

Title of report: Old Oak and Park Royal Development Corporation (Old Oak) Compulsory Purchase Order 2025

Meeting date: 10 July 2025

Report to: Board

Report of: Gareth Blacker, Executive Director of Delivery

For Decision

This report will be considered in public

1. Summary

- 1.1 This report provides an update on land assembly for the Old Oak Regeneration Proposals (defined below) and seeks authority to secure approval from the Mayor of London to make a compulsory purchase order (CPO) and, subject to receipt of approval, proceed with the making of a CPO.
- 1.2 The formal land referencing process approved by this Board on 5 February 2025 has been undertaken and OPDC now has a much clearer understanding of the land ownership and occupational interests in the land comprised within Old Oak.
- 1.3 The Order Land (defined below) is approximately 31 hectares of which circa 22 hectares is in the ownership of the Department for Transport (DfT), Network Rail (NR), Transport for London (TfL) and London Borough of Ealing (LBE). Since 2023, OPDC has sought to acquire as many interests in the Order Land as possible by private agreement and has successfully acquired circa 7 hectares. This leaves a balance of approximately 2 hectares of land owned by the private sector which is required to facilitate the comprehensive delivery of the Old Oak Regeneration Proposals. The CPO will also allow for the acquisition of rights in, under and over land which are required in order to deliver the Old Oak Regeneration Proposals.
- 1.4 A Collaboration Memorandum of Understanding (MoU) sets out the principles of collaboration among public stakeholders for the project securing a commitment to work towards shared project objectives. This MoU has been agreed with all parties and is in the final stages of approvals.
- 1.5 The negotiations on a Public Land Agreement (PLA) with DfT and NR are progressing well. The PLA will provide certainty that the surplus, non-

operational public land within the ownership of DfT and NR that is required to facilitate the delivery of the Old Oak Regeneration Proposals will be made available. Draft Heads of Terms are at an advanced state of negotiation and it is anticipated that the PLA will be exchanged by the end of this year.

- 1.6 Completing the acquisition of private land interests within Old Oak will provide certainty that all of the land and rights required for the Old Oak Regeneration Proposals will be available. This will also enable the delivery of early phases of the Old Oak Regeneration Proposals.
- 1.7 It is considered that the acquisition of the Order Land using compulsory purchase powers is necessary to facilitate the delivery of the Old Oak Regeneration Proposals.

2. Recommendations

The Board is invited to:

- 2.1 **Note the progress made to date to assemble land and interests within Old Oak to facilitate regeneration of the area.**
- 2.2 **Approve the making of the CPO**, subject to the Mayor of London's approval, **to acquire the necessary land interests in the Order Land and, as necessary, the creation of new rights** pursuant to section 207(2) of the Localism Act 2011 (the 2011 Act), securing regeneration of the area by facilitating the regeneration of the Order Land identified in Appendix 2 (the Order Land).
- 2.3 **Note that the acquisition and/or vesting of the Order Land (including acquisitions by OPDC to date) will enable section 203 of the Housing and Planning Act 2016 to be engaged to override easements and other rights adversely affecting the Order Land and contractual restrictions as to the user of the Order Land** to the extent that the Old Oak Regeneration Proposals will interfere with such easements and other rights or breach such restrictions, subject to planning consent being in place for the Old Oak Regeneration Proposals at the time of the interference or breach.
- 2.4 **Delegate to the Executive Director of Delivery authority to take all necessary steps to make the CPO, subject to the approval of the Mayor of London prior to the making, including (but not limited to):**
 - a. following consultation with the Chair of the Board and Chief Executive Officer, amending the Draft Order Plan and finalising the CPO Schedule of Interests before the making of the CPO (if required to give effect to any of the matters delegated pursuant to the recommendation);
 - b. following consultation with the Chair of the Board and Chief Executive Officer, deciding and finalising the precise scope of new rights to be acquired over properties in the Order Land (if required to give effect to any of the matters delegated pursuant to the recommendation);
 - c. submitting the draft CPO to the Mayor of London for approval to make the CPO;

