special needs of **Objector 105**, a low density employer, and the difficulties encountered since 2003 in finding another site.^[4.1.18-4.1.19] However, with the continuing involvement of the LDA, and the general supply of industrial land and buildings in the locality, I am confident that there remains a reasonable prospect of appropriate relocation for all those mentioned above.^[3.98-3.99]
- 6.2.3 As to the suggestion made by **Objector 172** that its lands, which are on the edge of the proposed Olympic Park, should be excluded, I agree with the LDA that reconfiguration here is not practical as the plots are required for the Olympic Loop Road and essential back-of-house facilities for the Hockey Venue; and isolated remnants would not make sense in the planning and provision of the subsequent Legacy.^[4.1.10] Similarly, the claim by **Objector 234** that its plot, which adjoins those of **Objector 172**, is not required fails for identical reasons.^[4.1.14] **Objector 105's** interests are more extensive than its nearby neighbours above, and, again its lands are just as important to the overall concept and operation of the Park and the resultant Legacy ambitions.^[4.1.19]

⁴⁴⁰ My conclusions are set out under Plot 46

- 6.2.4 Turning to **Objectors 34 and 207**, the strong and widespread evidence of the LDA's overall endeavours to provide or secure business relocations undermines the unsupported proposition that insufficient consideration has been given to safeguarding existing business interests. Whilst the LDA has not met with success in all cases, and there are isolated unsubstantiated complaints that alternative properties have not been offered, I am satisfied that the continuing nature of the process offers the prospect of yet further successful outcomes.^[3.95-3.101]
- 6.2.5 In particular, I note that **Objector 207** has found a suitable relocation site; and there is nothing to suggest that the CPO was premature, as alleged by **Objector 92**, in relation to business relocations.^[4.1.68] What is more, any disruption or inconvenience has to be weighed against the very substantial Legacy benefits of modern business floorspace and related job opportunities.^[3.50] The making of the Order, within a matter of months of the award of the Games, is entirely consistent with the advice in *Circular 06/2004* which endorses formal procedures in parallel with negotiations.^[3.124]
- 6.2.6 I identify with the views of **Objectors 176 and 177** about the loss of some good buildings; but their retention would frustrate the objective of hosting the Olympic Games which will, in turn, be the springboard for the regeneration of a vast area in Legacy.^[4.1.71, 3.31-3.49] Moreover, even without the Games, the massive benefits of large scale comprehensive regeneration would be made the more difficult to achieve if it were to be constrained by groups of retained buildings. On the point about the extent of the Order Lands being greater than the area required for the Park, additional land is needed to deliver a number of related facilities, including temporary coach parking; new bridges and highway improvements; and land for uses displaced from the Olympic Park area.^[2.3]
- 6.2.7 **Objectors 176 and 177** can also be assured that funding of the Olympics and Legacy is guaranteed and underwritten; and the scepticism of **Objector 92**, about the short-term benefits of the Games and the uncertainties of the Legacy, stands uneasily against a very forceful policy impetus, political willingness and over-riding evidence of tangible benefits. I am in no doubt that the Lower Lea Valley could not have a better opportunity for momentous change, and all-embracing gain, which far outweighs any immediate drawbacks. Such benefits also provide the context to my response to **Objector 6** and the vague notion that there are insufficient details to justify the scheme.^[3.6-3.21, 3.31-3.39, 3.110]
- 6.2.8 In relation to the additional points raised by **Objectors 92, 176 and 177**, I am satisfied that the purpose of the CPO is to secure regeneration; and that the holding of the Olympic Games is a means to that end and not a primary purpose. Legacy development will bring widespread benefits to the area as a whole.^[3.29, 3.49-3.59] Continuing with **Objector 92**, the plot in question is shown to be part of the parkland spine which will provide extensive environmental and ecological enhancement with improved accessibility for pedestrians and cyclists and a fitting setting for new development which will arise in Legacy.^[3.54]

- 6.2.9 I have noted the unsupported allegation, made by **Objector 6**, of an affordability gap between the value of existing sites and those within the suggested near-monopoly portfolio of the LDA.^[4.1.78] However, this is not a widespread complaint, and it is not uncommon for the property market to operate with a seller's valuation being higher than that of a prospective purchaser. I also accept that the deadline for acquisition is growing ever closer; but there are a number of instances where owners and/or occupiers have been able to make necessary arrangements for land or property acquisition and any necessary building work. The LDA's building project to secure the relocation of **Objector 68** is a case in point.^[4.1.53]
- 6.2.10 Criticism is made by **Objectors 92 and 207** about the absence of a Business Relocation Strategy; but that is an ongoing piece of work which has been subject to consultation. I am content that it does not indicate any disregard for existing businesses, in the light of the genuine attempts which have been, and continue to be, made by the LDA to effect relocations; and it does not undermine the case for the CPO.^[3.114]
- 6.2.11 In terms of the offers made by **Objectors 103 and 104**, to allow the LDA to use various plots under a lease, or other mechanism, I consider that the return after the Games of this incomplete block of plots to their owners would frustrate the comprehensive regeneration of this area in the Legacy phase.^[4.162]
- 6.2.12 My conclusions, in Part 3, of particular relevance to points raised by **Objectors 92 and 172**, confirm that the LDA has fulfilled the requirements of paragraph 14, Appendix B of *Circular 06/2004*; and that the Olympics and Legacy development as a whole will achieve the regeneration of the area, consistent with Section 20 of the *Regional Development Agencies Act 1998*. I also reach the conclusion that the resultant effects would be proportionate.
- 6.2.13 **Objectors 92 and 347** have raised the matter of exchange lands, with the latter making specific reference to the loss of parts of Hackney Marshes, including Arena Field, which are Metropolitan Open Land and Common Land respectively.^[4.1.44, 4.2.2] However, there is now no requirement to identify exchange land as a result of Section 36(3) of the *London Olympic Games and Paralympic Games Act 2006*.^[3.127] Moreover, in the Legacy phase, the area of open space in the Order Lands will exceed existing provision by some 15%; and account for a 50% increase in publicly accessible open space.^[3.57]
- 6.2.14 Finally, **Objector 172** questions the impartiality of the Secretary of State's consideration of the CPO as the Government supported the Olympic Bid; and **Objector 92** draws attention to the *European Convention on Human Rights*. However, the holding of a Public Inquiry, and the opportunity to challenge in the High Court any decision made by the Secretary of State, fulfils the requirements of the Convention Rights to 'a fair trial'.

Plot 45: Waterden Crescent Traveller's Site

Objector 315: Waterden Crescent Residents Group

6.2.15 My conclusions are set out under plot 353 in Local Area Ac.

Plot Number: **Address:**

Plots 46-47: Stagecoach Waterden Road Garage, 44 Waterden Road

Plot 51: First Bus Depot, 53-55 (odds) Waterden Road

Plots 60-62: Stagecoach Stratford Garage, Waterden Road

Objector 71: First Capital East Ltd

Objector 194: East London Bus & Coach Company Ltd

6.2.16 The provision of replacement bus depots to meet the operational needs of Stagecoach and First Bus is a matter of considerable importance, as is the need to ensure that their services and operational efficiency is not materially disrupted by the relocation process.^[4.1.29, 4.1.38] The flexibility of retaining their existing depots at Waterden Road until the end of 2007 and the possibility of short-term parking within the Order Lands, with servicing and maintenance elsewhere, until mid-2008 will help to minimise disruption to the travelling public and inconvenience to the operators.^[4.1.32, 4.1.40]

6.2.17 Nonetheless, the timescale to deliver the relocation sites is tight and in both instances depends on the outcome of planning applications yet to be made. Although the LDA does not foresee any significant impediment to securing the necessary permissions, the new First Bus depot would not be available until the end of 2007; and the Stagecoach facility would follow during the early part of 2008.^[4.1.30-4.1.31, 4.1.39] The outlook, based on these circumstances, indicates that neither company would be unable to meet its contractual obligations. There is one further matter in relation to the First Bus facility, in that it is proposed in the current Order Lands (plots 252 and 253); and provision there would be dependent on the outcome of this CPO.

6.2.18 However, if either planning application were to be refused, or the decisions materially delayed, the relevant operator would find it difficult, and perhaps impossible, to meet its contractual obligations after July 2008. As a result, a considerable number of Londoners, over a wide area, could lose their bus services. This would be a very undesirable outcome and a high price to pay for confirmation of the CPO.^[4.1.23-4.1.26, 4.1.28, 4.1.34]

6.2.19 In a position of such uncertainty, and potentially damaging consequences, I consider that if the necessary planning permissions are secured before the Secretary of State makes a decision, the safeguarding of bus services would be a reasonable expectation and there would be a compelling case to acquire these plots. Any inconvenience caused by short-term temporary arrangements, should the need arise, would be outweighed by the greater benefits of regeneration.

- 6.2.20 However, if either or both of the decisions are not known, or if either or both applications have been refused, the Secretary of State would have to balance the very substantial harm arising from the potential loss of bus services against the broader benefits of the Order. The same would apply if planning permission were to be granted for the new First Bus depot, but the Secretary of State declined to confirm the Order in relation to plots 252 and 253.
- 6.2.21 I therefore consider that the Secretary of State will need to be satisfied that suitable replacement provision will be made for the 2 bus depots. However, unlike my recommendation in relation to plots 252 and 253, in Local Area Ba, the desirability of the Secretary of State exercising the powers available under Section 13C of the *Acquisition of Land Act 1981* to defer consideration of the Order in relation to these plots is less clear cut.
- 6.2.22 Paragraph 54 of the Memorandum to *Circular 06/2004* recognises that the exercise of the Section 13C power is likely to be of limited practical application and that '..... *the confirming Minister will normally need to be satisfied that the scheme for which the Order is being made could proceed without the necessity to acquire the remaining land whose acquisition is subject to a postponed determination*'.
- 6.2.23 In this instance there is no question of the Olympics and Legacy developments proceeding without plots 46, 47, 51 and 60 – 62. On this basis the use of the Section 13C power would not be appropriate. Given the importance of these depots to the provision of bus services over a wide area, I conclude that the Order as a whole should not be confirmed before the Secretary of State is satisfied that the relocation of both of these bus depots can be achieved in order to maintain bus services after July 2008.

Plot Number:	Address:
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Plots 75 & 76:	Parts of Hackney Wick to Stratford railway
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Objector 98:	Landregal Ltd
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- 6.2.24 My conclusions are set out in Local Area Bb in relation to plot 163.

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Local Area Ab – Eton Manor

Plot Number:	Address
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Plots 10 & 110:	White Hart Field, Quartermile Lane, Hackney
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Objector 347:	Hackney Environment Forum
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- 6.2.25 Section 19 of the *Acquisition of Land Act 1981* provides for the provision of exchange land in relation to certain types of public open space. However, by virtue of Section 36(3) of the *London Olympic Games and Paralympic Games Act 2006*, it does not apply to land that is required for the purpose of preparing for the London Olympics.^[3.127]

6.2.26 Such losses that will occur have to be considered in the light of the 115 hectares of open space which will be provided in the Olympic Park. This represents a 15% increase in total open space and a 50% increase in publicly accessible open space. I am in no doubt that the loss of White Hart Field and the site of the former Eton Manor Sports Ground will be outweighed by the quantitative and qualitative increases arising from the project.^[3.57]

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Local Area Ac – Temple Mills/Clays Lane

Plot Number:	Address:
Plot 351:	The Clays Lane Estate

Objector 246:	Mr Anthony A Sijuwade
Objector 247:	Ms Dorothy Spendiff
Objector 248:	Mr Julian Cheyne
Objector 249:	Ms Melissa Whiteley
Objector 250:	Mr Saied Fatehi
Objector 251:	Miss C A Hall
Objector 253:	Mr Ian Sandison
Objector 254:	Clays Lane Housing Co-operative Ltd
Objector 255:	Mr Christopher Crook
Objector 257:	Miss Araceli Blanco
Objector 258:	Ms Margaret Ajibode
Objector 259:	G A Dyer
Objector 260:	Mr Barry Ojar
Objector 287:	Mr Phillip Hartley
Objector 290:	Oljira Aga
Objector 291:	Ms Gail Tomlinson
Objector 292:	Mr Pierre Dagonnot
Objector 293:	Amani Omar
Objector 294:	Mr Samuel Chudley
Objector 297:	Mr Richard Jones
Objector 298:	Mr Patrick Kelembeck
Objector 299:	Miss Anne K C Clothier
Objector 300:	Imsook Jo
Objector 301:	Abdul Monir
Objector 302:	Charmaine Francis
Objector 303:	Mr Anderson Armstrong
Objector 304:	Mr Timothy Mark Hutin
Objector 305:	Wai Chi Lam
Objector 306:	Hyung Jun Kim
Objector 307:	Miss Cristina Cebral
Objector 308:	Mr John Sole
Objector 309:	Mr Michael Pinder
Objector 310:	Councillor Richard & Mrs Meredith Maspero Crawford
Objector 311:	Ms Jane McGuire
Objector 312:	Ms Maria Dolores Munoz-Coba

Objector 313:	Soledad Shafique
Objector 316:	Ms Anita Morton
Objector 318:	Nova Pooley
Objector 320:	Imam Ali Ramathan
Objector 408:	Tariq Masood
Objector 409:	Jamal Hammoud
Objector 410:	Charlton DaCosta
Objector 411:	Michelle Alemito
Objector 412:	Frederica Aralanandom
Objector 413:	Nigel Chapman
Objector 414:	M Derodis
Objector 415:	Ed Doherty
Objector 416:	Oraja Eyre
Objector 417:	Mideksa Jelta
Objector 418:	Derek McGinnes
Objector 419:	Paul Mitchell
Objector 420:	Nwachukwu Chillka Sharon
Objector 421:	Ronnie Remmington
Objector 422:	Helmut Seidel
Objector 423:	Amelia Gi Sesay
Objector 424:	Claire Syrett
Objector 425:	Andrew Watson
Objector 426:	Mark Whitters
Objector 430:	Victor Abhumhed
Objector 431:	Dialo Alul
Objector 432:	Anthony Bardwell
Objector 433:	D Common
Objector 434:	Morgan DeBrucer
Objector 435:	Etim E Ikpedighe
Objector 436:	Thomas Kapcsds
Objector 437:	Nick P Lacey
Objector 438:	Bridget Nigwe
Objector 439:	Peter Smiel
Objector 440:	Mehmet Turan
Objector 441:	K Williams
Objector 442:	Peter Yarrow
Objector 444:	Sam Crabtree
Objector 445:	Julie Gardiner
Objector 446:	Graham Farrell

Design and Community

6.2.27 The Clays Lane Estate has all the components of a strong community. It was designed for communal living with its courtyard layout of buildings, a predominance of shared households, the provision of a community centre and the Co-operative management system. It brought together people of a similar background, not least in the context of providing accommodation for single persons of working age.^[4.3.20-4.3.21]

- 6.2.28 The community has been together for about 25 years; a number of its residents have lived there for much of that time; and some, both long established and more recent, have played an active role in the management of the former Co-operative. This has, no doubt, created a strong sense of belonging and a perception of forming an established and integral part of that community. Although the degree of social cohesiveness may have declined, as a result of the dissolution of the Co-operative, I can see that there remains a recognisable value and focus attributable to the estate. ^[4.3.23]
- 6.2.29 There is strong testimony that the estate has become a way of life with many and varied friendships close at hand. The courtyards have provided regular social contact, as they function as outdoor living areas and pedestrian thoroughfares, and there is evidence of residents providing mutual support. It is notable that the shared households have been the least successful element of the estate; but the value attached to the single person accommodation is striking. It is also apparent that great value is placed on accessibility to local facilities, despite the inherent isolation of the estate, and the proximity of immediate and far-reaching public open space. ^[4.3.22, 4.3.77]
- 6.2.30 Inevitably, there are some who do not see the estate in the same light as others and cannot wait to get away; and the strong group culture is also split into several factions. ^[4.3.48, 4.3.80-4.3.81, 4.3.334] However, these differences are not unexpected amongst a group of about 450 people and I do not see this as undermining the overall strength of the community and the importance that a number of residents attach to it. To my mind the effect on the existing community is a very strong consideration.

Impact on the Community

- 6.2.31 The benchmark for the residents is the 'Winterbottom letter' which contained 2 key assurances relating to the quality of accommodation and a process of keeping residents fully informed. ^[4.3.25]
- 6.2.32 The evidence suggests that the LDA's early aspirations to relocate the residents of Clays Lane were received with, at the very least, an open mind. Correspondence from the LDA was in very assuring tones in terms of its recognition of the need to provide suitable accommodation and to involve the residents in their planned relocation. To my mind, there is a strong impression that residents had something to look forward to. The process and conduct of the Fluid survey bears this out. ^[4.3.25-4.3.28]
- 6.2.33 However, the publication of the Fluid Report, in April 2005, aroused suspicions and concerns amongst the residents. It is understandable that the terms of re-housing should have been perceived to be very different from the offer made in the 'Winterbottom letter,' in so far as it introduced a 'reasonably practicable' test that had not been previously implied. Silence in relation to the availability of bungalows was a further legitimate worry; and, the shortened time-line added immediacy to the exercise with little more than 2 years to the date by which relocation would be required. ^[4.3.29]

- 6.2.34 It is not surprising, following an apparent period of inactivity, that the residents should have viewed the second, Community Based Housing Association (CBHA), survey as an unnecessary level of bureaucracy and stalling by the LDA, especially as it did not cover the opportunity of a group move which a significant number of residents had sought through the Fluid survey.^[4.3.30-4.3.31]
- 6.2.35 I do not doubt, having established each individual's aspirations and overall trends, that further work on the process and opportunities for both single moves and group moves was a necessary next step. However, the fact that this did not happen in parallel seems to have added to the residents' concerns; and a lack of clarity about the purpose of the CBHA survey, the availability of the Fluid results and their inter-relationship appears to have compounded the issue. However, there is no evidence to show that the results of the Fluid survey were abandoned.^[4.3.83]
- 6.2.36 Moreover, following the award of the Games to London, it was not unreasonable for those who were interested in a group move to have their concerns heightened, as individuals started to move away to new accommodation, with a seeming lack of urgency from the LDA. With the clock ticking, it was not surprising that some residents should have felt a sense of despondency as their aspirations of being able to move as part of a community were not overtly at the forefront of the process. The making of the CPO was another, unrelated, layer which came on top of a series of events that had seen the reluctant loss of the Co-operative and the transfer of its assets, after litigation, to the Peabody Trust; and the subsequent settling-in process and the new management regimes of CBHA.^[4.3.33-4.3.35]
- 6.2.37 With this background in mind, I move on to consider the current position between the residents and the LDA.
- 6.2.38 Some 78 tenants moved away from the estate, between 1 January and 8 May 2006, on an individual basis and a number of others had moved before then. Little is known about their circumstances, in the absence of any survey to assess their level of satisfaction, and what I was told of their adverse experiences was largely hearsay in support of the Objectors' Collective Case. To my mind it is telling that none were called to appear as witnesses at the Inquiry.^[4.3.38, 4.3.86]
- 6.2.39 These relocations have been achieved in a short period of time based on the foundation of the LDA assessing individual needs through the Fluid survey and the CBHA survey; meeting with social housing providers; and securing access to registered social landlord and local authority housing through the East London Lettings Company. That process, which started in the second half of 2005, was reinforced by CBHA's full-time presence at Clays Lane from 1 December 2005. A complementary set of measures gave all residents a contact point to help them through the process of relocation; a monthly newsletter was circulated to keep residents informed; and, monthly drop-in sessions provided face-to-face contact.^[4.3.82-4.3.85, 4.3.98-4.3.99]

- 6.2.40 It is notable that many of the original letters of objection tell of concerns about a lack of information and a lack of contact. However, these coincided, generally, with the period in which the above measures were being put in place; and, while the points were matters of genuine concern, I am in no doubt that they were about to be addressed.
- 6.2.41 Indeed, early in 2006 the LDA introduced an Independent Tenant Liaison Advisor service to provide residents with independent advice on re-housing issues. Whilst criticism has been made of its appointment, role and performance, I am not convinced about its alleged shortcomings particularly as the Clays Lane on the Move management group has not raised any matters formally with the Safer Neighbourhoods Unit; and the ultimate sanction of removal rests with that committee.^[4.3.101-4.3.104]
- 6.2.42 Unsurprisingly, there will be some who have seen this service as not directly meeting their needs but the overall general level of satisfaction is a telling point; and there is specific acknowledgement that the service as a whole has been beneficial.^[4.3.102] I am comfortable with the overall concept of this service, in the context of its general use in similar circumstances, as a legitimate way of representing the interests of residents in a highly regulated social housing sector which is the responsibility of recognised agencies. It does not, in my view, imply a lesser standard of service compared to the process adopted for business relocations which, in general, involves significantly more complex site-finding, legal and financial issues.
- 6.2.43 The initial objections also reveal unease about the type of accommodation that might be available. Since then, properties have been publicised through a choice-based system which has given individuals the opportunity of assessing the suitability of a range of accommodation by type and location.^[4.3.85] Some of the properties were said to be in the wrong location or too expensive but that is to be expected in a system that provides choice and there was no compulsion to accept any of the properties advertised in this manner.
- 6.2.44 It is true that it has been difficult for tenants to access properties in the London Borough of Newham, in that the anticipated priority 'decant status' failed to emerge in March 2006 for reasons outside the LDA's control. Nonetheless, subsequent recognition and confirmation of that status suggests that accessibility to properties will be enhanced and the process of relocation will be quicker.^[4.3.117]
- 6.2.45 There is also an allegation that the needs of 'vulnerable' tenants have been overlooked in the process of relocation. However, I prefer the evidence of the LDA, in that it has enlisted the expertise of appropriate agencies to assess, accommodate and achieve their relocation in an effective and sensitive manner.^[4.3.88] There is nothing to suggest that this will not be attained.

- 6.2.46 One Objector tells of a bad experience in relation to his attempt to secure a relocation property as the first properties went on offer; and the LDA acknowledges that his situation could have been handled better.^[4.3.336-4.3.337, 4.3.341] Nonetheless, the evidence points to the underlying reason behind his failure to achieve the flat that he really wanted, in that it was allocated on the basis of the perceived greater personal need of another tenant rather than as a result of any inherent unfairness in the process.^[4.3.340] No doubt lessons will have been learnt, and I am reassured that the LDA now has an effective means of monitoring the work of CBHA; residents have recourse to seeking intervention on unresolved issues; and the LDA is establishing contractual standards for the work undertaken by CBHA on its behalf.^[4.3.89, 4.3.344]
- 6.2.47 A further area of early criticism was the lack of information about the actual costs that residents would be faced with in terms of rents and other charges.^[4.3.51] However, the outcome of a survey was made known in the early part of 2006 and a simplified package of compensation was endorsed by SNU. More recently the LDA has provided details of the average rent for one-bed properties in the London Borough of Newham and estimated utilities costs. The early concerns were also made worse when Peabody Trust flats were advertised at very significantly higher 'target' rents; but as a result of intervention by the LDA, tenants moving from Clays Lane will qualify for the much lower 'convergence' rents regime.^[4.3.113-4.3.115]
- 6.2.48 Residents were, and are, clearly fearful of having to pay higher rents and paying separately for Council Tax and utilities. However, the information that the Objectors have put together is of a very small number of properties on offer through the choice-based system.^[4.3.51, 4.3.314] Unfortunately, none of those were located in the area where most tenants are seeking to relocate; the areas, in general, attracted higher rents; and the information pre-dated the review of the Peabody Trust's policy on target and convergence rents. As such I give it little weight.^[4.3.115, 4.3.322-4.3.323]
- 6.2.49 I also regard their exercise on the average cost of utilities to be less well researched and I find that the more reliable indicative comparison costs, for both utilities and rents, can be derived from the work undertaken by the LDA. Whether or not these rents and charges are affordable is not of direct relevance to the confirmation of the CPO; social housing will be available and, for those who qualify, the normal range of benefits will apply. However, there is no doubt that most residents, if not all, will be paying, or will have to pay, more for their accommodation; but they may well have been faced with that eventuality had they continued to live at Clays Lane.^[4.3.116] Even on a most generous reading of the 'Winterbottom letter' I am not convinced that it gave any hint of a commitment to equivalent rents.
- 6.2.50 In terms of the quality of accommodation on offer in the social housing sector, the Decent Homes Standard provides a system of quality control which the units at Clays Lane fail to achieve.^[4.3.77] Those moving from shared households into independent accommodation will also have more privacy and self-contained space. The measure of quality, and whether it is as good as or better than Clays Lane, will be a personal subjective judgement

based on a variety of factors that the individual perceives to be important. Although there are isolated un-corroborated tales of a small number not being satisfied with their new homes, I am not convinced, in the light of the number of people who have relocated, that the system is not working. It must be remembered that the process has been one of choice.

- 6.2.51 Returning to those residents who wanted to relocate as some form of community, the gloom of the latter part of 2005 appears to have given way more recently to a measured level of optimism. Whilst some outcomes were delayed, milestones have been achieved in the offer of a site at Galleon's Roundabout; a refurbishment project at the Nags Head Estate; and rapid endeavours to present a third group with some options.^[4.3.46-4.3.48, 4.3.91-4.3.93]
- 6.2.52 To my mind, there is nothing to suggest that the LDA ever intended to deny the opportunity of a group move; but I can recognise that it has been a process which, by comparison with the individual moves, has taken longer to get off the ground. In this regard, individuals had immediate access to an ever-changing range of properties whereas little progress could be made on group moves before the identification and established availability of one or more suitable sites. Further work is being done to establish the level of interest in the light of these specific sites and known groups.^[4.3.95] I am satisfied that there now appears to be every prospect of delivering these group moves; although it goes without saying that residents would have felt much happier had this happened some time ago.
- 6.2.53 Nonetheless, those moving to the Nags Head Estate can be accommodated by the spring of 2007.^[4.3.92] Those opting for Galleon's Roundabout will be faced with the inconvenience and frustration of delay and a move into temporary accommodation, although the LDA has confirmed that it will meet reasonable related costs.^[4.3.94] The third group, with a site yet to be identified, are also likely to be faced with this prospect. However, the process of new-build or conversion will provide an opportunity for the future residents to be consulted on design and layout and it may also be possible to provide community facilities and an opportunity for a Tenant Management Organisation.^[4.3.96] Again, whether the outcome is as good as, or better than, Clays Lane will be for each individual to decide.

Consultation

- 6.2.54 Looking objectively at what has been achieved since the award of the Games to London and the start of the CPO process, it appears to me that considerable progress has been made by the LDA in engaging residents and making in-roads into the task of re-housing people. However, I recognise that from within, and particularly for those wanting group moves, the process has not been quick enough.
- 6.2.55 The absence of an approved Relocation Strategy has also caused disquiet.^[4.3.41-4.3.43] However, I am not convinced that its intended general level of detail would have provided residents with the comfort that they appear to have been seeking from it; and it is notable that it would not have identified specific options for individual or group moves.^[4.3.105-4.3.109]

I therefore attach little importance to this short-coming in the light of the fact that the LDA has been actively involved in delivering, or planning for, relocation in one form or another; and at the present time it would be hard for anyone to claim that their needs will not be met. With hindsight, it might be claimed that certain things could have been achieved more quickly but that is not for me to judge. For my part, I am satisfied that measures have been put in place that will secure relocation for individuals and groups; and nobody will become homeless as a result.^[4.3.97]

6.2.56 Many of the objections complain about a lack of information. It is understandable, with the prospect of uncertainty from as early as 2003 and the reality of demolition looming from the announcement in July 2005, that residents should want as much information as soon as possible so that they could plan their future. It is true that there is no evidence of any consultation between the publication of the Fluid Report in April 2005 and the first meetings with residents in September 2005; but that relatively brief period was one of intense activity with the announcement of the award of the Games and the preparation for the CPO. I do not see any cause for concern about this short interlude within a 2 year time-line which the Fluid Report identifies for on-going consultation on possible re-housing solutions.

