



Department for
Communities and
Local Government

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Dear Mr Hart

**The Town and Country Planning Act 1990 Section 226 (1)(a)
The Local Government (Miscellaneous Provisions) Act 1976
Acquisition of Land Act 1981
The London Borough of Ealing (Land at New Broadway, Bond Street and
Mattock Lane W5) Compulsory Purchase Order 2014**

1 The report of the Inspector, Mr Paul K Jackson B Arch (Hons) RIBA, who held a public local inquiry into London Borough of Ealing (Land at New Broadway, Bond Street and Mattock Lane W5) Compulsory Purchase Order 2014 ("the Order") on 14-17 April, 21-22 April, 28-30 April and 22 May 2015 has been considered. We enclose a copy of the Inspector's report dated 8 July 2015 and the Addendum to the Inspector's Report dated 9 October 2015. References in this letter to paragraphs in the Inspector's Report are indicated by the abbreviation IR, followed by the relevant paragraph number.

2 The Order was made under section 226(1)(a) of the Town and Country Planning Act 1990, Section 13 of the Local Government (Miscellaneous Provisions) Act 1976, and the Acquisition of Land Act 1981 by the Council of the London Borough of Ealing ("the Council") on 18 July 2014. The Order, if confirmed, would authorise the compulsory purchase of the Order Lands summarised by the Inspector at IR 8. The purposes of the Order are to facilitate comprehensive redevelopment of a key area of Ealing Town Centre to provide leisure uses including a cinema and restaurants, shops, new homes and improvements to the local environment and public realm. The Council have requested modifications to the Order set out at in the Addendum.

Inspector's recommendation and summary of the decision

3 The Inspector recommended (IR 307) that the Order should be confirmed with the modifications requested by the Council (Addendum) being the exclusion of plots 8, 9 and 10 from the Order and new rights only being acquired over plots 5 and 6 of the Order. The Secretary of State agrees with the Inspector's conclusions except where stated, and agrees with his recommendation.

Procedural Matters

4 When the Inquiry opened there were 4 remaining objections, 3 qualifying objections and 1 non-qualifying objection. During the course of the Inquiry, 1 further objection was submitted and was treated as a late objection by a qualifying person (IR 4). The Inspector also heard submissions from 12 objectors who attended the Inquiry but had not previously submitted objections (IR 295 - 296).

5 The Secretary of State has carefully considered the contents of the Inspector's report, which summarises the submissions made by the parties at the Inquiry at IR 9 – 248, his conclusions are set out at IR 249 – 306, and his recommendation is at IR 307 and Addendum.

Post-inquiry matters

6 Having received the Inspector's report, the Secretary of State requested clarification from the Inspector on a point relating to the modifications sought to the Order. The Addendum Report dated 9 October 2015 provided the clarification sought. The recommended modifications are the exclusion of plots 8, 9 and 10 with new rights only being acquired over plots 5 and 6.

Policy Considerations

7 IR 250 refers to the compulsory purchase policy in consideration of which the Secretary of State's decision on the Order is made. The Secretary of State agrees with the Inspector's analysis of what constitutes the development plan at IR 251. The Secretary of State agrees with the Inspector's analysis of the policy background at IR 252-255 and agrees with the Inspector as to the other relevant policy considerations set out at IR 256-260.

Consultation and Negotiation

8 The Council reached agreement with Walhill Limited but the Secretary of State notes no agreement has been possible with Empire Cinema 2 Ltd ("Empire") or GM Investment Trustees Ltd and GM (UK) Pension Trustees Ltd ("GM"). The Secretary of State notes that attempts by the Council to engage with Flava Enterprises Ltd ("Flava") have been unsuccessful and it appears that Flava did not wish to engage in any such negotiations (IR 50).

Justification for the Compulsory Purchase Order

9 The Secretary of State has carefully considered the Inspector's analysis of the history of the relationship between the Council and Empire and the sequence of events from 2003 to 2015 at IR 262-272. He agrees with the Inspector for the reasons given that the conclusion to be drawn from the history of the relationship between Empire and the Council is that well-intentioned actions by both, combined with unforeseeable events and a lack of communication, have resulted in the cinema site in Ealing being vacant and unproductive for 7 years (IR 271). He agrees

with the Inspector that the decision whether to confirm the Order must be based on whether the Order would satisfy the principles outlined in ODPM Circular 06/2004 (“Circular”), given the situation as it exists currently (IR 271).

