

**THE LONDON BOROUGH OF BARKING AND DAGENHAM (VICARAGE FIELD AND
SURROUNDING LAND) COMPULSORY PURCHASE ORDER 2021¹**

OPENING SUBMISSIONS ON BEHALF OF THE ACQUIRING AUTHORITY

Introduction: The Challenges Facing Barking and Dagenham and its People

1. Barking and Dagenham is a London Borough facing serious and significant economic and social challenges.
2. Low educational attainment, low skill levels, precarious employment opportunities and low income are, unfortunately, key socio-economic markers of the Borough.² In the year to September 2021, the Borough had the highest rate of unemployment across the entire country.³ It is ranked 13th lowest (worst) average rank in the country for the 10 indicators of poverty and has the lowest rank in London.⁴ The Abbey ward, where the CPO Scheme is to be located, generally has even poorer socio-economic statistics than the rest of the Borough.⁵ It is placed within Priority Category 1 of the Government's Levelling Up Fund, a stark indicator of the recognised need for very significant intervention to deliver change.
3. These challenges are not recent in the making. They reflect long standing, systemic issues arising from changes in the Borough over generations of time. Recognising the scale of the challenges that it faced and the need for a well-considered strategic approach if they were to be overcome, the Council set up the Barking and Dagenham Independent Growth Commission in 2015. The Commission was chaired by the economist and former civil servant Mike Emmerich, supported by an impressive panel

¹ Hereafter, "the CPO".

² Growth Commission Report, pp. 12-13, 39.

³ DHarley Main Proof of Evidence, para. 3.6.

⁴ Ibid.

⁵ Ibid, para. 3.7.

of Commissioners from a diverse range of sectors.⁶ It took evidence in live sessions, undertook numerous consultations, and supported its findings with a longer technical report to explain its reasoning in more detail.⁷

4. In February 2016 the Growth Commission published its report, entitled *“No-one left behind: in pursuit of growth for the benefit of everyone”*. It describes the Borough as being at a *“key moment”* where it has the *“ambition and political will to become an inclusive, prosperous and resilient place, in which all communities have the opportunity to fulfil their potential”*. The Report identifies that this will require *“nothing short of the mobilisation of the whole borough in a process of transformational change”*.⁸
5. The Report does not shy away from the difficult truths. It notes early on that *“The Borough is working class. There is a perception of crisis”*.⁹ Much of the crisis is due to the disappearance of the traditional industrial employment that once underpinned the social and economic fabric of the Borough. Most notable is the decline of Ford’s Dagenham plant and the era of large employers and mass employment associated with it, leading the Growth Commission to describe the Borough as still *“in the shadow of Ford”*.¹⁰ As they put it:

*“What has happened in Barking and Dagenham over the last 20 years has left major scars on the physical environment, and on communities where families had depended on employment in traditional industries but also on the politics of the Borough.”*¹¹

6. The Report notes that the impacts of these changes have been particularly hard on the white working class community. Yet this is only part of the story. The Borough’s population is growing and changing, and the ethnic and age demographic has changed enormously too. Its BAME community increased from 14.6% to 41.7% in just ten years

⁶ Growth Commission Report, pp51ff.

⁷ Ibid, p8.

⁸ Ibid, p. 7.

⁹ Ibid, p. 12.

¹⁰ Ibid, p. 18.

¹¹ Ibid, p. 15.

between 2001 and 2011.¹² As the Growth Commission observed, it is essential to the future of the Borough that every community feels a sense of rootedness¹³. And so among the principles that the Commission recommended to the Council, and which the Council has embraced, was a commitment *“that no-one, and no ethnic group, is left behind, and that the Council will support every person and every family to fulfil their potential...”*.¹⁴