6.2.57 The first meetings appear to have fallen short of residents' expectations, but, nonetheless, these provided the start of ongoing consultation through a variety of mediums.^[4.3.33] Within a short space of time the process had gathered momentum through further formal meetings, the monthly newsletter, drop-in sessions and the availability of a case officer.^[4.3.98-4.3.99] In this regard, I do not underestimate the task of securing the most effective means of consulting a community of some 450 people, particularly as there would have been a broad array of expectation ranging from individual interests to wider community issues. Some are critical of what was provided, and constructive in what would have been better, but I am in no doubt that the LDA set out to reach the Clays Lane community.

6.2.58 I acknowledge that the process has been incremental and it might be claimed that more information should have been available from the outset. However, the LDA has shown itself to be responsive to residents' needs through the provision of information, for example, on comparative rents and the on-going work with residents who wish to move as part of a group.^[4.3.95, 4.3.113] It is perfectly clear to me that, whilst the residents might not have always got the information when they wanted it, their voice has been heard and their comments and aspirations have been taken fully and explicitly into account. Indeed, consultation is still alive in relation to group moves and those that have not as yet indicated a preference for that option still have that opportunity available.^[4.3.95] Whilst some people have already moved away, the suggestion that they had given up hope does not appear to carry much force in that they made their move at a time, and to a location, of their choosing.

6.2.59 Much has been made of the lack of opportunity to be involved in the formulation of the Relocation Strategy.^[4.3.43] However, the relevant condition requiring the submission of a strategy was fulfilled; and, having lodged it

with the local planning authority, residents were consulted and given the opportunity to make representations. Despite the clamour, only 2 residents made representations; but to my mind that was indicative of the level of interest as opposed to a failure of the process. It is also relevant to note that the strategy is held in abeyance and any re-submission associated with the submission of new applications for the revised Masterplans will re-engage consultation.^[4.3.105-4.3.109]

6.2.60 There is also an issue about the manner in which residents were told about the revisions to the layout of the Olympic Park in January and June 2006. In relation to the former an announcement was made in the January edition of the Clays Lane Residents' Newsletter indicating that the changes affected the Pudding Mill Lane and Fish Island area in the south of the Olympic Park zone. Residents were asked to note that the announcement did not affect Clays Lane.^[4.3.45]

6.2.61 That was true to the degree that the Clays Lane Estate continued to be required for the project; but it did not say that amendments had been made to the positioning of the Athletes' Village in the vicinity of Clays Lane. It cannot be denied that this was an incomplete picture. However, I view the announcement in good faith as a means of merely alerting residents that the published changes did not, as a matter of fact, have any bearing on the continuing need to take the Clays Lane Estate.^[4.3.67] Although the changes were to be of subsequent importance to various cases put by the residents, there is nothing to suggest that they were misled or disadvantaged in any way.

6.2.62 The changes of June 2006 were announced during the course of the Inquiry; but more particularly after some residents had appeared at the Round Table Session.^[4.3.45] Whilst the LDA must have been aware of an imminent announcement the discussion could only have proceeded on the basis of the material available in the public domain at that time. Those changes, when announced, had implications for other unrelated Objectors; but crucially, so far as the residents of Clays Lane were concerned, the matter was subsequently dealt with as part of the Collective Case appearance some weeks later. Again I find no material prejudice.

6.2.63 In conclusion, whilst it is a matter of law as to whether the LDA has fulfilled the established tests for consultation, I see nothing fundamentally wrong with the process as a whole.

The design of the Olympic Park

6.2.64 Once the general location for the Olympic Park had been established, 3 principal options for the location of the Athletes' Village were assessed. Although Objectors claimed that Fish Island and West Ham had considerable merit there is no legitimate evidential basis to undermine the original assessments, and the choice of Stratford City/Clays Lane, particularly in relation to the transport and security implications and the desire to achieve efficient use of land by maximising residential densities.^[4.3.65-4.3.66, 4.3.145]

- 6.2.65 It is impossible to tell what weight was given to the various factors leading to the choice of Stratford City/Clays Lane. That process is not well documented and the Environmental Statement contains only a summary comparison.^[4.3.15] However, it does set out the advantages and disadvantages of each location; and it is quite plain that the disadvantage of demolishing Clays Lane, and the impact on its community, was a clearly stated material factor in the decision to proceed with this option. It is also notable that Stratford City/Clays Lane outperformed the other locations in terms of the Legacy benefits which will provide the mechanism for regenerating the Lower Lea Valley.^[4.3.66, 4.3.146-4.3.147]
- 6.2.66 The choice of Stratford City/Clays Lane for the Athletes' Village was effectively endorsed by the grant of planning permission for the project as a whole. In my view, that was taken as fixing the key components and the boundaries to the Park, although subsequent design optimisation enabled the boundary to be retracted in the vicinity of Fish Island. There is no evidence to suggest that there was ever any prospect of turning back from the decision to demolish Clays Lane, even when the internal layout of the park was re-configured. To my mind the boundaries of the Park had been established by physical and practical considerations and land within it was generally at a premium and under pressure to hold as many key venues and facilities as possible. I am in no doubt that, as revisions were made, the issue of whether or not Clays Lane should be demolished was not re-visited.^[4.3.67, 4.3.74, 4.3.148]
- 6.2.67 However, the design process for a project of this scale and complexity is evolutionary, with progressive development and refinement. In my view, having established a clear need for a particular area of land to accommodate the project as a whole, it would have been unreasonable for the design team to seek to re-justify the need for individual parcels within it as components were moved around to achieve a better outcome for the Games or in the later Legacy development.
- 6.2.68 Nonetheless, the possibility of accommodating the entire Athletes' Village in the Stratford City development was examined in December 2005.^[4.3.68, 4.3.150] It is not known, had that been found to be a viable option, whether that would have by itself saved Clays Lane from the prospect of demolition as it coincided with a broader piece of work leading to the January revisions and the exclusion of land at Fish Island. For my part, it is clear that the judgement that was made stands up to scrutiny in the context of the repercussions of increased densities, design principles and the need to seek the consent of the International Olympic Committee to accommodate more athletes on higher floors.
- 6.2.69 In terms of the more detailed layout considerations, arising from both the January and June revisions, it is apparent that the residential element of the Athletes' Village cannot be divorced from its ancillary facilities. The operation of the Village as a whole depends on an intricate web of interconnected components and strategic considerations related to transport and security and, in this context, the back-of-house facilities and the Loop Road cannot be said to be uses of lesser importance. In particular, there is no

basis to suppose that the Loop Road could be re-aligned to leave Clays Lane outside the Park.^[4.3.151-4.3.153]

- 6.2.70 Criticism is also made of the re-introduction of sporting facilities into the Clays Lane area; there is no evidence that they could be accommodated elsewhere within the Park, and omission would run counter to the overall design philosophy of the Games.^[4.3.75, 4.3.152]
- 6.2.71 The reality of omitting Clays Lane from the Order would have far wider implications than its immediate boundaries as the estate is surrounded by land within the Olympic Park. There would be practical and strategic difficulties in the provision of transport and security; the retention of the estate would constrain Legacy development in terms of its overall layout and existing ground levels would have to become the reference point for much more extensive surrounding development; residents would face the day-to-day difficulties of living, in effect, within a major construction zone; and security of the site, during construction and its high profile use during the Games, has a crucial bearing. In this context it is not simply a matter of moving Olympic development from Clays Lane and putting it on vacant land outside the Olympic zone.^[4.3.69-4.3.73, 4.3.152-4.3.153]
- 6.2.72 Similarly, in terms of the location of the main stadium, I find the considerations of crowd control and Legacy land use to be decisive factors. In particular, proximity to the Stratford stations would deny the opportunity of achieving the best and most sustainable use of land, related to a transport hub and a wide range of commercial infrastructure, that Government policy demands.^[4.3.149]

Legacy development

- 6.2.73 The need to regenerate the Lower Lea Valley has been a long-standing aim.^[3.1-3.21] Whilst other areas of London might have a similar claim, it was the characteristics and scale of the Lower Lea Valley that provided the opportunity to accommodate a compact Games and to maximise the resultant Legacy benefits.^[4.3.142]
- 6.2.74 It is true that there are small shoots of regenerative development across the area.^[4.3.141] However, that represents a very limited response to years of promotion through planning policies; and there is no reason to suppose that a long-term piecemeal approach could realise the projected benefits. Objectors contend that Stratford City will be a major focus in its own right and it does not need the Games. In this regard, Stratford will bring the major transport infrastructure to serve the Games; but the Games, through the CPO, will provide the necessary infrastructure to allow that development to be delivered.^[3.81-3.84] The Games, and an earlier CPO, will also see the removal of a far more extensive stretch of over-head power lines than could otherwise have been achieved.^[3.68, 4.3.143] Subsequent Legacy development will, in my opinion, provide a much stronger focus to Stratford with far reaching benefits.

- 6.2.75 Indeed it is the Games that will deliver some of the lasting assets, including health/medical facilities and an education campus, to the new Stratford community. It will also provide a significant number of affordable and accessible housing. Whilst the actual number of additional homes, arising specifically from the Games might be a matter of debate, I am in no doubt that they will represent a significant and valuable contribution to meeting local housing needs.^[4.3.72, 4.3.138, 4.3.141]
- 6.2.76 The quantum of employment benefits is also a matter of some speculation. However, it is apparent that most of the jobs lost from the area of the Olympic Park will be relocated within the immediate locality; there will be massive opportunities in the construction industry extending well beyond the Games into Legacy; and the new floorspace to be created will provide businesses with the opportunity of moving into an area enhanced by a new and efficient infrastructure and a high quality environment.^[4.3.139]
- 6.2.77 Although the recognised skills-gap will need to be tackled, I find no reason to suppose that either the anticipated benefits are over-stated, or that local people will be over-looked in the process. Moreover, to my mind, the question of whether this will be a cost-effective means of providing jobs cannot be disaggregated from a massive investment programme which is designed to deliver a comprehensive package of measures which aims to secure an all-embracing improved quality of life for those living and working in the immediate and wider locality.^[4.3.140]
- 6.2.78 It is claimed that other host cities have failed to build on their role, residents have suffered and the jobs provided have not been long-term.^[4.3.131] Such experiences are a salutary warning; but they do not, in my opinion, provide a reason not to proceed with a project that has its aspirations and rationale firmly in Legacy. In this regard much of the planning for the Games derives from a future use or an opportunity in the Legacy phase.^[3.32, 4.3.142]

Other matters - planning

- 6.2.79 The revisions to the project, which were made in January and June 2006, do not have planning permission and it is anticipated that new applications will be made in the early part of 2007, supported by the appropriate Environmental Statement. Comparison with the permissions obtained in June 2004 show that the boundaries and key components of the Olympic Park, and the subsequent Legacy development, do not change the overall concept to a material degree, save for the drawing in of the boundary at Fish Island.^[3.78-3.80]
- 6.2.80 Although the Secretary of State's consideration of the CPO is likely to pre-date the making and/or approval of these applications there is no evidence to suggest that there will be any impediment to the scheme proceeding. I am also satisfied that the scale and nature of the remediation, preparation, construction and commissioning works within the Olympic Park as a whole justifies vacant possession of Clays Lane by July 2007 for the reasons set out in Part 1 of my conclusions.

Other matters – procedural

- 6.2.81 Isolated Objectors have claimed that they did not receive a copy of the CPO. I am satisfied that the LDA has complied with the statutory formalities and that all reasonable endeavours were made to reach all those affected by the Order. There are no claims of material prejudice.^[4.3.110]
- 6.2.82 The concerns expressed by some residents about the prospect of not receiving a fair hearing without legal representation were countered by arranging for residents to appear as a group in a series of Round Table Sessions at which the LDA's advocates had no more than a watching brief. After the first of those sessions the residents secured legal representation and their subsequent appearance was on a formal Inquiry basis. Only 2 residents chose to distance themselves from the Collective Case and to make separate appearances. In each of these instances I am satisfied that the residents received a fair hearing. No claims were made to the contrary.

Other matters - general

- 6.2.83 In so far as the Objections refer to other plots within the CPO, the vacancy of Park Village occurred before its acquisition by the LDA and it has no bearing on the Order.^[4.3.184] The impact of the Order on neighbouring Gypsies is set out below.
- 6.2.84 The need to encroach on to Hackney Marsh for coach parking arises from there being insufficient space within the Park to create a facility of this size, and it must, in any event, occupy a peripheral location outside the security cordon of the Loop Road. It has the benefit of planning permission and there are no grounds to suppose that the site will not be restored at the end of the Games in accordance with the OLY2 planning permission.^[3.64]
- 6.2.85 The concerns about the enforced movement of the Eastway Cycle Circuit need to be considered in the light of the agreement reached to provide a replacement facility at Hog Hill in the London Borough of Redbridge.^[3.56]
- 6.2.86 It is inevitable that fauna and flora will be lost during the construction phase, but it is notable that the Environmental Statement identifies significant positive impacts in relation to ecology and nature conservation in the post-Olympic Legacy phase.^[3.62]

Overall conclusion and Human Rights

- 6.2.87 In my consideration of the objections relating to the Clays Lane Estate, the overt sense of community and the value that many residents put on their homes and their surroundings is foremost in my mind. Their loss will be a substantial one. However, I find the anticipated benefits of the Legacy and the catalytic effect of the Olympic Games to be a more forceful factor. My analysis of the key issues leads me to the conclusion that the justification for the Games, in this particular location, and the need to take the estate, is irreproachable.

- 6.2.88 I acknowledge the concerns expressed by residents and the frustrations they have encountered in the early stages of the re-housing process. Nonetheless, looking at the events as a whole, I am satisfied that the LDA has kept residents fully informed of unfolding arrangements and it has been receptive to residents' concerns and aspirations. The claimed relevance of the Relocation Strategy is, in my view, largely peripheral to the consideration of the CPO, especially as there has been no breach of the condition. More importantly, there is an effective relocation process underway; and there is no basis to make confirmation of the Order conditional on the submission of a Relocation Strategy or to make any retrospective arrangements for those who have already moved.
- 6.2.89 For many residents the key issue is the quality of accommodation in the context of the offer made by the LDA in 2004 and reinforced by the Mayor in 2005. Those statements are general in tone and require subjective judgement; to my mind they cannot be taken to be binding or, in the case of the latter to have any formal status within the context of Section 27 of the *Regional Development Agencies Act 1988* (as amended).^[4.3.120] Those who have moved to date have done so voluntarily applying their own subjective assessment. Those yet to move will have similar opportunities.
- 6.2.90 Overall, I find the regeneration aims of the CPO to be legitimate ones for the purpose of *Convention Rights* and that, in the absence of any alternative that would be less intrusive, they represent a proportionate interference.
- 6.2.91 In terms of the alleged interference with Article 11 rights, in respect of Freedom of Assembly and Association for members of the Clays Lane Housing Co-operative, the CPO is unrelated to the loss of the former Co-op. In so far as it will remove the community centre, in which members once held their meetings, the Order itself will not interfere with any rights of assembly or association.

Plot Number:	Address:
Plot 353:	Clays Lane Travellers' site
Plot 45:	(Local Area Aa) Waterden Crescent Travellers' site

Objector 315:	Mrs Tracie Giles on behalf of Clays Lane Travellers Residents' Association
Objector 317:	Margaret Reilly on behalf of Waterden Crescent Residents' Association

Introduction

- 6.2.92 In my consideration of these objections I assess, firstly, the suggested relocation sites for the Clays Lane Gypsies; secondly, those put forward for the Travellers currently living at Waterden Crescent; and finally I set out my overall conclusions.

Clays Lane relocation sites - Chobham Farm

- 6.2.93 I see this site as having a very significant advantage in being close to Clays Lane which would give residents continuity in the use of local facilities and services, and residents would be able to remain as part of their community. It is also a large site which could provide 13 - 15 pitches as may be determined to be appropriate.^[4.3.350, 4.3.373, 4.3.375]
- 6.2.94 The site is more-or-less on the edge of a major construction zone and it is therefore likely to be susceptible to the effects of major works associated with the preparation for the Olympics, and the Stratford City development; but that is, to some extent, inevitable when regeneration takes place on the scale envisaged in the Order Lands.^[4.3.374] I do not regard it to be a significant drawback and I am mindful that construction activities are subject to other legislation which seeks to minimise or mitigate adverse effects.
- 6.2.95 In terms of the use of adjacent land as a coach park during the Games, the likely short-term effects do not weigh heavily on my mind. Beyond that, I acknowledge the concerns about the effects of future development on the living environment of the Gypsies, but I am content that this is a matter that will properly be taken into consideration when planning applications are submitted for permanent development.^[4.3.374]
- 6.2.96 Moreover, having looked at the access to the site, I can well understand the claim made by the Objector about its shortcomings.^[4.3.361] However, if the Order is confirmed, the LDA will have control over a much larger area of land which may offer the opportunity to provide an acceptable access; but there is no evidence to confirm this. Similarly, the need to maintain access to the Channel Tunnel Rail Link (CTRL) is an outstanding matter to be resolved. Moreover, it should be borne in mind that the current landowners object to the use of the land as a Gypsy site and this proposal is contingent on the Secretary of State confirming the Order in respect of this plot.^[4.4.12, 4.6.57]
- 6.2.97 More fundamentally, however, is its close proximity to the CTRL box, the Lea Valley railway and Leyton Road. The impacts of noise and vibration have yet to be assessed and there is no clear evidence of their significance and whether, or how, these possible effects might be mitigated.^[4.3.361, 4.6.57] To my mind, these considerations are likely to be of decisive importance in assessing the suitability of the site for a Gypsy site.

Clays Lane relocation sites - Albert Island

- 6.2.98 This location has the disadvantage of being remote from the existing site; and the nature of nearby, and adjacent uses, is not conducive to creating a good residential environment. Whilst there may be long-term plans for comprehensive redevelopment, which would include residential uses, their infancy and standing outside the statutory planning framework, which currently envisages leisure and employment uses, creates uncertainty and the prospect of the Gypsy site being set within an unattractive and isolated location for some considerable time.^[4.3.350, 4.3.360]

- 6.2.99 A further matter of concern is the proximity of the site to the eastern end of the City Airport runway.^[4.3.376] Given the typical construction of mobile dwellings, and the outdoor lifestyle of Gypsies, it is difficult to anticipate any measures, to mitigate the effects of overhead noise from low-flying aircraft, that would be capable of creating an acceptable living environment.^[4.3.360]
- 6.2.100 The proximity of deep water and the possible risks to children would be a matter for concern in any housing development where children might be living. The normal process of addressing that through design and secure boundaries would apply to a comprehensive redevelopment scheme but it is unlikely to be achievable for this site in isolation. Flood risk is another matter that has yet to be assessed fully.^[4.3.360]

Clays Lane relocation sites - Leyton Road

- 6.2.101 This site is believed to be in active use as a play space and community facility; and it is surrounded by roads. In view of the lack of information about its likely availability and suitability, I am not able to place any confidence in it as a suitable replacement site.^[4.3.350, 4.3.362, 4.3.377]

Clays Lane relocation sites - Redbridge allotments

- 6.2.102 This site is favoured by the Gypsies, but both parties accept that covenants may be a problem, and the planning issues are unresolved. There is little evidence to indicate that this site can be relied on to provide a suitable replacement.^[4.3.350, 4.3.363, 4.3.378]

Conclusion on Clays Lane relocation sites

- 6.2.103 Of all the above sites, Chobham Farm emerges as the best; but there are a number of outstanding issues which might stand in the way of planning permission being granted. I am not convinced that the Albert Island site would be a suitable site for the relocation of this community; and there is not enough information about the Leyton Road and Redbridge sites to persuade me that any reliance can be placed on them.

Waterden Crescent relocation sites - Homerton Road

- 6.2.104 This site is favoured by the Travellers but relocation here would have to show very special circumstances to justify inappropriate development in an area designated as Metropolitan Open Land. Despite the LDA's confidence, and the informal endorsement by local authority officers, there can be no guarantee that planning permission would be granted; and even an expedited appeal would result in delay and uncertainty. Whilst this site may well meet the approval of the Travellers, and it has the support of the LDA, it would need to overcome the general presumption against inappropriate development in such areas. In the light of this stringent test I am not convinced that it can be claimed that there is a reasonable prospect of the development proceeding.^[4.3.351, 4.3.364, 4.3.379]

Waterden Crescent relocation sites - Wallis Road

- 6.2.105 Existing industrial buildings and uses make this an unprepossessing and an apparently small site. However, I consider that it would, once cleared, offer scope to accommodate 7 pitches and that it would not be unduly close to established housing. The site is backed by a railway embankment and additional screening would help to create a measure of seclusion; and the Travellers' concerns about future development would fall to be addressed through the normal planning process. It should also be possible to resolve doubts about the safety implications of the adjoining railway by appropriately designed fencing; and the A12 seems sufficiently distant so as not to cause any undue noise or air quality issues. ^[4.3.351, 4.3.381]
- 6.2.106 In terms of possible barriers to the grant of planning permission, although the UDP employment protection policies appear to be out of date, it is clear that the local planning authority is continuing to resist the loss of employment land. Whilst it may not be possible to draw a parallel between this site and Felstead Street, I must nonetheless temper the LDA's confidence about the 'in principle' acceptability of the use. In addition, the ability to mitigate noise from the railway is an outstanding issue to be addressed. ^[4.3.351, 4.3.365, 4.3.380, 4.3.382]

Waterden Crescent relocation sites - Felstead Street

- 6.2.107 Like the Wallis Road site, this site is also subject to employment land protection policies; and here the local planning authority is defending them at appeal. I note that the LDA is in negotiation with the prospective developer about an amended scheme, which would include a Travellers' site and would be directed at overcoming the Council's objection. Despite informal officer-level support, I consider that the planning position is far from clear or predictable; and delay would ensue if the joint proposals were themselves to go to appeal. ^[4.3.351, 4.3.382-3.383]
- 6.2.108 In any event, the site could accommodate only 4 or 5 pitches, which is smaller than any of the family groups identified by the Travellers. In my opinion, given the importance of the extended family to the culture of Irish Travellers, a site which cannot meet the community's expressed needs is unlikely to offer a sustainable long-term solution to providing them with suitable accommodation. To my mind, this factor should weigh very heavily against this site. ^[4.3.365]

Waterden Crescent relocation sites - Rendlesham Road

- 6.2.109 I have very severe doubts about the suitability of this site as it is an awkward shape and far too small to accommodate any of the groups. The same reservations apply, as with the Felstead Street site, in respect of the extended family culture of Irish Travellers. ^[4.3.351, 4.3.365, 4.3.385]

Waterden Crescent relocation sites - Orient Way

- 6.2.110 Despite its popularity with the Travellers, the lack of information about the site indicates that very little reliance can be placed on it to provide new pitches or group housing within the timescale required.^[4.3.351, 4.3.386]

Conclusion on Waterden Crescent sites

- 6.2.111 From the sites assessed, I consider that Wallis Road would be a suitable location, dependent on the reconciliation of the loss of employment land and mitigation of noise from the railway, and subject to the confirmation of the Order. Similarly, Homerton Road would provide an acceptable relocation site, with the caveat that planning permission would depend on the ability to demonstrate that very special circumstances exist to overcome the presumption against inappropriate development.
- 6.2.112 So far as the Felstead Street site is concerned, the loss of employment land continues to cast doubt on its delivery; but its limited size is the most telling factor against its suitability. There are no obvious impediments to the delivery of the Rendlesham Street site, but again it would be too small to meet the community's needs.
- 6.2.113 In summary, I consider that only the Wallis Road and Homerton Road sites provide any reasonable prospect of suitable alternative provision; and these sites together would not accommodate all of the residents of the existing site.

Overall conclusions

- 6.2.114 *Circular 01/2006, Planning for Gypsy and Traveller Caravan Sites*, provides the policy context for the consideration of proposals such as these. Its main thrust is to ensure that Gypsies and Travellers have access to suitable accommodation; and that where new development requires an authorised site to be relocated, the onus is placed on the planning applicant to identify and provide an alternative site. Here that responsibility rests with the LDA as the acquiring authority. In proposing relocation and in seeking a relocation site, regard will need to be paid both to the Gypsy and Traveller communities' social, economic and environmental needs and identified social, economic and environmental benefits that the major redevelopment project will bring to the wider area.
- 6.2.115 In my opinion the removal of these lawful sites, without suitable replacements, would fundamentally undermine the intentions of up-to-date Government policy. As there is a lack of Gypsy and Traveller sites in the area generally, the loss of these sites would almost certainly lead to camping at the roadside, with all the attendant difficulties that presents. Throughout my conclusions I have acknowledged the substantial benefits that will arise from the Olympic and Legacy proposals; but these must be weighed against the needs of the Gypsies and Travellers. To my mind, the loss of their homes, with nowhere else to go, would amount to a disproportionate interference with their rights to the peaceful enjoyment of their homes and there would therefore be a violation of their Human Rights.

- 6.2.116 On the basis of the evidence available to me I cannot recommend that the Order be confirmed in relation to plots 45 and 353. However, I am aware that the LDA is continuing to work towards achieving a satisfactory relocation of the Gypsies and Travellers and it is possible that material progress will have been made in that regard between the close of the Inquiry and the Secretary of State's consideration of the Order. In my opinion, as a prerequisite, the LDA should be able to demonstrate that it has secured appropriate sites which will accommodate the Gypsies and Travellers before it takes possession of the respective plots; and the Secretary of State should be so satisfied before confirming the Order.
- 6.2.117 The grant of planning permission for the proposed site at Chobham Farm would meet that test and remove the impediment in relation to plot 353. The position for the Waterden Crescent community is more complex, as relocation to meet its social needs depends on the availability of 3 sites, each of a suitable size. Wallis Road and Homerton Road could provide 2 of those sites but there are planning matters to be addressed on each. A third site is yet to be found. Again, if planning permission has been obtained for the requisite number of plots to accommodate the social groupings, the compulsory acquisition of plot 45 could proceed.
- 6.2.118 Against this background, in my view, the confirmation or otherwise of these plots must hang on the outcome of the site search and planning process. Unlike my recommendation in relation to plots 252 and 253, in Local Area Ba, the desirability of the Secretary of State exercising the powers available under Section 13C of the *Acquisition of Land Act 1981* to defer consideration of the Order in relation to these plots is less clear cut.
- 6.2.119 Paragraph 54 of the Memorandum to *Circular 06/2004* recognises that the exercise of the Section 13C power is likely to be of limited practical application and that '*..... the confirming Minister will normally need to be satisfied that the scheme for which the Order is being made could proceed without the necessity to acquire the remaining land whose acquisition is subject to a postponed determination*'.
- 6.2.120 In this instance there is no question of the Olympics and Legacy developments proceeding without plots 45 and 353. On this basis the use of the Section 13C power would not be appropriate.
- 6.2.121 In my opinion, although the benefits of the Order are very compelling, a small group should not be left to pay an excessive personal and social cost for those benefits to be achieved. It is also telling that the Objectors do not want to stand in the way of the Olympics and Legacy developments; they object merely to ensure that they continue to have a suitable place in which to live.
- 6.2.122 Against this background, I consider that the Order should not be confirmed until the Secretary of State is satisfied that suitable relocation sites will be available to meet the reasonable needs of the Gypsies and Travellers that would be displaced.