Whether the CPO is inappropriate in principle

10 The Secretary of State has carefully considered the Inspector’s analysis as to whether the Order is inappropriate in principle. In particular, he has considered whether the Order was a method of “last resort” at IR 273-275. Paragraph 24 of the Circular states that acquiring authorities should seek to acquire land by negotiation wherever practicable and that the compulsory purchase of land is intended as a last resort if attempts to acquire by agreement fail. Given the amount of time which needs to be allowed to complete the compulsory purchase process, it also states that it may often be sensible for the acquiring authority to initiate the formal procedures in parallel with negotiations. Empire state that the Council have not used the Order as a method of last resort, with the Council publicly threatening a CPO since 2011, in a wholly inappropriate manner which comes very close to an abuse of their statutory powers (IR 127). The Council refer to Paragraph 24 of the Circular stating that what happened in the present case was that the Order was made and negotiations continued in parallel. The Council state that they had little or no prospect of reaching an agreement with Empire, GM and Flava and that the compulsory acquisition of their interests in the Order Lands is required if the scheme is to be realised (IR 50).

11 The Secretary of State agrees with the Inspector that while the Council did not seek to acquire Empire’s interest by agreement prior to embarking on the Order process, which is against the spirit co-operation set out in Paragraph 24 of the Circular, it is clear that any such approach would have been strongly rebuffed by Empire (IR 274). He agrees with the Inspector’s analysis of the failure in the working relationship between the parties (IR 275); but agrees that none of this invalidates the steps taken by the Council to initiate the Order or mean that the Order was improperly made on 18 July 2014 (IR 275).

Principle of the Land Securities plc planning permission

12 The Secretary of State has had regard to the concerns raised by third party objectors and statutory objectors as to the principle of the Land Securities (“LS”) planning permission but agrees with the Inspector, for the reasons given, that they do not carry significant weight (IR 276). The Secretary of State agrees with the Inspector that there are no planning impediments to the scheme going ahead if the Order is confirmed (IR 276).

The development of plan policy

13 The Secretary of State agrees with the Inspector’s analysis of the development of plan policy at IR 277 for the reasons given.

Permeability

14 The Secretary of State has carefully considered the Inspector’s analysis of permeability in relation to the LS scheme, Empire’s revised scheme, and the GM alternative layout at IR 278-280.

15 Concerning the LS scheme, the Secretary of State notes that the improved

pedestrian linkages between New Broadway, Mattock Lane, and Bond Street are acknowledged by all parties (IR 278). The Secretary of State agrees with the Inspector for the reasons given that Bond Street would benefit from access to the cinema, proposed public open space, and 'lane' retail outlets through the old YMCA site (IR 278).

16 Concerning Empire's revised Scheme, the Secretary of State notes it was illustrated at the Inquiry how the existing Empire permission could be adapted to include access to Bond Street and Mattock Lane (IR 279). However, he notes that the revised scheme does not positively indicate retention of the YMCA façade (IR 279). Whilst providing permeability, he considers that the mall environment would not provide the same permeability, would be less attractive to the public and the cinema area would be less open compared to the LS design (IR 279). He also agrees with the Inspector that the perception that the New Broadway cinema entrance was in fact the entrance to a cinema and possibly not a public right of way would also deter movement and agrees that the doors providing access to the south towards Walpole Park would open onto a backland servicing environment that would not be attractive (IR 279).

17 As to the GM alternative, the Secretary of State agrees with the Inspector that the layout is in a very early state of concept design and depends on co-operation between GM, Empire, and Flava (IR 280). Concerning the 'Heads of Terms', the Secretary of State notes that this undated document was produced very late in the Inquiry. The Secretary of State considers that the statements of intent in the 'Heads of Terms' are vague and unenforceable and agrees with the Inspector that it cannot attract any significant weight (IR 280). The Secretary of State agrees with the Inspector that whilst permeability would be improved compared to the Empire scheme on its own, little weight can be attached to the prospects of such a scheme coming to fruition within a reasonable time (IR 280).

Aesthetic Considerations

18 The Secretary of State has carefully considered the Inspector's analysis of aesthetic considerations at IR 281-283 and agrees with the Inspector for the reasons given that overall, the architectural and town planning opportunities provided by the comprehensive LS site layout as part of a master plan are advantageous and demonstrable, and are not equalled or surpassed by any other alternative proposal (IR 283).