- d. amending and approving the final form of the Statement of Reasons before making the CPO;
- e. amending and approving the Equalities Impact Assessment before making the Order; and
- f. publishing and serving of all notices relating to the making of the CPO;

2.5 Delegate authority to the Executive Director of Delivery to take all necessary steps to seek confirmation of (subject to the consent of the Mayor of London) and thereafter to implement the CPO, including (but not limited to):

- a. seeking the Mayor of London's consent pursuant to section 207(3) of the 2011 Act to submit the CPO to the Secretary of State for confirmation;
- b. agreeing the terms of and entering into any documentation required to settle any property rights / matters necessary to progress the regeneration of the Order Land;
- c. the promotion of OPDC's case at any public inquiry;
- d. negotiating, agreeing terms and entering into agreements with affected parties including agreements for the withdrawal of blight notices and/or the withdrawal of objections to the CPO and/or undertakings not to enforce the CPO on specified terms, including (but not limited to) where appropriate seeking the exclusion of land from the CPO, making provision for the payment of compensation and/or relocation;
- e. if the CPO is confirmed by the Secretary of State or an Inspector under delegated authority, advertising and giving notice of confirmation and thereafter taking all steps to implement the CPO including, as applicable, executing General Vesting Declarations and/or serving Notices to Treat and Notices of Entry in respect of interests and rights in the Order Land; and
- f. taking all steps in relation to any legal proceedings relating to the CPO including defending or settling claims referred to the Upper Tribunal and/or applications to the courts and any appeals.

3. Background

- 3.1 The Old Oak Regeneration Proposals require approximately 31 hectares of land for delivery, most of which is owned by public sector stakeholders. It includes land currently in use as construction sites for HS2 and the new Old Oak Common station.
- 3.2 Old Oak comprises a number of sites which are allocated for development in OPDC's Local Plan and the Old Oak West Supplementary Planning Document (SPD) which was adopted by the Board on 28 February 2024. The SPD amalgamated the relevant Place policies in the Local Plan to provide clearer spatial planning guidance for Old Oak. It also emphasised the importance of a comprehensive and coordinated approach to development at Old Oak, the

benefits of which include better placemaking to foster sustainable and complementary neighbourhoods, coordination of infrastructure delivery to connect the area, and the delivery of more homes and jobs.

- 3.3 Prior to its adoption, the SPD was subject to public consultation (including with stakeholders such as the host Boroughs, the Greater London Authority (GLA), Natural England, Historic England, and the Environment Agency).
- 3.4 On 5 February 2025 this Board approved a Regeneration Strategy which sets out six strategic priorities for the successful regeneration of Old Oak: build a place to call home; make a place to be proud of; drive inclusive economic growth; create a thriving environment; deliver at pace; and ensure value.

The Old Oak Regeneration Proposals

- 3.5 The Old Oak Regeneration Proposals are designed to utilise public sector brownfield land and capitalise on the transformational impacts and effects of the new station at Old Oak Common, which will serve HS2 and the Elizabeth Line.
- 3.6 OPDC has secured government support through a Strategic Outline Business Case and Outline Business Case and the subsequent agreement of the MoU between OPDC, Department for Transport, Ministry of Homes Communities and Local Government, High Speed 2 and Network Rail. This MoU reiterates the project objectives; sets out the principles of collaboration among public stakeholders; summarises key roles of the public stakeholders and their respective priorities; and sets out the role and purpose of what is known as the Collaboration and Assurance Board.

Illustrative Masterplan

- 3.7 OPDC has undertaken extensive masterplanning work for Old Oak with support from a consortium of advisors. An Illustrative Masterplan has been prepared based on the spatial principles which were presented to and noted by the Board on 13 June 2024.
- 3.8 The Illustrative Masterplan provides a spatial exemplar of how the Old Oak Regeneration Proposals could be delivered through comprehensive development. It incorporates two new neighbourhoods, with Channel Gate to the north and Old Oak Town Centre to the south, which together would provide around 8,000 new homes, including affordable homes, approximately 150,000-200,000 sqm of new commercial and employment space as well as new social infrastructure, including a primary school, health facilities and leisure centre.
- 3.9 The Illustrative Masterplan was presented to OPDC Planning Committee on 19 June 2025 (this is discussed further in section 4 below). A copy of the Illustrative Masterplan Planning Committee Report is provided at Appendix 7. The Illustrative Masterplan has been considered by this Board for endorsement under agenda item 12 of this meeting and is included in Appendix 6.