7. Just as the challenges facing the Borough cannot be in serious doubt, nor can the enormous potential for beneficial change that the Borough possesses. The Growth Commission Report describes the Borough as ‘London’s Growth Opportunity’.¹⁵ The centre of gravity in London has been moving east for some time, fuelled by the regeneration wave from the London Olympics¹⁶, and the Borough has land on a scale few other places in the south-east do. Recognising this opportunity and the need to deliver and facilitate better social outcomes for all members of the community, the Growth Commission emphasised that the Borough must ensure that physical regeneration policy, action to help people, and business policy work together; and that are all considered with an underlying sense of social purpose, in order to deliver a better future for Barking and Dagenham and its residents.¹⁷
8. The first of ten key steps identified for the borough by the Growth Commission was to identify and adopt a series of *“ambitious, measurable targets”*, including the suggested creation of a new city district in the town centre with the variety and interest of London’s best centres.¹⁸
9. Turning to physical interventions in the Borough and its urban form, the Growth Commission identified Barking Town Centre as the *“initial priority”*. It said that a more aspirational population should be fostered in the Town Centre but that it should also

¹² Ibid, p. 13.

¹³ Ibid, p. 17

¹⁴ Ibid, p. 22.

¹⁵ Ibid, p.14.

¹⁶ PCornforth Main Proof of Evidence, paras 4.9-4.10 and appendix 5.

¹⁷ Growth Commission Report, p. 28.

¹⁸ Ibid, p. 21.

be a place for “all household income and family types, with a well-designed urban feel”. The Report goes on to say this:

“To achieve this, the town centre should continue its direction towards becoming a more urban centre, with an active, interesting street life, a broad range of retail and restaurants and places of employment. The attention currently being shown to the public realm should be extended across the town centre, connecting key features such as Barking Station, the heritage areas around the Abbey and the riverside.”¹⁹

10. The importance of these measures for the wellbeing of the area are recognised in the strategic planning of London too. As the Mayor’s London Riverside Opportunity Area Planning Framework acknowledges:

“Strengthening Barking Town Centre’s functions is paramount to the success of London Riverside as a whole and its regeneration is key to the level of growth in new homes and new jobs in London Riverside.”²⁰

11. The message is clear and the inquiry needs to acknowledge it fully: the Borough has both great need and huge potential for regeneration, yet its challenges require a brave and ambitious response. As the evidence before you makes clear, much development has already taken place and change is becoming palpable. Yet the problems of the Town Centre remain, and the needed transformation has yet to be delivered. Regeneration that can only be dreamed of is worthless. Action needs to be taken.

The CPO

12. The London Borough of Barking and Dagenham (Vicarage Field and Surrounding Land) CPO²¹ was made on 14 June 2021. Its purpose is to facilitate the comprehensive regeneration of the Vicarage Field Shopping Centre site and surrounding land (the “Site”) through the delivery of a significant new development in the heart of Barking

¹⁹ Ibid, p. 32.

²⁰ CD D5, p46, p52.

²¹ CD 04.

Town Centre. Underlying the CPO is the substantial mixed use Scheme granted outline planning permission on 19 April 2017²². It will deliver a high-quality mixed-use development, providing new homes, affordable housing, commercial and community uses, a primary school, healthcare facilities, leisure uses, and improvements to the townscape, public realm and accessibility of the area.

13. Yet to confine the Scheme to a description of its physical attributes would miss much of the point. As Mr. Harley, Mr West and Mr. Cornforth explain, it embraces the Council's objectives for the area and clearly aligns with the vision and trajectory of Barking's growth. It will address numerous issues - the need for new homes, the need for an improved food and beverage and night-time economy offer, new space for businesses, new school places, new health facilities, new leisure facilities and an improved environment, all whilst helping to generate much needed employment, improving safety, and contributing towards improving some of the Borough's challenging deprivation statistics.

14. The Growth Commission Report was clear that *"doing nothing is not an option"* for Barking and Dagenham and that *"a failure to act, to accept the status quo, will lead to a worsening situation"*²³. The Council is committed to ambitious change. Anything less risks failure which the Borough can ill afford. The Council considers that the Scheme, in its entirety, will deliver the nature, scale and form of change required in Barking Town Centre. The Scheme is bold and ambitious – appropriately so.