Public Space

19 The Secretary of State notes that it is suggested, in relation to the central area of the LS scheme, that there would be insufficient space for public performance or art installations reflecting the existence of a 'cultural quarter' (IR 284). He agrees with the Inspector that this matter does not weigh against the Order. He considers that the 'cultural quarter' envisaged by the Council includes a much wider area and agrees with the Inspector that, whilst not large, the potential audience likely to be occupying restaurants and café seating is likely to attract street activity which can take many forms (IR 284).

Listed Buildings

20 The Secretary of State has had special regard to the desirability of preserving

any listed building or its setting or any features of special architectural or historic interest which it possesses, as required by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. He agrees with the Inspector that the preservation of setting is to be treated as a desired or sought-after objective, and considerable importance and weight attaches to the desirability of preserving the setting of listed buildings when weighing this factor in the balance (IR 257). The Secretary of State has carefully considered and paid particular attention to the Inspector's assessment of heritage matters at IR 285, in addition to the evidence put to the inquiry in this respect, the consultation advice given by English Heritage to the Council at the outline and reserved matters stage, and national planning policy in paragraphs 131-134 of the Framework.

21 The proposal site is surrounded by various important listed buildings, notably Ealing Town Hall to the north (Grade II listed), Pitzhanger Manor, entrance archway and gates (Grade I and II*) and northern boundary wall and lodge (Grade II), to the south (IR 257). The Secretary of State agrees with the Inspector that no scheme put before the inquiry, in their various stages and iterations, would affect the setting of the Town Hall (IR 285). He notes the external appearance of Blocks A, C and D were revised in light of concerns raised by English Heritage, who were satisfied that the revised proposals would not have a negative impact on the setting of the Pitzhanger Manor group and accordingly withdrew their objection. Overall, the Secretary of State has no reason to disagree with English Heritage's assessment of the impacts on listed buildings and concludes, in agreement with the Inspector, that the new buildings would not compromise the setting of the listed Pitzhanger Manor group (IR 285).

Locally Listed Buildings

22 There are a number of locally listed buildings within the site and in the immediate surrounding context including: the façade to the former Empire Cinema; Nos. 14-36 New Broadway; Nos. 15-31 Broadway (Sandringham Parade); Nos. 2-12 Bond Street; Nos. 1-45 Bond Street; the YMCA Building, no. 14 Bond Street; and Nos. 2-6 Mattock Lane. The Secretary of State has carefully considered and paid particular attention to: the Inspector's assessment of the impact of the scheme on locally listed buildings at IR 285-286; the evidence put to the inquiry in this respect; national policy in paragraph 135 of the Framework; the Heritage Appraisal; the Council's reports on the reserved matters application and Conservation Area Consent application; English Heritage's representations; and representations made by third parties in this regard. The Secretary of State considers that Blocks C and D of the LS scheme would complement the surrounding built environment on Bond Street and Mattock Lane. As to the demolition of the YMCA building, the Secretary of State agrees with the Inspector's assessment of the heritage significance of the YMCA building at IR 286. The Secretary considers that its demolition would result in the total loss of the building's significance and the proposals would therefore cause harm to the building which weighs against the LS scheme. Paragraph 135 of the Framework states that in weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The Secretary of State concludes that the loss of the building and the harm and loss of significance caused is outweighed by the significant public benefits to be derived from the LS scheme (DL 34). The impact of the demolition of the YMCA building on the Ealing Green Conservation Area is considered below.

Conservation Issues

23 The Secretary of State has paid special attention to the desirability of preserving or enhancing the character or appearance of the Ealing Green Conservation Area and the Ealing Town Centre Conservation Area as required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Any harm to the Conservation Areas ("CA") should be given considerable weight and importance when considering whether there is a compelling case in the public interest to confirm the Order. In planning policy terms, where harm to a CA is 'less than substantial', as set out in paragraph 134 of the Framework, the harm needs to be weighed against the public benefits of the proposal, including securing its optimum viable use. The Secretary of State has carefully considered and paid particular attention to the Inspector's assessment of conservation issues at IR 285 - 286, the consultation advice given by English Heritage, the evidence put to the inquiry by the parties in this respect, and national policy in Section 12 of the National Planning Policy Framework ("Framework").

24 As to the impact on the Ealing Town Centre Conservation Area, the Secretary of State considers that the main elements of the LS scheme which will impact on the character and appearance of the CA are Block A and the public square at the centre of the proposal site. He notes that the part of the site within the CA currently consists of a vacant demolition site and an area of informal parking. He considers that overall the provision of a public square and associated surrounding development is a positive change within the context of the CA. The Secretary of State has also considered the Empire approved scheme and considers that the scheme also will deliver a positive change to the Ealing Town Conservation Area.

