



Compulsory Purchase Order Decision

Inquiry opened on 7 February 2023 and closed on 24 March 2023

Site visit made on 8 February 2023

by Jameson Bridgwater PGDipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2023

Case Ref: APP/PCU/CPOP/E5330/3298747

The Royal Borough of Greenwich (Woolwich Exchange) Compulsory Purchase Order 2022

- The Compulsory Purchase Order was made under Section 226(1)(a) of The Town and Country Planning Act 1990, Section 13 of The Local Government (Miscellaneous Provisions) Act 1976 and the Acquisition of Land Act 1981 by the Council of the Royal Borough of Greenwich (the Acquiring Authority).
 - The purpose of the Order is:
 - a) Facilitating the development, redevelopment or improvement of land at Woolwich Exchange, Woolwich (being land bound by Plumstead Road, Woolwich New Road, Spray Street and Burrage Road) consisting of demolition, clearance of the land, other enabling works and the construction, erection, and improvement of new and existing buildings, structures and land to provide a comprehensive mixed use development comprising residential dwellings, commercial, business and service uses, community uses, drinking establishments, assembly and leisure uses, new and enhanced public realm, hard and soft landscaping, highway works, car parking, access works, servicing arrangements, plant, infrastructure and other associated works; and
 - b) Executing works to facilitate the development, redevelopment or improvement of the land comprising the over-sail of land by cranes during construction.
 - The main grounds of objection were:
 - Failure to adequately engage/notify
 - Inadequate attempts to acquire by negotiations
 - Equalities Impacts
 - Right to light
 - Loss of business premises and/or relocation
 - Compensation
 - When the inquiry opened, there were 20 remaining qualifying objections and 1 non-qualifying objection.
 - At the close of the inquiry, there were 15 remaining qualifying objections and 1 non-qualifying objection.
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DECISION

1. The Royal Borough of Greenwich (Woolwich Exchange) Compulsory Purchase Order 2022 is confirmed.

PROCEDURAL MATTERS AND STATUTORY FORMALITIES

2. On 23 August 2022 the Secretary of State confirmed that the decision had been delegated to an appointed Inspector.
3. The Inquiry sat on 7-8, 14-15 February, 22-23 March closing in writing 24 March 2023, and an accompanied site visit was carried out on 8 February 2023.
4. The Acquiring Authority (AA) is the Council of the Royal Borough of Greenwich RBG). At the Inquiry, it confirmed that it had complied with the statutory formalities. The Compulsory Purchase Order (CPO) was made by the AA on 22 April 2022.
5. The following 5 objections to the CPO have been withdrawn. Docklands Light Railway Limited and Transport for London (26 January 2023), Network Rail Infrastructure Limited (13 February 2023), the Victory Bible Church International (14 February 2023), The Redeemed Christian Church of God Power of Jehovah (20 February 2023), and Southern Gas Networks plc (16 March 2023).
6. The Woolwich Landlords and Tenants Association (WLTA) are a community group opposed to the Woolwich Exchange CPO. Membership of the WLTA consists of owners and occupiers of the Order Land. However, the WLTA has no qualifying interest in the Order Land. Therefore, they are a non-qualifying objector, albeit the legal representatives of the WLTA supported/represented a number of qualifying objectors in giving their evidence at the Inquiry.
7. The Inquiry was adjourned on the 15 February 2023 due to Gordon and Thompson Solicitors, the instructing legal representatives of the WLTA withdrawing from the process. The adjournment allowed for the WLTA to secure alternative legal representation.

THE ORDER LAND AND SURROUNDINGS

8. The Order Land comprises approximately 2.3 hectares and includes 52 freehold interests and approximately 160 leasehold/occupational interests which are all outside of the Council's ownership.
9. The properties within the Order Land comprise a mix of current uses which are held in multiple fragmented ownership. The properties include the Woolwich Covered Public Market building (Grade II listed). A significant proportion of the Order Land is operated with retail frontage (mostly comprising of small floorplate shops, food stores, cafes, hot food takeaways and health and beauty services). The units on Plumstead Road and Woolwich New Road comprise retail units on the ground floor and a mix of ancillary, office or residential accommodation at upper floors. The northern side of Spray Street comprises a mix of retail, office, light industrial and community/religious accommodation, with Parry Place providing light industrial accommodation (some of which is used for retail purposes) and undeveloped sites on the eastern side of the road at its southern end. 16-18 Burrage Road is a two-storey detached building with associated car parking which was originally a working men's club but has been used more

recently as a private hire community facility. Scotts Passage forms an open area of land utilised as private car parking and a service access for the Former Woolwich Covered Market. Immediately to the east of Scotts Passage is a former industrial property utilised as a place of religious worship. Other buildings are also in use as places of worship and there are areas of vacant/unused land.

THE SCHEME

10. The Scheme which the Order will facilitate will deliver a mixed-use development comprising flexible commercial accommodation (retail, business space, food and beverage uses), residential, leisure and community accommodation, together with a new urban public realm and environmental improvement works.

CONSIDERATIONS

11. The Department for Levelling Up, Housing & Communities Guidance on Compulsory purchase process and The Crichel Down Rules (2019) (the CPO Guidance) refers to factors which may be considered in deciding whether to confirm a CPO, and I have used these as the structure for the remainder of this decision. I have also considered other matters raised by objectors, but the CPO process is not an opportunity to revisit the merits of the planning permission which has been granted for the Scheme, nor whether sufficient monetary valuations or compensation have been presented by the AA.

National Planning Policy Framework

12. The purpose of the planning system is to achieve sustainable development, meeting the 3 overarching objectives, economic, social and environmental. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land.
13. Local planning authorities should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, using the full range of powers available to them. This should include identifying opportunities to facilitate land assembly, supported where necessary by compulsory purchase powers, where this can help to bring more land forward for meeting development needs.
14. The Framework also seeks to significantly boost the supply of homes to support strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations. It also sets out that significant weight should be placed on the need to support economic growth and productivity. This is to help build a strong, responsive and competitive economy.

London Plan

15. The London Plan (2021) ('LP') is the overall strategic plan for London and is a component part of the Development Plan for the Borough. The Order Land lies within the Woolwich Opportunity Area (OA) identified in the LP (Policy SD1) which has an indicative employment capacity of 2,500 jobs and an indicative figure of

5,000 new homes. OAs provide London's major reserve of brownfield land with significant capacity to accommodate new housing, commercial and other development linked to existing or potential improvements to public transport accessibility.

16. The LP anticipates that Woolwich will become a Metropolitan Town Centre over the plan period, given the current regeneration that is taking place, through development such as the Royal Arsenal and Love Lane, and the existing and proposed transport infrastructure improvements. The LP recognises that development within this OA is coming forward at a fast pace, with significant schemes within this OA as well as the Isle of Dogs, and Greenwich Peninsula along the Thames Estuary Growth Corridor.

