



Cabinet Report

City of Westminster

Meeting:	Cabinet
Date:	13 December 2021
Classification:	General Release
Title:	Church Street Regeneration (Site A) - "In Principle" Compulsory Purchase Order Resolution
Ward Affected:	Church Street
City for All:	This proposed renewal scheme will meet the Council's four City for All objectives. Providing more homes of all types and tenures to create a Vibrant Community , full of opportunity. Renewal plans will promote a Thriving Economy , by improving the market and associated infrastructure, alongside modern, fit for purpose commercial units. Regeneration of Church Street is a significant chance to create a Greener and Cleaner environment through creating high quality homes and a healthier public realm space, that connects better to surrounding communities and the wider area, with green technology, which will reduce carbon emissions for future generations. (Smart City).
Key Decision:	Yes
Financial Summary:	Church Street Sites A, B & C have an approved acquisition budget of £125m, which was agreed by full Council in March 2021 to acquire all interests within Sites A, B and C (excluding Kennett House) in line with the Council's policy on Leaseholders in Housing Renewal Areas. Further details on these matters will be reported in full when Cabinet is asked to authorise the making a Compulsory Purchase Order (CPO).
Report of:	Debbie Jackson, Executive Director, Growth Planning and Housing

1. Executive Summary

- 1.1. The Church Street regeneration is a housing led regeneration programme within the Church Street area of the Westminster. There are a number of projects and initiatives already underway following the publication of the Futures Plan. The Church Street Masterplan was approved by Cabinet in December 2017 as the Council's framework for informing the future regeneration of the Church Street area (**the Masterplan**).

- 1.2. The aim of the regeneration is to provide a significant boost to housing and affordable housing, improving the street market, providing new affordable and flexible workspace and employment opportunities along with a new cultural quarter. The Council's ambition is to work with the local community to create a high quality neighbourhood which recognises the real character of the Church Street area and seeks to deliver long-term physical, economic and social sustainability.
- 1.3. As part of the regeneration the Council is bringing forward the development of the three largest sites within the Masterplan, Sites A, B and C. By way of a Cabinet member decision dated 24 May 2019 it was decided that Option 3 (Part refurbishment, Part redevelopment) is the preferred option for this part of the regeneration scheme.
- 1.4. A hybrid planning application was submitted on 22 November 2021 for the redevelopment of Sites A, B and C to provide:
 - a) In relation to Site A (detailed element) 429 homes, community and commercial floorspace including the reprovision of a new library, market infrastructure, open space, landscaping and public realm works; and
 - b) In relation to Sites B and C (outline element) up to 66,698sqm (GIA) of residential floor space, commercial and community floorspaces as well as further market infrastructure, open space, landscaping, and public realm works
- 1.5. The planning application site for Sites A, B and C is shown on the plan at Appendix 1 (**Planning application plan**). The Council are seeking an 'in principle' resolution on Site A only, which is shown at Appendix 2, and will be known in this report as the **Order Land**. The Order Land is the area which may be subject to a CPO. However, as the scheme is refined it may be that the extent of the Order Land is increased, if further interests are required in order to carry out the development. If such land is required, officers will request a further decision 'in principle'.
- 1.6. The Council already owns the freehold interests within the Order Land (although small parcels are unregistered land where the freeholder cannot be identified). There are, however, occupational commercial leases, secure tenancies, and long residential leases that remain to be acquired by the Council with no certainty that these can be acquired by private treaty. The Government's "Guidance on Compulsory Purchase Process and The Crichel Down Rules" dated July 2019, (the **CPO Guidance**), requires acquiring authorities to attempt to acquire land by agreement before embarking on the CPO process, although it is recognised that for schemes involving the acquisition of the number of interests, it is sensible to run the CPO process in parallel with ongoing negotiations. Given the time required to complete the compulsory purchase process it would be sensible to commence work on one or more CPOs as a last resort.
- 1.7. This report seeks Members support for a resolution 'in principle' for the use of compulsory purchase powers to assemble the land required for the redevelopment of Site A should all reasonable attempts to acquire the necessary land and interests fail. At this stage the proposal is for CPO powers to be used initially for Site A only, although this will be confirmed in a further report to Cabinet seeking authorisation to make a CPO should that be necessary.

2. Recommendations

Cabinet is invited to:

- 2.1 Approve the progress of all work necessary to establish a case for compulsory purchase of the Order Land.