25 As to the impact of the LS scheme on the Ealing Green Conservation Area in particular in Bond Street, the Secretary of State considers that the loss of the YMCA building would have a negative impact on the CA with harm resulting to the CA which would be 'less than substantial' in terms of paragraph 134 of the Framework. Having given considerable weight and importance to the harm to the CA, the Secretary of State agrees with the Inspector's analysis that there is no reason to disagree with English Heritage's assessment that the loss of the YMCA building is justified by the wider improvements to the CA as a whole. The wider improvements including the removal of Walpole House, which makes a negative contribution to the character and appearance of the area, and its replacement with a new building designed to complement the Edwardian environment of Bond Street (IR 286). The Secretary of State has considered the impact of the LS scheme, on the Ealing Green Conservation Area and in particular Ealing Green and has considered the responses to the revised and original reserved matters applications from English Heritage and the Inspector's analysis (IR285) and concludes the resulting harm to the Ealing Green Conservation Area from this aspect of the redevelopment would be 'less than substantial' in Framework terms. The Secretary of State concludes that the benefits of the LS scheme outweigh 'the less than substantial' harm to the Ealing Green Conservation Area.

26 The Secretary of State has considered the proposed alternatives, the revised Empire scheme and the GM scheme. He notes the revised Empire scheme does not positively indicate the retention of the YMCA façade (IR 279) and would not appear

to include the redevelopment of Walpole House. He considers that this would have the potential for impacts on the Ealing Green Conservation Area which would be 'less than substantial' in Framework terms. With regard to the GM scheme the Secretary of State agrees with the Inspector's comments in IR280 that the layout is in an early stage of concept design and considers it lacks sufficient detail to assess its harm and benefits.

Number of Screens

27 The Secretary of State notes that the permitted Empire scheme would have 20 screens whereas the LS scheme would have 8 screens (IR 287). He agrees with the Inspector that the number of screens, on its own, is not determinative; and what matters more is the way in which the screens are managed to provide what the market desires. He agrees with the Inspector that there is no reason why 8 screens could not be scheduled to show minority interest films. He notes Empire confirmed that they would be happy to operate an 8 screen cinema in Ealing if given the opportunity.

Empire's commitment

28 The Secretary of State agrees with the Inspector, for the reasons given, that weight must be attached to Empire's determination to buy back the Ealing site from the receivers, in order to continue the development which reflects not only the commercial value of the site but also Empire's commitment to the project in which considerable investment has been made over 10 years (IR 288). He also acknowledges that Empire have not defaulted on any of their commercial obligations.

GM Objection

29 The Secretary of State has carefully considered the Inspector's analysis of the GM objection at IR 289-292. He notes that planning policy for UDP Site 60 in the 2008 Ealing Metropolitan Centre Spatial Development Framework identifies 14-42 Bond Street including Walpole House and the associated land behind it, to assemble the development site (IR 289). He notes the Council considers that the GM site at Walpole House and the land behind is needed to create the desired 'cultural quarter' (IR 289). He agrees with the Inspector that while it might be possible to develop an 8 screen cinema without the GM land, that the accompanying retail, restaurant and residential uses would be severely curtailed (IR 289). He acknowledges that GM has expressed the desire to redevelop in any case, but agrees with the Inspector that this should take place in the context of an overall and co-ordinated masterplan. He agrees with the Inspector that even if it were viable to develop the Empire site with the Flava site, the retention of Walpole House would be undesirable for the reasons set out in IR 286.

30 As to negotiations and 'last resort', the Secretary of State agrees with the Inspector that the Council should have engaged more positively with GM at an earlier stage before appointing LS. He notes LS were advised by GM's agents, by letter dated 29 April 2015 (IR document 44), that GM were not interested in receiving an offer. He notes that once the Order was made by the Council, that negotiations were held with GM, their representatives and advisors, before and during the Inquiry. He agrees with the Inspector that 'no adverse inference' should be drawn as GM invites him to do so. (IR 290)

31 Recognising that GM is willing to redevelop on its own or in conjunction with Empire and/or Flava, the Secretary of State agrees with the Inspector that no realistic alternative proposal was put before the Inquiry that would convincingly deliver a successful comprehensive redevelopment with or without the neighbouring parties (IR 291). He agrees that there are substantial uncertainties regarding detailed design and the likelihood of progressing to a firm completion date (IR 291).