Spatial Development Patterns

17. Policy SD1 outlines that OAs should realise their growth and regeneration potential, and importantly maximise the delivery of affordable housing. The Policy states decisions should clearly set out how they encourage and deliver the growth potential and support development which creates employment opportunities and housing choice.
18. Policy SD6 seeks to promote the vitality and viability of town centres by encouraging strong, resilient, accessible and inclusive hubs with a diverse range of uses that meet the needs of Londoners, including main town centre uses, night-time economy, civic, community, social and residential uses; and identifying locations for mixed-use or housing-led intensification to optimise residential growth potential, securing a high-quality environment and complementing local character and heritage assets. Woolwich Town Centre is identified in Table A1.1 as a Major Town Centre, with a night-time economy classification of more than local significance, medium commercial growth potential and high residential growth potential, and as a strategic area for regeneration.
19. Policy SD10 outlines that boroughs should identify Strategic Areas for Regeneration and develop policies that are based on a thorough understanding of the demographics of communities and their needs. Woolwich is also identified as a Strategic Area for Regeneration (Table A1.1.- Town Centre Network).

Planning for London's Future – Good Growth

20. The LP sets out Good Growth principles, including to optimise housing output having regard to local context and character, design, and transport accessibility.
21. Policy GG2 promotes successful sustainable mixed-use places that make best use of land, particularly within OAs and town centres. The policy prioritises sites which are well-connected by existing or planned public transport. It specifically states that development must “proactively explore the potential to intensify the use of the land to support additional homes and workspaces, promoting higher density development, particularly in locations that are well-connected to jobs, services, infrastructure and amenities by public transport, walking and cycling.” Further it states that development must “... enable the development of brownfield land, particularly in Opportunity Areas”.
22. Policy GG4 relates specifically to delivering the homes Londoners need, stating that proposals should ensure that more homes are delivered, support the delivery

of affordable housing with incentivised build out and create mixed and balanced communities.

Design

23. Policies D1 and D4 seek to ensure that new developments are well designed and appropriate to the local character of an area. New buildings and spaces should respond to the form, style and appearance to successfully integrate into the local character of an area, with a positive relationship to the natural and historic environments.
24. Policy D3 seeks to optimise site capacity through the design-led approach and sets out that all development must make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth, and existing and planned supporting infrastructure capacity (in line with relevant policy D2).
25. Policy D9 sets out requirements for tall buildings and states that tall buildings should be part of a plan-led and design-led approach, incorporating the highest standard of architecture.

Housing

26. Policy H1 sets yearly housing targets for boroughs and The Royal Borough of Greenwich is expected to deliver 2,824 per year over 10 years and specifically encourages the delivery of housing capacity identified in OAs.
27. In regard to the provision of affordable housing Policy H5 of the LP requires the development to provide at least 35% affordable housing, and policy H4 of the LP contains a strategic target of 50%.
28. Policy H10 encourages a full range of housing choice, with affordable family housing noted as a strategic priority.

Social Infrastructure

29. Policies S1 and S2 seek to develop London's social infrastructure, ensuring the needs of London's diverse communities are met, and that boroughs work with Clinical Commissioning Groups and other NHS and community organisations to identify and address local health and social care needs. Development proposals that support the provision of high-quality new and enhanced health and social care facilities to meet identified need and new models of care should be supported. Policy S3 supports the provision of childcare facilities to meet growing demand.

Economy

30. Policies E1 and E2 seek to ensure that improvements to the quality, flexibility and adaptability of office space should be supported by new office provision, refurbishment and mixed-use development. In particular, provisions at E1(G) and (H) relating to the requirement to take into account the need for a range of

suitable workspace including lower cost and affordable workspace, and the need to explore the scope for the reuse of otherwise surplus large office spaces for smaller office units. Policy E9 outlines the support for market spaces including covered markets, for their contribution to the vitality of town centres and Londoner's diverse retail needs.

Heritage and Culture

31. Policy HC1 requires that development should conserve their significance, by being sympathetic to their form, scale, materials, and architectural detail. Policy HC6 seeks to ensure that the Night-Time Economy is supported and promoted particular in town centres with good public transport access. The LP identifies Woolwich Town Centre as an "NT3" area - i.e., one of more than local importance to the night-time economy.

Green Infrastructure and Natural Environment

32. Policy G6 states that development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. The policy is supported by policy G5 which outlines that proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage.

Sustainable Infrastructure

33. Policy SI 2 requires major development to be net zero-carbon.

Transport

34. Policy T1 sets out that developments should facilitate the delivery of the Mayor's strategic target of 80% of all trips in London to be made by foot, cycle or public transport by 2041. It also requires development to make the most effective use of land, reflecting its connectivity and accessibility by existing and future public transport, walking and cycling routes.

The Royal Greenwich Local Plan: Core Strategy with Detailed Policies (July 2014)

35. The Royal Greenwich Local Plan: Core Strategy with Detailed Policies (CS) sets out the spatial vision, strategy and detailed policies for the Royal Borough of Greenwich on key topics, which include amongst other things town centre development and housing. The CS broadly reflects the LP aspirations, to boost Woolwich and seeks to claw back trade lost to neighbouring boroughs over the past decade, and in doing so establish Woolwich as a Metropolitan Centre. The CS identifies the Woolwich Town Centre as being within one of six Strategic Development Locations. Although located within the Town Centre, the Woolwich Exchange site is not specifically allocated within the adopted CS.

Housing

36. The CS identifies the Woolwich Town Centre as being within one of six Strategic Development Locations. Policy H1 establishes the Borough's housing targets and the expectation for new housing to be developed in its Strategic Development Locations. Policy H1 sets a minimum of 38,925 net additional dwellings over the

15-year period 2013 – 2028. Policy H2 requires a mix of housing types and sizes in all new developments.

37. Policy H3 requires developments of 10 or more homes or residential sites of 0.5 hectare or more to provide at least 35% affordable housing though the specifics of provision will be influenced by the circumstances and characteristics of the site and of the development, including financial viability.

Economic Activity and Employment

38. Policy EA1 seeks to support the expansion of existing businesses and increased employment opportunities within the Borough including concentrating retail, leisure, cultural and office development within the hierarchy of town centres and supporting the development of small and medium business space. In particular RBG seeks to improve the quality and positioning of Woolwich Town Centre.

Town Centres

39. The Order Land sits within (on the south-east boundary of) the Town Centre. Policy TC1 Town Centres confirms that the Borough's Town Centres are the preferred location for major retail use. The CS town centre network identifies Woolwich as one of two Major Centres at the top of the hierarchy of town centres in the Borough.

Woolwich Town Centre Masterplan SPD (WTCMSPD)

40. The WTCMSPD sets out the vision and objectives for Woolwich and a clear flexible framework to facilitate the regeneration of the Woolwich Town Centre, through the provision of an enhanced retail offering, and a wider range of uses including culture, leisure, community, offices and housing. The WTCMSPD identifies the benefits that new transport infrastructure will bring to Woolwich including the Docklands Light Railway (DLR) extension and the recently opened Crossrail.
41. The WTCMSPD identifies that the Order Land will play a key role in the regeneration of Woolwich Town Centre, stating that Spray Street (Site 4) "A mixed use refurbishment and redevelopment scheme should be brought forward and could include new retail, a supermarket and residential development for this important but underutilised area".
42. The document also notes that Site 4 is identified as one that, will be a very prominent site which forms a first impression of the town given its proximity to the now opened Elizabeth Line Station.

