

**THE LONDON BOROUGH OF HARINGEY (HIGH ROAD WEST PHASE A)
COMPULSORY PURCHASE ORDER 2023**

ACQUISITION OF LAND ACT 1981

COMPULSORY PURCHASE (INQUIRIES PROCEDURE) RULES 2007

STATEMENT OF CASE

On behalf of

**CANVAX LIMITED, GOODSYARD TOTTENHAM LIMITED, MELDENE LIMITED,
TOTTENHAM HOTSPUR STADIUM LIMITED, PAXTON17 LIMITED, STARDARE
LIMITED and HIGH ROAD WEST (TOTTENHAM LIMITED)**

5 June 2023

1. INTRODUCTION

- 1.1. This is the Statement of Case on behalf of Canvax Limited, Goodsyard Tottenham Limited, Meldene Limited, Tottenham Hotspur Stadium Limited, Paxton17 Limited, Stardare Limited and High Road West (Tottenham) Limited.
- 1.2. All of these companies are either group companies within the Tottenham Hotspur Football Club ("THFC") group structure, or otherwise connected to THFC as group companies of THFC's ultimate parent company. For the purpose of this Statement of Case the companies are referred to collectively as "THFC".
- 1.3. The Statement of Case has been prepared in response to the Inspector's notification set out in his letter dated 24 April 2023 pursuant to Rule 7(3) of the Compulsory Purchase (Inquiries Procedure) Rules 2007.
- 1.4. The Inspector's letter of 24 April stated:

"Following consideration of your objection, which alludes to an alternative scheme, the Acquiring Authority (AA) has written to the Inspectorate to request a Statement of Case is submitted. This is to enable the Inspector and the AA to have sight of your objection in full, prior to the production of evidence and the opening of the Inquiry.

Having carefully considered this request, I agree that the submission of a Statement of Case including full details and any supporting evidence in relation to the alternative scheme is necessary. This will ensure that the Inquiry will be informed and focused for all parties"

- 1.5. Canvax Limited is the owner of land comprised within Plots 45, 46, 47, 48, 48a, 51, 52, 77 and 78 within the CPO. It owns a leasehold interest in Plot 67. The CPO seeks the acquisition of these interests.
- 1.6. Goodsyard Tottenham Limited is the owner of land comprised within Plots 103, 104 and 105 within the CPO. The CPO seeks the acquisition of crane oversailing rights in respect of these Plots.
- 1.7. Canvax Limited, Goodsyard Tottenham Limited, Tottenham Hotspur Stadium Limited, Meldene Limited, Paxton17 Limited Stardare Limited High Road West (Tottenham) Limited have all been included within the Rights of Light Table in the Book of Reference.
- 1.8. Having reviewed the Book of Reference, our clients are concerned that some properties have been included whilst other adjoining properties have not. THFC is reviewing the Rights of Light impact of the Scheme and it may be that other THFC land owning companies should have been included.
- 1.9. The companies are "qualifying persons" for the purpose of Section 12(2) of the Acquisition of Land Act 1981 ("the 1981 Act").
- 1.10. THFC objected to the CPO for the following reasons:

- i. The purpose for which the land is proposed to be acquired is inconsistent with the Local Plan for the area;
- ii. The purported economic, social and environmental benefits are overstated and there is a real prospect that many will not actually be delivered;
- iii. There is no evidence that the CPO scheme is viable and there is a real risk that it will not be delivered;
- iv. The planning permission underlying the CPO scheme is currently subject to challenge pursuant to a claim for judicial review and, if successful, the absence of planning permission represents an impediment to delivery;
- v. The CPO scheme will give rise to unacceptable safety impacts to visitors attending the Tottenham Hotspur Stadium; and
- vi. High Road West could be developed in an alternative way, that would be fully consistent with the Local Plan deliver far greater economic, social and environmental benefits, and be more acceptable in safety terms.

In summary there is no compelling case in the public interest to justify the confirmation of the CPO.

2. BACKGROUND

- 2.1. The London Borough of Haringey (“the Council”) granted planning permission for the High Road West scheme (ref HGY/2021/3175) on 31 August 2022 (“the High Road West Planning Permission”).
- 2.2. However, the CPO has been made only in respect of land forming part of the development authorised by the High Road West Planning Permission – being that part of the development lying south of White Hart Lane (“the Scheme”).
- 2.3. Section 2 of the Statement of Reasons purports to set out the background to the High Road West scheme and the steps leading to the making of the CPO. In turn Section 3 (and in particular paragraphs 3.29 to 3.36) seek to summarise the Council and Lendlease’s engagement with THFC regarding the Scheme.
- 2.4. These sections of the Statement of Reasons are partial and deeply misleading in a number of material respects.
- 2.5. First, they fail to properly record THFC’s key involvement in the origins of the development of the High Road West concept leading to the adoption of the High Road West Masterplan. The proposed regeneration of High Road West was crucial to THFC’s decision to invest over £1bn in the Tottenham Hotspur Stadium and associated Northumberland Development Project.
- 2.6. Secondly, these paragraphs (and the Statement of Reasons as a whole) fail to fully set out the extent to which the CPO Scheme departs from the Tottenham Area Action Plan and the adopted Masterplan.
- 2.7. Thirdly, they misleadingly imply that THFC was fully consulted in the development of the planning application which led to the grant of the High Road West Planning Permission on 31 August 2022 on which the Scheme is now predicated.
- 2.8. Fourthly, they fail to record that THFC strongly objected to the planning application and has brought a claim for judicial review against the grant of the High Road West Planning Permission.
- 2.9. There was no meaningful consultation or engagement with THFC (from either the Council or Lendlease) regarding either the design or composition of Scheme or in respect of the impacts of the Scheme on the operation of the Tottenham Hotspur Stadium prior to the making of the planning application (on which the CPO is now based) and only limited consultation since.
- 2.10. In turn there have only been very limited attempts to acquire our THFC’s interests by agreement.