Other Objectors

32 The Secretary of State has carefully considered the Inspector's analysis of the other qualifying objectors at IR 293-296. He agrees with the Inspector that no submissions other than financial submissions have been put forward by Flava (IR 293). As to Charalambous/Oceanlink Limited's objection, whilst recognising the concerns of the objector, the Secretary of State agrees with the Inspector that the tenants at 2 Bond Street would not suffer unacceptable inconvenience (IR 294). In relation to the Astle/Burton objection, the Secretary of State agrees with the Inspector that while the redevelopment of the cinema site will inevitably affect the experience of users of Barnes Pikle, it is unclear that there will be any significant effect on trees or that people will be deterred from using this route through (IR 295). Regarding other non-qualifying objectors, he agrees with the Inspector that the concerns relating to objections to planning policy were properly subject to consultation and examination and the concerns raised regarding the LS scheme relate to matters considered by the Council when it decided to grant planning permission (IR 296) and, therefore, that they do not weigh heavily.

Circular Considerations

Planning Framework

33 GM suggest that the LS scheme is not compliant with affordable housing policy (IR 164). The Secretary of State notes that the Council and the GLA considered affordable housing provision in detail at planning application stage, and concluded that the LS scheme provided the maximum reasonable amount of affordable housing. This followed an appraisal by independent consultants of the viability material submitted by LS. He notes that there is no policy requirement that every scheme should provide 50% affordable housing. He notes that the target applies Borough wide, and is being met. Further, he notes that there is an affordable housing provision review mechanism in the s106 agreement. Having regard to these and to all other relevant matters, the Secretary of State considers that the scheme is in substantial accord with the planning framework for the area.

Wellbeing

34 The Secretary of State has considered the extent to which the proposed purpose of the Order will contribute to the achievement of the economic, social or environmental wellbeing of the area. In terms of economic benefits, the Secretary of State agrees with the Council and considers that the scheme will lead to a creation of new jobs and the influx of expenditure into the town from new residents and from shop, restaurant and cinema customers (IR 25). In terms of social benefits, he agrees with the Inspector that the scheme will assist in creating a 'cultural quarter' which will provide a new cinema, retail and restaurant outlets and housing (IR 298). In terms of environmental benefits, he agrees with the Inspector that whilst there are aspects of the scheme that are regrettable (i.e. the failure to incorporate the YMCA

building and the Walpole Arch), he considers that the scheme will lead to the redevelopment of a part vacant, underused and brownfield site and that there will be improvements to open space on and off site (IR 298). Overall, the Secretary of State considers that the requirements of s.226 (1A) of the Town and Country Planning Act 1990 are satisfied, because the Order will contribute significantly to the economic, social and environmental wellbeing of the area.

Viability

35 As to the deliverability of the LS scheme, GM asserts that LS are not obliged to complete the scheme in the absence of a Development Agreement (IR 151-153). The Secretary of State agrees with the Inspector that on the face of the evidence including the track record of LS there is no reason to doubt LS' commitment to the scheme (IR 291). He agrees with the Inspector that the provision included in the Land Sale Agreement that the YMCA site will not be transferred to LS until the remainder of the scheme has been completed is a significant incentive and provides sufficient assurance that LS will complete the scheme (IR 291 and IR 303).

36 The Secretary of State has carefully considered GM's submission that there is no clear evidence that the LS scheme is viable (IR 146-157). He notes LS' evidence that the scheme is viable, they have the resources to fund the scheme and would not have spent over £2 million on progressing the scheme and committing itself to funding the CPO process and land acquisitions unless they intended and were in a position to deliver the scheme (IR 191).

37 Overall, the Secretary of State agrees with the Inspector's conclusion that there is no evidence that the scheme will not be viable (IR 299 and IR 301) and considers that there is a reasonable prospect that the scheme will proceed.

Alternatives

38 The Inspector considered that the mall environment would make it less attractive to the public and the cinema area would be less open compared to the LS scheme (IR 279). The Inspector further concludes that the Empire scheme is less attractive aesthetically (IR 282). The Inspector gives little weight to the GM alternative as it's in a very early state of concept design, and would be dependent on the co-operation of GM, Empire and Flava (IR 280). He concludes that little weight can be attached to the prospects of the alternative proposal coming to fruition (IR 280). The Secretary of State has considered the Inspector's conclusion and agrees that, overall, and for the reasons above that the alternative proposals put forward by Empire and GM either have significant drawbacks in terms of permeability across the site and are insufficiently advanced to give any assurance that a further Order would not be necessary in the future to achieve the Council's objectives (IR 300).