Spray Street Masterplan SPD (SSMSPD)

43. The SSMSPD envisages a high-quality mixed-use redevelopment that would expand and improve the area's cultural and leisure offer. The SSMSPD is designed to manage future development proposals for Spray Street and provide a framework for the enhancement and redevelopment of the Spray Street Site.
44. The SSMSPD identifies seven key objectives for the site's redevelopment. 1. Contribute to Woolwich's growth into a Metropolitan Town Centre. 2. Create a landmark high-quality mixed-use development, which helps integrate the Royal Arsenal and Crossrail station into the Town Centre. 3. Increase and diversify

- housing development. 4. Improve the built environmental quality and create a gateway to the Town Centre. 5. Expand and improve the cultural and leisure offer to create a destination. 6. Increase permeability and connections to the Town Centre. 7. Attract and retain people within Woolwich Town Centre.
45. The illustrative masterplan demonstrates an approach to the sites redevelopment and provides an example of the scale of development and mix of uses that will be supported on the site in accordance with the CS and WTCMSPD. It illustrates how an appropriate mix of retail, leisure, cultural and residential uses can be accommodated on the site as part of a comprehensive redevelopment scheme to promote the regeneration of this part of the Town Centre.
46. The SSMSPD sets out the opportunity for the site as being one including a significant proportion of residential development, retail floorspace and complementary leisure uses, such as cafes, restaurants, flexible event / activity / market space and cinema. The location of the site offers an opportunity to build on recent developments within the Town Centre, including improved transport links. The SSMSPD supports a comprehensive approach to the redevelopment of the Spray Street site explicitly through the submission of a single planning application.

Emerging Planning Policy

Site Allocations Development Plan Document - Submission Version

47. The Site Allocations Development Plan Document – Submission Version (2021) ('SADPD') was subject to public consultation which took place from the 8 November to 20 December 2021. The SADPD identifies the Order Land as site 'W11 Spray Street' and allocates the site for "Mixed use development appropriate to the town centre, including a cinema and complementary retail/leisure/cultural uses, workspace suitable for small and medium enterprises, appropriate community uses and residential". However, the Council has decided to undertake a review of the CS with Detailed Policies and the emerging Site Allocations Local Plan it has determined that a comprehensive overhaul of the planning policy framework in the Borough is required. As such, the preparation of the SADPD as a separate document has stopped with site allocations to be included into the emerging new Local Plan.

Planning permission and Listed Building Consent

48. Full Planning Permission (Ref:20/3385/F) was granted on 23 December 2021. This was for Demolition of existing buildings (excluding the Grade II listed Former Woolwich Covered Market and elements of 1a-c to 11 Woolwich New Road (odds)) and the construction of a mixed use development comprising residential dwellings (Class C3), commercial, business and service uses (Class E), community use (within Class E, Class F1(f) and/or F2(b)), drinking establishment(s) (sui generis) and a cinema (sui generis), new public square and new public realm with hard and soft landscaping, highways works, parking, access and servicing arrangements, plant, infrastructure and associated works. Internal and external alterations to the Former Woolwich Covered Market.
49. Listed Building Consent (Ref: 20/3386/L) was granted on 23 December 2021. This was for internal and external alterations, repair and refurbishment works to the Grade II listed Former Woolwich Covered Market to facilitate the change of use of

the building to a cinema (sui generis), together with food and beverage and retail uses (class E/sui generis) at the ground floor and mezzanine levels.

Conclusion

50. The Scheme is supported by the National Planning Policy Framework, the Council's development plan policies contained within the LP and The Royal Greenwich Local Plan: CS with Detailed Policies adopted July 2014. The regeneration of the site is also consistent with the overall objectives of the WTCMSPD and the SSMSPD. The evidence demonstrates that all necessary consents, including planning permission and listed building consent, have been obtained in respect of the Scheme.
51. In reaching this conclusion I have had regard to the objections made by Eltham Welding Supplies Limited and Dr. Cyril Emuh. These relate to suggested alternatives to the Scheme. It was argued that there is potential for some of the larger plots within the Order Land to be delivered individually or collaboratively by the market. However, at no point was any substantive evidence produced by any objector that the Council's comprehensive approach conflicts with the policies of the development plan or that the necessary planning permission and listed building consent were not in place. In relation to the suggested alternatives to the Scheme they are addressed later in my decision.

Benefits of the Scheme

52. The AA has set out why the Scheme is needed to support the delivery of social, economic and environmental benefits in Woolwich.

Social wellbeing

53. The AA have set out that the CPO Scheme would provide a range of social wellbeing benefits that include:
- 801 new (777 net additional) homes to help meet current and future housing needs that includes 158 affordable homes and, in a mix of tenures (71% London Affordable Rented; 29% Shared Ownership) and sizes (studios to 4 beds); and
 - A new 'film and dining' quarter as a place to meet, socialise and relax, as well as leisure facilities and a nursery, so as to create an environment promoting a range of activities throughout the day and evening (all year) and to expand and improve the offer, whilst complementing existing and emerging facilities in Woolwich Town Centre; and
 - Opening up a currently largely inaccessible site by creating new routes and providing active and vibrant new public open spaces, thereby complementing existing and emerging infrastructure in Woolwich Town Centre and better linking the new Elizabeth Line Station to the Town Centre; and
 - Delivering a nursery to meet the needs of new residents and those living in the surrounding area; and
 - Investment in improved health care to benefit the residents of the new development and the local area.

54. The new market and affordable dwellings, which will provide a range of unit sizes and tenures, will help to establish a balanced community and facilitate the regeneration of the area. The additional resident population in Woolwich Town Centre as a consequence will support a range of facilities and services, as well as contribute to the enhancement of the environment through evening activity, increased footfall and greater natural surveillance.
55. The Scheme's balanced mix of uses, alongside the range of facilities and services available within the existing Town Centre, will secure greater public benefits for regeneration and sustainable development as a whole than if the benefits were secured individually or on a piecemeal basis.

Economic wellbeing

56. The Scheme fits with the development plan and would contribute to the economic objectives set out at paragraph 8 the National Planning Policy Framework as follows:
 - A significant capital investment in Woolwich to support the Town's growth towards achieving Metropolitan Town Centre status.
 - Supporting the Town Centre's vitality and viability through the provision of a new mixed-use quarter providing a cinema, shops, restaurants, leisure and nursery facilities which will enhance day, evening and night-time economies, complementing the existing and proposed future local offer.
 - The delivery of housing as part of the Scheme will increase footfall within the Town Centre and boost demand to support Woolwich's growth from a Major Town Centre to a Metropolitan Town Centre, in accordance with its OA location (with an enhanced night-time economy) and which is expected to lead to retention of spend in the locality reducing leakage and thereby encouraging further investment in the Town Centre.
 - Supporting growth and innovation through the introduction of a new five screen cinema within the former Woolwich Covered Market which will act as an anchor and a catalyst for night-time activities and help promote new town centre uses and businesses. The daytime and evening commercial uses, along with the affordable workspace, would provide a range of employment opportunities and boost the evening economy. This would have a positive impact on economic wellbeing. The increase in commercial uses is also likely to reduce the spending leak to other areas and could attract spending from outside the Borough.
 - The Scheme will provide a mix of employment and retail accommodation and affordable workspace, enhancing the accommodation offer of Woolwich, improving its sphere of influence and helping it attract new businesses and employment opportunities.
 - Taking account of the displacement of existing jobs, approximately 654 net direct full time equivalent (FTE) new jobs per annum during the construction period and approximately 219 net direct FTE permanent jobs on operation following completion with measures to target these job opportunities to local people.