Plot Number: Plot 354:	Address: Templar House, Clays Lane (Rooftop Telecommunications Installation)
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Objector 380:	BT O2 (UK) Ltd
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6.2.123 National planning policy guidance, in *PPG8: Telecommunications*, explains the essential and beneficial role of modern telecommunications. I also recognise that the removal of one installation will have wider than local implications and that it will create a gap in the operator's network. However, the *Telecommunications Code* offers protection to the operator's interests in that the operator can take steps to retain the equipment except by an order of the Court.^[4.3.393]

6.2.124 There is no doubt that this plot is required to secure the wide-ranging benefits that will flow from the Games and the subsequent Legacy development which, in my opinion, far outweigh the Objector's interests and obligations.^[3.49-3.59]

Plot Number: Plot 357:	Address: Abbots Shoots Allotments (more commonly known as Manor Gardens or Eastway Allotments).
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Objector 427:	Lammas Land Defence Committee (unknown)
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Objector 429:	Miss J Sumner
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6.2.125 The need to acquire this plot has not diminished from the approved Olympic and Legacy Masterplans, in that it will form part of the main Olympic concourse and future Legacy open space provision. Topography will change substantially and it will not be possible to retain the allotments in their current form in either phase of the project.^[4.3.403]

6.2.126 I acknowledge the long-standing nature of the existing allotments and their value to the community. The recent petition, opposing their loss, sits uncomfortably with the earlier tacit approval of the day-to-day management committee and the plot holders in so far as there are no other outstanding objections to the acquisition of this plot. Indeed, a survey of existing allotment holders, albeit with an apparently low response, showed some 70% in favour of the move.^[4.3.414] The allegation of inadequate consultation is not borne out by any evidence; and the suggestion that the allotments could be incorporated within the Park is not proven.^[4.3.405] Moreover, the practicalities of providing a safe and secure construction site, with the public necessarily excluded, would render the aspiration impossible.^[4.3.403]

6.2.127 The alleged drawbacks of Marsh Lane appear to be very serious, at first sight. However, the claim as being former Lammas Lands is contradicted by the LDA's historical map-based evidence.^[4.3.400-4.3.402] I am able to draw comfort from the LDA's anticipation, following a site investigation, of good soils, across most of the proposed site.^[4.3.307] I also see as important the opportunity for the allotment holders to move to a single site, which is not

too distant and well-served by public transport; and the dense boundary screen as protection from intrusive nearby uses. There is nothing that supports the suggestion that the site would be unsafe or inaccessible or why older members should not be able to take up their replacement plots.^[4.3.405-4.3.408] Overall, I am not convinced that the allotment community is likely to be broken up.

- 6.2.128 The concern about the shortcomings of the process, and the uncertainty of returning to the Park, contrasts with the LDA's assurance that the Legacy development will include new allotment provision.^[4.3.409] Criticism of the proposed Legacy location, alongside major roads, appears to have been overtaken by the revisions to the Masterplan, and I draw further comfort from the knowledge that there will be an on-going process of consultation.
- 6.2.129 The LDA accept the net loss of public open space but, to my mind, that loss has to be weighed against the overall qualitative improvements across the area as a whole and the legacy of sporting benefits. I also acknowledge that, as the Order Lands become transformed into a major construction site, fauna and flora will be lost, but it is notable that the Environmental Statement identifies significant positive impacts in relation to ecology and nature conservation in the post-Olympic Legacy phase which will provide high quality parkland and improved waterways.^[3.57, 3.62, 4.3.410]
- 6.2.130 Turning, finally, to issues of Human Rights, the holding of a Public Inquiry, and the opportunity to challenge in the High Court any decision made by the Secretary of State, fulfils the requirements of Article 6. In addition, the absence of legal representation does not preclude appearance at the Inquiry and the opportunity of a fair hearing.
- 6.2.131 In conclusion, I consider that the removal of the allotments is a fundamental pre-requisite for the preparation and hosting of the Olympic Games which will in turn facilitate the Legacy development and all the resultant benefits of the regeneration of the Lower Lea Valley.

Plot Number:	Address:
Plot 363:	High Meads Industrial Estate and Lee Valley Regional Park

Objector 123:	Hugo Food International Ltd
Objector 124:	H Smith Food Group Plc
Objector 125:	Todd Meat Trading Company Ltd
Objector 126:	HMS and Kim Son Ltd
Objector 171:	Eurocross Frozen Fish Ltd
Objector 403:	Hing Man trading as HMS Meat

- 6.2.132 I recognise that **Objectors 123 – 126 and 403** have particular location requirements in the need to be away from residential areas, accessible by public transport, and close to each other and their trading areas. Significant parking and servicing are further, but not unusual, factors.^[4.3.415] **Objector 171** also needs to be close to its customer base.^[4.3.419] Despite these requirements, I am encouraged by the progress that has been made towards

the relocation of **Objectors 123 – 125**, although I note the Objectors' complaint that the process has not run smoothly and formal agreements remain outstanding.^[4.3.422] Nonetheless, I see nothing so unusual about any of these businesses to suggest that relocation would be impossible and, with the continuing involvement of the LDA, there appears to be a good prospect of workable solutions.

6.2.133 The concern of **Objector 171**, about the possibility of the family business being forced to close, is a natural one in such circumstances; although there is no formal assessment to show this to be inevitable.^[4.3.419]

6.2.134 I am satisfied that the level of disruption that the above businesses might experience will be strongly outweighed by the regenerative effects of the Legacy development which will include the provision of new commercial floorspace and resultant job opportunities.^[3.49-3.59]

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Local Area Ad – Stratford Rail Lands/Chobham Farm

Plot Number:	Address:
Plot 371:	Former Chobham Farm Container Depot, Temple Mills Lane
Plot 372:	Land formerly known as Chobham Farm and Dorset Place (part)
Plot 385:	Leyton Road (part)
Plot 435:	Land west of Angel Lane and north of Angel Lane Bridge

Objector 63:	Scottish Widows Fund & Life Assurance Society
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Objector 197:	P&O Property Holdings Ltd
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6.2.135 These objections do not question the principle of using the Order Lands for the Olympic Games or the subsequent Legacy phase. Additionally no objection is taken by the Objectors to the acquisition of their lands in so far as that is necessary to secure access to the Stratford City development.^[4.4.9] The point at issue is whether the remaining lands should be returned to the Objectors after the Games so that they can undertake Legacy development. In that regard the LDA does not challenge the Objectors' track-record of delivering large scale development projects.^[4.4.11]

6.2.136 It is contended by the Objectors that, in having held the land for some 20 years, they have always held aspirations for its development; but that objective has been frustrated by the construction of the CTRL through the site.^[4.4.8] However, that is at odds with clear evidence which demonstrates that, after the making of that CPO, one of the Objectors sought to relinquish their interest in adjoining lands as part of the process and the other indicated a willingness to discuss disposal.^[4.4.14-4.4.16]

- 6.2.137 Notwithstanding these events, some 5 years ago, the question of land ownership remains unresolved. Moreover, the Objectors now claim, without any supporting evidence, that their interests in Chobham Farm, excluding the land taken by the CTRL, may yet be retained by them. That remains a matter of uncertainty and there is no indication whether the outcome is likely to be amicable or entangled in protracted dispute.
- 6.2.138 At the end of the Games the plots in question will occupy an important location in relation to the planning policy objectives of the *London Borough of Newham UDP*, the *Lower Lea Valley Planning Framework* and the draft *Lower Lea Valley Opportunity Area Planning Framework (OAPF)*. These documents seek to focus development on the former Stratford Rail Lands and to provide integration between Stratford City and the older residential areas to the east of Leyton Road.^[4.4.17-4.4.20]
- 6.2.139 The plots will be free from access constraints and level development platforms will have been created to accommodate the Legacy development. In effect there will be no impediment to development proceeding in accordance with the current, or any successor planning policy framework, to take immediate advantage of the catalytic effect of the Olympics and to carry forward its impetus into Legacy.
- 6.2.140 In my opinion, ownership by the LDA, as a single controlling influence, with adjacent lands under its control, subject to the confirmation of the Order, would make it best placed to plan for comprehensive development taking full account of the need to make provision for outstanding infrastructure and new community facilities. It would also be best placed to implement delivery to a timetable and in a co-ordinated manner so as to fulfil the aspirations for the area.^[4.4.21-4.4.23]
- 6.2.141 The alternative of not confirming this part of the Order would be against a background of uncertainty in relation to the issue of land ownership. Even if it were to be resolved in favour of the Objectors, the land would be subject to 2 interests; and there could be no guarantee that the parties would share the same ambition to develop the sites. Moreover, there would be uncertainty about the timing of development, which could have a knock-on effect for the provision of physical and social infrastructure with delay working against the achievement of the Legacy benefits.^[4.4.16]
- 6.2.142 Although the LDA does not have any firm plans for this area in the Legacy phase, Chobham Farm can be seen to be at a pivotal position in fulfilling the aims of the planning policy framework for the area. Its proximity to Stratford City and the Olympic Village are further factors pointing to its importance in Legacy. In my opinion it would be in the public interest to ensure that Chobham Farm can be developed at the earliest possible opportunity without potential impediment. It is only the LDA that can offer that certainty.^[4.418, 4.421]

6.2.143 There is a second consideration of a more immediate time-scale in that the LDA has identified part of Chobham Farm for a replacement Gypsy site. I agree that such a use is not readily reconcilable with the policy aspirations of the draft *Lower Lea Valley OAPF* in that it does not constitute industry led-mixed-use development.^[4.4.12] However, there is an urgent need to relocate the established Gypsy site from Clays Lane; the residents do not take issue, in principal, with this site and the LDA is confident of achieving delivery. Although my support is conditional on the ability to secure appropriate noise mitigation, safe access and access to the CTRL (and I am aware of other representations opposing the proposed use), I am satisfied that this site offers the best prospect of providing the Gypsies with a suitable relocation in an area that they have lived in for some time.

6.2.144 The proposed Gypsy site does not as yet have planning permission; but, even if it were to be refused, the compelling case to acquire the Objectors' interests as a whole, in order to deliver the Legacy development, remains.

Plot Number:	Address:
Plot 373:	5 Henrietta Street, Leyton Road, London E15
Plot 374:	Henrietta Street (part) and 160 Leyton Road
Plot 375:	190-196 (evens) Chobham Road.
Plot 376:	Leyton Road and Chobham Road (junction)
Plots 379 & 380:	Land south of Henrietta Street
Plot 381:	Part of Chobham Road and 156 Leyton Road
Plot 382:	Land east of 1 Thornham Grove
Plot 383:	70-72 (evens) Leyton Road
Plot 384:	Dorset Place

Objector 49:	I/S Stratford
Objector 58:	Terry Chambers
Objector 59:	Castlemart Ltd
Objector 60:	Workframe Ltd
Objector 61:	Jaymar Freight Services Ltd
Objector 62:	I/S Stratford
Objector 95:	Mr & Mrs Diebelius
Objector 165:	Joseph Terence Chambers (Plot 383)-(owner)
Objector 166:	TC Chambers & Sons Ltd
Objector 167:	Linde Gas UK Ltd
Objector 351:	Ibrahim Syed

6.2.145 These plots are required for the creation of 2 of the 3 proposed access points and bridges to unlock the potential of the Stratford City development site and to allow its partial use for the Olympic Games and the subsequent Legacy phase. The benefits that the Stratford City project and subsequent development will bring to the area cannot be fulfilled without these improvements.^[3.81-3.84, 4.4.29, 4.4.37]

- 6.2.146 The construction of the southernmost bridge requires the acquisition of the interests of **Objectors 49 and 62**, and, in my view, the compelling need outweighs their aspirations for the siting of a telecommunications mast on the land. **Objectors 165 and 166**, who were unclear as to the extent that their properties would be affected, are similarly and wholly affected by this bridge proposal.
- 6.2.147 In terms of the middle bridge, **Objector 167** explains that its business operates from plots 373 – 375 and the business could not continue to function on these plots alone, and asks for the Order to be amended to take the whole of the property.^[4.4.24] It is not clear what this would entail but the Order-making authority would only be entitled to seek to acquire lands compulsorily for which it can provide compelling justification; although that is not to say that the Objector would be precluded from seeking to negotiate the disposal of any residual land to the LDA.
- 6.2.148 It is said by **Objectors 58 – 61** that their plots (379 – 381 part) are not required for a legitimate purpose. Subsequently, the LDA has confirmed that it no longer seeks to acquire plot 379 and invites its exclusion from the confirmed Order.^[4.4.47] As a consequence, the Objectors have withdrawn their objections, conditional on the payment of reasonable fees and expenses. I have no knowledge of whether the condition is likely to be met and the objections therefore remain to be considered. In this regard, plots 380 and 381(part) continue to be required for the middle bridge.^[4.4.37-4.4.39] The interests of **Objector 95**, in plots 375, 376 and 381, are essential for identical reasons; and the need to break through the built-up frontage of Leyton Road will unavoidably take a number of established buildings and businesses.
- 6.2.149 Dealing with the points raised by **Objector 95**, I am satisfied that the purpose of the CPO is to secure regeneration; and that the holding of the Olympic Games is a means to that end and not a primary purpose.^[3.31-3.39] It is apparent that the Business Relocation Strategy is an ongoing piece of work which has been the subject of consultation; and its delay does not, in my view, indicate any disregard for existing businesses in the light of the genuine attempts which have been, and continue to be, made by the LDA to achieve relocations.^[3.114-3.115]
- 6.2.150 The scepticism of the same Objector, about the short-term benefits of the Games and the uncertainties of the Legacy, stands uneasily against a very forceful policy impetus, political willingness and over-riding evidence of tangible benefits. I am in no doubt that the Lower Lea Valley could not have a better opportunity for momentous change, and all-embracing gain, which far outweigh any immediate drawbacks.^[3.6-3.21,3.31-3.39, 3.110]
- 6.2.151 My conclusions, in Part 3, confirm that the LDA has fulfilled the requirements of paragraph 14, Appendix B of *Circular 06/2004* and that the effects are proportionate in relation to the relevant provisions of the *European Convention on Human Rights*. I also conclude that the matter of exchange lands does not arise.
- 6.2.152 The in principle objection of **Objector 351** stands without clarification.

Local Area Ae – East Marsh

Plot Number:	Address:
Plots 6, 7 & 107:	East Marsh Recreation Ground

Objector 344:	Mr N R Gansell
Objector 347:	Hackney Environment Forum

- 6.2.153 The concern about football pitches, expressed by **Objector 344**, is met by the LDA's intention to relocate the pitches elsewhere on the Marsh whilst East Marsh is out of use. ^[4.5.4]
- 6.2.154 In response to **Objector 347**, although Section 19 of the *Acquisition of Land Act 1981* provides for the provision of exchange land in relation to certain types of public open space, it does not apply to land that is required for the purpose of preparing for the London Olympics by virtue of Section 36(3) of the *London Olympic Games and Paralympic Games Act 2006*. ^[3.127]
- 6.2.155 I am satisfied that the temporary loss of East Marsh, to provide essential coach parking facilities for the duration of the Games, will be outweighed by the Legacy provision of 115 hectares of open space in the Park. This will amount to a 15% increase in total open space and a 50% increase in publicly accessible open space. ^[3.57]

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Local Area Ba – Fish Island

Plot Number:	Address:
Plot 102:	Parts of Wallis Road and Chapman Road
Plot 103:	27 Wallis Road and 20a Chapman Road
Plot 104:	29 Wallis Road, formerly 27 – 43 (odds) Wallis Road

Objector 205:	Mr Derrick Price
Objector 322:	Sara & Tony Price
Objector 323:	Derek Corney of Fox Finishers
Objector 324:	Mr P Rouffignac of Justin Waine Finishers
Objector 325:	Mr J Rouffignac of Quicksilver (GB)
Objector 326:	Conroy Rouffignac

- 6.2.156 In response to all of the above Objectors, the LDA seeks to acquire these plots to relocate some of the Travellers from their existing site at Waterden Crescent. That site is required for the Hockey Venue in the Olympic phase and thereafter it will form part of the strategic central open space. I am satisfied that the Olympic Games will bring great benefits and will, thereafter, provide the basis of widespread regeneration. ^[3.31-3.39]
- 6.2.157 In my consideration of the relocation of the Waterden Crescent Travellers, with those of the Clays Lane Gypsies (plots 353 and 45 – Local Area Ac), I reach the conclusion, in the light of evidence of an extensive site search exercise, that the above plots are generally suitable and necessary for the

LDA's intended purpose. However, there are outstanding planning issues to be resolved and the failure to obtain planning permission would remove the compelling justification.

- 6.2.158 I acknowledge the effects of compulsory acquisition on business interests; but there is widespread evidence of the LDA working to achieve relocations to meet the needs of those displaced and such effects have to be put into the context of the very substantial Legacy benefits that would not otherwise have been realised.^[3.49-3.59]
- 6.2.159 Moreover, the delay in the submission of the Housing, Travellers and Gypsies, and Business Relocation Strategies, in particular, has not prevented the active consideration and implementation of on-going programmes of relocation and there is nothing to suggest that there is a dearth of appropriate sites.^[3.98-3.99] Indeed, it is notable that terms have been agreed for the acquisition of the freehold interests of **Objectors 325 and 326**.^[4.6.9] I am satisfied that the LDA has been seeking, and continues to seek, to acquire land by agreement and that the parallel making of the Order is entirely consistent with the advice in *Circular 06/2004*.^[3.124]
- 6.2.160 Although **Objector 205** states that there has been a failure to provide a viable alternative, that Objector has no apparent interest in the plot in question and I have seen nothing to contradict the LDA's stance.^[4.6.13]

Plot Number:	Address:
Plot 243:	4 Roach Road
Plot 244:	Part of Roach Road

Objector 328:	B.V Investments
Objector 329:	MK Associates
Objector 330:	Carlton Shoes

- 6.2.161 Highway access across the River Lee Navigation is currently generally poor. Consequently there is a clear need for new bridges to serve the Olympic Park which will, in time, provide good connections to serve the Legacy of residential development, employment floorspace and a school within this area. It will also secure integration with a much wider area and offer the opportunity to provide bus services to the transport hub of Stratford. I am satisfied that these plots are necessary to construct the proposed Roach Road bridge.^[2.7, 3.49, 3.58-3.59, 4.6.22]
- 6.2.162 In this regard, a link that aligns with Monier Road would provide the most direct route to the main road network along Wick Lane. It is apparent that other options have been assessed but ruled out, understandably, on comparative analysis of alignments and traffic implications. Although a supplemental planning permission will be required to provide the connection between the bridge and existing roads, I see no reason why there should be any reason to suppose any planning difficulties in the light of the approval for the bridge as part of the OLY1 planning permission.^[4.6.23-4.6.24]

6.2.163 It is inevitable that such works will have a material effect on the Objectors' interests and their aspirations for major development on the site. Whilst I do not seek to minimise these in any way, the widespread benefits that the Legacy regeneration will give to the area, as a whole, are determinative; and the direct impact on the existing business appears to be capable of mitigation, in the light of the land that will be retained by the Objectors.^[3.49-3.59, 4.625] It seems that there has been significant progress and clarification since the making of the Order; and the continuing co-operation of the LDA should fulfil the objectives of the *Business Relocation Charter* and assist the search for premises to accommodate those parts of the business that will be displaced. I am content that the guidance of *Circular 06/2004* has been fulfilled.

Plot Number:	Address:
Plot 252:	The former Scottish & Newcastle site, Wyke Road
Plot 253:	Substation at Wyke Road

Objector 119:	Roadglen Ltd
Objector 336:	Neptune Wharf

Operational considerations

6.2.164 The nub of the issue is whether the Neptune Wharf site at Wyke Road, which the LDA seeks to acquire, is the best site to relocate from Waterden Road the operations of First Bus; and whether there is another suitable site to achieve that aim.^[4.627-4.6.29]

6.2.165 The design brief for the site is to accommodate 210 buses and all of the associated depot facilities. Much was made of the rudimentary nature of the illustrative site layout, which had only emerged after a number of other attempts, but the key pointer, in my view, is the acceptance of the site by First Bus and Transport for London.^[4.6.32-4.6.34, 4.6.65-4.6.67]

6.2.166 Admittedly there is much work to be done on resolving the internal operation of the depot and the provision of the necessary facilities but, to my mind, there is no reason to suppose that the site would subsequently prove to be inadequate. I draw support from the site being larger than the depot that it would replace; and I see no basis to rule out over-night bus parking within the maintenance building or the doubling up of bus bays for day-time car parking. In any event, it would be inappropriate to provide a parking space for each member of staff, given that the site is better served by public transport than the existing depot and the general aim in national planning policy guidance of minimising workplace parking.^[4.6.66-4.6.68]

6.2.167 In terms of accessibility, the site would be better placed to serve existing routes in that it would result in an annual dead mileage saving of around 27,500 kilometres. The route to the strategic road network at the Old Ford junction does not appear to be particularly unusual in character for an urban location of this type. This also needs to be seen in the context of its use as an existing bus route and the operation of the former brewery depot; and I am not convinced that the local road network is a genuine constraint.^[4.6.69-4.6.70]

Planning policy and development control considerations

- 6.2.168 The development plan supports class B2 development in this location and there is nothing to suggest that emerging policy intends any fundamental change in designation.^[4.6.71-4.6.73] There is therefore no reason to suppose that the principle of a bus depot would be unacceptable. However, there are a number of canalside protection policies, and related guidance, to be taken into account as part of the development control process.^[4.6.38-4.6.39, 4.6.74]
- 6.2.169 In terms of the design and townscape impacts, the site is currently occupied by a large building which is of a much greater scale and mass than others in the immediate area. The proposed replacement would be similarly large and again of a much greater comparative height and bulk. The finished design will need to have regard to its setting, not least its closer relationship with the neighbouring Omega 3 development in terms of visual impact and the resultant effect on the living conditions of neighbouring occupiers. These are all critical considerations and there is no evidence before the Inquiry as to how they would be met.^[4.6.39, 4.6.41-4.6.42, 4.6.74]
- 6.2.170 As to the canalside, it cannot be denied that the visual impact of a large number of buses would be far more intrusive than parked cars which the *Supplementary Planning Guidance* describes as inherently unattractive and seeks to avoid; and effective screening is also a less practical proposition.^[4.6.38] In addition, the articulation of the building and the boundary screen will require the utmost sensitivity so as to avoid the creation of a long bland boundary to the canal and the natural focus of the adjacent lock. I accept that the intended separation of the building and the boundary from the canal edge, by some 6 metres, will work towards safeguarding the openness of the corridor; and sensitive landscaping would also offer scope for additional mitigation.^[4.6.74] However, again, in the absence of a detailed scheme there is no evidence that would allow a clear-cut conclusion.
- 6.2.171 Moving on to the access considerations, highway conditions in the locality in general will need to be considered in a Transport Assessment as part of the planning application for the proposed bus depot. However, the focus appears to be on the junction of Smeed Road with Monier Road in the Legacy phase, after the Roach Road bridge has opened and Monier Road becomes a key through route.^[4.6.76]
- 6.2.172 In this regard, traffic flows along Monier Road are bound to increase with a potential to increase the waiting time at the junction for vehicles waiting to turn out of Smeed Road into Monier Road. Waiting times could be further increased as a result of the available visibility effectively requiring all drivers to stop at the junction line.^[4.6.44, 4.6.77]
- 6.2.173 Moreover, although there is no guarantee that a left-turn out of Smeed Road would be necessary for a bus to reach the starting point of its route, the possibility of this difficult manoeuvre cannot be ignored; and this would be a further matter for the Transport Assessment to explore.^[4.6.45]

- 6.2.174 It is apparent that the outcome of the Transport Assessment, which cannot be predicted, will be the key to considering the highway implications of a bus depot in this location. Until it has been completed, and taken into account, there can be no basis to assume that the relevant technical and safety issues can be addressed satisfactorily.^[4.6.43]
- 6.2.175 In summary, the intended use for the site does not have planning permission and there are a number of critical elements that would need to be addressed to produce a successful outcome.^[4.6.46] Against this background, I cannot say with any certainty or confidence that there is a reasonable prospect of planning permission being obtained.