- 3.10 The Illustrative Masterplan will inform and form part of a Masterplan Framework Document. This will advance the spatial principles set out in the SPD ahead of the procurement of developer partner(s). This will facilitate further engagement with the local planning authority (LPA) and other key stakeholders, including the GLA, on site-wide principles, development parameters and site-wide delivery strategies, enabling the timely consenting and delivery of the Old Oak Regeneration Proposals. The Masterplan Framework Document is expected to be considered for endorsement by the OPDC Board later in 2025.
- 3.11 The boundary for the Order Land has been refined to reflect ongoing design work and the output of the land referencing exercise.
- 3.12 The Illustrative Masterplan provides a clear indication of how the Old Oak Regeneration Proposals could be delivered. The CPO will be promoted in advance of securing permission for the Old Oak Regeneration Proposals. The intention is to use the Illustrative Masterplan to demonstrate why it is necessary to assemble the Order Land and that the type of development proposed is in general accordance with the planning framework for the area.
- 3.13 It is envisioned that OPDC will complete the assembly of the Order Land in advance of coming to a final decision about the detailed design and content of the Old Oak Regeneration Proposals, which will be informed, in part, by the design solutions proposed by the selected development partner(s).

Land

- 3.14 OPDC's approach to facilitating the delivery of the Old Oak Regeneration Proposals has been to start by focussing on the future availability of public land, the Old Oak West SPD and the emerging spatial principles. Work has then progressed on the Illustrative Masterplan. This has all resulted in OPDC being able to devise a redline boundary for the Illustrative Masterplan and then undertake an initial task, of securing the land required for delivering the Old Oak Regeneration Proposal, noting that the final details of the proposals will be defined once a development partner has been procured.
- 3.15 The intention is for OPDC to assemble the Order Land and in parallel with this process, procure a development partner to deliver the Old Oak Regeneration Proposals.
- 3.16 Through the approved Outline Business Case, the Department for Transport, Network Rail and OPDC committed to work together to enter into a PLA to enable comprehensive regeneration. OPDC is in advanced negotiations on a PLA which will support the delivery of the Old Oak Regeneration Proposals. Heads of Terms are in the process of being finalised with the intention that the agreement will be entered into later this year.
- 3.17 OPDC has taken responsibility for acquiring the Order Land and will work with the development partner, to formulate a suitable financial model for the actual delivery of the Old Oak Regeneration Proposals.
- 3.18 This approach is in line with the recently published Government guidance on the use of compulsory purchase powers by Mayoral Development

Corporations (MDCs), where it is acknowledged that a compulsory purchase order can be progressed for land which is in need of development or regeneration, even though there are no specific detailed development proposals in place.

- 3.19 The commercial advice that OPDC has received indicates that sufficient funding has been secured to complete the assembly of the Order Land.

Formal Land Referencing

- 3.20 On 5 February 2025, the Board approved the commencement of formal land referencing to enable OPDC to have a more detailed and accurate understanding of all land interests and rights likely to be affected by the Old Oak project.
- 3.21 The land referencing exercise has now concluded. Recognising that OPDC now has a better understanding of the interests in the Old Oak boundary and that assembly of all interests and rights required for the regeneration of Old Oak by agreement is unlikely, the Board is asked to approve the use of compulsory purchase powers to facilitate the delivery of the Old Oak Regeneration Proposals.

The Order Land

- 3.22 The Order Land is located within the Old Oak area as shown on the Draft Order Map at Appendix 2.
- 3.23 The Order Land comprises approximately 31 hectares of land located in North Acton. It is bounded by the Old Oak Common Rail Depot, North Pole Rail Depot, Willesden Junction Station and North Acton Station with Victoria Road (A4000) running through the centre of the Order Land.
- 3.24 The Order Land comprises a mix of industrial and commercial units, residential properties, HS2 construction sites, public adopted highways, railway land and sidings. It also includes the Birchwood Nature Reserve to secure public access and improve the overall management of the area.