Action Demanded by Policy

15. Whilst steps towards regeneration have been in motion in Barking Town Centre for some time, the Growth Commission Report has provided a fresh impetus for change and a clear strategy for how to achieve it. The Council has grasped the nettle. It set up Be First, the dedicated Borough wide regeneration vehicle in 2017, on the basis of a

²² CDC.1-16.

²³ Growth Commission Report, p. 16.

Growth Commission Report recommendation. Be First has been working towards the regeneration of Barking Town Centre alongside a wide array of other regenerative interventions since its inception. It, along with the Council, has developed the Barking Town Centre Regeneration Strategy 2020-30, which was adopted by the Council in October 2020. It provides the vision statement for the Town Centre:

“A Town Centre where inclusive growth unlock a new lease of life -a healthy, safe and sustainable place to live, work, learn, socialise, shop, eat and relax with great places to visit. A real destination, day and night with a strong sense of place and identity harnessing its physical assets and rich heritage. Markets, makers and more.”²⁴

16. The Council’s recently published ‘Unlocking growth so that no-one is left behind: An Economic Prospectus for Barking and Dagenham’²⁵ sets the strategy for how the Council will unlock inclusive growth in Barking Town Centre and across the Borough. The redevelopment of Vicarage Field is a central plank of the Economic Prospectus for the Town Centre. As the Growth Commission envisaged, the interventions are not limited to the physical, they also encompass measures directed towards improving educational outcomes, increasing employment opportunities and the skills base of the local community, along with supporting exciting commercial projects full of opportunity, such as the relocation of the City of London wholesale meat, fish and fruit and vegetable markets to Dagenham, which, as Mr Cornforth explains, brings with it a platform for delivery collaboration with the Council for a food hub in the Town Centre. Vicarage Field has recently been identified as the preferred location for the Food Hub.²⁶

17. As well as the backing of strategic regeneration policy, both the regeneration of Barking Town Centre and the redevelopment of Vicarage Field enjoy support from adopted and emerging planning policy. The Site lies within the boundary of the London Plan’s London Riverside Opportunity Area, which is to deliver 44,000 homes and 29,000 jobs, with all opportunity areas being expected to put a “strong focus on

²⁴ CDE.1, p. 12.

²⁵ CDE.2, see p. 18-19 for Vicarage Field.

²⁶ PCornforth Main Proof of Evidence, p. 15, para. 5.12.3.

sustainable and inclusive regeneration".²⁷ Within the Opportunity Area, the Mayor's London Riverside Opportunity Area Framework supports housing delivery at key sites such as the Housing Zone in Barking Town Centre. As we have highlighted above, the OAPF describes the strengthening of Barking Town Centre's functions as "*paramount*" to the success of London Riverside as whole and that its "*regeneration is key to the level of growth in new homes and new jobs in London Riverside*".²⁸

18. At a local level, the Council's Core Strategy and Barking Town Centre Area Action Plan have long supported the transformation of Barking Town Centre. The Core Strategy identifies Barking Town Centre as a Key Regeneration Area where Policy CM1²⁹ seeks to focus residential development (particularly higher density development), with Policy CM2³⁰ directing 6000 new homes to Barking Town Centre through development in line with the Area Action Plan (AAP). The AAP allocated the Vicarage Field shopping centre for redevelopment and it outlined a vision for the Town Centre that it will "*in addition to providing 6,000 new homes for all sections of the community, ... serve as the retail, leisure, commercial and training centre for Borough residents and grow in vitality and importance as it plays its full part in the expansion of the Thames Gateway*".³¹ The draft Local Plan reiterates and reinforces the Council's longstanding recognition of the importance of regenerative, transformative change in Barking Town Centre. It identifies the Town Centre as a 'Transformation Area' (Policy SPDG1³²) and allocates the Site for a mixed-use development with the potential to deliver circa 900 new homes (Site Allocation AK³³).