Objectors' proposals

- 6.2.176 The land-owner has commendable short-term ambitions for the site; but the site was purchased in the knowledge that these would be frustrated in the event of the CPO being confirmed.^[4.6.51, 4.6.80] The longer-term aspirations currently stand in conflict with the development plan and with emerging policy; and time, and due process, will show whether there will be any fundamental change in the policy framework for the area. However, for the time being, judged against the current development plan, the Objector cannot draw any support for its future plans.^[4.6.80]

Alternative locations

- 6.2.177 I acknowledge that the list of potential alternative sites may not be exhaustive, and that it only provides a snapshot at a given point in time. Nonetheless, I am satisfied that it gives the most likely candidates worthy of examination and that not all are of equal merit. Some clearly deserve more analysis than others on the basis of dead mileage, availability and general planning considerations. On the operational side, there are no highway and access constraints to the development of any of the identified sites as a bus depot.^[4.6.52, 4.6.54]
- 6.2.178 Starting with the Olympic Park the temporary arrangements offered for bus parking after the end of 2007 appear to flow as a necessary contingency, rather than desirability, in relation to having a replacement facility up and running. The Olympic Park as a whole is compact in form and there is no question of there being spare land to accommodate bus parking after July 2008.^[4.6.81]
- 6.2.179 Chobham Farm scores best in terms of dead mileage and, from an operational point of view, it would in general be preferable to Wyke Road.^[4.6.84] Nonetheless, it is noted that one of the Stratford City accesses will cut across site G, leaving a relatively narrow northern portion and a southern portion that appears to be somewhat smaller in area than the Wyke Road site.
- 6.2.180 The areas available for development are suitable for class B2 uses in terms of UDP policy UR14, and a bus garage depot is unlikely to be ruled out as a matter of principle. However, insofar as site H is concerned, supplementary planning guidance and the emerging *Lower Lea Valley OAPF* have a

- preference for mixed-use residential and class B1 development and, by implication, a land-hungry bus depot would not be a welcome component. Furthermore, it would not achieve the policy ambition of connecting the existing residential community, on the eastern side of Leyton Road, with Stratford City and the Olympic Park.^[4.6.87-4.6.88]
- 6.2.181 Part of site H is identified for a replacement Gypsy site.^[4.6.91] My consideration of the broader Gypsy and Traveller issues is set out in Local Area Ac. In short, whilst I acknowledge that this proposed relocation site is not without drawbacks, it offers the possibility of the one and only realistic solution to the relocation needs of the Clays Lane Gypsy community; and it should be reserved for that purpose.
- 6.2.182 The remainder, and larger part, of site H is required for temporary coach parking during the Olympic Games.^[4.6.91] From my understanding of the overall planning and design process for the Park, I am not persuaded that it could be relocated onto any of the ancillary areas within the Park, having regard to such matters as accessibility, security and the integral relationship between venues and back-of-house facilities. Similarly, although there was no serious discussion of the offer to make the Objection site available for temporary parking, its location on the opposite side of the Park suggests to me that it could not be considered as a direct replacement.^[4.6.57]
- 6.2.183 The western part of site G is required for Olympic related purposes as part of the Athletes' Village, and that land will not be available for development until after 2012.^[4.6.91] The eastern part of site G, apart from where access is to be provided from Leyton Road, lies outside the Order Lands; it is currently occupied by various employment uses; and it is not genuinely available.
- 6.2.184 Moving on to the Parcel Force depot (site A), this is undoubtedly large enough to accommodate both Stagecoach and First Bus. On a straightforward comparison of dead mileage, it would, in the case of First Bus, be much worse than both Waterden Road and Wyke Road. Although dead mileage, by itself, is a crude indicator, the inclusion into the equation of the cost of erecting a larger building at Wyke Road, to achieve sound mitigation, leaves me with the impression that both parties had undertaken an accounting exercise where the methodology was designed to fit the outcome. On that basis, the dead mileage issue weighs heavily against the Parcel Force site.^[4.6.83-4.6.84]
- 6.2.185 In terms of planning policy, given the location of the site, I consider it to be unlikely that the loss of a further 2.4 hectares, or so, to a bus depot use, in addition to that identified for Stagecoach, would seriously undermine the aspirations of creating a focus of high quality mixed-use development linked to a new West Ham district centre.^[4.6.59]
- 6.2.186 The Parcel Force site appears to have the immediate advantage of being owned by the LDA. However, the construction of a depot for First Bus could not take place before Parcel Force vacates the site, which could be as late as December 2008, some 6 months after the end of the interim arrangements for bus parking within the Olympic Park.^[4.6.91]

- 6.2.187 Even if Parcel Force were to leave the site by December 2007, a new facility could not be fully operational by July 2008 as construction is likely to take at least 42 weeks.^[4.6.92] There are, therefore, serious doubts about the deliverability of a replacement facility for First Bus at the Parcel Force site within the required timescale. Insofar as the adjacent Cody Road site (site Q) is concerned, no evidence was presented to show that any of this land is genuinely available.^[4.6.89]
- 6.2.188 Orchard Place (site N) is of sufficient size and it would be suitable in planning policy terms. Like Parcel Force, on a straight-forward comparison of dead mileage, it would be much worse than both Waterden Road and Wyke Road. Moreover, there is nothing to suggest that it is genuinely available.^[4.6.92]
- 6.2.189 Big Yellow Storage (site R) and the adjoining land would not be ruled out on operational and planning policy reasons. Although the site remains within the CPO, the LDA announced, in January 2006, that it did not intend to proceed with the compulsory purchase of these plots. Against this background any attempt to resurrect acquisition would be a time consuming process; objections would have to be heard and there could be no certainty of the ultimate outcome. The site must be taken to be not genuinely available.^[4.6.93]

Overall conclusion

- 6.2.190 The compulsory acquisition of this site would deliver a replacement bus garage for First Bus. Continuity of bus services is in the public interest and public transport has an important role to play in the overall process of regeneration. Wyke Road is a good site in having the ability to accommodate the operations and it is well related to the existing depot and the routes that it serves. In my opinion, there is no comparable or better site that is genuinely available.
- 6.2.191 However, Wyke Road does not have planning permission and, whilst the use would accord with the development plan, it might falter on one or more detailed aspects which need to be fully addressed. On this basis I am not satisfied that the LDA has demonstrated that the project has a reasonable prospect of proceeding.
- 6.2.192 The need for this site is for a single purpose. If planning permission were to be refused that need would evaporate; but an approval would remove the only area of doubt about the likelihood of implementation. In my view the confirmation or otherwise of these plots must hang on the outcome of the planning process. In the event of it not being concluded before a decision is made on the Order as a whole, the Secretary of State should exercise the powers available under Section 13C of the *Acquisition of Land Act 1981* and defer consideration of the Order in relation to these plots.
- 6.2.193 Subject to the grant of planning permission, I am satisfied that there is a compelling case in the public interest for the compulsory acquisition of these plots; and that such an interference would be proportionate.

Plot Number:	Address:
Plots 257-262:	Big Yellow Storage, 400 Wicks Lane
Plot 263:	Wick Lane, Crown Close, Atley Road (disused), Maverton Road, Iceland Road and Autumn Street, Soundings Alley
Plots 267 & 268:	413 Wick Lane
Plot 269:	417 Wick Lane
Plot 283:	3 Crown Close
Plot 284:	Units 9 & 10, Crown Close Business Centre
Plot 285:	Units 6-8 (inclusive) the Crown Close Business Centre
Plot 287:	The Crown Close Business Centre, 2-4 (evens) Crown Close
Plot 290:	1 Crown Close
Plot 293:	Units 1-5 (inclusive), Old Ford Trading Centre, Maverton Road
Plots 294-296:	Old Ford Trading Centre, east of Atley Road
Plot 297:	Unit 7, Old Ford Trading Centre, Maverton Road
Plot 298:	Unit 8, Old Ford Trading Centre, Maverton Road
Plots 299 & 300:	Old Ford Trading Centre, east of Atley Road
Plot 302:	Iceland Wharf, 5 Iceland Road
Plot 304:	1-37 (odds) Autumn Street
Plot 305-306:	Unit 1, Autumn Yard, 39 Autumn Street
Plot 307-308:	Unit 2, Autumn Yard, 39 Autumn Street
Plot 309:	Units 3 & 4, Autumn Yard, 39 Autumn Street
Plot 310:	445 Wick Lane
Plot 311:	Unit 4, Autumn Yard, 39 Autumn Street
Plot Plot 314:	441 Wick Lane
Plots 315 & 316:	443-453 (odds) Wick Lane
Plot 318:	1a Riverside Business Park, 445 Wick Lane
Plot 319:	Riverbank Business Park, Dye House Lane, 455 Wick Lane
Plot 320:	Riverbank adjoining Units 3-7 (inclusive), Riverbank Business Park, Wick Lane
Plot 321:	Riverbank Business Park, Dye House Lane, 455 Wick Lane
Plot 322:	Unit 3, Riverside Business Park, 455 Wick Lane
Plot 323:	Unit 12, Riverbank Business Park, 455 Wick Lane
Plot 324:	J B Riney Premises, 455 Wick Lane
Plot 327:	Castle Timber Merchants, 455 Wick Lane
Plot 328:	1-4 (inclusive) Maverton Road
Plot 330:	Old Ford Trading Centre, east of Atley Road

Objector 1:	Mr C T Lau
Objector 2:	Mr John Tsang
Objector 3:	Mr W S Lau
Objector 39:	Coal Pension Properties Ltd
Objector 48:	Crown Close Holdings
Objector 57:	Mr Stephen Brown & Mr Michael Dover

Objector 67:	Plus Minus Accountancy Solutions (Sukumar saha)
Objector 74:	R S Components (UK) and Electrocomponents plc
Objector 75:	Electrocomponents plc
Objector 87:	Octane Properties Lrd
Objector 91:	Stephen William Burnett Hodd
Objector 93:	Landport Developments Ltd
Objector 94:	Kallwin Limited
Objector 120:	Point Deal Ltd
Objector 121:	Commercial Concerns Ltd
Objector 140:	Wyndeham Graphics
Objector 148:	Sytner Group Ltd.
Objector 149:	Castle Timber
Objector 163:	Mr Bekir Sarpdag t/a RightFit Designs Ltd
Objector 169:	E.U. Limited
Objector 192:	Partco Autoparts
Objector 203:	The New Bethnal Ministry/Pastor Newman
Objector 204:	Studio Tone Ltd
Objector 226:	Goldleaf Engineering
Objector 227:	Trident Trading Ltd
Objector 228:	Mr Deegan of Gizzard Recording
Objector 229:	Ms Penton of Vogue Facilities
Objector 240:	Big Yellow Self-Storage
Objector 243:	Kingsview Solutions Ltd
Objector 252:	Moss Limited
Objector 265:	Raminder Kaur Kahlon
Objector 273:	Ms Rita Shah
Objector 276:	Fawad Khan
Objector 277:	Mr Joseph Farrugia
Objector 279:	Mr Roy Farrugia & Mr Mark Scollan
Objector 280:	Mr Joseph Farrugia
Objector 283:	Tunde Shoderu
Objector 284:	Seretta Sancho
Objector 295:	Mr Daniel Miller & Ms Wendy Harper
Objector 296:	Mr Robert & Mrs Georgina Weston
Objector 314:	Mr Peter Lancaric & Lenka Loviskova
Objector 448:	417 Wick Lane Residents (headed by Julian Parry)

6.2.194 The above Objectors consider the acquisition of their interests to be unnecessary; and the LDA no longer wish to acquire any of these plots.^[4.6.97-4.6.190] In the absence of a compelling need I conclude that there is no basis to recommend the compulsory acquisition of plots:- 257 - 263, 267 - 269, 283 - 285, 287, 290, 293 - 300, 302, 304 - 311, 314 - 316, 318 - 324, 327, 328 & 330.

Local Area Bb – Fish Island East

Plot Number:	Address:
Plots 157-159:	Unit 16 Kings Yard, Carpenters Road
Plot 160:	Unit 7, Kings Yard, Carpenters Road
Plots 161 & 162:	Unit 18, Kings Yard, Carpenters Road
Plot 163:	Units 1- 9 Kings Yard, Carpenters Road
Plot 164:	Unit 9, Kings Yard, Carpenters Road
Plot 165:	Unit 2, Kings Yard, Carpenters Road
Plot 177: ⁴⁴¹	Carpenters Road

Objector 9:	Curved Pressings Limited
Objector 69:	Eight by Four Ltd
Objector 98:	Landregal Ltd
Objector 138:	London Tradition
Objector 139:	Style Trade
Objector 145:	LeePat Productions Ltd
Objector 146:	Dave Sheppard t/s D&C Glass & Glazing

Objector 98

- 6.2.195 **Objector 98** does not raise issue with the plots being required for the Olympic Games or with the general need for regeneration in the Legacy phase. The Objector is willing to come to an arrangement with the LDA for the duration of the Games; and thereafter to effect the redevelopment of the site.^[4.7.6, 4.7.13-4.7.14]
- 6.2.196 The LDA's plans for Kings Yard have changed radically over a short space of time and the Masterplan revisions of June 2006 introduced permanent development, in the form of a Combined Cooling, Heating and Power (CCHP) plant, which would frustrate the Objector's ambitions.^[4.7.8, 4.7.28]
- 6.2.197 The approved Olympics Masterplan includes a CCHP plant in the vicinity of the Aquatics Centre to serve the Park. This location was subsequently ruled out; and there is no effective challenge to the constraints which led to this conclusion. The provision of an alternative location has to take account of wider distribution considerations and the relationship with an intended CCHP in the Stratford City development.^[4.7.26, 4.7.30]
- 6.2.198 The assessment of strategic options, on the basis of the evidence submitted, appears to have been generally superficial in its preference for a site in the western part of the Park and the immediate vicinity of Kings Yard. It is quite clear that the spatial planning of the Park was the major driving force and it is common ground that there is no technical or engineering reason which would confine choice to that site alone.^[4.7.17-4.7.22]

⁴⁴¹ See also subsequent entries for Plot 159 (Objectors 9 & 146); Plot 163 (Objectors 69,138, 139, & 145) & Plot 177 (Objector 93)

- 6.2.199 Notwithstanding these apparent shortcomings, the attractiveness of the site to the designers of the Park is self-evident in that Kings Yard represents an 'island' site, enclosed by 2 roads, a railway and a canal, on the periphery of the Park. It was also incapable of serving the Handball Arena to the north, being severed by the railway; and there was sufficient land beyond Carpenters Road for the back-of-house facilities required to support the Basketball Arena.^[4.7.29-4.7.33]
- 6.2.200 I recognise that the design process, as a whole, was complex, iterative and fast moving; consequently the absence of a documented sequence of events, leading to the identified outcome, is not surprising. Although this lacks transparency, I am content that the decision reached was a reasonable one, especially as there is nothing to seriously counter the suitability, in principle, of Kings Yard for a CCHP.^[4.7.34]
- 6.2.201 It is suggested that there are numerous other sites on which the plant could be located which I examine below.
- 6.2.202 A location to the west of Hackney Cut, outside the Park, would present security issues, although I am not convinced that they would be insuperable. But the most telling factor is the absence of an available site and the consequential uncertainty and delay that this would bring. The land to the north of the railway has to be ruled out as development here would supplant essential back-of-house facilities and, in all likelihood, lead to a major review of the Masterplan.^[4.7.32]
- 6.2.203 In terms of land adjacent to Stratford City, vast as it is, it has a clearly defined purpose and a fundamental role in supporting the Athletes' Village; with nothing to suggest that there is idle space to accommodate a CCHP plant. Again it is impossible to prove that adjustments could not be made to create some space. However, from the evidence I heard throughout the Inquiry, I am in no doubt that land within the Park boundaries is heavily constrained and at a premium.^[4.7.32, 4.7.34]
- 6.2.204 Even if a better location, on technical or engineering grounds, were to be found for a CCHP plant there would be significant repercussions elsewhere; and there is every reason to believe that spatial planning requirements might outweigh such considerations. On this basis, I do not doubt the accuracy of the LDA's evidence, particularly as the design has gone through several stages of refinement leading to the identification of Kings Yard.
- 6.2.205 However, the construction of a CCHP plant at Kings Yard is not guaranteed as it remains subject to Environmental Impact Assessment, regulatory consent and the planning process. It has to be acknowledged that this location will provide a different context to assessment and the plant itself will differ from the one approved. Nonetheless, its output will be smaller and the achievement of satisfactory mitigation and emissions will be at the heart of its design. In my opinion, these factors, and its location in relation to prevailing winds and a general absence of built development, provide a reasonable balance of probability in favour of acceptance of the plant. I also draw reassurance from the conclusions of the original Environmental Statement.^[4.7.36-4.7.38]

- 6.2.206 Looking specifically at the planning process, the lack of any formal identification of Kings Yard for a CCHP is not critical in that the *UDP* sets out a criteria-based policy for such development. In addition, I do not see the grant of planning permission elsewhere as undermining the case for Kings Yard, especially as the LDA does not intend to implement the permission which it holds. Having considered already the issue of emissions, the visual impact of the flues is impossible to gauge with precision in the absence of plant design and chimney configuration related to the need to mitigate emissions. Given the wider industrial setting to the west, and the proposed open parkland to the east, I see no reason to contemplate an in principle objection. Nonetheless, the impact of its scale and design will be for the planning authority to judge. The link between Legionnaire's Disease and CCHP plants is also raised; but that is a general concern, usually applicable to maintenance regimes.^[4.7.35, 4.7.38]
- 6.2.207 It is also relevant to note that the operation of a CCHP plant at Kings Yard has not been the subject of an economic viability appraisal; no operator has been identified; and matters of energy distribution need to be resolved.^[4.7.10-4.7.11] In so far as these, or any of the consent procedures, might rule out provision in this location, the LDA intends to use the site to accommodate security personnel leading up to, and during, the Games. That is an early requirement, with a need to take possession in June 2007, as part of the process of providing a secure construction site. The Objector could not offer the site with vacant possession by that date due to extensive leasehold interests.^[4.7.28]
- 6.2.208 Even if the site were to be used for temporary purposes, until the completion of the Games, the Objector's aspirations to effect redevelopment at that point in time are wholly unsubstantiated. Moreover, the current pattern of long-term leases suggests that redevelopment has not been a motivating consideration. To my mind, far greater certainty of continuing the momentum provided by the Games would be secured by vesting ownership in the LDA.^[4.7.28]
- 6.2.209 In terms of the need for the site, inclusion in the original Masterplan was entirely logical in the context of the immediate physical boundary offered to the Park by the Hackney Cut. From that point on the site became an integral part of the Olympic Park with no realistic prospect of it ever being excluded; and the general need for all of the land within the Park remains. In my view, from the outset and through design revisions, the LDA has had a clear idea of how it intends to use the land. That concept is fundamentally to facilitate the hosting of the Olympic Games and to secure the Legacy benefits. The movement or substitution of individual components within the overall framework does not change in any way that over-arching notion. The compelling need remains just as strong.^[4.7.27-4.7.28, 4.7.39-4.7.40]

Overall conclusion

- 6.2.210 Kings Yard forms an integral part of the Olympic Park; and whilst the intended use for the site has changed through the on-going detailed design process, and it might change again, there is no prospect of the Objection site not being required to deliver both the Olympic Games and the resultant Legacy benefits.
- 6.2.211 The choice of Kings Yard for a CCHP plant rests heavily on the physical characteristics of the site and the spatial planning of the Olympic Park. Suggestions that it could be positioned elsewhere might be true in isolation; but the CCHP plant is but one element in a series of complex inter-locking components necessary to achieve an overall outcome to accommodate the Olympic Games and to fulfil the Legacy.
- 6.2.212 There may yet be impediments to the delivery of the plant in this location; but the risks appear slight. In this unlikely scenario, the site would be used for an alternative purpose which could not be achieved through the Objector's offer of a lease, due to the stifling effect of leasehold interests. Moreover, having considered the landowner's intent to undertake development in Legacy, I have reached the conclusion that the only secure means of achieving this would be through the LDA.
- 6.2.213 Overall, I find there to be a compelling case in the public interest to acquire these plots to achieve the benefits of Legacy which will flow from the Olympic Games; and that the actions are proportionate.

Objectors 9, 69, 138, 139, 145 & 146

- 6.2.214 The particular relocation needs of **Objector 9** appear to have been overtaken by the business entering into administration and it has ceased trading.^[4.7.47] The taking of its interests are necessary for the reasons set out above in relation to the overall benefits that will flow from the Olympic and Legacy development; and any resultant drawbacks, should they remain relevant, would be outweighed by the benefits which will arise from the Legacy phase of regeneration.^[3.49-3.59]
- 6.2.215 The interests of **Objector 69** are also required. No reasons have been given to explain why relocation is unlikely, or that loss of livelihood could be a consequence, and I am not convinced that either of these would be inevitable in the light of the LDA's overall attempts to secure appropriate relocation for the businesses affected by the Order. Again, such matters are of lesser importance compared to the Legacy benefits.^[3.49-3.59, 3.98-3.99]
- 6.2.216 The in principle objections made by **Objectors 138, 139, 145 and 146** have not been substantiated; and it appears that the Objection on behalf of **Objector 145** was made without authority. The LDA is in touch with all these interests and there appears to be nothing unique about any of their circumstances which would make relocation unrealistic.

Plot Number:	Address:
Plot 168:	Nageena House, Carpenters Road/Waterden Road
Plot 170:	Waterden Road
Plot 172:	Britannia Works
Plot 174:	Unit 1, Lea Works, Carpenters Road
Plot 177:	Carpenters Road
Plot 182:	Units 1 & 5, Carpenters Business Park, Carpenters Road

Objector 51:	G A Nazir
Objector 64:	UK Snacks Ltd
Objector 76:	Federal Express Europe Inc
Objector 79:	The Boots Group Plc & Boots The Chemist
Objector 93:	Landport Developments Ltd
Objector 187:	BBA Group Executive Pension Trustees Limited

6.2.217 The claim, made by **Objectors 51 and 64**, that there is nowhere to relocate the business, is not explained. In the light of other relocations and the LDA's work to assist businesses in general, I am not convinced that this, or the loss of local jobs, would be a certain outcome.^[3.98-3.99] I do not deny that the CPO will cause disruption to the business community, and some jobs might disappear, but this has to be compared to the Legacy phase which will bring, amongst other things, new employment floorspace and very substantial long-term employment opportunities.^[3.50] The concerns of **Objectors 76 and 187**, about the impact of the Order on their businesses and, in the case of the latter, its property interests and aspirations for growth, also fall to be considered against this background. I have also had particular regard to the difficulties being experienced by **Objector 76** in locating suitable premises, but that does not change my overall conclusion.

6.2.218 Turning to **Objector 93**, although final details of the Legacy remain to be submitted, these plots are likely, in part, to accommodate built development with the remainder forming part of the spine of open space, which will be retained in that phase. The benefit of new employment opportunities and high quality open space, with its ecological and accessibility spin-offs, will promote regeneration of the immediate area and act as a contributor to the regeneration of the Lower Lea Valley as a whole. It is this, in response to both **Objectors 79 and 93**, which provides the justification for the making of the CPO and the basis for the use of the LDA's statutory powers.^[3.49-3.59] My conclusions in Part 3 are of particular relevance to these points; and I also reach the conclusion that the resultant effects would be proportionate.

6.2.219 I have far greater confidence than **Objector 93** about the long-term benefits of the Legacy development. I draw support from a very forceful policy impetus, political willingness and an over-riding prospect of momentous change and tangible gain which will far outweigh the needs of existing businesses to remain in, and contribute to, the local economy.^[3.6-3.21, 3.31-3.39, 3.110]

- 6.2.220 The same Objector also draws attention to the *European Convention on Human Rights*. However, the holding of a Public Inquiry, and the opportunity to challenge in the High Court any decision made by the Secretary of State, fulfils the requirements of the *Convention Rights* to 'a fair trial'.
- 6.2.221 I have noted the concern of **Objector 93** about the absence of a Business Relocation Strategy; but that has been submitted and is an ongoing piece of work. I am content that it does not indicate any disregard for existing businesses, as is also feared by **Objector 187**, in the light of the genuine attempts which have been, and continue to be, made by LDA to effect relocations.^[3.114-3.115] Finally, in response to both Objectors, taking account of the guidance in *Circular 06/2004*, there is nothing to preclude the making of a CPO at a relatively early stage and running the Order and negotiations in parallel. I am satisfied that the requirements of paragraph 14 of Appendix B to the Circular have been fulfilled.
- 6.2.222 The point about exchange lands appears to have no direct bearing. My conclusions, in Part 3, provide a fuller response to **Objector 93** on this point.^[3.127]

Plot Number:	Address:
Plot 198:	Unit 2, Bow Industrial Park, south of Carpenters Road.
Plots 210 & 226-228 & 232 & 233:	Bow Industrial Park, Carpenters Road

Objector 52:	Travers Smith Service Ltd
Objector 111:	Quickmarsh
Objector 112:	Logimedia & Webprint er

- 6.2.223 The Bow Industrial Park is a modern business estate with a number of successful enterprises and it is not surprising that the logic of demolition should be challenged by **Objectors 111 and 112**.^[4.7.89-4.7.90] However, retention as an isolated pocket within the boundary of the Park would prejudice the preparation for the Games, the layout of the Olympic Park and thereby the Legacy outcome, which is the underlying purpose of the CPO. It is in this context, and additionally in response to **Objector 52**, that such, seemingly significant, losses can be justified by the overall package of regeneration which is proposed for the Lower Lea Valley.^[3.49-3.59]
- 6.2.224 The timing of acquisition is also important in that the LDA is seeking to take possession of most of the area by July 2007. Whilst that might be seen by some to be premature, the process of demolition, remediation, site preparation and the laying of new infrastructure for the Olympics and Legacy phases is a massive and time-consuming undertaking which will have to take place within secure boundaries.^[3.91] In terms of funding, there is a package in place that is underwritten by the Government which will guarantee the provision of the Olympic project.^[3.110]

6.2.225 I acknowledge the importance of timely relocation and the working relationship between a number of business on the estate. However, I have not seen anything which would lead me to conclude that relocation would be especially difficult or impossible; and I am not convinced by the assertion of **Objector 52** that there is nowhere appropriate to relocate its archive storage and disaster recovery unit.^[3.98-3.99] Confirmation of this part of the Order is therefore justified.

6.2.226 I have noted the indication, given by **Objector 52**, that the Order may have been served on the wrong company. Nonetheless, given the apparent integral relationship of the interests and a common address, I am satisfied that no material prejudice has occurred.

o-o-o-o

Local Area Bc – Marshgate Lane Area

Plot Number:	Address:
Plots 476 & 481-483:	44 Marshgate Lane

Objector 114:	Alphachoice Ltd
Objector 115:	Dominion Mosaic & Tile Co Ltd

6.2.227 **Objectors 114 & 115** do not take issue with the principle of vacating their lands for the Olympic development, although their desire to return to redevelop the land cannot be accommodated as it will remain as part of the Legacy linear park. The nub of the issue is the need for the business to move to equivalent premises and that appears to turn largely on financial matters. It is clear that negotiations between the parties have been difficult, and the Objectors make much of their dealings with the LDA. Whilst it is apparent that the LDA did not always fulfil the expectations of the Objectors in dealing with correspondence and returning phone calls, the real issue was, and still is, one of money.^[4.8.7-4.8.16]

6.2.228 The Objectors place a particular monetary value on their premises, against the purchase of a notional like-for-like site, and have, effectively, set a price which would secure their removal. It is understandable that they should seek to maximise their investment; but the LDA for its part has to be satisfied that the price is a reasonable one. In this regard, although the LDA's offers have fallen well short of the Objectors' aspirations, I consider that the LDA has made a genuine attempt to conclude negotiations in a fair and reasonable manner by the offer of a phased payment, to take account of current market value, disturbance and future site value, with the latter being referred to the Lands Tribunal as necessary.

6.2.229 All in all, the claims that the LDA has not been forthcoming in assisting the relocation of the business rely intrinsically on the Objectors not achieving a suitable financial settlement. That is a matter that lies outside the remit of the Inquiry and it does not undermine the need for the acquisition of the Objectors' plots.