- An estimated £260m in construction investment, generated £65m Gross Value Added per annum during the construction period and £10m new additional expenditure per annum on operation; and
- Support for local infrastructure – i.e., an estimated £6.30m (at May 2021) contribution towards local infrastructure from the Mayoral and RBG Community Infrastructure Levys (CILs) and £3.55m from s.106 contributions and support for the viability of public transport, as well as significant new revenue to the Council through business rates and council tax receipts, which all help to underpin the self-sufficiency of local public services.

Environmental wellbeing

57. The AA have set out that the CPO Scheme would provide a range of environmental wellbeing benefits that include:

- Significantly improve the quality of the built environment, which currently largely appears tired and not fitting of Woolwich's aspirations, through high quality building architecture and landscape design and the decontamination of the land and premises within the site, for example asbestos removal; and
- The Scheme will promote a low carbon economy through the use of heat pumps and PV arrays to provide for heating and cooling and allow for heat recovery and load sharing between residents to reduce the operational cost of energy; and
- Through the restoration and repurposing of the vacant Grade II listed Former Woolwich Covered Market building and the refurbishment of the historic elements of 1a-c – 11 Woolwich New Road, the Scheme will both integrate and better reveal historic assets within the Order Land, promoting the heritage value of these buildings and their contribution to the conservation area; and
- Enhancing the public realm and natural environment with high quality sustainable hard and soft landscaping and the introduction of urban greening in the form of green roofs, tree-planting, flower and hedge planting, water features and permeable paving; and
- Opening up the largely impermeable site through the introduction of a new public square and attractive pedestrian routes to provide visual and physical connections through the Order Land and to the rest of the Town Centre.

Conclusion

58. The Order Land occupies a key location within Woolwich Town Centre, central to key modes of public transport such as the Elizabeth Line (Crossrail) station, the (DLR), Network Rail connections and extensive bus intersections. This has significant potential for delivering a higher density of development to contribute towards meeting the compelling need for growth in London generally and as identified for Woolwich specifically.
59. The comprehensive nature of the CPO Scheme would create a comprehensive, transformative change to this key site in the Town Centre and would contribute to Woolwich's growth ambition of becoming a Metropolitan Town Centre. The mixed-use Scheme would deliver much needed housing including 158 affordable homes. The leisure offer would promote vibrancy and activity for the community boosting

the evening economy and positively regenerating the Town Centre. The Scheme would improve the built and environmental quality and create a gateway to the Town Centre with increased permeability and the creation of new public spaces.

60. Woolwich Exchange is seen as the key component part of the Town Centre regeneration and there would be substantial public benefits that would contribute to the improvement of the economic, social and environmental wellbeing of the both the Town Centre and the wider area. Notably, none of the objectors had objections to the principle of the Scheme and most recognised the regeneration to be positive.
61. Given the need to redevelop the site and regenerate the Town Centre, and the substantial benefits in the public interest, there is a strong compelling case for the acquisition of the Order Land.

Funding, viability and deliverability

62. The Council's evidence¹ sets out in detail how the Scheme will be funded, that it is viable and that there is a reasonable prospect that it will be delivered. The CPO Scheme is to be funded by Spray Street Quarter Limited Liability Partnership (the Developer) (SSQ). SSQ was formed in 2016 as a joint venture partnership between St Modwen Developments Ltd and Notting Hill Commercial Properties (NHCP) Ltd. The SSQ's purpose is to deliver the Woolwich Exchange regeneration scheme.
63. Due to a planned shift by St Modwen Developments Ltd away from housebuilding/urban regeneration schemes it was agreed that Notting Hill Developments Limited (NHD) would acquire St Modwen's 50% stake in SSQ. It was confirmed at the Inquiry that the exit of St Modwen Developments Ltd does not affect the legal obligations of SSQ LLP; those obligations will not be affected by the change in composition within SSQ. SSQ remains committed to the delivery of the Scheme. The result of this change will be that the delivery of the Scheme will be entirely within the control of the Notting Hill Genesis group, since SSQ will be a direct subsidiary and be wholly owned by the group.
64. Consequently, despite the withdrawal of St Modwen Developments Ltd from the partnership, the evidence before the Inquiry demonstrated that SSQ have access to the necessary funds to deliver the Scheme and those funds are immediately available upon confirmation of the CPO.
65. Therefore, based on the evidence before me I can conclude that the Scheme is funded and viable meaning that there is a realistic prospect that it will be delivered within a reasonable timescale. In reaching this conclusion I have taken into account that there is no remaining objector who suggests that the Council cannot show that the necessary resources are likely to be available to achieve the objectives of the acquisition within a reasonable timescale.

Other potential impediments

Stopping up Order

66. The objections to the Stopping Up Order for relating to lengths of footway along Plumstead Road, Spray Street and Parry Place, and the full extent of Scotts

¹ POE John Garside and Richard Hughes

Passage (off Spray Street) have been withdrawn and this no longer represents an impediment.

THE OUTSTANDING OBJECTIONS

67. The CPO Guidance sets out that acquiring authorities are expected to provide evidence that meaningful attempts at negotiation have been pursued or at least genuinely attempted². Paragraph 19³ details what acquiring authorities should consider when negotiating. The AA must demonstrate that it has taken reasonable steps to acquire all the land and rights in the Order by agreement. Compulsory purchase is intended as a last resort.
68. At the time the CPO was made, there were 20 qualifying objections and 1 non-statutory objector. However, as set out above there remain 15 remaining qualifying objections and 1 non-qualifying objection. The remaining objections are summarised below.

Objection 1: KSN Foods Ltd, 13 Woolwich New Road SE18 6EX - Rashid Karimi

69. Object to the compulsory purchase order of their business. They have worked extremely hard to run a business for almost 20 years, putting in the work and dedication needed to build a good relationship with the community. The business has positively impacted and plays an important role in the community. 90% of the products sold cater to the "African and Caribbean community which reflect the ethnic minorities who live in the area". They also sell halal products to cater to the Muslim community and therefore believe it is necessary for them to continue this business. They set out that there is very little opportunity available for small businesses, the CPO will be a threat to their livelihood and financial situation. It will be almost impossible to establish a new business with the same standard anywhere else.