- 2.2 Approve, in principle, the use of compulsory purchase powers for the acquisition of the land required for development of Site A, of the Church Street regeneration. The extent of the land required is shown indicatively in edged [red] on the attached plan at Appendix 1 (referred to in this report as the Order Land) and note that the making of any CPO will be subject to Cabinet being satisfied in all respects that the criteria in paragraph 3.7 have been met. Such CPO may take place as a whole or in phases.
- 2.3 Note that Officers will need to seek a future resolution appropriate the Order Land for planning purposes where it is no longer needed for its present purpose and authorise use of section 203 Housing and Planning Act 2016 powers. This would authorise the overriding of such easements, rights, or other adverse matters burdening the land, where that is needed to deliver the scheme. Such appropriation may take place as a whole or in phases.

3 Reasons for Decision

- 3.1 Church Street (Sites A, B and C) was identified as one of five key estates in need of significant investment in Westminster City Council's Housing Renewal Strategy 2010 as part of the Council's drive to address a shortage of affordable housing in the city. These are areas the Council has earmarked as needing improvement. Since then, a number of plans have been published, including the Futures Plan in 2012 and the Church Street Masterplan 2017. Sites A, B and C are now identified for redevelopment in the City Plan 2019-2040.
- 3.2 Whilst progress with property owners has been made in discussing acquisitions that will be necessary to deliver the proposals of Sites A, B and C redevelopment, land assembly remains a critical issue for the delivery of this part of the scheme. Clearly the regeneration cannot be delivered across properties that are not wholly in the ownership or under the control of the Council and without this, certainty cannot be gained to the likely programme for delivery of the Masterplan and City Plan objectives.
- 3.3 To enable the redevelopment of the Sites A, B and C all relevant land interests will need to be brought in, in a timely way. Whilst it is anticipated that further progress can be made on the negotiated approach for some property interests it is good practice and appropriate to consider the use of compulsory purchase powers.
- 3.4 The government recognises in the CPO Guidance, that if acquiring authorities wait for negotiations to break down, this can have detrimental impacts on the timing of delivery of projects. Therefore, depending on when the land is required, the guidance considers it sensible for an acquiring authority to:
- plan a compulsory purchase as a contingency measure; and
 - initiate formal procedures.
- 3.5 Importantly, the CPO Guidance expressly recognises that such steps "...help to make the seriousness of the authority's intentions clear from the outset, which in turn might encourage those whose land is affected to enter more readily into meaningful negotiations".
- 3.6 The CPO Guidance requires acquiring authorities to attempt to acquire land by agreement before embarking on the CPO process, although it is recognised that for schemes involving the acquisition of the number of interests, it is sensible to run the CPO process in parallel with ongoing negotiations.

- 3.7 This report seeks Members support for a resolution 'in principle' for the use of compulsory purchase powers to assemble the land required for the redevelopment of Site A, should all reasonable attempts to acquire the necessary land and interests fail. As the CPO Guidance makes clear, use of compulsory purchase powers is intended as a 'last resort'. Officers acknowledge that if any CPO was to be made the Cabinet would require further updating and justification:
- that there was a compelling case in the public interest;
 - that there were no planning, funding or other legal impediments to Site A, being delivered or where impediments exists there are reasonable prospects for overcoming those within a reasonable timescale;
 - that all reasonable attempts to acquire all interests by agreement have not been successful;
 - for the interference with the human rights of those with an interest in the land affected; and
 - that any assessment of the impacts on residents, visitors and employees be measured and evaluated, with special focus on the likely effect of the proposals on those sharing protected characteristic (race, pregnancy, age, disability, gender reassignment, marriage/civil partnerships, religion/belief, sex, sexual orientation (as defined by the Equality Act 2010)) be made, in order for the Council to fully understand those impacts, and to consider measures to mitigate impact, make reasonable adjustment, and foster good relations between those sharing protected characteristics, and those who do not.

3.8 A further detailed report and the proposed Statement of Reasons would come forward to Members in due course setting out the justification for the making of a CPO if it proves necessary to make one or more compulsory purchase orders.