19. Increasing housing delivery is a key strand of adopted and emerging planning policy. The adopted Core Strategy sets a target to deliver 1,190 homes a year across the Borough to 2024/25, the adopted London Plan sets a target to deliver 19,440 homes over 10 years (1,944 homes per annum) and the draft Local Plan sets a minimum target

²⁷ CDD.4, para. 2.0.7, p. 30 and Table 2.1 p. 36.

²⁸ London Riverside Opportunity Area Framework, p. 46, p. 52.

²⁹ CDD.2, p. 22.

³⁰ Ibid, p. 26.

³¹ CDD.1, para. 5.1, p. 22.

³² CDD.3, pp. 26-27.

³³ CDD.3, Table 7 at p. 31 and p. 173.

of 44,051 homes between 2019-2037 (c. 2,447 homes per annum). These targets need to be considered in the context of the latest Housing Delivery Test figures of 906 homes for 2018-19, 741 homes in 2019-20 and 1,048 homes in 2020-21. It confirms the Council has only achieved 66% of its target and therefore there is a presumption in favour of development for all housing planning applications.³⁴

Action and Investment by the Council and the Private Sector

20. The Growth Commission Report is important, but it is equally important to acknowledge that the transformation of Barking Town Centre, and the Council's aspirations for regenerative change, did not begin with the Growth Commission. As Mr Harley's evidence explains³⁵, and as can be seen even in the very immediate surroundings of the inquiry venue, the regeneration timeline³⁶ for Barking Town Centre has been underway for quite some time. It started nearly twenty years ago with Barking Central just outside this town hall, an award-winning development that put high quality homes, public services and public realm right in the heart of the Town Centre.

21. Following Barking Central came the London Road development, which saw land assembled for a new supermarket with 100 Build to Rent apartments above, alongside a Technical Skills Academy providing vocational training for 14-19 year olds and a new public space. At a similar time, Abbey Leisure Centre was built providing a swimming pool, gym and spa which was opened by the Queen in 2015 as part of the Council's desire to provide key facilities to support town centre footfall. The former Lintons Estate was then demolished and replaced by the award-winning William Street Quarter development and Barking Enterprise Centre providing accommodation for around 50 small businesses. Swan Housing's Cambridge Road scheme (Barking 360) was completed in 2020 comprising 4 interlocking towers of circular appearance

³⁴ DMessenger Main Proof of Evidence, para. 7.3, p. 30.

³⁵ DHarley Main Proof of Evidence, section 6.

³⁶ The timeline is shown visually on page 33 of the Barking Town Centre Regeneration Strategy 2020-30 (CDE.1) and in CDH.1.

providing 291 homes (one third affordable) – currently the tallest building in the Borough and setting a strong standard for well-designed tall buildings enhancing the skyline and streetscape. Nearing completion is Be First’s Crown House scheme delivering 169 affordable rent homes. Currently under construction on Axe Street is a £50m plus scheme for 190 Build to Rent homes with a ground floor 2 screen cinema and office space for Care City, a healthy aging innovation centre. On Wakering Road adjacent to Barking Station, construction is about to commence on the Trocoll House development of 198 apartments and ground floor commercial space. Behind Barking Enterprise Centre, Be First has just finished construction of the innovative House for Artists. This unusual scheme provides 12 affordable rent apartments for artists together with ground floor workspace/community space. As part of the lease, the artists are required to deliver a public programme in the ground floor space. The scheme has gained a high profile with articles in Architects Journal and the Guardian and a DLUHC visit from the Chief Planner. In close proximity is Roycraft House - this was until recently a Council office building but is currently being repurposed into a hybrid multi-occupancy workspace and event space by operator Make It London, including significant private sector investment. This scheme has been developed with a group of local residents ensuring it meets the needs of the Town Centre’s diverse residents and it will form a key part of the Council’s emerging night time economy strategy for the Town Centre. Be First and the Council have not shied away from the challenges faced by the Borough, and their track record of delivery and facilitating delivery speaks to their commitment, skill and sound judgment in delivering what the Borough needs.