Objection 4: 7–9 Woolwich New Road, Woolwich, London, SE18 6EX - Manjula Karia

70. Manjula Karia does not believe the Council has pursued sufficient negotiations to acquire properties affected by the Order. They confirm that an offer was made to purchase their property in August 2018. They further argue that the process has been subject to delays and that the Council has not made an updated offer. They consider that the Council are simply relying on the CPO rather than making any concerted efforts to acquire property by agreement. Notwithstanding this they confirm that they are open to negotiations on the basis that they are fully compensated for their loss.

Objection 5: BLW UK ZONE 1 Ltd – 15 Spray Street SE18 6AP - Pastor Georgine Obi and Bridget Osho

71. BLW UK ZONE 1 Ltd are a well-established Church who have been involved with charitable works in Woolwich to support the community. They provide a wide range of support to all sectors of the community including amongst other things the provision of foodbanks, mental health support, job fairs/business workshops and youth outreach. They consider that the CPO will result in the loss of a valued and beneficial community service.

² Tier 1, Stage 3, Paragraph 17

³ Tier 1, Stage 3

Objection 6: 11 Woolwich New Road SE18 6EX – Mr Jayesh Patel and Mr Anilkumar Patel

72. Mr Jayesh Patel and Mr Anilkumar Patel do not believe the Council has pursued sufficient negotiations to acquire properties affected by the Order. They confirm that an offer was made to purchase their property in April 2020. They further argue that the process has been subject to delays and that the Council has not made an updated offer. They consider that the Council are simply relying on the CPO rather than making any concerted efforts to acquire property by agreement. Notwithstanding this they confirm that they are open to negotiations on the basis that they are fully compensated for their loss.

Objection 7: 14 Parry Place SE18 6AN - Dr. Cyril Emuh

73. Dr. Cyril Emuh is the owner of CTC Training, a social enterprise business that provides a variety of training opportunities for the unemployed or people looking to develop new skills that include such things as electrical/administration/computer repairs. Dr. Emuh is also the chairman of the WLTA. At the Inquiry it was also confirmed that part of 14 Parry Place is currently occupied by Christ Chosen Church of God.
74. The objection argues that the AA have not engaged properly with landowners, nor have they offered adequate compensation. It further argues that the Council have misused CPO powers and have failed to consider alternatives to the scheme. In particular that larger plots/parcels of land like 14 Parry Place could be developed independently and that the CPO process has stopped this along with securing long-term tenants for the property. Dr. Emuh also argued that many businesses were unaware of the Inquiry and were therefore unable to take part.

Objection 8: 24 and 25 Plumstead Road SE18 7BZ - Phu Tai Tuong & Hoc Huy Tuong

75. Phu Tai Tuong & Hoc Huy Tuong do not believe the Council has pursued sufficient negotiations to acquire properties affected by the Order. They also argue that they have not been provided with access to the relocation support offered by the Council as such they consider that they will not be able to find another suitable premises to continue their business and retain their customer base.

Objection 9: 2-12 Parry Place SE18 6AN - Eltham Welding Supplies Limited

76. Eltham Welding Supplies Limited argue that the Council have failed to consider the potential for the Order Land to be comprehensively delivered via more than a single planning application, indicating that anything other than a single planning application would result in piecemeal development. There is no consideration of a middle ground, with the potential for a small number of developers to work together, to comprehensively deliver a masterplan.
77. They argue that the Council have failed to consider that a developer in the market place could assemble part of the land, in the absence of the CPO. They state that the conditional sale agreement entered into with a developer, alongside 3 of their neighbours, confirms the ability for landowners to work together and the potential for part of the Order Land to be delivered by the market.

Objection 10: Arsenal Gate Cafe, 2 Plumstead Road SE18 7BZ - Sibel Suleyman

78. The objection sets out that as a long-standing established business in the area they strongly feel that they have not been supported or helped in any productive way from the beginning of the plans. They state that they have not been provided the necessary relocation/compensation information including potential opportunities to relocate back into the completed scheme. They consider that it has been an overly long process and that the AA have not considered the huge impact on businesses that had experienced increased trade since the opening of the Elizabeth Line.

Objection 11: 15 Plumstead Road SE18 7BZ – Patricia Ramsey

79. Patricia Ramsey does not believe the Council has pursued sufficient negotiations to acquire properties affected by the Order. They confirm that an offer was made to purchase their property in June 2018. They further argue that the process has been subject to delays and that the Council has not made an updated offer. They consider that the Council are simply relying on the CPO rather than making any concerted efforts to acquire property by agreement. Notwithstanding this they confirm that they are open to negotiations on the basis that they are fully compensated for their loss.

Objection 12: 3b Plumstead Road - Almas Mustafa and 3, 7 & rear of 3b Plumstead Road Ghulam Mustafa.

80. Almas Mustafa and Ghulam Mustafa run a business that was established since 1962 with a large customer base which they would like to keep locally. They have objected on the basis that they consider that they have had very little engagement from planners or the Council. They further state that they have no idea of the monetary/compensation offer or an offer of local premises. They consider that their businesses have been eroded over the last few years with the constant developments and little engagement for forward planning.

Objection 13: 13 Woolwich New Road SE18 6EX - B.B. Patel and H Patel

81. B.B. Patel and H Patel do not object to the principle of the Scheme underlying the Order. However, they do object on the basis of the potential impact of the Scheme in relation to loss of income, and the loss of retail and residential units leading to the displacement of the occupiers/businesses. They set out that the Order should not be confirmed until these issues have been addressed including the relocation of businesses operating from their property. They consider that this should be by agreement rather than by the CPO as this will allow them necessary time to reinvest the proceeds from any agreement to maintain an income.

Objection 14: 36 Spray St SE18 6AG - Dr Nicki On and Mr Tien On

82. Dr Nicki On and Mr Tien On are co-owner occupiers of the property. They consider that the Order is ambiguous in regard to the address of their property and needs to be corrected. They also set out that the CPO should make provision to adequately compensate for the permanent loss of natural light to the property under provisions of the Human Rights Act.

Objection 17: 9 and 9A Plumstead Road SE18 7BZ – Shahid Basharat Ahmad, T. Ahmad, Zubaida Ahmad, Zulfiqar Ahmed T/A Sams Chicken

83. Shahid Basharat Ahmad, T. Ahmad, Zubaida Ahmad, Zulfiqar Ahmed T/A Sams Chicken object to the order on the basis that they would lose their business and it

would be difficult to establish the business elsewhere due to the franchise restrictions. They further state that if the Order is to be confirmed then they should be compensated and allocated a commercial unit so they can continue the business.

Objection 18: 20 Plumstead Road, Woolwich, SE18 7BZ- Khoa Dinh Le

84. Khoa Dinh Le runs a nail salon from the property, they have a 3-year lease. They do not believe the Council has pursued sufficient negotiations in relation to compensation and the provision/offer of suitable premises to facilitate relocation within the area.

Objection 19: 37-39 Spray Street SE18 6AP - Ayse Richardson, Ahmet Herguner and Zelha Herguner

85. Ayse Richardson, Ahmet Herguner and Zelha Herguner are freeholders of the property that is occupied by Rox Meat Limited. The property provides them with a long-term income (Ahmet Herguner relies on this income solely). They further set out that the location of the property and unique set up would be hard to replace anywhere else.