Plot Number:	Address:
Plot 477:	Clearun Wharf, 151 Marshgate Lane
Plots 512-515 & 517:	4, 5, 5a, and 6 Knobs Hill Road and 28 Marshgate Lane

Objector 54:	Paul Vanstone
Objector 179:	Clearun Limited
Objector 180:	Area Recycling Ltd
Objector 181:	Patrick William Gladwell
Objector 182:	Brewsters Waste Management Ltd
Objector 183:	Brewsters Waste Management Services
Objector 184:	Mr Brian Brewster, Sheila Brewster, Barry Brewster
Objector 217:	Meyers Transport Ltd

- 6.2.230 This group of Objectors is engaged principally in the waste transfer industry which poses special considerations in securing an appropriate relocation site. In recognition of this, the LDA has identified a site at Thames Wharf which is capable of accommodating the displaced businesses, albeit on a potentially time-limited basis.^[4.8.19-4.8.21]
- 6.2.231 However, the issue for **Objectors 179 – 181** is the security and financial impact of moving from ownership to a leasehold interest as the capital land asset of the business, and future pension prospects, will disappear. Similarly, the possibility of having to move from Thames Wharf, at a future date, cannot be ruled out, with resulting issues of business continuity and financial arrangements.^[4.8.17-4.8.18] Nonetheless, these are not matters of direct relevance to the CPO, as they will be determined through the relevant compensation provisions; and the cost of fitting out the facility will form part of the negotiations on the relocation package.
- 6.2.232 In so far as **Objectors 182 - 184** raise additional points, a package of funding, underwritten by the Government, is in place which will enable the LDA to implement the CPO and for the Olympic Delivery Authority to provide the necessary facilities for the Games.^[3.110] There also appears to be every prospect of the LDA delivering the Thames Wharf site before vacant possession of the Objectors' interests is required; and there would be no reason to delay the confirmation of the CPO on the grounds that compensation has not yet been settled.^[4.8.19]
- 6.2.233 The concerns about the loss of local employment, raised by **Objectors 54 and 217**, has to be looked at in the context of the LDA's overall ambition to successfully relocate as many existing jobs as is possible and the significant new employment opportunities that will be created by the Olympics and Legacy project.^[3.50, 3.98-3.99]
- 6.2.234 Specifically, in response to **Objector 217**, the impact of the Order on its business and property interests, and the prospects for growth, also fall to be considered against the background of the widespread benefits that will be realised by the regeneration of the area.^[3.49-3.59] I am also satisfied that there is nothing to doubt the LDA's general commitment of securing satisfactory relocation proposals and opportunities for local businesses; and

the absence of an approved Business Relocation Strategy does not change my view.^[3.50, 3.98-3.99, 3.114-3.115] Although I acknowledge the apparent haste in bringing forward the CPO, *Circular 06/2004* acknowledges that it may often be sensible to initiate formal procedures in parallel with negotiations.^[3.124]

Plot Number:	Address:
Plots 487 & 494:	Riverside Works, Marshgate Lane
Plots 489-491 & 493:	Gateway House, 34 Marshgate Lane
Plot 492:	East and south of 34 Marshgate Lane
Plots 496-497:	Unit 4, Marshgate Trading Estate, Marshgate Lane
Plot 498:	Unit 5, Marshgate Trading Estate, Marshgate Lane
Plot 501:	Stratford Mercedes Benz, Marshgate Trading Estate, Marshgate Lane
Plot 502:	Arnell House, Marshgate Trading Estate, Marshgate Lane
Plots 520 & 522:	Marshgate Centre, 22 Marshgate Lane
Plots 524-530:	Marshgate Lane, Pudding Mill Lane
Plot 541:	Bow Midland Waste Transfer Site
Plots 542,543 & 560:	Marshgate Railway Sidings
Plots 547-549:	Access roads to the former Queen Mary College
Plots 551-557 & 577-580:	Unit 1, Marshgate Trading Estate, parts of forecourts to 24 & 26 Marshgate Lane
Plot 565:	Bow Midland Waste Transfer Station

Objector 10:	Messrs Nik Litton, Alex Frith, Asher Levin & Linnet Bruce
Objector 17:	Wedge Group Galvanising & Parkes Galvanising Ltd
Objector 27:	Tyrone Textiles Ltd
Objector 41:	BE Wedge Holdings Ltd
Objector 55:	BTS Skips Ltd
Objector 72:	Freightliner Heavy Haul Limited
Objector 83:	Mastpine Ltd
Objector 84:	Meir Levine Scrap Yard
Objector 99:	Print Finishers Ltd
Objector 100:	Priest Brothers Furniture
Objector 101:	First Venture Limited
Objector 107:	B D Corporation UK (PVT) Ltd
Objector 108:	Discount Beds Direct Ltd
Objector 109:	Post Scriptum Distribution & Marketing Service
Objector 110:	Bangla Frozen Food Ltd
Objector 130:	Bywaters (Leyton) Ltd
Objector 131:	Bywaters (1986) Ltd
Objector 132:	Bywaters Waste Management Ltd
Objector 156:	Bulk Fuels
Objector 199:	Daimler Chrysler UK Retail Ltd
Objector 206:	Harrow Green Group Limited
Objector 213:	Ms Donna King of Docklands Waste Recycling
Objector 216:	Mr Timothy Norman of Edwin Shirley Holdings
Objector 217:	Meyers Transport Ltd
Objector 218:	Print Emporium Ltd
Objector 219:	Parts Plaza UK Ltd
Objector 399:	Antalis Ltd

- 6.2.235 Starting with **Objector 10**, I acknowledge the undisputed achievements of the Hangar Group; the value of its facility to the community; and its contribution to the creative industries sector which is recognised by the Mayor as being of importance to the capital's economy. I also have in mind the specific requirements for relocation and that suitable buildings might be few and far between, especially in the light of the Group's limited financial resources.^[4.8.100-4.8.104, 4.8.118-4.8.123]
- 6.2.236 However, after a period of general inactivity, I am encouraged by the positive measures of the LDA and the flexibility of the Group in looking at possible options. Nevertheless, the premises are required by July 2007 in order to deliver the Olympic Games, on which the future Legacy benefits hang. Consequently, I find no justifiable basis to recommend that the facility should be excluded from the Order.^[4.8.105, 4.8.120]
- 6.2.237 Looking next at the effect of the Order on other businesses, and the points raised generally by **Objectors 17, 27, 41, 101, 156, 206, 213 & 216 - 219**, I find nothing to substantiate the claims that the LDA has given insufficient consideration to business interests, and their constraints. On the contrary, its endeavours have been directed at securing the successful relocation of as many businesses as possible. In my opinion, the disruption and inconvenience likely to be caused to local businesses will be outweighed by the very substantial Legacy benefits of modern business floorspace and related job opportunities.^[3.49-3.59, 3.98-3.101]
- 6.2.238 It is claimed by **Objectors 55, 217 and 101** that there is a dearth of alternative locations and a lack of like-for-like opportunities; and **Objector 199** adds similar concerns about finding comparable premises. However, I am not aware of any unusual considerations that would make relocation unlikely and I note that **Objector 101** has identified a suitable site which is owned by the LDA.^[3.98-3.99, 4.8.29]
- 6.2.239 **Objectors 83, 84, 101 and 399** suggest that the LDA does not have a compelling case to justify compulsory acquisition. However, that proposition is wholly at odds with the history of acknowledged need to regenerate the area, and the clear benefits that the Games and the Legacy development will bring by sustained and comprehensive action. I am in no doubt that this will transform the area and provide new opportunities for housing, employment recreation and other community facilities which will be well-related to the parkland spine of the Lower Lea Valley. I cannot imagine any better means of securing effective regeneration.^[3.6-3.21, 3.31-3.39, 3.49-3.59, 3.110] Site-specifically, the interests of **Objectors 83 and 84** are within the vicinity of the Main Olympic Stadium which will be retained, and supplemented by new development, in Legacy.
- 6.2.240 In reply to **Objectors 130 - 132**, whilst there might be some individual job losses in the short-term, the overall outlook indicates a substantial net gain in the number of employment opportunities in the locality as new industrial and commercial floorspace is created after the Games.^[3.50] On this basis, and having regard to the overall objectives of the Order, I consider that the proposals are consistent with the purposes of a regional development agency

as set out in Section 4 of the *Regional Development Agencies Act 1998*. I am also heartened that the possible extinguishment of the business seems to have been over-taken by the offer of suitable premises for relocation.^[4.8.42]

- 6.2.241 Dealing with the criticisms expressed by **Objectors 55, 83 and 84**, I consider that the business relocation process will safeguard the majority of existing jobs; the temporary Olympic posts will add to the range of employment opportunities; and the subsequent Legacy development will offer a much wider range of long-term employment prospects than has hitherto been available. To my mind these long-term benefits, backed by a forceful policy impetus and a political willingness, will far outweigh any short-term drawbacks.^[3.6-3.21,3.31-3.39,3.110]
- 6.2.242 Complaint is made by **Objectors 83, 84, 206, 213 & 216 - 219** about the absence of a Business Relocation Strategy; but that is an ongoing piece of work which has been subject to consultation.^[3.114-3.115] I am content that it does not indicate any disregard for existing businesses, in the light of the genuine attempts which have been, and continue to be, made by LDA to effect relocations; and it does not undermine the case for the CPO.
- 6.2.243 In terms of the timing of the Order, of concern to **Objectors 17, 27, 41, 156, 206, 213 and 216 - 219**, *Circular 06/2004* sanctions the making of an Order in parallel with negotiations; and I see nothing untoward or prejudicial to any of the Objectors' interests.^[3.124]
- 6.2.244 Turning to the added points raised by **Objectors 83 and 84**, I am satisfied that the purpose of the CPO is to secure regeneration; and that the holding of the Olympic Games is a means to that end and not a primary purpose.^[3.31-3.39] My conclusions, in Part 3, confirm that the LDA has fulfilled the requirements of paragraph 14, Appendix B of *Circular 06/2004* and that the matter of exchange land does not arise. Overall, I consider that the effects of confirming the Order would be a proportionate interference; and that the holding of a Public Inquiry, and the opportunity to challenge in the High Court any decision made by the Secretary of State, fulfils the requirements of the *Convention Rights* to 'a fair trial'.
- 6.2.245 I acknowledge the specific expansion plans set out by **Objector 108** and how these have become frustrated as a result of the uncertainty of the Olympic Games; and how the need to occupy low-cost premises has been overtaken by a need to extinguish the business.^[4.8.111-4.8.112] Whilst this outcome is regrettable, it is nonetheless outweighed by the far wider public benefits that will be realised by the project.^[3.49-3.59]
- 6.2.246 The objection by Freightliner, **Objector 72**, relates to railway land in which it has a right to call for a lease, subject to certain requirements.^[4.8.149] It is apparent that the right will be lost on a temporary basis in the period leading up to and during the Games; but it will be restored thereafter.^[4.8.158-4.8.161] Given that the objection is a general one, and it is not supported by any clear indication of future needs or the likelihood of it seeking to exercise its option, I attach greater weight to the need to achieve the Olympic development.

- 6.2.247 Further, although it is said that there is a shortage of rail-connected freight sites in London, the loss will not be permanent; and it is notable that the temporary loss has been sanctioned by Network Rail who has the right to use the site for any purpose. On the basis of the agreement reached between the LDA and Network Rail, the LDA invites the Secretary of State not to confirm the Order in respect of Network Rail's interests in plots 543, 560 and 565.^[4.8.158]
- 6.2.248 Finally, **Objectors 99, 100, 107 & 109**, having set out their relocation requirements have found alternative premises. The position of **Objector 110** appears to remain outstanding. The heads of businesses losses submitted by all of these Objectors are a matter to be determined by negotiation and compensation.^[4.8.124]

Plot Number:	Address:
Plot 508:	Angel House, 30 Marshgate Lane

Objector 20:	PA Finlay & Co Ltd
Objector 21:	PA Finlay Pension Trust

The LDA's powers

- 6.2.249 The underlying purpose of the CPO is to achieve the regeneration of the Lower Lea Valley. I am in no doubt that the hosting of the Olympic Games will be a means to that end. Such an event will be the launch-pad for large-scale, comprehensive regeneration within a short time-span which is entirely consistent with the first of the main purposes of a regional development agency. That process is likely to attract inward investment and the new physical infrastructure provided for the Games and the Legacy development will offer considerable scope for business efficiency and competitiveness.^[3.31-3.39, 3.49-3.59, 4.8.78]
- 6.2.250 In turn, the legacy of serviced sites, awaiting the erection of buildings, will provide the platform for a range of employment opportunities alongside measures to raise the skills base of the area. Improvements to the environment and the building of new homes, well-related to employment, recreation and leisure, town centre facilities and public transport will contribute to the Government's objectives of creating highly sustainable communities to meet the needs of London and the south-east. Against this background, I consider that the Order will satisfy all of the purposes set out in the *Regional Development Agencies Act 1998* and that the Order is within the LDA's powers.^[3.49-3.59]
- 6.2.251 A further challenge is predicated on the LDA not having the power to acquire land to provide housing; yet new residential development forms part of the LDA's intentions for the area. Whilst the interpretation of the Act is a matter of law, the principal purpose of the Order is to secure regeneration. That process relies on the assembly of land to provide the opportunity for future mixed-use development of which residential is but one component. To my mind, the exclusion of an integral residential element would prejudice the

prospect of effective comprehensive redevelopment and undermine the achievement of a mixed and balanced community. On this basis, I see no substance in the claim.^[4.8.73-4.8.75]

- 6.2.252 Looking next at whether the Olympics and Legacy development is likely to achieve its stated purpose, it is apparent that some good quality modern buildings will have to be demolished.^[4.8.60] But, from my knowledge of the Order Lands, these generally stand in pockets amongst an overwhelming mass of, at best mediocre, and more-realistically, poor quality premises mixed with under-used and vacant land. The whole area gives the impression of being run-down and degraded. It is, to my mind, a wasted resource which, because of its proximity to Docklands and central London, deserves and demands wholesale regeneration.^[2.6-2.13, 3.22, 4.8.77]
- 6.2.253 I accept that some very limited regeneration in the area has occurred, but such piecemeal attempts cannot effectively tackle and resolve the history of contamination throughout the area, its poor quality infrastructure and its damaged environment. In my view, the achievements, such as they are, which have been made over a number of years, provide testimony to the futility of a sporadic process which does not have any realistic hope of delivering what the current project offers.^[3.22-3.30, 4.8.81]
- 6.2.254 I do not underestimate the value of the Order Lands in providing much needed employment and the endeavours of those who run their own businesses.^[4.8.60] But the reality here is not one of wholesale destruction and extinguishment, as the LDA is firmly committed to managing change and securing the successful relocation of as many existing businesses as possible. In this regard, it has set in place a range of measures and a process to assist businesses through their period of transition. Its portfolio of land, specifically for relocation, is a further factor.^[3.95-3.101]
- 6.2.255 Inevitably, there will be some who are dissatisfied with the process and the opportunities for relocation may not meet their expectations. However, the evidence, as a whole, points to a process that is achieving acceptable solutions; and that the number of completed deals is not a reliable measure of the progress being made as the identification of premises and related negotiations can often be drawn out.^[3.124]
- 6.2.256 I acknowledge that some jobs are likely to be lost; but the overwhelming impression is that this will be limited by the measures being taken to safeguard continuing employment and I see no basis to anticipate large-scale losses. At the same time I accept that it is impossible to pre-determine how many jobs will be created in Legacy, although the LDA's assessment, based on floorspace and employment densities, appears entirely credible. To my mind, that provides a realistic basis to assume that the employment potential will be large in scale and it will far offset any losses arising from displacement. The very significant job opportunities arising from the construction of the Olympic Park is an added consideration.^[3.31-3.32, 3.50, 4.8.78]

- 6.2.257 It is true that some 'protected' industrial land will be transformed into open space, but I see that as part and parcel of shaping a new environment and creating the opportunity to use land more efficiently and effectively. In particular, the environmental improvements that will flow from the Olympic and Legacy scheme, and the increase in the quality and quantity of open space, will be a real benefit to the economy of the area by providing a more attractive environment which will encourage business investment, promote pride, and be a pleasant place in which to live and work.^[4.8.77, 4.8.79]
- 6.2.258 Much of the Legacy project is at a formative stage, but the Olympic Park has been planned with Legacy firmly in mind. I am satisfied that the Olympics will be a powerful mechanism to deliver much-needed change in the area and that the project, as a whole, is likely to achieve the regeneration of the Order Lands.^[3.31-3.39, 3.49-3.59] This reinforces my conclusion that the Order falls within the LDA's powers under the *Regional Development Agencies Act 1998*.

Funding

- 6.2.259 A good deal is made by the Objectors about the LDA not being able to fund the acquisition of the Order Lands, at true market value, based on what it is prepared to pay for properties that it seeks to acquire. However, that is nothing more than the reflection of the property market and the difference between a vendor seeking to maximise value and a purchaser seeking to minimise expenditure. It should also be remembered that the LDA will need to be accountable in its expenditure of public funds.
- 6.2.260 The Arup Report of 2002, which the Objectors saw to be of some importance, was clearly relevant to the Government's consideration, at that time, of whether to back a bid to stage the Olympic Games in 2012. Beyond that, it has been superseded by the more detailed work that was undertaken in the preparation of the bid and the subsequent work following the announcement of London's success in July 2005. As such I have no cause to believe that it constrains the activities and expenditure of the LDA in any way, especially as there is a funding package in place which is guaranteed by the Government.^[3.110]

Planning permissions

- 6.2.261 The LDA accepts, as a result of changes to the scheme, that it will be necessary to seek to revise the existing planning permissions, or to submit new applications, supported by a concurrent Environmental Statement. That will be subject to consultation and the full and proper scrutiny of the new Olympic Delivery Authority. However, as the essence of the project will be substantially unchanged, with the main amendments relating to the disposition of facilities within the Park and the exclusion of land at Fish Island, I see no obvious reason why permission should be withheld against the background of the extant planning permissions. Moreover, I do not regard the absence of final detailed proposals as undermining the LDA's case for acquisition, or precluding confirmation of the Order in relation to the Objectors' plot.^[3.78-3.80, 4.8.83-4.8.84]

Business relocation

- 6.2.262 I acknowledge the obvious frustrations of being involved in a process of having to relocate one's business, especially when it is not a matter of choice and to a pre-determined time-scale. No doubt it is made all the more galling in having to give up modern premises which were acquired, relatively recently, with expansion and the future in mind. Indeed, Mr Finlay, and some others, tell of their difficulties in dealing with the LDA and not being able to find premises to meet their needs.^[4.8.68]
- 6.2.263 As a result, reliance is placed on the failure of the LDA to provide an effective, and approved, Business Relocation Strategy to guide the process. However, the very existence of a document, endorsed by the local planning authorities, following consultation with the business community, would not by itself make available any more properties than exist on the open market or provide any different basis for assessing value and compensation. I also doubt whether it would make the process of forced removal any more palatable.^[3.114-3.115]
- 6.2.264 The absence of a Strategy has not, however, stalled the activities of the LDA. Indeed, rather than awaiting its outcome, it has set about the considerable and important assignment of making progress in seeking to work with the business community in order to protect jobs, minimise disruption and to effect successful relocations.
- 6.2.265 I take note of the criticisms made, but these have to be set in the context of an invidious large-scale and time-consuming task where each business demands individual attention. To my mind, the steps taken to contact affected businesses, negotiate for the acquisition of land and to facilitate relocation deals is evidence of the LDA's commitment to minimising adverse effects, and I am content that it has made good progress.^[3.95-3.101]
- 6.2.266 For the reasons given elsewhere, I consider that the wider benefits to be derived from the Games and Legacy developments far outweigh the disruption to existing businesses, in general, and the Objectors' interests, in particular.^[3.49-3.59] Against this background, I take the view that the LDA's actions are legitimate and proportionate and that they are justified in the context of paragraph 19 of *Circular 04/2006*.

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Local Area Bd – Carpenters Road Area

Plot Number:	Address:
Plots 389, 391 & 392:	Carpenters Road
Plots 390 & 400:	Caerns Works, 263-269 (odds) Carpenters Road & part of Carpenters Road
Plot 405:	North-east of Carpenters Road
Plots 406 & 407:	Thatched House Yard, Carpenters Road
Plot 471:	92 Carpenters Road

Objector 16:	DDS (London) Ltd
Objector 36:	F R Kestla & Sons
Objector 40:	Carpenters Garage/ Falcon Print Distribution & Storage Ltd
Objector 97:	Finepoint Estates Ltd
Objector 133:	TJ Japanese Auto Spares
Objector 160:	Japanese Stars Ltd
Objector 185:	Paul David
Objector 205:	Mr Derrick Price
Objector 208:	Mr Michael Featherstone t/a Wallis Motor & Salvage

- 6.2.267 Concern is expressed by **Objectors 16, 36, 40, 160, 185, 205 and 208** about the immediate and long-term effects on business and property interests. However, such interests, although important, have to be looked at in the context of the benefits of new employment floorspace and increased long-term, diverse, job opportunities across the Lower Lea Valley as a whole, which the Legacy phase is expected to bring.^[3.50]
- 6.2.268 The regeneration of this area has been a long-standing ambition and I endorse the LDA's confidence that the Olympic Games will provide the catalyst to such a process in a way that no other project could.^[3.31-3.39] The activities of the LDA, to safeguard as many businesses as possible through successful relocation, are also a consideration; and I note the progress made in this regard with **Objector 160**.^[4.9.31]
- 6.2.269 I recognise that the same Objectors saw the making of the Order as premature, in that it did not leave much time for negotiation, but the guiding advice on CPO procedures in *Circular 06/2004* endorses a parallel process.^[3.124] In all of the circumstances I consider that there is a compelling case to acquire these plots and that the actions are a proportionate interference. I deal more fully with Human Rights in Part 3 of my conclusions.
- 6.2.270 It is true that, as **Objector 97** states, the layout of the Park, in both the Olympic and Legacy phases, has changed from the original concept. Nonetheless, the plots in question are crucial to the provision of the main access point from Stratford, the Olympic Loop Road and parts of the Aquatics Centre and adjacent circulation space. Given that these elements will, in general, be retained in Legacy and form an integral part of the focus for regeneration, the plots will not be available for redevelopment after the Olympic Games.^[4.9.14] Hence, there is a compelling case for the acquisition of the Objector's interest.
- 6.2.271 The Relocation Strategy, referred to by **Objectors 205 and 208**, is an on-going piece of work. To my mind, the delay in producing an approved Strategy is not symptomatic of any disregard for business interests; and an over-view draws in the dialogue and relocation activities of the LDA.^[3.95-3.101, 3.114-3.115]
- 6.2.272 The in principle objection submitted by **Objector 133** has not been pursued and should be considered in the context of my general conclusions.

Local Area Ca – North-west of Stratford High Street

Plot Number:	Address:
Plots 576 & 581:	Pudding Mill Lane
Plot 653:	Unit 3, Axis Business Centre, 20 Marshgate Lane
Plot 654:	Axis Business Centre, 20 Marshgate Lane
Plot 655:	18 Marshgate Lane
Plot 656:	The Glory Life Church and the Celestial Church of God, Unit 1, Vanguard Trading Estate, 16 Marshgate Lane
Plot 657:	Unit 2a, Vanguard Trading Estate, 16 Marshgate Lane
Plot 658:	Unit 4 Vanguard Trading Estate, 16 Marshgate Lane
Plot 659:	Units 5 & 6a, Vanguard Trading Estate, 16 Marshgate Lane
Plot 660:	Unit 6a Vanguard Trading Estate, 16 Marshgate Lane
Plot 661:	Unit 6 Vanguard Trading Estate, 16 Marshgate Lane
Plot 663:	Unit 8 Vanguard Trading Estate, 16 Marshgate Lane
Plot 664:	Unit 2a, Vanguard Trading Estate, 16 Marshgate Lane
Plots 665 & 666:	Vanguard Trading Estate, 16 Marshgate Lane
Plot 669:	Unit 3 Vanguard Trading Estate, 16 Marshgate Lane
Plot 677:	Marshgate Lane, Pudding Mill Lane and Barbers Road
Plot 682 & 683:	43-45 (odds) Marshgate Lane & 1a Pudding Mill Lane
Plot 684:	47-49 (odds) Marshgate Lane
Plot 686 & 687:	53 Marshgate Lane
Plot 689:	Pudding Mill Lane
Plot 706:	Vulcan Wharf, Cook's Road
Plot 722:	Dacca Cash and Carry, the BBL Building, Cook's Road
Plot 723:	12 Barbers Road, Stratford
Plots 726 & 729:	Greengate Works, 7 Marshgate Lane

Objector 18:	W J Curley & Sons
Objector 22:	Pound Express Ltd
Objector 23:	R G Properties Ltd
Objector 24:	S Mohmed & Patels
Objector 28:	Gilchris (Property Services) Ltd
Objector 30:	I Field & Barrett Roofing Ltd
Objector 31:	K&D Joinery Ltd
Objector 35:	M Laurier & Sons Ltd
Objector 37:	Euro Hygiene Products London Ltd
Objector 38:	Discount (Construction) Double Glazing Ltd
Objector 48:	Crown Close Holdings
Objector 83:	Mastpine Ltd
Objector 108:	Discount Beds Direct Ltd
Objector 117:	H Schwartz
Objector 118:	G Schwartz

Objector 134:	Nova Link
Objector 135:	Panache
Objector 136:	C2
Objector 141:	Outline Associates t/a Bodyworks
Objector 150:	South Hertfordshire Waste Management Ltd
Objector 152:	J G Belts
Objector 155:	Badat Brothers Ltd
Objector 209:	Mr Zuber Mohamed of Bibeuns of London Ltd
Objector 211:	Mr Ken Nicholls of Kenton Steel
Objector 219:	Parts Plaza UK Ltd
Objector 221:	Euro Hygiene Products Ltd
Objector 222:	Pound Express Ltd
Objector 223:	Saeed Mohmed,
Objector 224:	Mohamed Salim Patel
Objector 225:	Jabir Yusuf Patel
Objector 352:	Free Trade Beers & Minerals Ltd

- 6.2.273 The overall regeneration objective of the CPO is doubted by **Objectors 209, 211, 219 and 221 - 225 (Group A)** in view of the displacement of established businesses and separation from their client base; and **Objectors 18, 22 – 24, 28, 30, 31, 37, 38, 117, 118, 150, 152, 155 and 352 (Group B)** add concern about the impact on future growth. However, in my view, the level of disruption has to be weighed against the very substantial Legacy benefits of modern business floorspace and related job opportunities.^[3.50]
- 6.2.274 The practical difficulties of relocation are referred to by the **Group B Objectors**, and whilst I do not seek to diminish individual impacts, I am satisfied that there is, as a generality, strong and widespread evidence of the LDA's efforts to safeguard existing business interests and to secure successful relocation.^[3.95-3.101] Indeed, it would appear that **Objectors 31, 38 and 152** have made very substantial progress to that end; and **Objectors 22, 24, 37, 221 - 225 and 352** have relocated.^[4.10.42, 4.10.72 4.10.78-4.10.79, 4.10.87]
- 6.2.275 I acknowledge the importance of low cost premises, in response to **Objectors 35, 117, 118 and 152** and I recognise that it might be difficult to find alternative, inexpensive, accommodation at a time of claimed increasing property values. However, there is nothing to suggest such a shortage so as to make relocation impossible.^[3.98-3.99] In particular I note that **Objector 35** appears to have found a solution, although it might not be directly comparable with his existing premises at Marshgate Lane; and I am heartened that **Objector 152** has made arrangements to move.^[4.10.52, 4.10.87]
- 6.2.276 Moreover, with the general measures implemented by the LDA, and its assistance offered to businesses, I am content that the general impact of the CPO has not been underestimated.^[3.95-3.101] The concern of **Objector 117** about the effect of the CPO on his pension fund will be mitigated by the normal compensation arrangements.

- 6.2.277 All of the above Objectors saw the making of the CPO as premature with insufficient time for meaningful negotiation and acquisition by agreement. However, *Circular 06/2004*, advocates a parallel process and I see nothing untoward in this case.^[3.124]
- 6.2.278 In terms of the LDA's failure to produce a Business Relocation Strategy, as raised by **Objectors 83, 209, 211, 219 and 221 – 225**, the document has since been submitted and remains an on-going piece of work. In my view the delay does not indicate any disregard for local businesses and it has to be considered with the general process and progress being made in securing relocations.^[3.95-3.101, 3.114-3.115]
- 6.2.279 **Objectors 211, 221 – 225** draw attention to a failure to serve notice on 2 leaseholders. However, this has been rectified by the LDA and I am satisfied that no material prejudice has arisen.
- 6.2.280 The in principle objections registered by **Objectors 134 - 136 and 141** have not been followed up and they should be considered in the light of my general conclusions.
- 6.2.281 Insofar as there are additional points raised by **Objectors 83 and 219**, my conclusions on their objections are set out in Local Area Bc, commencing with plot 487. Similarly my conclusions in respect of the points raised by **Objector 108** are to be found in the same place.
- 6.2.282 Although an objection is attributed to Plot 663, by **Objector 48**, the LDA has indicated that it relates to plot 290 which it no longer seeks to acquire.