Procurement of Development Partner

- 3.25 OPDC has undertaken a programme of Early Market Engagement (EME) which focused on engaging with prospective developers and Registered Providers. The purpose was to obtain feedback and help to shape the proposition ahead of the procurement of a private sector partner.
- 3.26 The findings of the EME indicated the need to provide certainty to any proposed development partners and investors that all of the land required to deliver the Regeneration Proposals will be available at the relevant time.
- 3.27 A Procurement Strategy has been developed for which OPDC Board endorsement is sought in the private part of this meeting. OPDC intends to launch the procurement process in late 2025.

The Old Oak Regeneration Proposals

- 3.28 The Old Oak Regeneration Proposals are focussed, primarily, on the development/regeneration of under-utilised public land, of which much will become surplus following the completion of works to construct HS2.
- 3.29 The programme for delivery reflects the anticipated delay in completion of HS2. Whilst there are interdependencies, the Old Oak Regeneration Proposals are not solely dependent on the HS2 programme, and OPDC and HS2 are working very closely together towards shared objectives at Old Oak.
- 3.30 In terms of progressing the Old Oak Regeneration Proposals, OPDC has:
- a. Undertaken extensive work to engage with DfT, Network Rail, CRT and other key stakeholders.
 - b. Completed two rounds of market engagement which has demonstrated strong interest in the project.
 - c. Acquired the majority of the privately owned Order Land (circa 7 hectares).
 - d. Undertaken work to progress the Illustrative Masterplan to demonstrate how the Old Oak Regeneration Proposals could be delivered.
 - e. Prepared a strategy for the procurement of a development partner.
- 3.31 OPDC intends to proceed with the appointment of a development partner and then to progress the submission of a planning application, to enable early phases of the Old Oak Regeneration Proposals to come forward.
- 3.32 In order to achieve this, it will be necessary for OPDC, DfT, Network Rail and the selected development partner, to be confident that all of the land required to deliver the Old Oak Regeneration Proposals will be available. Assembling the Order Land now enables OPDC to provide this certainty.

4. Issues for consideration

- 4.1 This Report sets out the background to and need for the Old Oak Regeneration Proposals, as well as the basis on which it is considered that the compulsory purchase of the Order Land is justified, it being considered that there is a compelling case in the public interest to do so.¹
- 4.2 A Draft Statement of Reasons has been prepared for the proposed Order in accordance with the Government's Guidance on the Compulsory Purchase Process (the **Guidance**) and a copy of this is provided at Appendix [3].

Need for the CPO to ensure delivery of the Old Oak Regeneration Proposals

- 4.3 The CPO is necessary to facilitate the comprehensive delivery of the Old Oak Regeneration Proposals in an appropriate timeframe, recognising that the proposals will be built out over a number of years. Officers do not consider

¹ In line with non-statutory guidance dated January 2025 set out in the *Guidance on compulsory purchase process and the Criche Down Rules* (the "**Guidance**").

that there are suitable alternatives to the CPO which would deliver the strategic objectives of the Old Oak Regeneration Proposals set out below.

- 4.4 The current fragmented ownership of the Order Land, alongside the early strategic infrastructure required to unlock redevelopment, acts as a barrier to the comprehensive delivery of the Old Oak Regeneration Proposals. There remain separate land interests not in public ownership within the area which need to be acquired by OPDC for coherent and comprehensive development to be carried out.
- 4.5 In line with the Guidance, officers have engaged extensively with landowners with interests in the Order Land and have made significant progress in acquiring those interests by private agreement. However, it has not been possible to acquire all of the interests in the Order Land by agreement and it is highly unlikely that it will be possible to achieve this in a reasonable/ appropriate timeframe.
- 4.6 Irrespective of continuing efforts to negotiate with the remaining owners of interests in the Order Land, officers consider it will be necessary to acquire some interests compulsorily to provide certainty that all land and rights required for the Old Oak Regeneration Proposals will be available.
- 4.7 The Order will also make provision for the interference with third party rights which could impact on the delivering of the Regeneration Proposals.
- 4.8 The Outline Business Case for the project² demonstrated that failure to take action would mean that development in the area would occur on a piecemeal basis resulting in sub-optimal and slower development than if development of the Order Land is facilitated by OPDC. Failure to consolidate existing private land interests through the promotion of the CPO would also prevent the development potential of plots currently in public ownership from being comprehensively delivered.