Non-Qualifying Objection – Woolwich Landlords and Tenants Association

86. The WLTA⁴ collectively argue that the Council has failed to properly engage with the affected landowners, lessees, tenants and occupiers in respect of the Council's plans and that procedural rules have not been followed stating that the Council failed to notify appropriately those affected. They further assert that the Council has failed to offer any relocation advice and support to the affected residents and business owners. They contend that the Order would have a disproportionate impact on ethnically diverse character of retail offer from small independent traders that represents an important characteristic of the area. They state that the proposed relocation strategy and support to businesses were not fair, comprehensive, or reflective of business needs. They argue that there is a lack of alternative accommodation at an affordable cost sufficiently proximate to enable objectors to move away and survive long enough even to consider returning to the completed Scheme.
87. Although the WLTA state that 'the planning strategy in principle is not impugned', they argue that the measures put in place by the Council conflict with the development plan that 'seeks to protect existing businesses wherever possible'.

Summary of objections

88. Having carefully considered all the issues raised both in writing and in person at the Inquiry hearings, I consider that the principal issues of objection/dispute relate to notification, engagement and the conduct of the negotiations, whether there are alternatives to the Scheme and the impact of the Scheme on Human Rights and Equalities, in particular regard to displacement and relocation.

REASONS

89. I am mindful that the purpose of compulsory purchase powers is to help to deliver positive change. However, I also recognise that it can be upsetting and stressful

⁴ WLTA provided statements from Dr Cyril Emuh, Sab Deol, Ahmet Herguner, Ghulam Mustafa, Victor Longe, Kennedy Nwahamma, Nirpal Singh Grewal, Mahendra Muljibhai Pankhania and Tariq Ahmad plus a petition.

to discover that land/property which you own or occupy is to be compulsorily acquired. Furthermore, I am fully aware that the law and procedures relating to compulsory purchase are complex, which can be daunting. Therefore, I have a great deal of sympathy for those who are affected by the Scheme, and I have given the issues they have raised full consideration. However, my conclusions must be solely based on the evidence presented to me both in writing and in evidence at the Inquiry.

Notification and engagement

90. The Order Land contains 52 freehold interests and approximately 160 leasehold/occupational interests. It is clear from the evidence before me and my observations on the accompanied site visit that the occupancy of the Order Land is multi-layered and complex. This is due to some of the properties being sub-let either formally or informally, often through internal sub-division with floors and/or rooms within those properties occupied by small businesses/enterprises. It is therefore important that it is demonstrated that the AA made all reasonable attempts to notify those impacted by the Scheme.
91. I have therefore considered the representations made by the WLTA (Victor Longe) and Mr Oladapo Oyegbite⁵ who stated that they had not been contacted by the Council. However, it is clear from the detailed evidence produced by the Council⁶ that both had been served with all necessary and relevant documentation including the production of photographic evidence of service. The evidence provided by Mr Conboy demonstrates that the AA have made extensive and concentrated efforts to contact all affected parties (freehold, leasehold and occupier), with correspondence/engagement commencing in December 2017 and continuing up to the Inquiry. Examples of engagement included invitations to organised drop-in sessions, updates in relation to the planning application process and communications relating to support in terms of relocation and compensation. Furthermore, at the Inquiry no qualifying objector was able to produce any evidence that the AA had failed to serve them with the necessary documentation.
92. In response to Dr Cyril Emuh's claim that he knew of people who had said that they had not been contacted or were unaware of the Inquiry, I am satisfied that the Council had complied with the statutory formalities including notification of the Inquiry. This is supported by my accompanied site visit where I observed that a significant number of site notices related to the Inquiry had been placed in clear view of the public in and around the Order Land providing notification of the Inquiry. Consequently, I conclude that there has been no failure to provide the necessary notification of the Inquiry.
93. Therefore, based on all of the available evidence I am satisfied that the AA carried out detailed and methodical engagement to ensure that all affected parties were notified of the CPO and the Inquiry.

Negotiations

94. Failure to negotiate is a common theme in the remaining qualifying objections. Qualifying objectors including those within the WLTA⁷ have argued that they do

⁵ 22d Plumstead Road – Dubai Lounge

⁶ POE and Appendices – David Conboy - Newsteer

⁷ Dr Cyril Emuh, Sab Deol, Ahmet Herguner, and Tariq Ahmad

not believe the Council has pursued sufficient negotiations in relation to compensation and the provision/offer of suitable premises to facilitate relocation within the area. They consider that acquiring their properties should be by agreement rather than by the CPO as this will allow them necessary time to reinvest the proceeds from any agreement to maintain an income/continue their businesses.

95. The CPO guidance⁸ is clear that it is necessary for the acquiring authority to demonstrate that they have taken reasonable steps to acquire all the land and rights included in the Order by agreement. However, it is also clear that 'if an acquiring authority waits for negotiations to break down before starting the compulsory purchase process, valuable time will be lost. Therefore, depending on when the land is required, it may often be sensible, given the amount of time required to complete the compulsory purchase process, for the acquiring authority to; plan a compulsory purchase timetable as a contingency measure; and initiate formal procedures'.
96. The Council's evidence⁹ is detailed and fully demonstrates that they have fully complied with the CPO guidance. The evidence sets out how they engaged with the objectors including when offers (based on an approved surveyor's professional view of the open market value of the interest in question) were made to them or how they sought to address their concerns by way of compensation/mitigation/relocation support. At the Inquiry Dr Cyril Emuh, Sab Deol, Ahmet Herguner, and Tariq Ahmad all accepted that offers had been made to them in an attempt by the AA to acquire all the land and rights included in the Order by agreement. Moreover, by the conclusion of the Inquiry there was no specific allegation that demonstrated that the Council's approach to negotiation was inadequate, or that it could be improved.
97. Ultimately, it is clear to me that the outstanding objections were not in relation to the conduct of the negotiations, but rather in the failure to reach a financial agreement that met the objectors' valuations or expectations. This was confirmed at the Inquiry by Sab Deol (representing the interests of Mr Grewal and Ms Deol), Ahmet Herguner, and Tariq Ahmad who agreed that their objection would be resolved if agreement could be reached on the level of compensation payable. However, whilst I fully understand the concerns raised by the objectors the monetary valuations or compensation offered by the AA is not a matter for the Inquiry.
98. Therefore, based on the evidence before me I consider that the Council (AA) have adequately demonstrated that they entered into meaningful negotiation with the objectors and all other parties subject to the Order. In reaching this conclusion I accept that collectively the objectors' connection with the Order Land would have made any negotiation very difficult. In this respect I can fully understand their unwillingness to sell their interest in the land or being unable to reach an agreement in terms of their valuation of the business interest from the site. However, a failure to ultimately reach an agreement does not mean that the negotiation process was flawed. Therefore, I conclude that the AA have taken reasonable steps to acquire all the land and rights included in the Order by agreement.