3.9 The main benefit of the use of compulsory purchase is the certainty of being able to obtain vacant possession to enable the Council to deliver the scheme in accordance with the planned programme. This is vital as this gives the Council confidence that the whole of Sites A, B and C will be delivered. The use of compulsory purchase also provides a level of certainty on project programming which in turn would allow the Council to enter into commercially sound construction contracts. This is because, once the CPO is confirmed and the legal challenge period has passed, the CPO can be implemented and a date for vacant possession fixed in accordance with the project programme which can immediately follow or coincide with the programme for the first phase of redevelopment.

4 Use of CPO Powers

- 4.1 The scheme is proposed to be delivered in three phases plus the external market public realm infrastructure. The first phase will consist of Site A (detailed application) and is the subject of this CPO in principle. The Council will consider the use of CPO measures for the subsequent phases (Sites B and C) as required at the appropriate time
- 4.2 The use of compulsory purchase powers requires a compelling case in the public interest to be made. Therefore, this report explains the context and justification for recommending that the Committee agrees an 'In Principle' recommendation to use such powers in this case.

- 4.3 In order to compulsorily acquire land, the Council must have a relevant statutory power that authorises such acquisition. In addition, the Council must use the most specific and appropriate power available to it. In the case of a CPO in connection with the Church Street Regeneration it has been decided that the Council's planning powers under section 226 of the Town and Country Planning Act 1990 (TCPA) are the most appropriate, as the proposals would facilitate development and make a major positive contribution to the economic, social and environmental well-being of the area. At the time of making the CPO it would need to be ensured that the proposal meets with the requirements of this statutory power.
- 4.4 Detailed advice to acquiring authorities on the use of compulsory purchase powers is set out in the Guidance on Compulsory Purchase Process and the Crichel Down Rules published by the Ministry of Housing Communities and Local Government (the CPO Guidance). The CPO Guidance provides helpful information on the matters which the Secretary of State will take into account when considering whether or not to confirm a CPO, so should be fully considered by Members now in relation to the 'in principle' use of its compulsory purchase powers and later with reference to the making and implementing of the CPO that may be considered in future. These matters as they relate to the Scheme are considered below.
- 4.5 The CPO Guidance states that in considering whether or not to confirm a CPO, the Secretary of State will have regard to the extent to which the purpose for which the land is being acquired fits with the adopted Local Plan for the area or, where no such up to date Local Plan exists, with the draft Local Plan and National Planning Policy Framework (**NPPF**). Westminster Council adopted its local plan, the Westminster City Plan in April 2021. It sets out the vision for the City of Westminster up to and beyond 2040, putting in place a policy framework that would deliver this vision. The Council will be expected to demonstrate the Scheme complies with the City Plan.
- 4.6 The City Plan (Policy 8) recognises that the Council must optimise delivery of new housing development if it is to meet its housing target which is to exceed 20,685 by 2040. One of the ways the Plan proposes to do this is by optimising site densities in Housing Renewal Areas (of which Church Street is one – see below). The City Plan also recognises the need for new affordable housing in Westminster and that all development must ensure at least 35% of new homes will be affordable (Policy 9).
- 4.7 The City Plan (Policy 13) supports development which supports economic growth, stating that in the Masterplan area floorspace that meets the needs of modern working practices is supported, and range of workspace typologies, including workshops and studios, will be particularly welcome and affordable workspace supported. Furthermore the City Plan seeks to support high streets and states that existing markets (including Church Street) should be enhanced through partnership working with traders and communities in accordance with the Council's Markets Strategy.
- 4.8 The City Plan sets out ten strategic objectives for Westminster including:
- 4.8.1 increase the supply of good quality housing to meet needs;
 - 4.8.2 enable job growth across a range of sectors vital to the UK economy and ensure those from disadvantaged backgrounds benefit from the opportunities this presents;
 - 4.8.3 ensure our town centres and high streets can adapt to the challenges they face;
 - 4.8.4 enhance connections by improving options for cycling, walking, leisure, sport and play, whilst prioritising pedestrians and improving the interchange between transport modes;
 - 4.8.5 promote quality in the design of buildings and public spaces, ensuring that Westminster is attractive and welcoming;