Strategic objectives of the Old Oak Regeneration Proposals

- 4.9 The comprehensive development of Order Land will enable a strategic approach to delivery including site-wide infrastructure such as community and leisure facilities, utilities, critical new connections and bridges, open space and public realm.
- 4.10 The promotion of the CPO would support the strategic objectives of the Old Oak Regeneration Proposals:³
 - *Drive economic growth* - Create a nationally significant cluster of new and existing businesses that drives economic growth and invests in the local workforce;
 - *Build more homes* - Maximise the number of homes, affordable and market sale, ensuring all are built to a high standard of design and construction;

² See paragraph 3.32(b).

³ These strategic objectives formed part of the Outline Business Case approved in early 2024 by the Ministry of Housing, Communities and Local Government Investment Sub-Committee and Department for Transport Tier 2 Board.

- *Create a place to be proud of* - Create a distinct place with resilient town centres, quality public realm that reflects local heritage, and social infrastructure that meets community needs;
- *Ensure value* - Maximise value for the UK taxpayer by optimising the use of public land to deliver financial, regeneration, housing and transport outcomes;
- *Create a better environment* - Create a place which is resilient to the climate crisis and positively contributes to people's health, wellbeing and the environment; and
- *Deliver at pace*- Ensure development is well underway by the time Old Oak Common station opens.

4.11 These strategic objectives are considered in further detail in the Draft Statement of Reasons

Government Support for the Old Oak Regeneration Proposals

4.12 The Old Oak Regeneration Proposals have received support at all levels of government.

4.13 At the national level, a Strategic Outline Business Case was approved in early 2022 by the Investment Sub-Committee of the then Department for Levelling Up, Housing and Communities (now the Ministry of Housing, Communities and Local Government) and the High Speed Rail Group Tier 2 Board of the DfT.

4.14 An Outline Business Case for the project was approved in early 2024 by MHCLG Investment Sub-Committee and DfT Tier 2 Board (the OBC).

4.15 The development of both the Strategic Outline Business Case and Outline Business Case was sponsored by Homes England as Government's housing and regeneration agency and supported and inputted into by Network Rail and HS2.

Compliance with the Planning Policy Framework for the Area

4.16 Securing the regeneration of the Order Land is supported in national, regional and local planning policy. There is strong planning policy support within the development plan⁴ and the National Planning Policy Framework (the NPPF) in support of the Old Oak Regeneration Proposals.

4.17 The Illustrative Masterplan and LPA officers' report (the Planning Report) on the Illustrative Masterplan were presented to the OPDC Planning Committee on 19 June 2025 (a copy of the Planning Report is included at Appendix 7). The Planning Report concluded that the proposed site-wide approach to land use, building height, landscape, streets and movement is well-considered and supported in principle.

⁴ The development plan for the OPDC area comprises the West London Waste Plan 2015, London Plan 2021 and the Local Plan 2022.

- 4.18 The Planning Report identified certain elements where further justification was required to demonstrate the accordance of the Illustrative Masterplan with planning policy. The overall conclusion of the Planning Report was that, when assessed as a whole and taking account of the benefits of the scheme (which will be confirmed at a later date), the Illustrative Masterplan is capable of being in accordance with the Local Plan.
- 4.19 Based on the detailed work to date on planning matters, the expected resolution of identified policy issues (as set out in the Draft Statement of Reasons) and the expected adoption of the Masterplan Framework Document, officers are satisfied that there are no obvious reasons why planning permission would be withheld for an application or applications for development broadly consistent with the Illustrative Masterplan.
- 4.20 Having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004, officers are satisfied that such an application would be likely to accord with the development plan, when read as a whole, and would be supported by a number of additional material considerations including the NPPF, the SPD and Illustrative Masterplan, which would indicate that planning permission ought to be granted for the Old Oak Regeneration Proposals.⁵