⁸ Guidance on Compulsory purchase process and The Crichel Down Rules

⁹ POE – David Conboy – Section 5.5 Responses to individual objections

Displacement and Relocation

99. A number of objections¹⁰ set out above related to the provision of support to mitigate the impacts of displacement/relocation. The WLTA further asserted that the Order should not be confirmed as the AA's relocation/displacement mitigation is insufficient and illusory, further arguing that the approach was contrary to the development plan that they state explicitly protects small businesses¹¹.
100. In considering the objections I note that these issues related to the displacement and relocation were identified by the Council at the planning application stage. This resulted in the development of the Framework Relocation Strategy (FRS) that was submitted with the planning application. The FRS details the support available for existing businesses and other occupiers which will be displaced because of the redevelopment and the anticipated use of compulsory purchase to assemble the land within the Scheme.
101. The FRS sets out that where a business qualifies for compensation, financial support will be provided to affect the relocation of a business. Financial assistance may be available to occupiers through the release of option fees or via early acquisitions. However, it clarifies that this type of relocation assistance and the payment of compensation will depend on the nature of the interest that the business holds and the ownership of the property occupied. Moreover, 'irrespective of whether a business qualifies for financial assistance, all occupiers will be provided general advice and support in the relocation process'.
102. The FRS seeks to provide help and assistance to strengthen the success of any relocation, in this regard the AA have appointed Retail Revival to provide specialist guidance and support in relation to ensuring that the relocation of the business can be managed effectively with the minimum of disruption.
103. The support also provides access to a regularly updated register of available properties primarily within the Royal Borough of Greenwich, but it also includes potentially suitable properties in neighbouring boroughs. Finally, the FRS makes clear that the support provided is underpinned by a communication strategy, which aims to keep everyone updated as the project progresses. There is also similar bespoke support for residents and community uses that are present on the Order Land.
104. Having regard to all the representations I conclude that the FRS provides an adequate level of support and reassurance for businesses, residents and community uses that currently occupy the Order Land. Whilst I accept that it cannot guarantee that every owner, occupier, or tenant will be successfully relocated, it does provide practical and real support for those who wish to meaningfully engage with the relocation assistance that is provided.
105. I am also reassured that the FRS is a live strategy that adapts to mitigate the impacts of displacement and relocation. This is demonstrated by the confirmation of an exclusive marketing period for existing occupiers in relation to the small retail space that will be delivered in the completed scheme¹². This demonstrates that the AA are prepared to listen and adapt their approach in a real and

¹⁰ Objections: 1, 8, 10, 12, 13, 17, 18, 19, WLTA and Rox Meat

¹¹ The Royal Greenwich Local Plan: Core Strategy with Detailed Policies (July 2014) - para 4.2.6

¹² Spray Street Quarter LLP - exclusive marketing period - 21 March 2023

meaningful way to support those affected by the CPO. In reaching this conclusion I find no conflict with paragraph 4.2.6 of the RBG Core Strategy with Detailed Policies (July 2014) as the Council's approach does 'seek to protect existing businesses wherever possible' and provides support to existing businesses to relocate.

Alternative proposals

106. I have carefully considered the representations of Eltham Welding Supplies and Dr Cyril Emuh who have suggested that the Scheme could be implemented without the need to acquire their properties. It was argued that it was feasible for larger sites and/or a grouping of sites within the Order Land to be delivered independently by the market and through collaborative working. Arguing that the Council have failed to adequately consider an alternative approach or middle ground that could be designed and developed to allow them to carry out standalone development within the wider regeneration aims.
107. However, no substantive evidence was produced by either Eltham Welding Supplies (beyond a conditional sale agreement) or Dr Cyril Emuh to demonstrate that there was anything more than a theoretical alternative to the Scheme. I accept that Dr Cyril Emuh had carried out preparatory work to develop a scheme for his site. However, he explained at the Inquiry that the option agreement for the development had expired, and planning permission for redevelopment had not been applied for or secured. Furthermore, neither of the alternatives presented demonstrated how they would deliver or contribute to the uncontested social, environmental, or economic benefits that would be derived from the delivery of the comprehensive Scheme.
108. As set out above, current and emerging planning policy requires the delivery of the comprehensive redevelopment on this site. The whole Order Land is required to deliver the scale of change necessary in Woolwich to realise the regeneration effects identified within the development plan, and there are no alternative proposals that would achieve the same purposes for which the AA is proposing to acquire the land.

Other objections

109. With regard to the objection from Dr Nicki On and Mr Tien On 36 Spray St, the AA have confirmed that the Order Plan and Schedule clearly detail which properties are included within the Order and how each property in the Order is affected. They confirm that 36 Spray Street is shown as Plot 128 on the Order Map. The Plot is coloured blue reflecting that the Order seeks to acquire new rights over the property, and the CPO schedule records that crane oversailing rights are proposed to be secured. As such, there is no requirement to modify the Order. The AA further confirmed that the owner has a statutory entitlement to compensation for any reduction in the value of their interest in the property caused by the interference with the right to light. The AA have set out that discussions will be progressed once the CPO is confirmed as until this occurs, the project cannot proceed and consequently to discuss compensation would be premature. I have no reason to disagree with this approach.

110. During the Inquiry a representation was submitted by Tansu Ozsoykal (Managing Director Rox Meat)¹³ who operates from 37-39 Spray Street. The issues they raised related to the impact of relocation on the business and finding suitable replacement premises that meet their operational requirements. The letter acknowledges that engagement has taken place and that they would be happy to meet anyone in public and speak about this situation in view of reaching an agreement. The issues raised by Tansu Ozsoykal have been addressed in my decision.

COMPENSATION

111. As set out above the issue of compensation is not a matter for the Inquiry. The amount of compensation that should be payable, if not agreed, is a matter for the Upper Tribunal (Lands Chamber).

HUMAN RIGHTS AND EQUALITIES

112. Article 1 of the First Protocol to the Convention, as incorporated by the Human Rights Act 1998 and, in the case of the dwellings, Article 8 of the Convention apply in the consideration of this CPO. The CPO Guidance¹⁴ sets out when confirming an order, authorising authorities should be sure that the purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected. As addressed above, there is a compelling case in the public interest for acquisition of the properties subject to the CPO. The comprehensive benefits of the CPO Scheme could not be achieved without acquisition of the land and interfering with the individual's rights.

113. Therefore, given the significant public benefits that would be provided, this represents a compelling case to justify interfering with Article 1 of the First Protocol to the Convention, as incorporated by the Human Rights Act 1998 and, Article 8 of the Convention.

Public Sector Equality Duty

114. I am bound by the Public Sector Equality Duty (PSED) set out in s149 of the Equality Act 2010, and as a public authority I must comply with the PSED. It is my duty personally to have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

115. It is common ground that approximately 93% of businesses affected by the Scheme are owned and/or operated by people from ethnic minority communities.

116. The AA has carried out an Equalities Impact Assessment (EqIA) in January 2023, this followed previous assessments carried out in 2018 and 2022 which informed the Councils decision to make the CPO.