- 4.8.6 broaden the city's cultural offer;
 - 4.8.7 make the most of our unique heritage and historic environment, while encouraging innovations in building technology and improving a sense of place.
- The development of Sites A, B and C will be a significant contribution towards those strategic objectives.
- 4.9 The City Plan states that the redevelopment in accordance with the Masterplan is a key priority. To this end the Masterplan area is designated as Spatial Development Policy 6 (Spatial Development Priorities: Church Street / Edgware Road and Ebury Bridge Estate Housing Renewal Areas) in the City Plan. This policy states that redevelopment of the Church Street/ Edgware Road housing renewal area over the City Plan period will deliver the following priorities:
- 4.9.1 At least 2,000 new homes in accordance with the Church Street Masterplan for the opportunity it provides to deliver residential, social/community floor space, refurbished retail and improved public realm, recognising its potential for large-scale redevelopment.
 - 4.9.2 At least 350 new jobs and linking further employment opportunities
 - 4.9.3 Community facilities, including a new health and well-being hub.
 - 4.9.4 New green infrastructure and public realm improvements, including a north-south green route or 'green spine'.
 - 4.9.5 Improved mobility through infrastructure
 - 4.9.6 Improvements to support active travel.
 - 4.9.7 Innovative and high-quality design to ensure the most efficient use of land, including tall buildings.
 - 4.9.8 Enhancements to Church Street / Edgware Road District Centre, including improved facilities for Church Street Market.
- 4.10 The Masterplan remains a key document and as set out within the City Plan will be a material consideration for decisions affecting the Masterplan area. The Masterplan provides detailed considerations and context to support the City Plan.
- 4.11 In the context of the above, the Council is satisfied that use of the Council's powers of compulsory purchase for site assembly is justified and that the purpose for which the land (development of Sites A, B and C as part of the wider Church Street regeneration) is being acquired fits in with the adopted planning framework for the area.
- 4.12 In addition, the NPPF sets out the Government's policies on planning and how these are expected to be applied. The NPPF makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are three dimensions to sustainable development: economic, social, and environmental. In principle, promoting the redevelopment of Church Street already embodies sustainable development as defined in the NPPF in terms of the emphasis on redevelopment in order to create sustainable development in line with economic, social, and environmental objectives to improve people's quality of life. The emphasis on supply of new homes; economic improvements; creating a sustainable community in a high quality, safe and healthy local environment where people want to live; and improving the link between land use and transport are all in line with these NPPF objectives.
- 4.13 The CPO Guidance states that the Council must demonstrate a 'compelling case in the public interest', and that the public benefits that will arise from the purpose for which the land is to be acquired (i.e. the scheme) outweigh the impact on those affected. The Council must demonstrate both the need for the scheme in principle and in general and the need to acquire each and every parcel of land included in the CPO. On the

basis of the legal advice and the Guidance, officers are of the view that such a compelling case can be demonstrated from the desirability of implementing the Scheme – in particular from the following substantial wider benefits resulting from it:

- 4.13.1 Meeting the ambitions of the City Plan and Masterplan;
 - 4.13.2 up to 1,121 new homes across Sites A, B and C, replacing the 424 existing homes;
 - 4.13.3 50% affordable housing;
 - 4.13.4 Improved and increased capacity as part of the Church Street market including enhanced market infrastructure, such as storage and van parking for market traders to flourish and promote opportunities for increased vibrancy and footfall;
 - 4.13.5 new modern and flexible retail provision;
 - 4.13.6 modern employment space (flexible and adaptable for occupancy by light industrial or office occupants).
 - 4.13.7 new community facilities (including a re-provided modern library within Site A) and a new community centre and garden are incorporated into the proposal and are designed to complement the facilities proposed at the new community hub;
 - 4.13.8 Integrated parking and van storage in dry and secure locations (basement level) to support the market;
 - 4.13.9 high-quality public realm with the provision of high-quality landscaped open space, private/communal amenity space and play space;
 - 4.13.10 circa £13 million of Community Infrastructure Levy contributions to support the wider infrastructure delivery in the borough and directly benefits Westminster residents.
- 4.14 Part of the justification for obtaining confirmation of a CPO would involve demonstrating that compulsory acquisition powers are necessary because the land required cannot be acquired by agreement. Compulsory purchase is seen as a last resort (although the Guidance acknowledges it can be progressed in parallel with negotiation) and the acquiring authority must be able to show that it has made genuine attempts to acquire the land by negotiation. The Council has made significant efforts to acquire all interests by voluntary agreement. These efforts will continue and further details on land acquisition will be reported to cabinet at the time of seeking authority to make a CPO.
- 4.15 The Council must also demonstrate that there are no other impediments to proceeding with the scheme, for example the need for planning permission, other consents or physical constraints such as a need for stopping up orders where highways are to be obstructed. The planning application was submitted on 22 November 2021 and is expected to be determined in 2022. The Church Street regeneration is the subject of an allocation in the City Plan (discussed above) and accordingly it benefits from policy support. The expectation is that if a CPO is required that it would be made after the grant of the planning permission, and in the first instance would only extend to Site A.
- 4.16 The Council would have to demonstrate that it has, or at least will obtain, the resources necessary not only to pay compensation for the land but also to implement the Scheme. The reason for this requirement is to avoid a situation in which private land has been acquired compulsorily for a purpose which, in the event, cannot be achieved for lack of funds.