5. Risks and issues

- 5.1 Officers have given careful consideration to the statutory powers available to OPDC to promote the making of the CPO. They have also had regard to the advice contained within the Guidance.
- 5.2 The draft Statement of Reasons provides a comprehensive review of the statutory powers and explains why it is considered to be necessary to proceed with the making of the CPO. There is particular reference to the Guidance as it applies to MDCs, recognising the fact that there will be instances where it is necessary to promote a compulsory purchase order to facilitate land assembly in advance of coming forward with detailed proposals for a development.
- 5.3 The promotion of the CPO would not be without risk. It entails the interference with private rights and the loss of homes and business. It can cause disruption and uncertainty to those immediately affected and the wider local community.
- 5.4 Officers have been cognisant of the risks associated with the promotion of a compulsory purchase order and have sought to engage extensively with key stakeholders, individual owners and occupiers and the wider community, with the aim of explaining the Old Oak Regeneration Proposals. There has been a strong focus on acquisition of land by private treaty. This has been very successful. However, for reasons explained earlier in this report, it will not be possible to acquire all land and interests by private treaty. There is also a desire to deliver at pace.
- 5.5 The intention is to promote the CPO, in conjunction with continued engagement with landowners and interested parties, with a view to acquiring as many outstanding interests as possible. However, there will be some

⁵ The planning policy position is considered in greater detail in the Draft Statement of Reasons.

parties who will be adamant that they do not wish to dispose of their interest in the Order Land and who will wish to object and maintain their objection. There is therefore a strong likelihood that there will be objections to the CPO and that the Secretary of State will appoint an inspector to hear those objections at a public local inquiry.

- 5.6 There are likely to be numerous grounds of objection, ranging from 'no need to make a CPO' through to 'a failure to offer sufficient compensation'. OPDC will need to carefully consider and respond to each objection.
- 5.7 The work undertaken to date demonstrates that there is a strong case and justification for making the CPO. Officers are confident that the majority of objections will be resolved and that the Secretary of State will ultimately confirm the CPO, as there is clearly a compelling case in the public interest for assembling the Order Land, in order to facilitate the delivery of the Old Oak Regeneration Proposals.

6. Equality comments

Equality Impact Assessment

- 6.1 Section 149 of the Equalities Act 2010 created the Public Sector Equality Duty (PSED).
- 6.2 Section 149(1) provides:
"Public sector equality duty
(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."
- 6.3 In deciding whether to take to any initial steps to prepare for the potential making of a CPO and as part of the process of considering any related recommendations contained within this report, OPDC must have due regard to its Public Sector Equality Duty. Consideration must also be given to whether, if an eventual decision is made to go ahead with a CPO, it would be possible to mitigate any adverse impacts on a protected group or to take steps to promote equality of opportunity by, for example, treating an affected group more favourably.
- 6.4 OPDC must have 'due regard' to the need to eliminate unlawful discrimination, harassment and victimisation, as well as to the need to advance equality of

opportunity and foster good relations between people who share a protected characteristic and those who do not.⁶

- 6.5 Mindful of its PSED, OPDC appointed AECOM to undertake an equalities impact assessment (EqIA) of the emerging Old Oak Regeneration Proposals, including the potential impacts of a CPO. This was to ensure that potential adverse impacts, especially in respect of individuals or groups with protected characteristics were identified as soon as possible and appropriate mitigation measures put in place.
- 6.6 A copy of the draft EqIA is provided at Appendix [4]. AECOM's report contains an action plan which, along with the Land Assembly and Relocation Strategy (see below), sets out measures to support affected residents and businesses and to ensure that there is suitable and appropriate mitigation for those with protected characteristics. The EqIA will be finalised prior to the making of the proposed CPO.

Land Assembly and Relocation Strategy (LARS)

- 6.7 OPDC has prepared a LARS, a copy of which is provided at Appendix [5]. The strategy sets out the relocation assistance that will be offered to all owners, occupiers and residents of Old Oak affected by the Old Oak Regeneration Proposals, regardless of whether a compulsory purchase order is made and exercised against their interests or their interests are privately acquired.
- 6.8 The relocation strategy will be kept under review and may be updated as negotiations progress. Any update (other than minor changes) will be presented to the Board for approval.