22. Whilst it will be evident from walking around the Town Centre that it is undergoing real change, a key part of the Town Centre, namely the immediate vicinity of the train station and the Vicarage Field site, remains conspicuously unchanged. The concerns raised about it as far back as the AAP, namely that *“the area is currently characterised by physical and visual clutter and low quality building stock”*³⁷ are largely applicable

³⁷ CDD.1, para. 6.17.7, p. 50.

today. The AAP's concern over lack of investment in shopping floorspace³⁸, poor provision of hotels³⁹, poor service in respect of leisure and entertainment uses, very limited restaurant offer⁴⁰, and limited community facilities⁴¹ remain.

23. Now the opportunity exists to address these issues. PineBridge Benson Elliot (PBBE) has invested in the shopping centre and is committed to delivering the Scheme. The collaboration of this well-resourced and sophisticated private sector real estate investor and developer with Be First and the Council, all of whom together are committed to realising the potential of the Borough, means that for the first time, the transformation of Barking Town Centre can be realised. The dreamed of regeneration can actually be delivered.

The Scheme in More Detail

24. The Scheme will deliver the redevelopment of the existing Vicarage Field Shopping Centre and surrounding properties to create a mixed-use environment with the development specification supporting the delivery of commercial, business, residential and hotel floorspace, an up to 3FE primary school, healthcare facilities, leisure uses, and significant new pedestrian routes and public realm.

25. The Council as Local Planning Authority granted consent for an outline planning application for the Scheme on 19 April 2017. Subsequently, the first reserved matters planning application was approved on 18 December 2019, on Station Parade. The Scheme has been designed to introduce the range and type of uses that have been identified as lacking in the Town Centre, as well as much needed housing development. The design intent and evolution is explained in the evidence of Mr West. In summary, the illustrative scheme includes 855 homes, a hotel, cinema and music venue, shops, new workspace floorspace, a cycle hub, pedestrian routes running through the Site, public open space in the centre of the shopping area, and a field level

³⁸ Ibid, para. 4.3, p. 12.

³⁹ Ibid, para. 4.15, p. 15.

⁴⁰ Ibid, paras. 4.17-4.19, p. 15.

⁴¹ Ibid, para. 4.41, p. 18.

at second floor which will provide communal open space for the residents living at and above the podium level, along with residential roof gardens in some of the residential buildings. 10% affordable housing will be delivered subject to an upwards review mechanism at the time of occupation.

26. Flexibility is a key positive attribute and strength of the Scheme. As explained by Mr Cornforth⁴², the flexibility in the Scheme's design and the uses within it, together with the other complementary initiatives in the Borough, ensure resilience and the ability to mitigate for changes to the risk profile of the project and market events.

27. PBBE's commitment to the delivery of the Scheme can be in no doubt. It has already incurred expenditure of more than £40m since mid-2015 in the acquisition of land holdings and to achieve the key planning and commercial milestones necessary to underpin the Scheme.⁴³ A further £20m has been allocated between now and the projected start on site to cover the CPO inquiry costs, land acquisitions, utilities diversions, other professional fees/marketing/community engagement costs and further planning matters (reserved matters detailed design, the discharge of pre-commencement conditions and s. 106 obligations) and s. 278 highways design and agreements.⁴⁴ It has already secured one reserved matters approval and others are expected later this year or early next.⁴⁵

28. As for the delivery of the Scheme, the Developer has funds and access to funds to ensure that there are no financial impediments to the Scheme being developed. As Mr Cornforth explains, the merger between PineBridge and Benson Elliot in December 2020 has resulted in a business that has a wider and deeper pool of equity funding for its projects than it did previously.⁴⁶

29. The phasing and practical delivery of the Scheme is not yet fixed, but as Mr. Cornforth explains, the Developer's anticipated timescales are to complete Phase 1, comprising

⁴² PCornforth Main Proof of Evidence, paras. 5.10-5.12, pp. 14-15.