Plot Number:	Address:
Plot 631:	Part of Bridgewater Road
Plots 642 & 645-647:	Bow Paper Works, Bridgewater Road

Objector 7:	H Cormacey & Company Limited
Objector 8:	Kendon Packaging Group Plc

- 6.2.283 The Objectors do not question the need for the southern land bridge; but the point at issue is its width and the amount of land that it needs to occupy. I recognise that its width, reduced by some 15 metres to 45 metres in the January Masterplan, is far in excess of that which would be required for normal movement and circulation.^[4.10.32]
- 6.2.284 However, the land bridge will function with all of the triangular area defined by the Great Western line, the Greenway and the Waterworks River as an emergency evacuation route during the Olympic Games. Insofar as emergency routes to the east over the Waterworks River are concerned, if there are any legal impediments to the use of Bridgewater Road alternative provision could be made by the provision of a new bridge.^[4.10.31-4.10.35]

- 6.2.285 In my opinion, given the potentially disastrous consequences of failing to provide sufficient emergency evacuation measures, a precautionary approach is justified and any further reduction in the scale of the land bridge, or the extent of the open buffer area immediately to the south of it, would not be prudent. There is nothing before me to suggest that there would be any other viable solution.
- 6.2.286 I am also satisfied that the land bridge will open up the Bridgewater Estate area for regeneration in the Legacy phase; and that such an opportunity would have been precluded by existing access routes into the estate. The Objectors' plots will also play an essential role in the reshaping of the urban environment and the delivery of the parkland concept, edged by new housing and provided with improved vehicular, pedestrian and cycle routes which is supported by the *Lower Lea Valley Opportunity Area Planning Framework*.^[4.10.36-4.10.37]
- 6.2.287 I recognise the large-scale nature of the Kendon Packaging Group's undertaking; the importance of the site in operational terms; and the number of local jobs provided.^[4.10.21] Nonetheless, whilst the removal of fully functioning business of this scale and nature, and the difficulties in securing an appropriate relocation solution, are considerations of some force, I am not convinced that there is anything so unusual about their relocation needs that would make relocation unlikely, particularly in the context of the measures put in place by the LDA to assist with the relocation process.^[3.95-3.101]
- 6.2.288 Whilst I accept that the plots, in isolation, are not in need of regeneration, the Olympic Games will provide the impetus to the regeneration of a much broader area and the realisation of the wide-ranging Legacy benefits.^[3.49-3.59]
- 6.2.289 Overall, I see the acquisition of these plots to be a vital, fully justified and proportionate interference with the Objectors' interests.

Plot Number:	Address:
Plot 670:	14 Marshgate Lane
Plots 674 & 675:	Marshgate Business Centre
Plot 693:	Grays Waste Services, Barbers Road
Plots 695 & 697:	Units 3 to 9 (inclusive) Heron Industrial Estate, Barbers Road
Plot 698:	Robertons, Cook's Road
Plot 699:	Robertons Gatehouse, Cook's Road
Plots 701-703:	Marlborough Yard, Cook's Road
Plot 716:	Cook's Road
Plot 718:	Rooff House and Merganser House, Cook's Road
Plot 719:	River Bank, Cooks Road

Objector 29:	Gray's Waste Services Ltd
Objector 42:	Andy's Motors
Objector 44:	Andy Latham Scenery

Objector 102:	Gem Supplies Ltd
Objector 122:	Lamborfore Management Ltd
Objector 150:	South Hertfordshire Waste Management Ltd
Objector 153:	Hazel Carr Pension Services Ltd
Objector 154:	Goddard & Gibbs
Objector 162:	Springbreeze Limited
Objector 189:	The Roof Group Ltd
Objector 206:	Harrow Green Group Limited
Objector 219:	Parts Plaza UK Ltd

6.2.290 **These Objectors**, with the exception of Objector 42, consider the acquisition of their interests to be inappropriate; and the LDA no longer wishes to acquire any of these plots.^[4.10.99-4.10.107, 4.10.111-4.10.26, 4.10.130-4.10.136] I fully understand the unfortunate position that **Objector 42** finds himself in and his conclusion that relocation would be the best option; yet, ironically, he can not draw on the continuing support of the LDA.^[4.10.100-4.10-102]

6.2.291 However, in the absence of a compelling need for any of these plots, there would be no basis to recommend the compulsory acquisition of plots:- 670, 674, 675, 693, 695, 697 – 699, 701-703, 716, 718 and 719.

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Local Area Cb – Stratford Town Centre (part) and Warton Road

Plot Number:	Address:
Plot 440:	Part of Great Eastern Road, Meridian Square, and adjacent areas, situated between Stratford Bus Station and Angel Lane

Objector 85:	Van Wagner (UK)
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6.2.292 This plot lies between Stratford Shopping Centre and the Stratford City development where it is intended to construct a deck structure, providing pedestrian access over operational land from Meridian Square to Stratford City and the Olympic Village sites.

6.2.293 Although the LDA's response to the Objector does not address the possibility of the advertisement hoarding remaining, I am satisfied that the acquisition of the plot, as a whole, is a necessary and intrinsic element in securing improved accessibility for the Stratford City, Olympic and Legacy developments.^[4.11.3-4.11.5] Such action would be consistent with the LDA's main purposes set out in paragraph 5 of Appendix B to *Circular 06/2004*.

6.2.294 Furthermore, I do not see any reason to bind the LDA to re-instating the Objector's interest once the works have been undertaken in the absence of any knowledge about the final appearance of the area and the appropriateness, or otherwise, of re-erecting advertisement hoardings.

Plot Number:	Address:
Plot 618:	Parts of Warton Road and Biggerstaff Road
Plot 619:	40 Warton Road
Plot 737:	160 - 170 (evens) High Street

Objector 127:	Thomas Bernard McFeely
Objector 358:	Ujima Housing Association
Objector 386:	Ahmed Investment Ltd
Objector 387:	Best Selling Ltd

- 6.2.295 Stratford City is an important development opportunity not only in terms of the Lower Lea Valley but also the whole of the Thames Gateway. It has the potential to be redeveloped at a relatively high density if suitable links can be achieved. This makes the delivery of highway improvements the more important and the Access Strategy for Stratford City identifies a need for new and improved highway links and a connection along Carpenters Road to Stratford High Street in order to provide the required transport capacity.^[3.81-3.84, 4.11.9]
- 6.2.296 However, because of the shallow nature of the Central Line tunnels in this area, the limited headroom beneath the Liverpool Street to Stratford railway line cannot be increased by lowering Carpenters Road. The Strategy therefore incorporates improvements to Warton Road, as it can be lowered to provide suitable headroom, to deliver an alternative route to Stratford High Street.^[4.11.9]
- 6.2.297 Part of plot 737 is required to accommodate improvements to the junction of Warton Road with Stratford High Street; and the whole of plot 618 and part of plot 619 are needed to facilitate the lowering of Warton Road. Accordingly, the LDA no longer seeks to acquire the remaining parts of plots 619 and 737.^[4.11.11]
- 6.2.298 The withdrawal of the objection from Telford Homes (Stratford) Limited and the agreement in principle with **Objector 127** suggests that the land to be acquired is no more than necessary and that it would not have a material effect on the development of plots 618 and 619; nor on the construction of some 250 flats on plot 737. The need to secure the implementation of the Stratford City development, and the wider benefits of the Legacy project, provide the compelling basis for the acquisition of plots 618, 619 (in part) and 737 (in part).^[4.11.12-4.11.13]

Local Area Cd – North-west of West Ham Station

Plot Number:	Address:
Plot 740:	Site of former 189 High Street

Objector 56:	Ranger Ltd
Objector 65:	A Rashid
Objector 66:	A Hussain

6.2.299 This objection was withdrawn following the Objectors' appearance at the Inquiry. My general conclusions apply.

Plot Number:	Address:
Plot 774:	Part of site of former Abbey Mills Chemical Works
Plot 775:	Land adjacent to West Ham to Stratford Jubilee Line railway
Plot 779:	Land off Crows Road
Plot 780:	Part of Crows Road

Objector 233:	Solad S Mohammed
Objector 236:	Anjuman-E-Islahul-Muslimeen

6.2.300 During the Olympic Games some 80% of spectators are expected to arrive by rail, with West Ham station being one of the main arrival points. The above plots are required for the construction of a ramp linking the station to the Greenway which will, in turn, provide access to the Olympic Park. After the Games the ramp will remain as part of the Legacy of improved transport and pedestrian infrastructure with good accessibility to retained venues and to future development. On this basis, I am satisfied that there is a clear justification to secure the acquisition of these plots. ^[3.58, 3.64, 4.12.6]

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Local Area Ce – Rick Roberts Way/Livingstone Road

Plot Number:	Address:
Plot 731:	Parts of Rick Roberts Way, Union Street, Livingstone Road, High Street, and Northern Outfall Sewer, Stratford

Objector 4:	Mason Pearson Brothers
Objector 159:	Manser Homes
Objector 161:	McFen Haulage & Plant Ltd & Mr AJ Fennessey
Objector 220:	Ronald Leonard Leader & Michael Adkins as trustees of the H.C. Leader Will Trust & Denise Rosamond Leader

6.2.301 Two of the principal arrival and departure points for spectators attending the Games will be West Ham station and the coach park in Rick Roberts Way. The provision of a pedestrian bridge over Stratford High Street will be an essential part of the pedestrian route from these points into the security check areas. ^[4.13.6]

6.2.302 The precise alignment of the bridge is not yet settled, although it is apparent that it will have to over-sail **Objector 159**'s interests and those of **Objectors 4, 161 and 220**. There is nothing to indicate how this could be avoided. Although **Objector 159** is concerned about the impact of the bridge on planned development, I note that the LDA is working to minimise any adverse impacts. Nonetheless, the need to acquire this plot remains.^[4.13.7-4.13.9]

Plot Number:	Address:
Plot 738:	221 High Street
Plot 743:	1-5 (inclusive) Livingstone Road, Stratford
Plot 744: ⁴⁴²	Parts of Livingstone Road, Union Street and Stanley Road
Plot 747:	Land south of the junction of Rick Roberts Way and High Street
Plot 749:	Substation at Union Street
Plot 750:	55-57 (odds) Stanley Road
Plot 751:	Land and building south east of 55-57 (odds) Stanley Road
Plot 752:	Building to east of Stanley Road and north of Unit 2, Stanley Road
Plot 754:	5 Livingstone Road
Plot 755:	Part of Unit 1 Stanley Road
Plot 756:	22-42 (evens) Livingstone Road
Plot 757:	87-111 (odds) Livingstone Road

Objector 4:	Mason Pearson Brothers Ltd
Objector 26:	Tropifruit Ltd
Objector 33:	Lazerlink UK
Objector 106:	Timothy Sylvester Rait
Objector 114:	Alphachoice Ltd
Objector 142:	Adler & Allan Ltd
Objector 161:	McFen Haulage & Plant Ltd & Mr AJ Fennessey
Objector 214:	Mr Brian John Bluck of Embassy Demolition Contractors Ltd
Objector 220:	Ronald Leonard Leader & Michael Adkins as trustees of the H.C. Leader Will Trust & Denise Rosamond Leader

6.2.303 **Objector 4** questions the validity of taking valuable businesses for a temporary facility. However, the coach parking area forms a vital component of the supporting infrastructure required for the Games; there is no evidence that it might be sited elsewhere; and in operational terms it is just as important as any permanent development within the Park. The holding of the Games will provide the basis for the Legacy benefits and these plots, when rationalised with others in the locality, will offer large development platforms for new development. Although details of the Legacy development are yet to be submitted, the retention of these plots in their current form would impede large scale regeneration.^[4.13.20-4.13.21]

6.2.304 I recognise the contribution of **Objector 4** to the local economy, as a long-standing employer, and the difficulties that it might encounter in securing a suitable building in which to re-locate and the possible loss of jobs.^[4.13.11]

⁴⁴² See also consideration in relation to Plots 745 & 746

Objector 161 has specific requirements for the location of its concrete crushing plant; and **Objectors 214 and 220** see their relationship with their client base as important.^[4.13.17, 4.13.19] I also note that the allocation of a particular unit to **Objector 26** did not come to fruition.^[4.13.13] However, none of these issues or requirements appears to be unusually difficult to accommodate or resolve and vacant possession is not required until July 2009. I see no reason why the endeavours of the LDA, and the general availability of industrial land and buildings in the locality, should not produce a successful outcome.^[3.98-3.99]

- 6.2.305 **Objectors 26, 33 and 214** allege that the LDA has not given sufficient consideration to the impact of its proposals on businesses and their future aspirations; and **Objectors 26 and 33** refer to the blighting effect of uncertainty. Whilst it cannot be denied that businesses will be inconvenienced, and they may go through a period of uncertainty, I am satisfied that the LDA has sought to minimise disruption and to assist in the relocation process.^[3.95-3.101] Whilst I do not underestimate the effects on existing businesses, the benefits of holding the Olympic Games to facilitate large scale regeneration in Legacy are very compelling.^[3.49-3.59]
- 6.2.306 Criticism is made by **Objectors 214 and 220** of the lack of a Business Relocation Strategy; but that is ongoing and I do not see that as a fundamental impediment to the confirmation of the CPO.^[3.114-3.115]
- 6.2.307 **Objectors 26, 33, 214 and 220** also say that insufficient time elapsed to enter into negotiations before the making of the CPO. It is right that a CPO is a measure of last resort but paragraph 24 of *Circular 06/2004* acknowledges that 'it may often be sensible for the acquiring authority to initiate formal procedures in parallel with such negotiations.' I see nothing untoward in this context.^[3.124]
- 6.2.308 I note that **Objector 106** has offered to lease Plot 750 for the duration of the Games; but retention by the Objector, thereafter, would frustrate the objective of securing comprehensive redevelopment as part of the lasting Legacy.
- 6.2.309 The holding objection submitted by **Objectors 142** has not been substantiated and it presents no effective challenge to the aspirations of the LDA.

Plot 739:	189-195 (odds) High Street
Plot 742:	Discovery House, 1 Livingstone Road

Objector 56:	Ranger Ltd
Objector 65:	A Rashid
Objector 66:	A Hussain

- 6.2.310 These objections were withdrawn following the Objectors' appearance at the Inquiry. My general conclusions apply.

Plot Number:	Address:
Plot 745:	Livingstone House, Livingstone Road, Stratford
Plot 746:	97 High Street, Stratford

Objector 114:	Alphachoice Ltd
Objector 116:	Overseas Plastic Import Export Co Ltd

- 6.2.311 The Objectors do not oppose the temporary use of the lands for the coach park but seek their return in Legacy in order to undertake development.^[4.13.52]
- 6.2.312 In Legacy the Order Lands within Area Ce will offer a series of level development platforms which will provide an immediate opportunity for new Legacy development to realise the catalytic effect of the Games. That will contrast markedly with the current overall impression of a historical legacy of under-used, derelict and abandoned land and buildings, on generally small and inconveniently shaped plots with fractured ownerships.^[4.13.69-4.13.71]
- 6.2.313 Plot 745, occupied by Livingstone House, is one of the significantly larger plots, but, because of its shape, it would need to be co-joined with the similarly large plot to the north, plot 747, to form a regular building block and to gain direct access to Rick Roberts Way which provides the main access into the area. The comparatively diminutive plot 746 provides the only frontage to High Street; with plot 747 having the bulk of the principal road frontage.^[4.13.75]
- 6.2.314 Along Stratford High Street some scattered modern development has been undertaken in recent years; and it is likely to be a focus for future development, not least because of its good public transport accessibility. The Objector has already recognised the commercial importance of the High Street frontage by seeking to negotiate, over a period of years, with the owner of plot 747 to bring forward co-ordinated development.^[4.13.56, 4.13.59, 4.13.61]
- 6.2.315 I recognise that such endeavours were at a time when the adjoining landowner was unclear about its intentions and there were concerns about third party leasehold interests in Livingstone House. However, that provides testimony, even with only 2 owners, that there can be no guarantee of a common interest. It is also relevant to note that being like-minded does not necessarily ensure a mutually acceptable commercial deal. In such circumstances protracted negotiations could frustrate or preclude development; or result in development of a piecemeal nature which might not achieve the optimum outcome in Legacy, contrary to the Government's imperative of making the best use of urban land.^[4.13.75]
- 6.2.316 Although future Legacy uses of this area remain to be decided, I am satisfied that there is a sufficient indication, through a progression of adopted and draft planning policies, that the area as a whole will accommodate mixed regenerative development and allied social infrastructure and facilities. The LDA's intentions, through land acquisition and overall control of the process, will be capable of delivering all the necessary component elements of the development in accordance with a comprehensive programme and to a fixed time-scale.^[4.13.71-4.13.74]

- 6.2.317 By contrast, piecemeal development, as advocated by the Objectors, would only take place as and when the land-owner decided. The provision of essential community facilities, or contributions thereto, would be subject to negotiation; and there would be less certainty of concurrent provision. The desirability, or need, for land assembly could be a further delaying factor; and the LDA already has the advantage of a co-operation agreement with the owner of plot 747.^[4.13.73]
- 6.2.318 I am aware that the Objectors hold a number of property interests and they have been involved in a number of development projects. From the evidence before me, I share the LDA's reservations about the Objectors' track record of securing high quality development in a timely manner; and it is notable that the Order plots have stood vacant and derelict for a long time. While action might have been constrained, due to issues outside the owner's immediate control, it does, nonetheless, show the complexities and intricacies of the development process. Acquisition of these lands would sweep away such problems.^[4.13.70, 4.13.76]
- 6.2.319 The LDA has not sought to enter into a lease with the Objectors to gain control of the plots for the duration of the Games; but that appears to be soundly based in the light of my conclusions above. Moreover, I am not convinced, even if such an arrangement had merit, that there would be a real likelihood of securing agreement in the necessary timescale due to the terms offered and the examples of alleged difficulties in working with the Objectors. Whilst there are 2 sides to every story, the general examples and correspondence produced by both parties, is a history of apparent conflict rather than co-operation.^[4.13.65, 4.13.67-4.13.68]
- 6.2.320 In the final analysis, the Legacy of the Games will bring undoubted benefits to the locality. In my opinion there is a very strong prospect that those benefits could be frustrated, delayed or not implemented to best advantage without compulsory acquisition. I am in no doubt that there is a compelling case for confirmation and that this would be a proportionate outcome.^[4.13.66]

Plot Number:	Address:
Plot 759:	Part of Rick Roberts Way and adjacent land
Plot 763:	Sytner BMW, Unit 4, Rick Roberts Way

Objector 148: Sytner Group Ltd.

- 6.2.321 The Objector operates a modern BMW dealership from plot 763. This is no longer required for the coach park; and the LDA requests that the Order be not confirmed in relation to this plot. The Objector's concern about the closure of a successful business will therefore not arise. In the absence of a compelling need I conclude that there is no basis to recommend the compulsory acquisition of plot 763.^[4.13.88]
- 6.2.322 However, plot 759, continues to be required and there is no apparent suggestion that this will have a material impact on the Objector's business. Any such loss, however, would be outweighed by the overriding need to provide appropriate facilities for the Games so as to achieve the subsequent Legacy development and all of its advantages.^[3.64, 3.49-3.59, 4.13.85]

New Spitalfields Market and Temple Mills Sidings

Plot Number: Plot 112:	Address: New Spitalfields Market
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Objector 449:	Beales Market Gases Ltd
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6.2.323 The revisions announced in June 2006 show this plot to be no longer required. In the absence of a compelling need I conclude that there is no basis to recommend the compulsory acquisition of plot 112. ^[4.14.4]

Plot Number: Plots 125-128:	Address: GB Macks Skips, Temple Mills Lane
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Objector 212:	B & S Huckle of GB Macks Skips
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6.2.324 This objection was withdrawn following the Objector's appearance at the Inquiry. My general conclusions apply.

Wallis Road, Hackney Wick

Plot Number: Plot 70:	Address: Part of 127 Wallis Road
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Objector 13:	Eton Mission Rowing Club
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6.2.325 In the light of further detailed design, the LDA has concluded that this plot is not required for structures or construction works; and it no longer wishes to acquire it. In the absence of a compelling need I conclude that there is no basis to recommend the compulsory acquisition of plot 70. ^[4.15.2]

Plot Number: Plot 71: Plot 72:	Address: Part of Wallis Road Parts of 127 Wallis Road and 90 Main Yard, Wallis Road
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Objector 13: Objector 15:	Eton Mission Rowing Club and Eton Mission Rowing Club Limited Pall Mall Investments (London) Ltd
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6.2.326 In response to both Objectors, I consider that there will be considerable advantages, over and above the existing bridging points, in constructing a new bridge over the River Lee Navigation to link Eastway with Hackney Wick. In the Olympic phase it will provide a pedestrian route to and from Hackney Wick station; as well as providing emergency access to and/or evacuation from the north-western corner of the Olympic Park. In Legacy it will serve and connect new mixed-use development and sporting facilities and help to overcome one of the inherent drawbacks of poor connections throughout the Lower Lea Valley. Given that the bridge is required long before the Legacy phase I do not see the CPO to be premature, as suggested by **Objector 13**. ^[4.15.8-4.15.9]

- 6.2.327 In the knowledge that an alternative alignment has been considered, with a view to minimising the impact on **Objector 13**; and that there is nothing to support the assertion, by **Objector 15**, that the amount of land to be acquired would be excessive; I am satisfied that acquisition of these plots is both necessary, and justified, to fulfil the LDA's purposes.^[4.15.9]
- 6.2.328 I understand the operational difficulties that will be experienced by **Objector 13** and I note the apparent delay in meaningful negotiations. Nevertheless, I consider the wider public benefit of the Legacy development to outweigh the impact on the Objector, notwithstanding the rowing club's long history in the local area.^[43.49-3.59] I am also encouraged that there appears to be the prospect of a workable solution, or assistance in finding a suitable relocation site, and that this might lead to the objection being withdrawn.^[4.15.11]

Jenkins Lane, Beckton

Plot Number:	Address:
Plot 789:	Jenkins Lane (part)
Plot 790:	Land north of Alfred's Way
Plot 791:	Land at Jenkins Lane
Plot 792:	River Roding

Objector 332:	National Amusements Ltd
Objector 333:	Mrs Tracey Giles

- 6.2.329 I agree, generally, with the points raised by both Objectors and conclude that this site has no merit for use as a Gypsy site. The LDA has also reached the conclusion that other sites are preferable and it no longer wishes to acquire these plots. In the absence of a compelling need I conclude that there is no basis to recommend the compulsory acquisition of plots 789 – 792.^[4.16.1-4.16.7]

Otley Terrace, Lea Bridge Road

Plot Number:	Address:
Plots 1-5:	Land at and adjacent to 142 and 146a Lea Bridge Road.

Objector 321:	The Lea Bridge Dock Residents' Association
Objector 331:	Circle Thirty Three Housing Trust Ltd
Objector 335:	Mount Anvil Plc
Objector 340:	Mr Derek Sansom
Objector 341:	Ms Ann Norton
Objector 343:	Ms Sally & Mr Colin Groggon
Objector 349:	Mr J Weir
Objector 355:	Julia Lafferty

- 6.2.330 I endorse the LDA's conclusions that it would not be appropriate to relocate Travellers to this site; and that the CPO should not be confirmed in relation to these plots. In the absence of a compelling need I conclude that there is no basis to recommend the compulsory acquisition of plots 1 - 5.^[4.17.2-4.17.3]

Stratford Shopping Centre

Plot Number: Plots 448-454:	Address: Units 28-46, K1, K2, Stratford Shopping Centre, Broadway, Stratford
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Objector 129:	Ravenseft Properties Limited
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6.2.331 As a result of agreements between the LDA and the Stratford City Development Partners and others, and further design work, the LDA is confident that there is no need to acquire these plots. I see no reason to disagree. In the absence of a compelling need I conclude that there is no basis to recommend the compulsory acquisition of plots 448 - 454.^[4.18.3-4.18.5]

General Objections

Objector 339:	Carrick Howell & Lawrence Architects, Milk Studios, The Albion, 34 Southern Row, London W10 5AN
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6.2.332 The allegations concerning the infringement of copyright, in relation to the concept of the Olympic Park, have no direct relevance to the principle of the CPO. It is significant that the Objector has only sought preliminary legal advice on the matter; and he was unable to present any convincing evidence to show that the delivery of the Games might be impeded.^[4.19.5]

Objector 346:	Carpenters TMO Board, 17 Doran Walk, Stratford London E15 2JL
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6.2.333 The Objector's intention to submit a full objection with a petition has not been pursued; and there is no evidence to demonstrate any failure to comply with the statutory formalities in advertising the Order.^[4.19.7]

Objector 354:	Capital Estates Ltd, c/o Philip Ross Solicitors, 4 Chandos Street, London, W1A 3BQ
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6.2.334 The objection relates to properties that appear to lie outside the Order Lands. The Objector's claim that development potential would be prejudiced by the CPO remains wholly unsubstantiated.^[4.19.9]

Objector 359:	Milan Ltd, c/o Calton & Co, 13 Blenheim Terrace, St John's Wood, London, NW8 0EH
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6.2.335 The Objector's in principle objection, pending consideration of the impact of the CPO, has not been supported by additional representations.^[4.19.11]

Objector 428:	Martin Slavin, 24 Overbury House, Pedro Street, London, E5 0BH
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6.2.336 I am not convinced that the experiences of former Olympic cities around the world, with different social contexts, administrative and regulatory mechanisms and specific characteristics, has any material bearing in anticipating social outcomes in the Lower Lea Valley. There is no direct evidence to support the proposition; and the LDA has taken account of

the experience of other host cities. Here the actions of the LDA are supported at all levels of Government and one of the lasting benefits of the Games will be the provision of a significant number of affordable housing units. Any pressures on land values and accommodation, arising from the Games, have to be considered in the context of the very substantial benefits that the project will bring, not least; improvements to the environment; enhanced community facilities; more efficient infrastructure; and increased employment opportunities to complement the new housing provision.^[4.19.16-4.19.22]

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6.3.0 Part 3: Unopposed Lands

6.3.1 From the totality of the evidence submitted I am satisfied that all of the Unopposed Lands within the Order, except those which the LDA no longer seeks to acquire, are necessary for the delivery of the Olympic Park, the Stratford City development or to accommodate displaced uses, and that they form an integral component in delivering the Legacy development.^[5.1-5.2]

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6.4.0 Part 4: Procedural, Policy, Legal and Human Rights Issues

ODPM Circular 06/2004: Compulsory Purchase and the Crichton Down Rules

6.4.1 This Circular provides guidance on the considerations which must be taken into account in the assessment of whether or not a CPO should be confirmed. The underlying principle is that confirmation should only be made if there is a compelling case in the public interest; and that depends on a number of considerations and an assessment of the overall balance between private and public interests.