7. Financial implications

- 7.1 The approved capital budget for the Land Assembly Programme within the red line boundary confirms the required CPO funds within future capital forecasts and budget processes.
- 7.2 Recent cashflow modelling via the Finance and Funding model affirmed long-term affordability, supporting the GLA's approval of an additional £75m borrowing facility to OPDC for FY25/26. This provides further assurance on affordability of the CPO within current funding levels.
- 7.3 The PLA will define the long-term approach to transferring land to the development partner, applying a patient capital methodology and funded through receipts from the development partner.

⁶ This involves having due regard to: the need to remove or minimise any disadvantage suffered by those who share a protected characteristic or one that is connected to that characteristic; taking steps to meet the different needs of such people; and encouraging them to participate in public life or in any other activity where their participation is disproportionately low. The protected characteristics and groups are: age, disability, gender reassignment, pregnancy and maternity, race, gender, religion or belief, sexual orientation and marriage/ civil partnership status. Compliance with the Equality Act may involve treating people with a protected characteristic more favourably than those without the characteristic. The duty must be exercised with an open mind and at the time a Decision is taken in the exercise of OPDC's functions.

8. Legal implications

Statutory Power to promote the CPO

- 8.1 The main legal implications arising from this report relate to the lawfulness of the use of powers under section 207 of the Localism Act 2011 to make a CPO.
- 8.2 There is also a need for OPDC to be aware of its PSED (discussed in section 6 above) and duties under the Human Rights Act 1998 (discussed below) by taking appropriate steps to ensure compliance with these duties.
- 8.3 The CPO will facilitate the acquisition of land and rights in the Order Land, which are required to facilitate the delivery of the Old Oak Regeneration Proposals. OPDC must act within the constraints of section 207 of the Localism Act 2011 and seek to comply with the Guidance.

Section 203: overriding easements and other rights

- 8.4 Section 203 of the Housing and Planning Act 2016 enables the overriding of easements and other rights. More precisely, it enables any person to carry out building or maintenance work or to use land even if the works or use would interfere with an easement or other right or breach a contractual restriction on the user of land or a conservation covenant, provided (to the extent relevant to OPDC) that:
 - a. there is planning consent for the work or the use of the land;
 - b. the work or use is carried out after the land has become vested in or acquired by a specified authority (OPDC is a specified authority);
 - c. the authority could acquire the land compulsorily for the purposes of the building or maintenance work or, in the case of use of the land, erecting or constructing any building or carrying out any works for that use; and
 - d. the work or use is for purposes related to the purposes for which the land was vested or acquired.
- 8.5 Section 203 does not extinguish the rights. It only allows the rights to be interfered with for the relevant specific works or use of land.
- 8.6 Such an interference would normally give rise to an action for private nuisance, the remedies for which include an injunction and damages. Section 203 converts this entitlement to bring an action for private nuisance into a statutory entitlement to compensation.
- 8.7 The land referencing exercise has identified a number of rights which affect the Order Land. If the CPO is made, the owners of these rights will receive notice of its making and will have an opportunity to object to the CPO and engage with OPDC regarding compensation.
- 8.8 In addition, a scheme of this nature is likely to result in interference with rights of light. It is therefore appropriate to be able to utilise the powers under section 203 to interfere with such rights, subject to the payment of compensation. Actual rights of light impacts will depend on the detailed scheme that will be

delivered by OPDC and its developer partner(s) and will be assessed at the relevant stage in the future, once the detail of the proposals is known.