¹³ Statement submitted 15 February 2023 - Tansu Ozsoykal

¹⁴ Tier 1, Stage 1, Paragraph 2

117. The EqIA¹⁵ found that the redevelopment of the Woolwich Exchange Site has the potential to disproportionately impact upon people on the basis of their protected characteristics (most notably people from some ethnic minority communities, and people from some faith groups). It considers that the Council has taken reasonable and proportionate measures to mitigate these impacts through relocation, and compensation policies, and has sought to respond to specific challenges positively. It is likely that residual adverse disproportionate impacts on people with protected characteristics as a result of the CPO will nonetheless remain; and that while recommendations have been made to further reduce these impacts, there are no further reasonable measures that can be taken to remove them entirely.
118. Notwithstanding this the WLTA have argued that the Council has failed to have due regard to the need to promote equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it because it has not provided for retention of displaced retail business occupiers within the Scheme and for ensuring the continuity of their trade pending this. In support of this I have been referred to *Horada v SSCLG* [2016] PTSR 1271 in that in reaching my decision I should have regard to the ethnically diverse character of the retail offer from small independent traders.
119. To comply with PSED it is the duty of public authorities to have 'due regard' to or consider the three aims when making decisions. This means two things; 1. It is a duty to ensure that any decision giving rise to any negative impacts in relation to the three aims is informed and made with regard to any less harmful alternative outcome. 2. It is a duty to seek to achieve a positive outcome in respect of the three aims where possible.
120. The Council have demonstrated 'due regard' through the adoption and implementation of the FRS which sets out compensation, financial support and relocation advice/support through Retail Revival. Furthermore, the mitigation/support provided by the Council through the FRS applies to everyone impacted by the CPO, not just small businesses. Consequently, I consider that the Council have implemented reasonable and proportionate measures that seek to mitigate the impact of the CPO. The Council do not seek to downplay that despite the mitigation and support, it is likely that there will still be residual adverse disproportionate impacts on people with protected characteristics because of the CPO. Therefore, I consider that the Council in promoting the Scheme have where possible sought to achieve a positive outcome in respect of the three aims.
121. Moreover, I am not persuaded by the proposition advanced by the WLTA relating to *Horada v SSCLG* [2016] PTSR 1271. In the case of *Horada*, the planning policy for Shepherd's Bush Market specifically required the retention of existing market traders and required that they should be allowed to continue to trade during the redevelopment. However, the circumstances are materially different to that before me in Woolwich, as I have found no conflict with the development plan, in particular paragraph 4.2.6 of the RBG Core Strategy with Detailed Policies (July 2014). This is further reinforced by the fact that prior to the Inquiry not one substantive objection had been made to the CPO on the basis that the Scheme conflicted with the development plan or that there was a requirement within the development plan to retain existing business or to ensure that businesses would

¹⁵ POE Dr James Beard

continue to trade. Therefore, it is abundantly clear from the evidence before me that the Council did have 'due regard' to their PSED when making the CPO.

122. In conclusion I have no reason or justification to disagree with the findings of the EqIA (January 2023). Therefore, in reaching my decision I have had 'due regard' to the likelihood that there will be residual adverse disproportionate impacts on people with protected characteristics as a result of the CPO. However, I conclude that the mitigation put in place by the Council predominantly through the FRS is proportionate and that in the absence of any other strategy to address issues related to displacement and relocation there are no further reasonable measures that can be taken to remove them entirely.

CONCLUSION

123. The Scheme underpinning the CPO is wholly in accordance with the development plan and has the benefit of both planning permission and listed building consent.
124. I am satisfied that the Scheme would substantially contribute to the achievement of the promotion or improvement of the economic, social and environmental wellbeing of the area, and that these purposes could not be achieved by other means, such as through alternative proposals. Financial resources are in place for the Scheme. The Order would interfere with the human rights of the objectors, but I consider that the interference is proportionate and that there is a strong public interest in ensuring that the regeneration of the Woolwich Exchange site takes place. Overall, and having taken all matters into account, I conclude that there is a compelling case in the public interest for the acquisition of the Order Land.
125. For the reasons given above and having regard to all matters raised I therefore conclude that the Royal Borough of Greenwich (Woolwich Exchange) Compulsory Purchase Order 2022 be confirmed.

Jameson Bridgwater

INSPECTOR

APPEARANCES

For the acquiring authority:	
Reuban Taylor KC and Guy Williams KC	Instructed by the Council of the Royal Borough Greenwich
They called	
Jeremy Smalley	Deputy Director Regeneration and Property Royal Borough of Greenwich
Simon Hudspith	Partner, Panter Hudspith Architects
Jonathan Hartnett	Principal Planning Officer, Royal Borough of Greenwich
Steven Butterworth	Senior Director, Lichfields
John Hughes	Group Director of Development and Sales and Deputy Chief Executive of Notting Hill Genesis
Richard Garside	Registered Valuer, Newsteer Real Estate Advisers
David Conboy	Compulsory Purchase and Regeneration Director, Newsteer Real Estate Advisers
Dr James Beard	Technical Director for Social Outcomes, Mott MacDonald
For the Woolwich Landlord and Tenants Association	
Kevin Leigh	Instructed by WLTA ¹⁶
He called	
Dr Cyril Emuh	14 Parry Place
Sab Deol	3A Plumstead Road
Ahmet Herguner	37-39 Spray Street
Ghulam Mustafa	3 & 3b Plumstead Road and 7 Plumstead Road
Victor Longe	15 Plumstead Road
Kennedy Nwahamma	2A Parry Place
Tariq Ahmad	9 & 9a Plumstead Road
Other Objector	
Oladapo Oyegbite	22d Plumstead Road

¹⁶ The WLTA were initially represented by Mr Tariq Khan instructed by Gordon and Thompson Solicitors until 15 February 2023 when the Instructing Solicitors withdrew from the process.

INQUIRY DOCUMENTS *(submitted during the inquiry)*

Date	Document
7 February 2023	The Council's Opening Submissions
7 February 2023	Further Statement of Objectors - Shahid Basharat Ahmad, T. Ahmad, Zulfiqar Ahmed T/A Sams Chicken - 9 & 9a Plumstead Road
9 February 2023	Email exchange between AA and Khoa Dinh Le re SoCG
13 February 2023	WLTA Statements from Dr Cyril Emuh, Sab Deol, Ahmet Herguner, Ghulam Mustafa, Victor Longe, Kennedy Nwahamma, Nirpal Singh Grewal, Mahendra Muljibhai Pankhania, and Tariq Ahmad.
13 February 2023	WLTA Petition
14 February 2023	List of members of the WLTA with a qualifying interest.
15 February 2023	Email confirming the withdrawal of Gordon and Thompson Solicitors from the process.
15 February 2023	Statement - Tansu Ozsoykal (occupier of 37-39 Spray Street)
20 March 2023	AA Update Statement regarding progress with the Stopping Up Order.
21 March 2023	Notting Hill Genesis - Exclusive Marketing Period for Existing Occupiers in Relation to the Small Retail Space
23 March 2023	Emails – Proof of service 22d Plumstead Road – Dubai Lounge
24 March 2023	WLTA – Closing Submissions
24 March 2023	The Council's Final Submissions