(a) Compliance with the statutory procedures

6.4.2 The starting point is to confirm that all of the statutory procedures have been complied with; and no submissions were made to the contrary.^[1.25]

(b) The powers of the London Development Agency

6.4.3 The LDA has power to acquire land compulsorily, by virtue of the *Regional Development Agencies Act 1998*, 'for its purpose or purposes incidental thereto'. Its 5 purposes are:-

- to further the economic development and regeneration of its area;
- to promote business efficiency, investment and competitiveness in its area;
- to promote employment in its area;
- to enhance the development and application of skills relevant to employment in its area; and
- to contribute to the achievement of sustainable development in the United Kingdom where it is relevant to do so.

6.4.4 My conclusions, in Part 1, demonstrate beyond doubt that the Order has been made so as to achieve these purposes consistent with the aims in successive planning policy documents of securing the regeneration of the area.

(c) The condition of the land included in the Order and its recent history

6.4.5 In Part 1 of these conclusions I set out my overall impression of the Order Lands, drawing on the background and consequences of neglect and the failure to secure meaningful regeneration without comprehensive public sector intervention.

(d) Whether the London Development Agency has established the basis and justification for its actions through its adopted strategy

6.4.6 *The London Plan* and emerging planning policy documents set out a strategy to achieve the renaissance of the area and form the foundation for the LDA's *Revised Corporate Plan*. This adopted strategy provides assured support for the regeneration of the Lower Lea Valley, based on the LDA's endorsement of London's bid for the Olympic Games; the Olympic and Stratford City developments; and substantial investment to secure the removal of overhead powerlines; and the Legacy after the Olympic Games. ^[3.5-3.21, 3.49-3.59, 3.106-3.107]

(e) Whether the land included in the Order is needed for regeneration or other purposes of the London Development Agency or ancillary purposes

6.4.7 I am satisfied, as is evident from my earlier, Part 1, conclusions that the need to regenerate the Lower Lea Valley is striking and without question. Moreover, the Olympic Games offers the exceptional means to secure that objective in a wide-ranging, comprehensive and timely manner. It is true that the Order Lands are required to deliver the Games, but it is the Games themselves that will leave a lasting legacy of regeneration and provide the impetus for further far-reaching Legacy phase benefits in the public interest.

6.4.8 On this basis, and in the light of my conclusions in Part 2, all of the plots within the revised Olympic Park are needed for regeneration. Those outside, which the LDA still seek to acquire, are also required to either realise the regeneration and contribution to the Games that will flow from the Stratford City development; or, to deliver essential infrastructure and temporary works to serve the Olympic Park; or, to accommodate uses displaced from the Park as a necessary consequence of delivering the Games.

(f) The use to be made of the land to be acquired

6.4.9 I have set out my conclusions, in Part 2, in response to a small number of Objectors who sought to argue that the LDA did not have clear proposals for the use of their plots, either for the Games or for the subsequent Legacy development. In essence, I conclude that there is a firm and clear-cut proposal to use the land within the robust boundaries of the Park for Olympic purposes; and that necessary internal flexibility and layout modifications, within those boundaries, do not weaken that justification. Similarly, the absence of firm Legacy proposals, plot by plot, is not critical in the context of the working framework that emerging planning policy documents will provide to guide the detailed planning of these areas.

(g) *The resources to implement the Order and the scheme for which the land is required*

6.4.10 The LDA has confirmed that it has the necessary funds for land acquisitions and remediation; and, with the Host City contract and Government guarantee, it will be able, with the Olympic Delivery Authority, to deliver the Olympic Park on time. In terms of the Legacy, I share the LDA's confidence that the transformation of the area, achieved by the construction of the Olympic Park, will make the area attractive to private sector developers and investors. ^[3.110]

(h) *Whether there is a reasonable prospect of the scheme for which the land is required going ahead and that it will not be blocked by any impediments to implementation*

6.4.11 The principle of holding the Olympic Games within the Order Lands was firmly established by the grant of inter-related planning permissions in 2004. Further permissions are required, in that the extent of the Park has contracted, some of the components have changed and some of the facilities have been redistributed. Whilst that process cannot be assumed to be a foregone conclusion, I am satisfied that the changes do not undermine the fundamental concept and there are no apparent reasons why new permissions should not be granted. Time will be of the essence, but the vesting of development control powers in the Olympic Delivery Authority will ensure quality and speed in decision making. ^[3.60-3.69, 3.11-3.116]

6.4.12 Two of the Order sites outside the Olympic Park, Wallis Road (plots 102 - 104) and Wyke Road (plots 252 - 254), which I have discussed in Part 2 of my conclusions, await the submission and determination of planning applications for a new use. Acquisition is for the specific purpose of relocating the Travellers from Waterden Crescent and building a bus garage respectively. Hence, these plots should only be acquired if planning permission is obtained. Otherwise the justification falls away; but, such an outcome would not undermine the case that exists for the remainder of the Order Lands.

6.4.13 Similarly, planning permission has been granted for the Stratford City development; and it will be recalled that this CPO will unlock the current constraints to that project proceeding.

6.4.14 The Olympic planning permissions are subject to a number of conditions which remain to be fulfilled; with the submission of Residential and Business Relocation Strategies being of particular concern to a number of Objectors. However, as set out in Part 2 of my conclusions, I take the view that the rationale of such strategies has largely been overtaken by the activities of the LDA in setting about the task of providing support and putting in place arrangements to relocate a number of businesses and residents.

6.4.15 Other consents and approvals of a technical nature, for example road closures, will be required; but against the background of planning permissions, and the framework of the Environmental Statement, I see no reason to anticipate any difficulties.^[3.111-3.116]

(i) If objectors have put forward alternative proposals, the likelihood of such proposals being implemented and the extent to which they may conflict with the London Development Agency's proposals as regards timing and regeneration of the surrounding area

6.4.16 As can be seen from Part 2 of my conclusions, only a small number of Objectors have offered alternatives, on a site-specific or very limited basis. The Clays Lane residents sought to challenge the design of the Park but, generally, insofar as they sought to question earlier design decisions or, like a number of other unsupported assertions, to claim that the Park could be redesigned to exclude particular plots. In terms of relocating the First Bus depot, various alternative sites were suggested by the Objectors; but, in my view, none has equal or greater merit than the site proposed by the LDA. For those Objectors who wished to carry out their own Legacy developments, none could offer the same assurance of immediate and speedy regeneration following the Games.

(j) Whether regeneration is, on balance, more likely to be achieved if the land is acquired by the London Development Agency

6.4.17 Regeneration on the scale and time-table proposed by the LDA remains unchallenged; and the intent of a few individual Objectors to carry out their own regeneration projects would be isolated and wholly ineffective in relation to the task that faces the area as a whole and the benefits that could be reaped from hosting the Olympic Games.

(k) Whether development by the London Development Agency will displace private sector development

6.4.18 The LDA's proposals will displace a number of businesses; some of which are modern, large scale and significant employers. It will also frustrate their future development ambitions. However, regeneration on the scale proposed will rely on, and draw in, private sector investment and achieve development on a planned and comprehensive basis to deliver the regeneration of the Lower Lea Valley.

(l) The quality and timing of the London Development Agency's proposals

6.4.19 Given the scale and immediacy of the proposed development and the transformation that it will bring to a wide area, as outlined above, I am in no doubt that the LDA's proposals are of a unique and very high quality.

(m) Whether the case in favour of confirmation is of sufficient weight to justify interfering with the human rights of those who have interests in the land affected

6.4.20 Section 6 of *The Human Rights Act 1998* makes it unlawful for any 'public authority' to act in a way which is incompatible with any of the rights set out in the *European Convention on Human Rights*. A significant number of

Objectors identify 2 rights, namely Article 8, which affords a right to respect for a person's private and family life and his home; and Article 1 of the First Protocol, which affords a right to peaceful enjoyment of a person's possessions. In Part 2 of my conclusions I have identified those who have raised such an objection. In the light of the totality of the evidence; the clear case for regeneration and the widespread public benefits that would flow; and the absence of any alternative means of achieving those benefits, I conclude that the LDA's proposals are a proportionate interference.

6.4.21 Article 6 also affords a right to 'a fair trial'. This Inquiry, in conjunction with the statutory right to challenge the Secretary of State's decision in the High Court, meets the requirement of Article 6.

(n) Acquisition by negotiation

6.4.22 It is very notable that the LDA sought to acquire land by negotiation not only before the making of the Order but also before the outcome of the Olympic Bid was announced. The decision to award the Games to London placed an immediate urgency on the process of land acquisitions and the LDA's actions of instigating formal procedures in parallel with negotiations is endorsed by the Circular. I have already indicated the extent to which land has been secured through negotiation.

(o) To what extent does the Order affect special types of land?

6.4.23 Agreements have been entered into with all of the statutory undertakers who objected to the Order; agreements have also been concluded with all but one of the local authorities, and that authority makes no objection to any part of the Order.^[3.125-3.130] Some Objectors have raised the matter of exchange land for open spaces lost by the development; but that provision does not apply as a consequence of Section 36(3) of the *London Olympic Games and Paralympic Games Act 2006*. Finally, in terms of Crown Land, although a number of plots fell within this category when the Order was made, and some still do, the intention is to acquire lesser interests rather than the interest in the land itself.

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6.5.0 Part 5: Overall Conclusion

- 6.5.1 The Lower Lea Valley has all the attributes of an area lacking in investment. Environmental quality is poor; movement across the area is inhibited; employment has a narrow focus; unemployment is high and there are numerous signs of marked deprivation. The long-standing policy background of seeking to achieve growth and regeneration has not been rewarded by tangible revitalisation on any significant focus or scale.
- 6.5.2 The successful outcome of the London Bid will bring a remarkable event to the Lower Lea Valley. That event will require an extraordinary effort to transform what has gone before by implementing works on an enormous scale within an incredibly short period of time. The challenge is immense; but the benefits of hosting the Games, and providing the catalyst to a lasting Legacy, are likely to be immeasurable. The CPO will allow these opportunities to be realised and it will also ensure the implementation of the Stratford City development which will bring a new heart to Stratford.
- 6.5.3 To achieve these benefits a substantial group of residents will have to give up their homes; and a number of businesses will be displaced. I do not underestimate the individual and cumulative impacts of this process; but the unique opportunity to secure benefits on an unimaginable scale cannot be realised in a less damaging way.
- 6.5.4 However, in relation to the acquisition of plots 45 and 353, which are the Traveller and Gypsy sites at Waterden Crescent and Clays Lane respectively, the occupants of those sites could be rendered homeless, and the Secretary of State should therefore be satisfied that measures are in place, or will be put in place, to secure their relocation, before the Order is confirmed.
- 6.5.5 Similarly, the compulsory acquisition of plots 46, 47, 51, 60, 61 and 62 is also necessary to achieve the purposes of the Order. Nonetheless, these plots are occupied by 2 bus depots and it is important that the continuity of public transport in this part of East London is guaranteed. On this basis the Secretary of State should also be satisfied that measures are in place, or will be put in place, to secure their relocation, before the Order is confirmed.
- 6.5.6 Subject to these pre-conditions being met, I have reached the conclusion that there is a compelling case in the public interest to acquire the plots listed in Part A of my recommendation and such actions are proportionate with *Convention Rights*.
- 6.5.7 I also conclude that the compulsory acquisition of plots 102 – 104 and 252 – 254 would be necessary and proportionate, if planning permission is granted for use as a Travellers' site in the case of the former, and for a replacement bus garage in the case of the latter. These parts of the Order should not be confirmed until the final outcome of each of those applications is known as the refusal of planning permission would remove the compelling need. This forms the basis for my Part B recommendation.
- 6.5.8 Since making the Order, the LDA has identified a number of plots which it no longer seeks to acquire and presents no evidence to justify compulsory acquisition. This is reflected in Part C of my recommendation.

7. RECOMMENDATION

Part A:

7.1 **I recommend that the Order be confirmed in respect of the following plots (as set out in the Revised Schedule [* denotes revised interest to be acquired from that set out in the Schedule to the Order as originally made] and the Revised Order Map [Sheets 1 – 14]),⁴⁴³ subject to satisfactory alternative provision having been assured for the current uses on Order plots 45, 46, 47, 51, 60, 61, 62 and 353:-**

6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20*, 21, 22, 23, 24*, 25, 26, 27, 28, 29, 30*, 31*, 32, 33, 34, 35, 36, 37, 38*, 39, 40, 41, 42, 43, 44, 45, 46, 47*, 48*, 49*, 50, 51, 52, 53*, 54*, 55*, 56, 57, 58*, 59*, 60, 61, 62*, 63, 64*, 65, 66, 67, 68, 69, 71, 72, 73, 74*, 75*, 76*, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89*, 90, 91*, 92*, 93*, 94*, 95, 96*, 97*, 98*, 99, 100*, 101, 105, 106, 107*, 108, 109, 110, 111*, 114, 115, 116, 117*, 118, 119, 120, 121*, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131*, 132, 133*, 134*, 135*, 136*, 137*, 138, 139, 140, 141, 142, 143, 144, 145, 146*, 147, 148, 149, 150, 151*, 152*, 153, 154, 155, 156*, 157*, 158, 159, 160, 161*, 162*, 163, 164*, 165*, 166*, 167, 168, 169*, 170, 171, 172, 173*, 174, 175, 176*, 177*, 178, 179*, 180*, 181*, 182, 183, 184*, 185, 186*, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196*, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225*, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238*, 239, 240, 241*, 242, 243, 244, 247*, 248, 249, 250, 251, 272*, 273*, 329, 331, 332*, 333*, 334*, 335*, 336*, 337*, 338*, 339*, 340*, 341, 342*, 343*, 344*, 345*, 346, 347, 348*, 349*, 350, 351*, 352, 353*, 354*, 355, 356*, 357*, 358*, 359*, 360*, 361*, 362*, 363, 364*, 365a*, 365b*, 365c*, 365d*, 366*, 367*, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 380, 381, 382, 383, 384, 385, 386a, 386b, 387, 388*, 389, 390*, 391, 392*, 393, 394, 395*, 396*, 397*, 398*, 399*, 400*, 401, 402, 403, 404, 405, 406, 407*, 408, 409, 410*, 411*, 412a, 412b, 412c, 413a*, 413b*, 414, 415*, 416*, 417, 418*, 419*, 420*, 421*, 422*, 423*, 424, 425, 426*, 427, 428*, 429*, 430*, 431*, 432*, 433*, 434*, 435, 436, 437*, 438*439*, 440, 441, 442, 443*, 444, 445, 446, 455*, 456*, 457*, 458, 459*, 460*, 461, 462*, 463*, 464*, 465, 466*, 467*, 468, 469*, 470, 471, 472*, 473*, 474*, 475*, 476*, 477, 478, 479*, 480*, 481, 482*, 483*, 484*, 485*, 486*, 487, 488, 489*, 490*, 491, 492, 493, 494, 495, 496, 497, 498*, 499, 500*, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516*, 517, 518, 519*, 520, 521*, 522, 523, 524, 525*, 526, 527*, 528*, 529, 530, 531, 532, 533, 534, 535, 536, 537*, 538*, 539, 540*, 541*, 542*, 543*, 544*, 545, 546, 547, 548, 549, 550*, 551, 552, 553*, 554*, 555*, 556, 557*, 558, 559*, 560*, 561*, 562*, 563*, 564*, 565*, 566*, 567*, 568*, 569*, 570*, 571*, 572*, 574*, 575*, 576*, 577*, 578*, 579*, 580*, 581*, 582*, 583*, 584*, 585*, 586*, 587*, 588*, 589*, 590*, 591*, 592*, 593*, 594*, 595*, 596*, 597*, 598*, 599*, 600*, 601*, 602*, 603*, 604*, 605*, 606*, 607*, 608*, 609*, 610*, 611*, 612*, 613*, 614*,

⁴⁴³ INQ/5 & INQ/6

615*, 616*, 617, 618*, 619(part)*, 620*, 621*, 622, 623, 624*, 625, 626*, 627, 628, 629*, 630*, 631, 632, 633*, 634*, 635*, 636*, 637, 638, 639, 640, 641, 642*, 643, 644, 645, 646, 647*, 648*, 649*, 650*, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669*, 677*, 678, 679, 680*, 681, 682, 683, 684, 685, 686, 687*, 688, 689, 690, 691, 696, 707*, 708, 709, 710*, 711, 714*, 715*, 725, 726, 727*, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737(part)*, 738, , 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749*, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 765, 766*, 767*, 768, 770, 771, 772*, 773*, 774, 775*, 776, 777, 778*, 779, 780*, 781*, 782, 783*, 784*, 785*, 786, 787 and 788.

Part B

7.2 **I recommend that, subject to the grant of planning permission for the use of plots 102, 103 and 104 for use as a Travellers' site; and subject to the grant of planning permission for the use of plots 252, 253 and 254 as a bus garage, the Order be confirmed in respect of plots:-**

102, 103, 104, 252, 253* and 254

Part C

7.3 **I recommend that the Order be not confirmed in respect of the following plots:-**

1, 2, 3, 4, 5, 70, 112, 113, 245, 246, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301 302, 303 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 330, 379, 447, 448, 449, 450, 451, 452, 453, 454, 573, 619(part), 670, 671, 672, 673, 674, 675, 676, 692, 693, 694, 695, 697, 698, 699, 700 701, 702, 703, 704, 705, 706, 712, 713, 716, 717, 718, 719, 720, 721, 722, 723, 724, 737(part), 760, 761, 762, 763, 764, 769, 789, 790, 791 and 792.

David M H Rose

David M H Rose

APPENDIX A: APPEARANCES AT THE INQUIRY

THE PROMOTER: THE LONDON DEVELOPMENT AGENCY

Represented by
Mr Guy Roots QC

Assisted by **Mr Richard Glover** and
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Instructed by Eversheds Solicitors
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They called:

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Mr Andrew Jones
BA Hon, PhD, DipUP, MRTPI
(Planning Policy & Planning Issues)

Managing Principal EDAW
1a Lonsdale Square, London, N1 1EN

Mr Jason Prior
BA, DipLA MLI
(Regeneration strategy & masterplanning)

Regional Vice President, EDAW
1a Lonsdale Square, London, N1 1EN

Mr Peter Hine
MRTPI, FIHT
(Town planning and environmental assessment and environmental impact matters)

Associate Director, Capita Symonds Ltd,
24-30 Holborn, London, EC1N 2LX

Dr Robin Perry
BSc, PhD
(Environmental matters - Contamination)

Associate Director, Capita Symonds Ltd,
24-30 Holborn, London, EC1N 2LX

Mr Headley Walker
BSc, MSc, MILT, MIHT
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Regional Director, Capita Symonds Ltd,
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Chief Executive Officer,
The Olympic Delivery Authority
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- Mr Andrew Gaskell**
MRICS, DipSurv, BA (Hons)
(Relocation of Travellers & related issues)
- Senior Development Manager
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- Mr Alan Murray**
BA, MCILT
(Bus Issues)
- Premises Development Manager
London Bus Services Ltd,
172 Buckingham Palace Road, London,
SW1W 9TN
- Mr Stephen Sibley**
MSc
(Planning matters – relocation of Travellers)
- Director of Planning, Turley Associates,
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- Mr Gareth Blacker**
MA, BSc(Surv) Hons, MRICS
(Powers & role of the LDA)
- Director of Development-Olympics
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- Miss Roseanna Lawes**
BSc, MRICS
(Land acquisition, relocations & negotiations with land owners/occupiers)
- Head of Projects, Olympic Land Team
The London Development Agency
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- Mr David Hull**
- Buro Happold Limited
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(Multidisciplinary engineering and utilities consultants, as part of EDAW consortium advising the LDA and the ODA on the design of the Olympic Park)
- Ms Lyn Fenton**
- Development Director of Ancoats Urban
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Mr Des Camblin

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APPENDIX B: LIST OF DOCUMENTS

CORE DOCUMENTS SUBMITTED BY PROMOTERS

CD1	The London Development Agency (Lower Lea Valley, Olympic and Legacy) Compulsory Purchase Order 2005 (16 November 2005)
CD2	Statement of Reasons, London Development Agency (16 November 2005)
CD3	Statement of Case and Appendices, London Development Agency (20 February 2005)
CD4	RPG9: Regional Planning Guidance for the South East (1994)
CD5	RPG9A: The Thames Gateway Planning Framework (1995)
CD6	RPG3 (1996)
CD7	RPG9 (Revised) (2001)
CD8	Unitary Development Plan, London Borough of Hackney (1995)
CD9	Unitary Development Plan, London Borough of Waltham Forest (1996)
CD10	Unitary Development Plan, London Borough of Newham (First UDP) (1997)
CD11	Unitary Development Plan, London Borough of Newham (Second UDP) (2001)
CD12	Unitary Development Plan, London Borough of Tower Hamlets (1998)
CD13	Lower Lea Valley Planning Framework, London Borough of Newham (November 2002)
CD14	Fourth Corporate Plan (2005-2008), London Development Agency
CD15	Draft Fifth Corporate Plan (2006-2009), London Development Agency
CD16	London Plan (2004)
CD17	Lower Lea Valley Joint Area Action Plan and Opportunity Area Planning Framework (March 2004) (adopted July 2004)
CD18	Waltham Forest UDP Inspector's Report (June 2005)
CD19	Waltham Forest UDP Response to Inspector's Report and Proposed Modifications (October 2005)

Olympic and Legacy Planning Permissions

Outline planning permission (OLY 1):

CD20.1	2004/0001 (London Borough of Hackney)
CD20.2	P/04/001 (London Borough of Newham)
CD20.3	PA/04/001 (London Borough of Tower Hamlets)
CD/20.4	2004/0006 (London Borough of Waltham Forest) (1 October 2004)

Outline planning permission (OLY 2):

- CD/20.5 2004/0002 (London Borough of Hackney) (1 October 2004)
CD20.6 2004/0007 (London Borough of Waltham Forest) (1 October 2004)

Outline planning permission (OLY 3):

- CD/20.7 Ref no. P/04/003 (London Borough of Newham) (1 October 2004)

Outline planning permission (OLY 4):

- CD20.8 PA/04/0004 (London Borough of Tower Hamlets) (1 October 2004)

Outline planning permission (OLY 5):

- CD 20.9 P/04/005 (London Borough of Newham) (1 October 2004)
CD20.10 Environmental Statement accompanying outline planning application
(OLY 1, OLY 2, OLY 3, OLY 4 AND OLY 5) in 5 Parts with 4
Annexes and 9 Volumes of Appendices (January 2004)

**Section 106 Agreements, Town and Country Planning Act 1990 for the Olympic
and Legacy Scheme (1 October 2004)**

- CD20.11 Further Information pursuant to the Environmental Statement
accompanying the outline planning application (OLY 1, OLY 2, OLY 3,
OLY 4 and OLY 5) in 7 Volumes (May 2004)
CD20.12 Section 106 Agreement, Town and Country Planning Act 1990 for the
Olympic and Legacy Scheme (1 October 2004)

Stratford City planning permissions

- CD21.1 Planning Permission (17 February 2005 (LB Newham ref no.P/03/0607)
CD21.2 Planning Permission (highways scheme) (17 February 2005)
(LB Newham ref. no. P/03/0659)
CD21.3 Planning Permission (highways scheme) (17 February 2005)
(LB Newham ref. no. P/03/0660)
CD21.4 Planning Permission (highways scheme) (14 June 2004)
(LB Tower Hamlets ref. no. PA/03/00662)
CD21.5 Planning Permission (highways scheme) (13 December 2004)
(LB Waltham Forest ref. no. 2003/0640)
CD21.6 Section 106 Agreement, Town and Country Planning Act 1990 for
Stratford City
CD22 Business Relocation Charter (LB Newham / LDA)
CD23 Preferred Options for the Area Action Plan for Leaside (October 2005)
CD24 LDA Strategic Area Priorities Study (December 2001)
CD25 LDA Appendix of Plans (April 2006)
CD26 Olympic Games Study Commission Report (July 2003)
CD27 Lower Lea Valley Opportunity Area Planning Framework (Consultation
Draft) (April 2006)
CD28 LDA (Undergrounding of Power Lines, Lower Lea Valley) CPO PI.
Inspector's Report & Secretary of State Decision Letter

CD29	Series of Maps Showing CPO Order Lands
CD30	Sustaining Success Developing London's Economy – Economic Development Strategy.
CD31	Approved Corporate Plan 2006-2009
CD32	The Waltham Forest UDP – First Review (adopted March 2006)
CD33	London Olympics 2012 – Cashflows and Sensitivities – 21 May 2002 - Arup

**DOCUMENTS SUBMITTED BY PROMOTERS
(INCLUDING WITNESS PROOFS AND APPENDICES)**

LDA/AM/1	Proof of Evidence Alan Murray
LDA/AM/2	Summary Proof of Evidence Alan Murray
LDA/AM/3	Appendices Alan Murray
LDA/AG/1	Proof of Evidence Andrew Gaskell, London Development Agency
LDA/AG/2	Summary Proof of Evidence Andrew Gaskell
LDA/AG/3	Appendices Andrew Gaskell
LDA/AG/4	Withdrawn (also numbered LDA/REB/3)
LDA/AG/5	Supplementary Note of Andrew Gaskell. The Relocation of Eastway Cycle Circuit
LDA/AG/6	Update in respect of the Residents of Clays Lane Gypsy Site
LDA/AJ/1	Proof of Evidence Andrew Jones
LDA/AJ/2	Summary Proof of Evidence Andrew Jones
LDA/AJ/3	Response Proof of Andrew Jones (also numbered as LDA/REB/5)
LDA/AJ/4	Appendix to Response Proof of Andrew Jones
LDA/DH/1	Proof of Evidence David Higgins
LDA/DH/2	Summary Proof of Evidence David Higgins
LDA/GB/1	Proof of evidence of Gareth Blacker
LDA/GB/2	Summary Proof of Evidence Gareth Blacker
LDA/GB/3	Appendices Gareth Blacker
LDA/GB/4	Supplementary Proof of Evidence Gareth Blacker – Stratford City
LDA/GB/5	Supplementary Proof of Evidence Gareth Blacker – Neptune Wharf Ltd and Roadglen Ltd
LDA/HW/1	Proof of Evidence Hedley Walker
LDA/HW/2	Summary Proof of Evidence Hedley Walker
LDA/HW/3	Appendices Hedley Walker
LDA/JP/1	Proof of Evidence Jason Prior
LDA/JP/2	Summary Proof of Evidence Jason Prior
LDA/JP/3	Not issued

LDA/JP/4	Additional Proof of Evidence of Jason Prior (also numbered LDA/REB/1)
LDA/JP/5	Response proof of Jason Prior (also numbered LDA/REB/8)
LDA/JS/1	Proof of Evidence Jim Strike
LDA/JS/2	Summary Proof of Evidence Jim Strike
LDA/SC/1	Proof of Evidence Lord Coe
LDA/SC/2	Summary Proof of Evidence Lord Coe
LDA/PDH/1	Proof of Evidence Peter Hine
LDA/PDH/2	Summary Proof of Evidence Peter Hine
LDA/SS/1	Proof of Evidence Stephen Sibley
LDA/SS/2	Summary Proof of Evidence Stephen Sibley
LDA/SS/3	Appendices Stephen Sibley
LDA/SS/4	Supplementary Proof of Evidence Stephen Sibley
LDA/SS/5	Appendices to Supplementary Proof of Evidence Stephen Sibley