- 8.9 Officers consider that there is a compelling case in the public interest to engage section 203 to override easements and other rights affecting the Order Land in order to reduce risks to delivery of the Old Oak Regeneration Proposals. This includes addressing the risk of injunctions or threat of injunctions prohibiting infringements of rights to light, as well as the risk of enforcement of rights which have not been identified in the land referencing exercise.
- 8.10 Reliance on section 203 is considered to be a proportionate means of delivering the regeneration in order to achieve the public benefits of those proposals and in such a way that outweighs the infringement of the human rights of the owners of those easements or other rights, particularly given that statutory compensation will be available to those owners.
- 8.11 The acquisition and/or vesting of the Order Land (including acquisition by private agreement) will enable OPDC and its developer partner(s) deriving an interest in the Order Land from OPDC to rely on section 203 once planning consent is in place for the Old Oak Regeneration Proposals.

Human Rights

- 8.12 The Human Rights Act 1998 places a direct obligation on OPDC to demonstrate that the use of compulsory purchase powers would be in the public interest and that the potential use of such powers would be proportionate to meet the wider objective of facilitating the Old Oak Regeneration Proposals.
- 8.13 As a public authority, OPDC must not act in a way which is incompatible with a Convention right protected by the 1998 Act. In particular, in the context of the proposed CPO, OPDC must consider the rights under Article 8 (right to a private and family life), Article 1 of the First Protocol of the Convention (protection of property) and Article 6 (1) (right to a fair and impartial public hearing within a reasonable time).
- 8.14 The European Court of Human Rights has recognised that "regard must be had to the fair balance that has to be struck between competing interests of the individual and of the community as a whole". Both public and private interests are to be taken into account in the exercise of OPDC's powers. Any interference with a Convention right must be necessary and proportionate.
- 8.15 Given the significant public benefits which would arise from the implementation of the Old Oak Regeneration Proposals and having regard to the extent of the interference with parties' rights and the measures being put in place under the EqlA action plan and the LARS, the advice is that the making and, if confirmed, implementation of the CPO would be necessary and proportionate and would not amount to an unlawful interference with individual property rights.

9. Conclusions and next steps

- 9.1 Subject to the Board's approval, officers will seek approval from the Mayor of London to make the CPO and to submit it to the Secretary of State for confirmation. This will follow a technical review of the draft CPO by the National Planning Casework Unit which may result in minor amendments to the draft CPO and related documentation.
- 9.2 The making of the CPO will be publicised in accordance with sections 11 and 12 of the Acquisition of Land Act 1981. Press notices will be published and site notices put up. Notices will also be sent to affected landowners listed in the CPO schedule, known as qualifying persons. Qualifying persons will be given at least 35 days to submit objections to the Secretary of State. This is 14 days more than the statutory minimum and is to account for the fact that objection period is likely to fall during summer school holiday period, when people may be away.
- 9.3 If there are objections from qualifying persons which have not been withdrawn at the end of the objection period, the Secretary of State will arrange for a public local inquiry to be held to consider the objections. The Secretary of State can also consider the objections by way of written representations but only with the agreement of all the objectors. This is unlikely.
- 9.4 The Secretary of State will decide whether to determine the case herself or appoint an inspector to make the confirmation decision on her behalf. She, or an inspector appointed on her behalf, can decide to confirm the CPO, confirm it with modifications or not to confirm the CPO.
- 9.5 Within six weeks of confirmation, OPDC must publish a confirmation notice and notify qualifying persons of the confirmation. There is a six-week period after publication of that notice within which the confirmation can be challenged in legal proceedings.
- 9.6 Officers will update the Board on the progress of the CPO, if made.

Appendices (Appendix 7 is attached as a link)

Appendix 1: Old Oak - Draft Order

Appendix 2: Draft Order Map

Appendix 3: Draft Statement of Reasons

Appendix 4: Draft AECOM Equalities Impact Assessment

Appendix 5: Land Assembly and Relocation Strategy

Appendix 6: Illustrative Masterplan OPDC Board Paper [agenda item 12]

Appendix 7: [Old Oak Masterplan- OPDC Planning Committee Report](#)

Background papers

[5 February Board – Land Assembly Report](#)

[Strategic Outline Business Case](#)

[Strategic Outline Business Case - Appendices](#)

[Outline Business Case \(Old Oak West Outline Business Case December 2023 - Redacted.pdf\)](#)

[Outline Business Case - Appendices](#)

[OPDC Regeneration Strategy](#)

[Old Oak West Supplementary Planning Document \(SPD\)](#)

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