CPO Land Referencing

- 4.17 The CPO will include all occupiers and all interests that are included within the blue and orange hatched areas (identified on the map at Appendix 1 (to the extent that these

have not been acquired by the Council) as well as those that have any interest over that land including adjoining owners. All owners and occupiers will be written to as part of the land referencing process that precedes the making of the CPO, and all relevant names and addresses will be included in the final CPO. In order to collate this information, it is intended that, subject to the recommendations being agreed, that land referencing commences at the earliest possible date. This land referencing will be undertaken by an external agent who specialises in land referencing exercises.

- 4.18 It is possible the extent of the Order Land may change to include additional areas as a result of further investigations into the proposed construction during the planning process and the land referencing exercise. Detailed information on funding will be provided to Cabinet in a further report at the time of seeking authority to make a CPO.

Human Rights and the Case for Compulsory Acquisition

- 4.19 The Human Rights Act 1998 places direct obligations on public bodies such as the Council to demonstrate that the use of compulsory purchase powers is in the public interest and that the use of such powers is proportionate to the ends being pursued.
- 4.20 When the Council decides to make a CPO, the Council will need to be sure that the purpose for which the land is required sufficiently justifies (or can be sufficiently justified in due course) interfering with the human rights of those with an interest in the land affected. It is acknowledged that the compulsory acquisition of the Order Land may amount to an interference with the human rights of those with an interest in the land. These include rights under Article 1 of the First Protocol of the European Convention on Human Rights (ECHR) (which provides that every natural or legal person is entitled to peaceful enjoyment of his possessions) and Article 8 of the ECHR (which provides that everyone has the right to respect for his private and family life, his home and his correspondence).
- 4.21 When preparing the case for making a CPO, officers will keep in mind and in due course advise Members about the need to balance the public interest and the individual's rights and that any interference with these rights will be necessary and proportionate. "Proportionate" in this context means that the interference must be no more than is necessary to achieve the identified legitimate aim. As part of the investigations that will be undertaken ahead of making any CPO, there will be an investigation into the effect on owners and occupiers to be included in the CPO, and this will be fully taken into account before a final decision is made as to whether or not to put forward a resolution for the making of a CPO.
- 4.22 Members are advised that on the basis of the information that is available to officers at present, that officers are of the view that there is likely to be a compelling case in the public interest for compulsory acquisition of the various interests within the Order Land if they cannot be acquired by agreement. Therefore, the use of compulsory purchase powers in this case is likely to be proportionate. Without the use of these powers, the much-needed redevelopment of the land may not be achievable. Appropriate compensation will be available to those entitled to claim it under the relevant statutory provisions. Members are advised that the land is both suitable for and will facilitate the carrying out of development, redevelopment or improvement and will make a positive contribution to the promotion of the economic, social and environmental well-being of the area.

Equality Implications

- 4.23 Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this 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.
- 4.24 In deciding whether to resolve to make a CPO, the Council must pay due regard to its Public Sector Equality Duty (PSED), as set out in section 149 of the Equalities Act 2010. Consideration must also be given to whether, if the decision is made to go ahead, it will be possible to mitigate any adverse impact on a protected group or to take steps to promote equality of opportunity by, for example, treating an affected group more favourably.
- 4.25 Officers have had regard to the Council's PSED in the assessment of the case for making a CPO and Members must be mindful of this duty when considering the recommendations in this report. Those with an interest in the Order Land and which are included in the CPO will be affected by the implementation of any CPO, once made. An Equalities Impact Assessment has been undertaken on the potential impact of the proposal and any necessary mitigation strategy, to ensure that due regard has been taken of the Council's PSED. This has been submitted as part of the planning application. The Equalities Impact Assessment will be kept under review and the result of any update will be presented to the Cabinet when seeking authorisation to make a CPO. The Equalities Impact Assessment will inform any ongoing design, resident-led decisions in respect of the scheme, in addition to any negotiations with those with an interest in the Order Land.
- 4.26 Full regard will be paid to the Equalities Impact Assessment in the development of any proposals and in negotiations with those with an interest in the Order Land.