Human Rights

39 The Secretary of State has carefully considered whether the purposes for which the compulsory purchase order was made sufficiently justify interfering with the human rights of those with an interest in the land affected. In particular, he has considered the provisions of Article 1 of the First Protocol to, and Article 8 of, the European Convention on Human Rights. With regard to Article 8, the Secretary of State considers that in balancing the rights of individuals who are affected by the Order against the benefits to the community of proceeding with the Order, the making of the Order and the interference with the individuals' rights are justified in

the interests of the community in order to affect the scheme. With regard to Article 1 of the First Protocol, the Secretary of State considers that the interference with the individual's property is justified by the advantages to the wider public interests by proceeding with the development which the compulsory purchase order would facilitate. Overall, the Secretary of State agrees with the Inspector and considers that the benefits of the scheme outweigh the interference with the specific human rights of the individuals affected by the Order and he is satisfied that such interference is justified

Public Sector Equality Duty

40 The Secretary of State has considered the Equality Act 2010. Section 149 of the Equality Act 2010 introduced a public sector equality duty, that public bodies must, in the exercise of their functions, have due regard to the need to (a) eliminate discrimination, harassment, victimisation; (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. Protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. In making this decision, the Secretary of State has had due regard to the requirements of the Public Sector Equality Duty.

41 In this regard and in coming to his decision, the Secretary of State considers that confirmation of the Order may have a detrimental effect or a disproportionate impact on persons who share a relevant protected characteristic in terms of the the shortage of private or communal amenity space and the absence of an on-site children's play area. The Secretary of State has gone on to balance these potential equality impacts against the benefits of the scheme and mitigation measures proposed, which include the provision of 29 affordable units, 10% of which will have wheelchair access or can be adapted to allow wheelchair access, and the applicant agreeing to a financial contribution towards the provision of an off-site children's play area being provided for in the local area. He agrees with the Inspector (IR 287) that there is no reason why 8 screens could not be scheduled to show minority interest films to reflect the ethnic diversity within Ealing borough. Overall, and having regard to the PSED, the Secretary of State considers that his decision to confirm the CPO is proportionate and justified in the circumstances

Justification in the public interest and overall balance.

42 The Order should be confirmed only if there is a compelling case in the public interest to justify sufficiently the interference with the human rights of those with an interest in the land affected. The Secretary of State considers that the purpose for which the land is being acquired substantially accords with the adopted planning framework for the area. The Secretary of State considers that the proposed purpose of the Order, including the redevelopment and regeneration of the area, will significantly contribute to the achievement of the promotion or improvement of the economic, social and environmental wellbeing of the area. The Secretary of State considers that the potential financial viability of the scheme has been demonstrated and there is a reasonable prospect that the scheme will proceed. The Secretary of State considers that no adequate alternatives exist in terms of achieving the purpose of the proposal and that alternatives are insufficiently advanced to provide

assurances that a further Order would not be required in the future. Overall, the Secretary of State has concluded that there is a compelling case in the public interest to justify sufficiently the interference with the human rights of those individuals affected by the Order.

43 The Secretary of State has therefore decided to confirm the London Borough of Ealing (Land at New Broadway, Bond Street and Mattock Lane, W5) Compulsory Purchase Order 2014 with the modifications requested by the Council, by letter, dated 25 March 2015 and 17 April 2015 being the exclusion of 8, 9 and 10 from the Order and acquiring new rights only over plots 5 and 6. He considers that the proposed modifications to the Order are reasonable and an acceptable approach to take in the circumstances.

44 I enclose the confirmed order and the map to which it refers. Your attention is drawn to section 15 of the Acquisition of Land Act 1981 about publication and service of notices now that the order has been confirmed. Please inform us of the date on which notice of confirmation of the order is first published in the press.

45 Copies of this letter and the Inspector's report are being sent to remaining objectors who appeared or were represented at the local inquiry. Copies of the letter are also being sent to other persons who made submissions at the local inquiry.

46 This letter does not convey any other consent or approval in respect of the land to which the order relates.

Yours sincerely

Signed by authority of the Secretary of State for Communities and Local Government

Sara Lewis

Sara Lewis
Senior Planning Casework Manager