PROMOTER'S REBUTTAL PROOFS

LDA/REB/1	Supplementary and Rebuttal Proof Relating to Bridges
LDA/REB/2	Response of Alan Murray to Evidence Submitted by Neptune Wharf Ltd & Roadglen Ltd
LDA/REB/3	Withdrawn
LDA/REB/4	Response Proof of Hedley Walker to Evidence Submitted by Neptune Wharf Ltd and Roadglen Ltd
LDA/REB/5	Response Proof of Andrew Jones – Planning Policy & Proposals for the Former Scottish & Newcastle Site
LDA/REB/6	Rebuttal Evidence of Gareth Blacker in Respect of Evidence of Mr David Thaddeus on Behalf of Pioneer Concrete (UK) Limited
LDA/REB/7	Rebuttal Proof of Gareth Blacker in Respect of Evidence of Mr J H Kerman on Behalf of Park Communications Limited
LDA/REB/8	Response Proof of Jason Prior – Objection by Messrs A. Rashid, A. Hussain & Ranger Ltd
LDA/REB/9	Response Proof of Rosanna Lawes in Respect of Objection by the Hangar Group
LDA/REB/10	Response to Objections by Scottish Widows (Obj 63) and P&O Property Holdings (Obj 197)
LDA/REB/11	Rebuttal Evidence Regarding Planning Policy and Planning Permissions at Chobham Farm
LDA/REB/12	Response Proof of Jason Prior in Respect of Objection by Mr Julian Cheyne, Objector 248
LDA/REB/13	Response Proof of Mr Gaskell in Respect of Objection by Mr Julian Cheyne, Objector 248

LDA/REB/14	Response Proof of Mr Gaskell in Respect of Objection by Ms Araceli Blanco Objector 257
LDA/REB/15	Response Proof of Jason Prior in respect of Landregal Ltd (OBJ 98) and Finepoint Ltd (OBJ 97)
LDA/REB/16	Response Proof of Rosanna Laws to Evidence of Landregal Limited (Obj/98) and Finepoint Limited (Obj/97)
LDA/REB/17	Response Proof of Jason Prior to Evidence submitted by Alphachoice (Obj/114) and Overseas Plastic Import Export Company Limited (Obj/116)
LDA/REB/18	Response Proof of Gareth Blacker to Evidence of Alphachoice (Obj /114) and Overseas Plastic Import Export Company Limited (Obj/116)
LDA/REB/19	Response Proof of Hedley Walker to Evidence of London Cycle Campaign (Obj/338)
LDA/REB/20	Response Proof of Jason Prior to Objection by Mason Pearson Bros Limited (Obj/4)
LDA/REB/21a	Response Proof of Rosanna Lawes to Objection by Mason Pearson Bros Limited (Obj/4)
LDA/REB/21b	Appendices to Repsonse Proof of Rosanna Lawes to Objection by Mason Pearson Bros Limited (Obj/4)
LDA/REB/22	Response Proof of Rosanna Lawes to Objection by Orange (Obj/394)
LDA/REB/23	Response Proof of Jason Prior to Objection by Kendon Packaging & H Cormacey Ltd (Obj/8/7)
LDA/REB/24	Response Proof of Gareth Blacker to Objection by Kendon Packaging & H Cormacey Ltd (Obj/8/7)
LDA/REB/25	Response Proof of Jason Prior to Objection by Wanex Ltd (Obj/68)
LDA/REB/26	Response Proof of Gareth Blacker to Objection by Wanex Ltd (Obj/68)
LDA/REB/27	Response Proof of Gareth Blacker to Objection by Mr Finlay (Obj/20/21)
LDA/REB/28	Response Proof of Andrew Gaskell to Mr Barry Ojar (Obj/257)
LDA/REB/29	Response Proof of Andrew Jones to Planning Policy & Proposals for Kings Yard + Appendix
LDA/REB/30	Response Proof of David Hull to Objection by Land Regal Limited
LDA/REB/31	Response Proof of Andrew Jones to Mr Littmans Rebuttal Proof on Alternative Sites
LDA/REB/32	Response Proof of Gareth Blacker to GB Macks Skips
LDA/REB/33	Response Proof of Alan Murray on Wyke Road Garage Comparative Costs
LDA/REB/34	Response Proof of Alan Murray on Supplementary Proof of David Boswell
LDA/REB/35	Response Proof of Gareth Blacker Relating to Timing of Relocation of Bus Site

LDA/REB/36	Response Proof of Andrew Jones on Mr Littman's Proof on Alternative Sites
LDA/REB/37	Response Proof of Robin Perry Associate Director Capita Symonds, Clays Lane Housing Estate: Contamination Issues
LDA/REB/38	Response Proof of Jason Prior to Objection by Clays Lane Residents
LDA/REB/39	Response Proof of Andrew Gaskell to Objection of the Collective Case for Clays Lane Residents
LDA/REB/40	Response Proof of Andrew Gaskell to Objection by Anderson Armstrong
LDA/REB/41	Response Proof to Objection by Clearun Limited, Area Recycling Limited & Patrick William Gladwell
LDA/REB/42	Response to Objection by Brewsters Waste Management Ltd, Brewsters Waste Management Services, Mr Brian, Mr Barry & Mrs Sheila Brewster
LDA/REB/43	Response to Written Representation of Miss Julie Sumner
LDA/REB/44	Response to Written Objection of Mr Slavin

PROMOTERS RESPONSES TO WRITTEN REPRESENTATIONS

LDA/REP/06	Written response to Axelcover Limited
LDA/REP/09	Written response to Curved Pressings Limited
LDA/REP/13	Written response to T S Hinchliff, Eton Mission Rowing Club/Eton Mission Rowing Club Limited
LDA/REP/15	Written response to Pall Mall Investments (London) Limited
LDA/REP/16	Written response to DDS (London) Limited
LDA/REP/17	Written response to Wedge Group Galvanising & Parkes Galvanising Limited
LDA/REP/22	Written response to Pound Express Limited
LDA/REP/23	Written response to Roderick Neil Greenhalgh trading as R G Properties Limited
LDA/REP/24	Written Response to S Mohmed and Patels
LDA/REP/26	Written response to Tropifruit Limited
LDA/REP/27	Written response to Tyrone Textiles Limited
LDA/REP/30	Written response to I Field & Barrett Roofing Limited
LDA/REP/31	Written response to K & D Joinery Limited
LDA/ REP/33	Written response to Lazerlink UK
LDA/REP/34	Written response to Amarjeet and Gurdeep Singh
LDA/REP/36	Written response to F R Kestla & Sons
LDA/REP/37	Written response to Euro Hygiene Products London Limited
LDA/REP/38	Written response to Discount (Construction) Double Glazing Limited

LDA/REP/40	Written response to Carpenters Garage- Falcon Print Distribution & Storage Limited
LDA/REP/41	Written response to B E Wedge Holdings Limited
LDA/REP/48	Written response to Crown Close Holdings Limited
LDA/REP/49	Written Response to I/S Stratford
LDA/REP/50	Written response to Retriever Limited
LDA/REP/51	Written response to G A Nazir
LDA/REP/52	Written response to Travers Smith Service Company
LDA/REP/53	Written response to Van Lauren (Imports) Limited
LDA/REP/54	Written response to Paul Vanstone
LDA/REP/55	Written response to BTS Skips Limited
LDA/REP/62	Written response to Jesper Tullin
LDA/REP/64	Written response to UK Snacks Limited
LDA/REP/69	Written response to Eight By Four Limited
LDA/REP/70	Written response to Babs and Bola Awoyemi trading as Bayem Corporation
LDA/REP/71	Written response to First Capital East Limited
LDA/REP/72	Written response to Freightliner & Freightliner Heavy Haul Limited
LDA/REP/76	Written response to Federal Express Europe Inc
LDA/REP/79	Written response to The Boots Group plc t/a Boots The Chemist Limited
LDA/REP/83	Written response to Mastpine Limited
LDA/REP/84	Written response to Meir Levine
LDA/REP/85	Written response to Van Wagner (UK) Limited
LDA/REP/92	Written response to Omila Properties Limited
LDA/REP/93	Written response to Landport Developments
LDA/REP/95	Written response to Mr & Mrs Diebelius of Diebelius Builders
LDA/REP/97	Written response to Finepoint Estates Limited
LDA/REP/99	Written response to B R G Print Finishers Limited
LDA/REP/100	Written response to Priest Brothers Furniture
LDA/REP/101	Written response to First Venture Limited
LDA/REP/103	Written response to Gladquote Limited
LDA/REP/104	Written response to Sabreleague Limited
LDA/REP/105	Written response to BOC Limited
LDA/REP/106	Written response to Timothy Sylvester Rait
LDA/REP/107	Written response to B D Corporation UK (Pvt) Limited
LDA/REP/108	Written response to Discount Beds Direct Limited
LDA/REP/109	Written response to Post Scriptum Distribution & Marketing Service

LDA/REP/110	Written response Bangla Frozen Food Limited
LDA/REP/111	Written response to Quickmarsh Limited
LDA/REP/112	Written response to Logicmedia Limites & Webprint Limited
LDA/REP/117	Written response to Mr H Schwarz
LDA/REP/118	Written response to Mr G Schwarz
LDA/REP/123	Written response to Hugo Foods International Limited
LDA/REP/124	Written response to H. Smith Food Group PLC
LDA/REP/125	Written response to Todd Meat Trading Co Limited
LDA/REP/126	Written response to Kim Son Limited
LDA/REP/127	Written response to Thomas Bernard McFeely
LDA/REP/133	Written response to TJ Japanese Auto Spares
LDA/REP/134	Written response to Novalink
LDA/REP/135	Written response to Panache
LDA/REP/136	Written response to C2
LDA/REP/138	Written response to London Tradition
LDA/REP/139	Written response to Style Trade
LDA/REP/141	Written response to Outline Associates T/A Bodyworks
LDA/REP/142	Written response to Adler & Allan
LDA/REP/143	Written response to H & S Polythene
LDA/REP/145	Written response to Leepat Productions
LDA/REP/146	Written response to D & C Glass & Glazing
LDA/REP/148	Written response to Sytner Group Limited
LDA/REP/151	Written response to Moss Bros Group PLC
LDA/REP/152	Written response to J G Belts Limited
LDA/REP/156	Written response to J White trading as Bulk Fuels
LDA/REP/159	Written response to Manser Homes Limited
LDA/REP/160	Written response to Japanese Stars Limited
LDA/REP/161	Written response to Mc Fen Haulage & Plant Limited & AJ Fennessey
LDA/REP/165	Written response to Mr Joseph Terence Chambers
LDA/REP/166	Written response to TC Chambers and Sons Limited
LDA/REP/167	Written response to Linde Gas UK Limited
LDA/REP/171	Written Response to Eurocross Frozen Fish Limited
LDA/REP/172	Written response to Hoo Hing Ltd
LDA/REP/176	Written response to Percy Adler, Esther Adler & Paul Adler
LDA/REP/177	Written response to A&A Self-Storage Limited
LDA/REP/185	Written response to Paul David
LDA/REP/187	Written response to BBA Group Executive Pensions Trustees Limited

LDA/REP/194	Written Response to East London Bus & Coach Company Limited
LDA/REP/199	Written response to Daimler Chrysler UK Retail Limited
LDA/REP/205	Written response to Mr Derrick Price
LDA/REP/206	Written response to Mr Paul Biggs of Harrow Green Group & Harrow Green Limited
LDA/REP/207	Written response to A Warren & Sons Limited
LDA/REP/208	Written response to Mr Michael Featherstone T/A Wallis Motor & Salvage
LDA/REP/209	Written response to Mr Zuber Mohamed, Bibeuns of London Limited
LDA/REP/211	Written response to Mr Ken Nicholls of Kenton Steel Construction Co Limited
LDA/REP/212	Written response to Mr B Huckle & Mrs S Huckle of G B Macks Skips
LDA/REP/213	Written response to Ms Donna King, Docklands Waste Recycling
LDA/REP/214	Written response to Mr Brian John Bluck, Embassy Demolition Contractors Limited
LDA/REP/216	Written response to Timothy Norman of Edwin Shirley Holdings Limited
LDA/REP/217	Written response to Meyers Transport Limited
LDA/REP/218	Written response to Print Emporium Limited
LDA/REP/219	Written response to Parts Plaza UK Limited
LDA/REP/220	Written response to Ronald Leonard Leader & Michael Adkins as trustees of the H.C. Leader Will Trust & Denise Rosamond Leader
LDA/REP/221	Written response to Euro Hygiene Products Limited
LDA/REP/222	Written response to Pound Express Limited
LDA/REP/223	Written response to Saeed Mohamed
LDA/REP/224	Written response to Mohamed Salim Patel
LDA/REP/225	Written response to Jabir Yusuf Patel
LDA/REP/233	Written response to Solad S Mohammed of Abbey Mills Riverine Centre
LDA/REP/234	Written response to Mr & Mrs Metcalfe
LDA/REP/236	Written response to Anjuman-E-Islahul-Muslimeen of (London) UK
LDA/REP/249	Written response to Melissa Whiteley
LDA/REP/251	Written response to Miss C A Hall
LDA/REP/259	Written response to G A Dyer
LDA/REP/292	Written response to Pierre Dagonnot
LDA/REP/293	Written response to Amani Omar
LDA/REP/298	Written response to Patrick Kelembeck
LDA/REP/301	Written response to Abdul Monir

LDA/REP/302	Written response to Charmaine Francis
LDA/REP/304	Written response to Timothy Mark Hutin
LDA/REP/306	Written response to Hyung Jun Kim
LDA/REP/307	Written response to Cristina Cebal
LDA/REP/312	Written response to Maria Dolores Munoz-Coba
LDA/REP/322	Written response to Sara & Tony Price
LDA/REP/323	Written response to Derek Corney of Fox Finishers
LDA/REP/324	Written response to Mr P Rouffignac of Justin Waine Finishers
LDA/REP/325	Written response to Mr J Rouffignac of Quicksilver (GB) Limited
LDA/REP/326	Written response to Conroy Rouffignac
LDA/REP/328	Written response to B V Investments Limited
LDA/REP/329	Written response to M K Associates Limited
LDA/REP/330	Written response to Carlton Shoes Limited
LDA/REP/344	Written response to N R Gansell
LDA/REP/346	Written Response to Carpenters TMO Board
LDA/REP/347	Written response to Hacknet Environment Forum
LDA/REP/351	Written Response to Ibrahim Syed
LDA/REP/352	Written response to Free Trade Beers & Minerals Limited
LDA/REP/354	Written response to Capital Estates Limited
LDA/REP/358	Written response to Ujima Housing Association
LDA/REP/359	Written Response to Milan Limited
LDA/REP/386	Written Response to Ahmed Investment Limited
LDA/REP/387	Written Response to Best Selling Limited
LDA/REP/399	Written response to Antalis Limited
LDA/REP/403	Written response to Hing Man trading as HMS Meats
LDA/REP/427	Written Response to New Lammas Lands Defence Committee
LDA/REP/428	Written Response to Martin Slavin

ADDITIONAL DOCUMENTS SUBMITTED BY PROMOTERS

LDA/1	LDA Opening Statement
LDA/2	Compliance Bundle
LDA/3	List of Plots which the LDA are no longer seeking to acquire
LDA/4	Errata Sheet to Proof of Evidence of Gareth Blacker (LDA/GB/1)
LDA/5	Note in Respect of Eastway Allotments
LDA/6	Note for Inquiry Re Paragraph 2.3.2 of Mr Prior's Proof
LDA/7	Funding of Representations for Residents of Clay Lane

LDA/8	Note on Jim Strike's Summary Proof
LDA/9	Note on Open Space Provision & PPG17
LDA/10	Note for Inspector re: Housing Targets in the London Plan
LDA/11	Note for Inspector re: employment numbers in legacy
LDA/12	Note for Inspector re: planning policy review update
LDA/13	Note on Proposed Wyke Road Bus Garage:Noise Assessment
LDA/14	Revisions to the Olympic and Legacy Master Plans, June 2006
LDA/15	Note to the Inquiry relating to the informal sessions for residents of Clays Lane
LDA/16	Note prepared by the London Development Agency ('LDA') and Kingsway International Christian Centre ('KICC')
LDA/17	Note on the agreement between the London Development Agency and The London Borough of Newham
LDA/18	Note for the Inspector re: funding opportunities to assist creative industries such as the Hangar
LDA/19	Note for the Inspector re: Employment Numbers in the Lower Lea Valley & Olympic Area
LDA/20	Errata Sheet to Response Proof of Evidence of Gareth Blacker (LDA/REB/26)
LDA/21	Regeneration Proposals for Clays Lane: Briefing Note
LDA/22	Note for Inquiry re: summary of agreements with statutory undertakers, local authorities and other public bodies
LDA/23	Note in response to Keith Denton and Trevor Cossey
LDA/24	Note on the Date of Meeting on Wyke Road
LDA/25	Response by Jason Prior to the query made by the Inspector at Day 29, Page 140, lines 3-4
LDA/26	Closing Submission of the LDA in respect of the objection of Mason Pearson Limited (OBJ/4)
LDA/27	Note re LDA Corporate Plan 2066-9
LDA/28	Note re Inspector Question v Mosaic Homes
LDA/29	Update on Eastway Cycle Circuit Relocation
LDA/30	Response to Queries Raised by Ms Graham in her email of 1 August 2006
LDA/31	Final Submissions on Behalf of The London Development Agency
LDA/32	Signed Statement of Common Ground on Noise – Halcrow Group/Sharps Redmore Partnership

DOCUMENTS SUBMITTED BY OBJECTORS

OBJ/10	The Hangar
OBJ/10/1/1	Proof of Evidence - Mr Alex Frith

OBJ/20/21	PA Finlay and Co & PA Finlay Pension Trust
OBJ/20/21/1	Proof of Evidence Mr Michael Finlay
OBJ/20/21/2	Appendices to Proof of Evidence Mr Michael Finlay
OBJ/20/21/3	Summary Proof of Evidence
OBJ/20/21/4	Addendum 1 to Mr Finlay's Proof
OBJ/20/21/5	Note on Summary of results of survey of Business located within the proposed Olympic Park Planning Zone
OBJ/20/21/6	Extract from Arup Report page 199
OBJ/20/21/7	E-mail dated 12 th June – Summary of witness topics
OBJ/20/21/8	Closing Statement
OBJ/35/1	Evidence of Mr Behar of M Laurier
OBJ/56, 65& 66	Rashid, Hussain & Ranger Ltd
OBJ/56/65/66/1/1	Proof of Evidence – Mr Nick Draper
OBJ/56/65/66/1/2	Appendices – Mr Nick Draper
OBJ/56/65/66/2	Opening Submission on behalf of Rashid, Hussain and Ranger
OBJ/97&98	Finepoint & Landregal
OBJ/97/98/1/1	Proof of Evidence - Mr Peter Bovill
OBJ/97/98/1/2	Summary Proof – Mr Peter Bovill
OBJ/97/98/1/3	Appendices – Mr Peter Bovill
OBJ/97/98/1/4	Response Proof of Mr Peter Bovill
OBJ/97/98/1/5	Response Proof Appendices – Mr Peter Bovill
OBJ/97/98/2/1	Proof of Evidence Mr Robert Hyde
OBJ/97/98/2A	Extract from Chesterfield Properties v SSE
OBJ/97/98/2B	Extract from Brown & Another v SSE
OBJ/97/98/2C	Transcript of Judgment Baker v First Secretary of State
OBJ/97/98/3	Closing Submissions of Landregal
OBJ/114/116	Alphachoice Ltd and Overseas Plastic Import/Export Co Ltd
OBJ/114/116/1	Proof of Evidence of N.H.J De Lotbiniere
OBJ/114/116/2	Appendices to N.H.J De Lotbiniere
OBJ/114/116/3	Response to Evidence of Lyn Fenton
OBJ/114/116/4	Closing Statement

OBJ/115	Dominion Mosaic Tile Co Ltd
OBJ/115/1	Proof of Evidence
OBJ/115/2	Appendices to Proof of Evidence
OBJ/115/3	Closing Statement
OBJ/194	East London Bus & Coach Company
OBJ/194/1/1	Proof of Evidence – Mr Barry Edward Arnold
OBJ/194/2	Additional Costs for Stratford CPO
OBJ/194/3	Drawing 654/SK004/SP. Proposed Feasibility Study on Existing Site for New Depot at Manor Road, Plaistow, West Ham
OBJ/212	GB Macks Skips
OBJ/212/1/1	Proof of Evidence – Mr Brian Huckle
OBJ/212/1/2	Appendix 1 Tenancy Agreement
OBJ/212/1/3	Appendix 2 Lease
OBJ/212/2/1	Proof of Evidence – Desmond Camblin of Caradon Consulting
OBJ/260	Mr Barry Ojar
OBJ/260/1/1	Proof of Evidence – Barry Ojar
OBJ/260/1/2	Additional Evidence – Email dated 06 July 2006
OBJ/260/3	Appendix 2 Calculating Future Costs Associated with Increased Rents
OBJ/303	Mr Anderson Armstrong
OBJ/303/1/1-47	Bundle of Documents Submitted
OBJ/315	Waterden Crescent Travellers' Site
OBJ/315/1/1	Proof of Evidence – Mr Tom Lawrence
OBJ/317	Clays Lane Travellers' Site
OBJ/317/1/1	Proof of Evidence – Mrs Lily Smith
OBJ/317/2/1	Proof of Evidence - Mr Christopher Johnson
OBJ/317/3/1	Proof of Evidence – Mrs Alison Heine
OBJ/317/3/2	Report entitled comment on selection of alternative sites prepared by Alison Heine
OBJ/317/4	Letter dated 6 th June 2006 from Clays Lane Travellers Residents Association to the LDA
OBJ/317/5	Opening Submission from David Watkinson
OBJ/317/6	Bundle of documents
OBJ/317/7	Extract of Planning Policy Guidance notes (Table 1)

OBJ/317/8	Copy of Law report Chichester D C v FSS and Others
OBJ/317/9	Mr Watkinson's Closing Submission
OBJ/336&119	Neptune Wharf & Roadglen (Combined)
OBJ/336/119/1/1	Proof of Evidence – Mr David Boswell
OBJ/336/119/1/2	Appendices – Mr David Boswell
OBJ/336/119/2/1	Proof of Evidence – Mr Austin Mackie
OBJ/336/119/2/2	Appendices – Mr Austin Mackie
OBJ/336/119/3/1	Proof of Evidence Mr Keith Denton
OBJ/336/119/3/2	Supplementary Proof of Evidence Mr Keith Denton
OBJ/336/119/3/3	Appendices – Mr Keith Denton
OBJ/336/119/3	Chronology of Requests for Information
OBJ/336/119/4	LB Tower Hamlets SPG Canalside Development
OBJ/336/119/5	Opening Submission Mr Peter Village QC
OBJ/336/119/6/1	Proof of Evidence Mr Doug Sharps
OBJ/336/119/6/2	Appendices to Proof of Evidence Mr Doug Sharps
OBJ/336/119/7A	Rebuttal Proof of Evidence of Mr John Littman Planning Issues
OBJ/336/119/7B	Rebuttal Proof of Evidence of Mr John Littman Alternative Sites
OBJ/336/119/8	Supplementary Proof of Evidence of Mr Boswell
OBJ/336/119/8/1	Appendices to Supplementary Proof of Evidence of Mr Boswell
OBJ/336/119/9	Extract of Guidelines for TIA
OBJ/336/119/10	Photo's (A, B, C and D)
OBJ/336/119/11	Final Statement of Common Ground on Bus Matters
OBJ/336/119/12	Final statement of Common Ground on Transport & Highway Matters
OBJ/336/119/13	Further Comments on the Alternative Sites following the discussions on the SOCG by John Littman
OBJ/336/119/14	Note to the Inquiry Submitted by Trevor Cossey
OBJ/336/119/15	Second Supplementary Proof of Mr David Boswell
OBJ/336/119/15/1	Appendices to Second Supplementary Proof of Mr David Boswell
OBJ/336/119/16	Closing Statement
OBJ/339/1/1	Carrick Howell & Lawrence Architects
OBJ/339/1/1	Proof of Evidence – Mr Steve Lawrence
OBJ/339/1/3.1& 2	Appendices to Proof of Evidence
OBJ/339/1/3.3	Appendices to Proof of Evidence
OBJ/339/1/3.4	Appendices to Proof of Evidence
OBJ/339/1/3.5	Appendices to Proof of Evidence
OBJ/339/1/3.6	Supplementary Proof of Evidence

OBJ/339/2	Letter (9/5/06) from Dawsons Solicitors re Potential Copyright Claim
OBJ/339/3	Memo Internal Dawsons Solicitors Matthew Rea to Laura Conway
CLC/DOCS	Clays Lane Housing Group (Consolidated)
CLC/1/1	Proof of Evidence of Julian Cheyne on behalf of the Collective Case for Clays Lane Residents
CLC/1/2	Paginated documents of Julian Cheyne (prepared by Irwin Mitchell)
CLC/1/3	The Clays Lane Housing Estate Appendix of Photos
CLC/1/4	Appendix of Photographs Group Move Sites in support of the Collective Case for Clays Lane Residents
CLC/1/5	Bundle of Documents relating to Julian Cheyne's objection to LB Newham UDP
CLC/1/6	Public Consultation Event 13 Notes of meeting 24 November 2003
CLC/1/7	Rehousing Alliance Meeting Notes 15 July 2005
CLC/2/1	Proof of Evidence of Ian Sandison on behalf of the Collective Case for Clays Lane Residents
CLC/3/1	Proof of Evidence of John Sole on behalf of the Collective Case for Clays Lane Residents
CLC/4/1	Proof of Evidence of Jamal Hammoud on behalf of the Collective Case for Clays Lane Residents
CLC/5/1	Proof of Evidence of Ian G L Goemans (Including Appendices 1-3)
CLC/5/2	Appendix 4 to Proof of Evidence Ian G L Goemans
CLC/5/3	Appendix 5 to Proof of Evidence Ian G L Goemans
CLC/5/4	Appendix 6 to Proof of Evidence Ian G L Goemans
CLC/6/1	Proof of Evidence of David Rodgers
CLC/7/1	Written Statement of Evidence in support of the Collective Case for Clays Lane Residents
CLC/8/1	R v Devon County Council, ex parte Baker and another
CLC/8/2	Extract from Judicial Review Handbook
CLC/9/1	Responses by the LDA Witnesses to Questions from Irwin Mitchell
CLC/10/1	Irwin Mitchell Clays Lane Client List 3 Aug 06

GENERAL INQUIRY DOCUMENTS

INQ/1	PIM Notes
INQ/2	Attendance Sheets
INQ/3	Daily Transcripts
INQ/4	Notes of meeting held on 31 st May to discuss Round Table Sessions
INQ/5	Copy of the Order Schedule to be made
INQ/6	Set of the Order Maps to be made