5 Financial Implications

- 5.1 A capital budget for the Church Street Site A, B & C and the external market⁵ public realm has been included within the Council capital budget and was approved by the Cabinet on 8th March 2021.
- 5.2 The total costs of delivering project including acquisition has been included within the budget.
- 5.3 The is mainly funded by the sale of private units and the WCC funding.
- 5.4 WCC is fully committed to delivery of the project and a sum of £125.4m has been included for Church Street acquisitions within the capital.
- 5.5 At this stage, the Council is being asked to only make an "in principle" decision to use its powers. A full detailed assessment of the financial implications and costs of making and implementing a CPO will be prepared and presented to Cabinet in a further report should a CPO actually be required.

- 5.6 The work required to prepare for the use of CPO powers, including all work needed to support the making of such a CPO will be managed and coordinated by Council officers working with the appointed legal advisors. Work that is required before making a CPO includes serving the ‘requisition’ notices on landowners to gather information about their land interests on the Council’s behalf, working on the case for CPO and preparing the Statement of Reasons to support the making of the CPO and drafting the CPO itself. Appointment of other consultants such as land referencing agents will also need to be appointed.
- 5.7 Under a CPO, property or rights are acquired at open market value but disregarding any increase (or decrease) in value attributable to the Scheme for which the land is acquired. Affected parties may also be entitled to other compensation for loss payments and disturbance depending on circumstances. The Council will be responsible for paying all compensation to landowners, whether payable by purchases through voluntary negotiation or through the CPO process.

6 Legal Implications

- 6.1 The Council is empowered under section 226(1)(a) of the Town and Country Planning Act 1990 as amended, to acquire any land in its area if it is satisfied that the proposed acquisition will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land. The Council may utilise its compulsory purchase powers under section 226 of the TCPA:
 - a) if it thinks the acquisition will facilitate the carrying out of development, or redevelopment or improvement on, or in relation to the land or
 - b) which is required for a purpose which is necessary to achieve in the interests of the proper planning of an area in which the land is situated
- 6.2 In order to make an acquisition under section 226 (1)(a) of the TCPA, the Council must also consider that the development, redevelopment or improvement will contribute to the promotion or improvement of the economic social or environmental well-being of its area.
- 6.3 In this case the proposal is to seek in-principle approval to make a CPO for the purpose of facilitating the comprehensive redevelopment of the Order Land to enable the delivery of the redevelopment beyond the first phase. The redevelopment is overall considered to make a major positive contribution to the economic, social and environmental well-being of the area.
- 6.4 Section 226(3) of the TCPA confirms that the Council's CPO powers extend to any adjoining land which is required for the purpose of executing works for facilitating the development or use of the primary land. This is relevant to interests required to undertake the scheme (such as crane over-sailing rights) which fall outside of the planning application boundary.
- 6.5 The Acquisition of Land Act 1981 governs the procedures which apply to compulsory acquisition. The Compulsory Purchase Act 1965 governs post-confirmation procedures and the Land Compensation Act 1961 governs the amount and assessment of compensation. The Local Government (Miscellaneous Provisions) Act 1976 governs the granting of new rights. Further implications relating to requirements of the CPO Guidance are as set out above and would need to be considered by Cabinet in detail at the time of making a CPO. The Human Rights and equalities aspects of a CPO are also reviewed above at paragraphs 4.18 4.25.

- 6.6 As detailed within the body of this report, the Council must pay due regard to its Public Sector Equality Duty (PSED), as set out in section 149 of the Equalities Act 2010. The Council is commissioning an Equalities Impact Assessment to ensure that the potential impact of the proposal and any necessary mitigation strategy is considered to ensure that due regard has been taken of the Council's PSED.
- 6.7 Detailed legal implications would need to be assessed when consideration is given to making a CPO.

If you have any queries about this Report or wish to inspect any of the Background Papers, please contact:

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Appendices

- Appendix 1: Planning application plan
- Appendix 2: Order Land