

High Road West “Phase A” CPO Inquiry

THFC’s OPENING Submissions

Introduction

1. THFC has already invested over £1bn in the area through its world-class stadium and many other projects. It is responsible for creating thousands of new jobs and adding literally hundreds of millions of pounds GVA a year to the local economy. The Club’s significance to this part of the Borough, and the Borough itself, and beyond, is immense. THFC is the party which has actually delivered impressive regeneration here. We are the ones who have delivered.
2. There have been periods since the 2011 riots where THFC and the Council have worked successfully in partnership to the betterment of North Tottenham. By way of example, the Council facilitated the delivery of the new stadium with a CPO. The partnership was ended by the Council in December 2015. It is with great regret that we find ourselves on the opposite side to the Council at this inquiry. We are extremely frustrated to be in this position as these last 8 years would have been better spent working together to continue the *actual* delivery of regeneration.
3. We’ll set out our fundamental concerns in this Opening. The detail is in our evidence and will be explored during the course of the inquiry through cross-examination of the AA’s witnesses.

The right test

4. Planning permission (“the overall permission”) has been given for a comprehensive redevelopment both to the north and to the south of White Hart Lane, west of High Road. The CPO relates only to the part of the overall site which lies to the south of WHL. There isn’t a freestanding planning permission for this area, nor were the merits of redeveloping only to the south of WHL considered by the Council when it decided to grant the planning permission. The test in relation to the planning determination was that found in s.38(6) of the Planning And Compulsory Purchase Act 2004.

5. At this inquiry the test is of course completely different, and far more onerous, namely whether there is a compelling case in the public interest to confirm the CPO, relating as it does simply to the land to the south of WHL.

Fundamental concern No. 1 – the CPO scheme is not a comprehensive redevelopment

6. The development plan via Policy AAP1 and Allocation NT5 of the Tottenham AAP aims to ensure the comprehensive redevelopment of the land west of High Road north and south of WHL. THFC has obtained various planning permissions on its sites to the north of WHL (e.g. on the Depot, and Goods Yard) which have been incorporated into Lend Lease's overall planning permission, and delivered a major development – effectively the first phase of HRW - at Canon Road (the northern part of the Allocation). However there are significant areas within the overall permission to the north of WHL which do not belong to the Club. The constituent elements of the overall permission on both sides of WHL are inextricably linked, e.g. with *the* key public open space for *the entire* redevelopment, Peacock Gardens, located north of WHL.
7. Neither the Council nor LL have expressed any commitment to bringing forward the rest of what is meant to be a comprehensive redevelopment. The CPO scheme (i.e. redeveloping only the land to the south of WHL) does not constitute the comprehensive redevelopment envisaged in the development plan.

Fundamental concern No. 2 – the CPO scheme would not create a new leisure destination for London

8. 10 years ago at the Stadium CPO inquiry the Council's Director of Place explained in evidence the Council's strategy that there should be a new leisure quarter to the west of High Road immediately opposite (i.e. to the south of WHL) and complementary to the new stadium. This is because of the imperative that regeneration to the west of High Road needs to be about a great deal more than new housing in order to respond to the recommendations of the Mayor of London's Independent Panel's report "It Took Another Riot."

9. Unsurprisingly, this ambition was subsequently enshrined by the Council in the Tottenham AAP as “a new leisure destination for London” (and as “the premier leisure destination in London”) and in similar terms in the HRW Masterplan Framework, in both cases for the land south of WHL and west of High Road. The requirement is unambiguous.
10. Once the combined effect of the conditions in the overall planning permission, the s.106 and the Development Agreement are properly understood, the simple fact of the matter is that the part scheme which underpins the CPO would not deliver the long sought-after new leisure quarter.
11. The Club has demonstrated in its Alternative Masterplan how the new leisure quarter could be incorporated exactly where planning policy wishes it to be but, sadly, as things stand neither the Council nor LL appear interested.

Fundamental concern No. 3 – the Viability of the CPO scheme has not been demonstrated

12. In due course were the CPO to be confirmed the actual delivery of the redevelopment south of WHL after the earliest (largely affordable housing, grant funded) phases would depend upon it being shown to be Viable both phase by phase and as a whole. I have used “Viable” – capital “V” - rather than “viable” advisedly as it is a defined term in the DA, and depends entirely upon achieving LL’s “Required Return”. The problem is that quite what this Required Return is has been redacted in the DA made available to the inquiry and has even been kept secret from the AA’s viability witness.
13. The upshot of this is that the AA’s viability evidence as interesting as it might be simply does not address Viability in the real world of the terms of the DA which will govern whether the redevelopment south of WHL will actually carry on and complete.
14. As you will know from THFC’s viability expert’s evidence, as far as we can tell the part scheme that underpins the CPO is not viable (lower case, as we don’t know what the DA’s Required Return is).
15. Our very real concern is that land having been taken from its owners by compulsion, LL will walk away part way through, *if not well before*, and blight the area for another

generation or more. We really don't want history and the words of It Took Another Riot that *"Previous attempts to regenerate Tottenham have failed"* to repeat themselves.

Fundamental concern No. 4 – Crowd safety

16. It should come as no surprise that this is an issue of existential significance to THFC. Regrettably, the overall planning application was drawn up with no expert advice on crowd flows and safety and LL have been playing catch-up ever since. The Club has tried its best to help. THFC understandably needs to know that people coming to and going from football matches and the several other types of events held at the stadium will be able to do so safely both should the CPO scheme ever be completed, and also during what on any reckoning would be a very long construction period, extending over many years and potentially indefinitely.
17. In a genuine effort to resolve matters, the Club has put together an entirely reasonable set of assurances concerning crowd flows and safety which it seeks from the AA / LL. They are drawn from Ms. Hayward's evidence and recent correspondence from LL and were they to be given in a legally binding manner would resolve this issue. What we seek is set out in Richard Max's letter dated 31st October 2023 (see Mr. Ancliffe's Rebuttal Appendix B). It is hard to see any good reason why these assurances should not be given.

Overall conclusion

18. THFC hope its very real concern about crowd safety will be addressed satisfactorily during the course of the inquiry. If it is then that would leave what I have categorised as three fundamental concerns, namely (1) with regards the CPO scheme not being a comprehensive redevelopment; (2) that the CPO scheme would not create a new leisure destination for London; (1) and / or (2) would frustrate the delivery of the outcomes sought by the Allocation in the development plan, and (3) that the Viability of the CPO scheme has not been demonstrated.
19. If (4) crowd safety is not resolved in the way we hope it will be then this issue would add to the case against confirming the CPO.

20. Whatever the case might be in favour of the CPO it is most certainly not one that meets the high bar of being a compelling case in the public interest.

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7th November 2023

Kings Chambers