



Department for
Communities and
Local Government

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Date: 21 January 2016

Dear Madam

**Town and Country Planning Act 1990
Local Government (Miscellaneous Provisions) Act 1976
Acquisition of Land Act 1981
The Borough of Watford (Watford Health Campus) Compulsory Purchase
Order 2014**

1. The report of the Inspector, P W Clark MA MRTPI MCMI, who held a public local inquiry into The Borough of Watford (Watford Health Campus) Compulsory Purchase Order 2014 ("the Order") on 7, 8 and 13 January 2015 has been considered. A copy of the Inspector's report is enclosed. 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, if confirmed, would authorise the compulsory purchase of the land named in the above Order for the purpose of facilitating the delivery of the Watford Health Campus Scheme ("Scheme") (IR 18).

Inspector's recommendation and Summary of the Decision

3. The Inspector recommended (IR 154) that the Order should not be confirmed. For the reasons given below, the Secretary of State disagrees with the Inspector's recommendation and concludes that the Order should be confirmed with modifications requested by the Council.

Consideration

4. At the time the inquiry opened, there were seven remaining objections and seven

non-qualifying objections. During the course of the inquiry, two qualifying objections were withdrawn. Since the inquiry has closed, four qualifying objections have been withdrawn.

5. The Inspector's report summarises the submissions made at the inquiry at IR 18-130 with his conclusions at IR 131-153 and recommendation at IR 154.

Matters arising post close of the inquiry

6. Following receipt of the Inspector's report, the joint promoters of the Croxley Rail Link Order, namely Transport for London and Hertfordshire County Council, continued to negotiate the terms of the formal agreement resolving their objections relating to issues concerning the Croxley Rail Link project. On 1 December 2015, Transport for London confirmed that agreement had been reached and, consequently, they have now withdrawn their objection. The Inspector indicated that if agreement with the joint promoters of the Croxley Rail Link had been reached at the close of the Inquiry that his recommendation would have been that the Order should be confirmed with the modifications sought by the Council (IR 153).

7. On 29 October 2015, the Guidance on Compulsory Purchase Process and the Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion ('Guidance') was published. The Guidance replaces and cancels Circular 06/2004 'Compulsory Purchase and the Crichel Down Rules' and 13 other circulars and guidance documents. The Guidance is a material consideration in the Secretary of State's decision on the CPO and, on 7 January 2016, all parties to the Order were provided with the opportunity to submit comments on this matter but no responses were received. The Secretary of State has had regard to the new Guidance and he considers, in the light of the facts of this case, that the changes to the Guidance do not alter his conclusions and decision.

Justification in the public interest and overall balance

8. The Secretary of State has given careful consideration to the Inspector's Report, the submissions of the objectors and the post inquiry issues set out in paragraphs 4-7 above. The Guidance published on 29 October 2015 sets out the relevant compulsory purchase policy in consideration of which this decision is made.

Propriety of Procedures and Powers

9. The Secretary of State agrees with the Inspector for the reasons given that the Order has been made without impropriety (IR 133).

Well-being

10. The Secretary of State has considered the Inspector's conclusions on the extent to which the proposed purpose of the Order will contribute to the achievement of the economic, social and environmental well-being of the area (IR 134-143).

11. As far as the economic benefits are concerned, the Secretary of State agrees with the Inspector's conclusion (IR 151) for the reasons given (IR 134-136) that the Order, if confirmed, will promote economic well-being. As to social benefits, the Secretary of State agrees with the Inspector's conclusion (IR 151) for the reasons given (IR 137-139) that if the Order is not confirmed that there would be harm to the Council's economic objectives, harm to its housing objectives and hence, harm to

social well-being. As to environmental benefits, the Secretary of State agrees with the Inspector's conclusion (IR 152) for the reasons given (IR 140-141) that environmental well-being would be promoted through land decontamination and the removal of flood risks.

Planning Framework

12. The Secretary of State has considered the Council's case as to compliance with the planning framework (IR 86-90). The Secretary of State also notes that no remaining objector suggested that the Scheme was not in compliance with the planning framework. The Secretary of State agrees with the Inspector for the reasons given (IR 144) that the Scheme, which the Order supports, is in accordance with the planning framework for the area.

Viability & Potential Impediments

13. The Secretary of State has considered the Inspector's conclusions on viability and potential impediments (IR 145-147). The Secretary of State notes the Inspector's views on the scheme's viability and that there is more than a reasonable prospect that the Scheme will proceed.

Alternatives

14. The Secretary of State has considered the Inspector's conclusions on alternatives (IR 148-150). The Secretary of State agrees with the Inspector for the reasons given that if the Order is not confirmed, an alternative is unlikely to be found.

Efforts to Negotiate

15. The General Overview to the Guidance on Compulsory Purchase Process and the Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion, states that the compulsory purchase of land is intended as a last resort in the event that attempts to acquire by agreement fail. The Secretary of State has considered the Council's case as to the efforts to negotiate (IR 72-76) and concludes that adequate attempts have been made by the promoters to acquire land interests by agreement.

Modifications

16. The Secretary of State has considered the modifications sought by the Council (IR 7) and considers that the proposed modifications are necessary and reasonable.

Human Rights

17. The Secretary of State has carefully considered whether the purposes for which the Order was made sufficiently justify interfering with the human rights of qualifying persons under section 12(2A) of the Acquisition of Land Act 1981 and he is satisfied that such interference is justified. 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 the 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 effect the scheme. With regard to Article 1 of the First Protocol, the Secretary of State considers that the interference with the individuals'

property is justified by the advantages to the wider public interests by proceeding with the Scheme.

Public Sector Equality Duty

18. In making this decision, the Secretary of State has had due regard to the need to (a) eliminate unlawful discrimination, harassment, victimisation; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (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. This arises from the Public Sector Equality Duty, under section 149 of the Equality Act 2010.

19. In this case, it is considered that the provision of an improved major acute hospital; residential development of at least 500 new homes including affordable housing; commercial office development; a primary school; new combined heat and power plant; local centre shops and community facilities; and leisure facilities including those supporting Watford Football Club intends to engage this duty since persons who share a relevant protected characteristic, in particular age, disability, race and sexual orientation, are disproportionately in need of affordable housing as well as the other key elements of the proposed scheme.

Justification in the public interest and overall balance

20. A compulsory purchase order should only be confirmed where 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 fits in with the adopted planning framework (DL12). The Secretary of State considers that the proposed purpose of the Order including the facilitating of the delivery of the Watford Health Scheme Campus, will significantly contribute to the achievement of the promotion or improvement of the economic, social and environmental wellbeing of the area (DL10). The Secretary of State considers that the potential financial viability of the scheme has been demonstrated and that there is a more than reasonable prospect that the scheme will proceed (DL13). The Secretary of State considers that if the Order is not confirmed, an alternative is unlikely to be found (DL14). Having regard to these and to all other matters including the withdrawal of the Croxley Rail Link Order objections, the Secretary of State concludes 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.

21. The Secretary of State has, therefore, decided to confirm The Borough of Watford (Watford Health Campus) Compulsory Purchase Order 2014 with the modifications requested by the Council, notably the removal of Plots 1, 4, 10, 11, 19, 20, 34, 35 and 37 and amending the boundary of Plot 24.

22. I enclose the confirmed Order, as modified, and the maps 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.

23. 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.

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

Yours faithfully

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

Ray Colbourne

Ray Colbourne
Team Leader