⁴³ PCornforth Main Proof of Evidence, para. 5.17, p. 17.

⁴⁴ Ibid, para. 5.18, p. 17.

⁴⁵ DMessenger Main Proof of Evidence, para 5.2.

⁴⁶ Ibid, para. 5.22, p. 18.

Block B4, by Q2 2024; to complete Phase 2, comprising Block A, by Q2 2026; and to complete Phase 3, comprising Block B1/3, and Phase 4, comprising Block C, by Q2 2029.⁴⁷

The CPO and Land Assembly to Date

30. The Council and Developer own and control the majority of the Order Land (approx. 87 per cent of the freehold of the Order Land area, excluding land where rights for crane oversailing will be acquired). The Council holds the freehold of the Vicarage Field Shopping Centre and the freehold of St Awdry's Walk, and the Developer holds the long leasehold interest to the Shopping Centre, the freehold of 21-23(odd) Ripple Road, which it acquired in 2018, and the leasehold interest of 21a Ripple Road, which it also acquired in 2018.

31. The Developer has also been in negotiations with its tenants within the shopping centre since 2015 and can deliver vacant possession by the programmed start date for all but three of the tenants within the shopping centre.⁴⁸

Steps to Acquire remaining land and interests

32. As is plain from Mr Squires' and Mr Kite's evidence, significant efforts have been made to date to assemble the land necessary to deliver the Scheme. These efforts have been successful in a number of cases. However, as Ms Squires explains⁴⁹, as is expected in a scheme of this size and with multiple ownerships, there remain a number of third party interests, identified in Table 1 of the Order Schedule⁵⁰ and shown as pink on the Order Map⁵¹, that are yet to be acquired. The Order also seeks to acquire new rights for crane oversailing to enable construction of the Scheme and the affected property

⁴⁷ Ibid, para. 5.6, p.13.

⁴⁸ Ibid, para. 5.9 p. 9.

⁴⁹ Ibid, para. 4.1, p. 7.

⁵⁰ CDA.4.

⁵¹ CDA.5

interests are listed in Table 1 of the Order Schedule and shown in blue on the Order Map.

33. Negotiations have been taking place from 2015 onwards, and the Council and Developer consider that it is unlikely that all necessary third party interests will be acquired by agreement within a reasonable timeframe without the exercise of compulsory purchase powers. In summary, the interests yet to be acquired comprise:

- (i) 3 units within the shopping centre (Unit 1, Holland and Barrett, Unit 15 Hutchinson 3G (UK) Limited, Unit 21A Subway Realty Limited);
- (ii) Properties and associated land at 24-38 (even) Station Parade and 13-23 (odd) Ripple Road including freehold, leasehold and occupational interests;
- (iii) The former Vicarage Field Health Centre; and
- (iv) The new rights for crane oversailing over 1-5 (odd) Ripple Road and 2-18 (even) Station Parade, to enable construction of the Scheme.⁵²

Compliance with Policy

34. An overview of compliance with CPO policy is given by Mr. Harley.⁵³ The wide-ranging benefits of the Scheme are set out in evidence and in the Statement of Case and will be drawn together in closing submissions.

35. The regeneration of the area expressed through the Scheme is a purpose which “fits in”⁵⁴ with the planning policy framework for the area, both in respect of the local development plan documents, extant and emerging, and the strategic framework of the London Plan 2021. Mr Messenger’s evidence assesses compliance with key aspects of the policy framework in detail at section 6.⁵⁵ Compliance with the planning framework is underlined by the fact that planning permission has been granted both

⁵² Ibid, paras. 5.10-5.16, p. 10.

⁵³ DHarley Main Proof of Evidence, section 15.

⁵⁴ The expression used in the CPO Guidance: CDB.1, para 106.

⁵⁵ DMessenger Main Proof of Evidence, pp. 17-29.

for the outline consent and the first reserved matters application. The broad thrust of the policy framework places focus on the great untapped opportunity presented by Barking Town Centre and the Borough more generally, the need to deliver significant amounts of housing, and the need to redress the Town Centre's current inadequacies, both in terms of physical form and the provision and nature of leisure, community, restaurant and retail facilities. The Scheme meets all of these objectives.

36. It is also to be remembered that while regard can properly be had to planning matters, it is not generally appropriate for an inspector to take a different view on planning matters from the statutory planning authority, unless there is fresh material or a relevant change in circumstances: *Alliance Spring v First Secretary of State* [2005] EWHC 18 (Admin) at [16].

Objections

37. The detailed positions of the objectors will be considered in oral evidence and in our closing submissions. For the purposes of opening, we highlight some general points:

- (i) No objector challenges the need for significant regeneration of the Borough and Town Centre, nor the evidence of the socio-economic outcomes and quality of life for its residents.
- (ii) None of the represented objectors appearing at the inquiry challenge the viability of the Scheme or assert any financial impediment to its delivery in their objections. This is so notwithstanding the scope of their evidence. This inquiry is, of course, not a planning inquiry. It is an inquiry into objections made to the CPO. There is no serious challenge to delivery in any of the other objector's cases, either.
- (iii) There is no real challenge to the capacity of the Scheme, once developed, to deliver the wider-ranging benefits which it heralds. It is notable that the represented objectors, rather than distance themselves from these benefits, instead claim them as benefits that can be delivered on their land as well.

- (iv) The areas of land take have a clear planning justification. This is a classic case of a planning CPO being used *“to assemble land where this is necessary to implement proposals in their Local Plan or where strong planning justifications for the use of the power exist.”*⁵⁶ The inclusion of the land beyond the shopping centre at the planning application stage came about through a considered process in collaboration with the Council, whose aim, along with the Developer, is to secure a scheme of the quality and impact to match the challenges and opportunities that the Town Centre presents. The need and planning policy justification for all the land proposed to be acquired is strong and clear. These issues will, of course, be explored in the days ahead. We welcome the opportunity to do so.
- (v) Understandably, objections are pursued from a motive to protect the objector’s property or business interests, as the case may be. The impact of the CPO on individual objectors is of course a relevant factor for the Inspector’s consideration, and the totality of the evidence must demonstrate a compelling case in the public interest to justify the CPO so the order can be confirmed. The Council and PBBE accept this. To be weighed against the impacts on individual objectors are the positive impacts of the CPO and the delivery of the Scheme, including its substantial economic, social and environmental benefits, and the likelihood and timeliness of delivery, compared to alternatives. None of the alternatives proposed by the objectors for their land are appropriate on their merits or when compared with the Scheme, and there are no alternative locations for the purpose for which their land is being acquired.⁵⁷
- (vi) Overall, the objections are to be judged in accordance with the CPO Guidance, which requires the confirming authority to *“take a balanced view between the intentions of the acquiring authority and the concerns of those with an interest in the land that it is proposing to acquire compulsorily and in the wider public interest”*, and keeping in mind the question: are there *“sufficiently compelling reasons for the powers to be sought at this time”*?⁵⁸

⁵⁶ CDB.1, para 95, explaining the purpose of section 226.

⁵⁷ The relevant considerations at CDB.1, para 106 second bullet point.

⁵⁸ CDB.1, para 13.

CONCLUSIONS

38. The CPO has overwhelming merit. It will deliver transformational regeneration that has been needed for years. It will support the process of tangible change that the Council has started delivering through other measures in Barking Town Centre and the wider Borough. It will realise an opportunity to meet urgent needs now. In due course, and for the reasons given here, in evidence and in closing submissions, the Acquiring Authority will respectfully invite the Inspector to confirm the CPO.

JAMES PEREIRA QC

CAROLINE DALY

FTB

20 April 2022