- 2.11. THFC is fully supportive of the desire to secure the regeneration of High Road West and the wider North Tottenham area. It is the largest landowner within the wider High Road West area north of White Hart Lane and has secured planning permissions for its sites to seek to expedite the regeneration of the area. Following the 2010 riots, THFC played an active role in the production of the *"It Took Another Riot"* Report prepared by the Mayor of London's Independent Panel on Tottenham chaired by Sir Stuart Lipton. Furthermore, it entered into a Memorandum of Understanding with the Council which was intended to guide the regeneration of North Tottenham and set out the parties' respective roles and responsibilities in that process. The terms of the Memorandum of Understanding were in turn regrettably ignored by the Council.
- 2.12. THFC considers that the Scheme underlying the CPO will fail to meet the longstanding policy aspirations for the area and risks repeating past failed attempts to regenerate North Tottenham.

3. CONSISTENCY WITH LOCAL PLAN

- 3.1. Paragraph 106 of the Secretary of State's "Guidance on Compulsory Purchase and the Crichel Down Rules" (updated July 2019) ("the Guidance") sets out the factors the Secretary State can be expected to consider when making a decision whether or not to confirm the CPO.
- 3.2. The first factor listed is whether the purpose for which the land is being acquired fits within the adopted Local Plan for the area.
- 3.3. It is clear that the Scheme is inconsistent with the principles and detail of the Tottenham Area Action Plan (TAAP) which forms the most important part of the development plan for the purpose of assessing this factor.
- 3.4. The description of the Site Allocation for High Road West (NT5) is set out in paragraph 5.125 of the TAAP as follows: 'Masterplanned, comprehensive development creating a new residential neighbourhood and a new leisure destination for London'. [our emphasis]
- 3.5. However, neither the High Road West Planning Permission nor the Scheme quantitatively or qualitatively provide for the required new leisure destination for London – which is one of the key objectives of the relevant planning policy framework.
- 3.6. Consistent with this designation, a major leisure component is shown on the southern side of Moselle Square on page 89 of the High Road Masterplan Framework (2014) or HRWMF which represents the Council's most up to date Council approved masterplan for the purposes of planning policy. TAAP Policy AAP1 (Regeneration and Masterplanning) states the Council expects all development proposals in the AAP area to come forward comprehensively consistent with such a masterplan. However, this has not been achieved by the Scheme.
- 3.7. The policy framework was developed as a response to the 2010 riots in Tottenham. Following the riots, the Mayor of London convened an independent Panel chaired by Sir Stuart Lipton. In 2012 the Panel issued its report entitled "*It Took Another Riot*". The report explicitly acknowledged that previous attempts to regenerate Tottenham had failed and that a different approach was required. The report highlighted that Tottenham suffered from many interconnected social and economic problems and that both the social and physical aspects of any regeneration proposals needed careful consideration.
- 3.8. The report's vision and recommendation focussed not just on the provision of new housing but crucially on the need for employment, education and cultural and leisure improvements.
- 3.9. It was against the background of the report that the objective of the HRWMF and TAAP to create a new leisure destination for London emerged.
- 3.10. The HRWMF also set out principles for phasing and implementation (section 3.15) and states that Development in High Road West must minimise disruption to the local

community and demonstrate how each phase of delivery can create a 'complete' state at every stage of its development.

- 3.11. Page 133 shows Moselle Square as early phases of development along with the Goods Yard and Depot site which are in the ownership of THFC. This indicates early delivery of Moselle Square which is important for place making and ensuring the continuing safe operation of the THFC stadium. By contrast, the planning permission underpinning the Scheme shows Moselle Square as Phase 3 and would be the last component to be completed (illustratively shown as 2032 on Page 20 of the July Officers Report to Planning Committee).
- 3.12. The High Road West Planning Permission commits to just 500 sqm. GEA of dedicated leisure uses (indoor sports, recreation, fitness), representing just 0.2% of the minimum floorspace of what is permitted. Even taking into account the maximum ranges allowed for and potential inclusion of cinema floorspace (which there is no requirement in the Planning Permission or Development Agreement to deliver), it is clear that the permitted scale and composition of leisure uses would not come close to delivering a new leisure destination for London to complement existing provision (including the Tottenham Hotspur Stadium which lies directly to the east of the Order Land).
- 3.13. This matters because it means that the Scheme fails to deliver key objectives in planning policy and conflicts with detailed policies in the TAAP including:
- The Key Neighbourhood area objective (TAAP paragraphs 5.85 and 5.86) - which seeks to transform the North Tottenham Neighbourhood Area into a new leisure and residential destination for London against the backdrop of 'fundamental social and economic disadvantage'.
 - The TAAPs Strategic Objectives for Tottenham (TAAP page 29 and 330) - an absence of meaningful leisure provision means that (along with limited provision employment – see below), the Scheme will fail to provide a prosperous hub for business and local employment (Objective 2), with the over-dominance of housing in the Scheme failing to deliver the required business growth and attract new investment. It will also not provide a strong and healthy community (Objective 6) which, amongst other things, seeks to improve leisure opportunities as part of a continued joint effort to further reduce crime and foster strong and new social networks.
 - The specific NT5 Site Requirements for the allocation (which sit adjacent to the THFC Stadium) to 'Enhance the area as a destination through the creation of new leisure, sports and cultural uses'.
 - AAP1 because it is inconsistent with the Council's most up to date HRWMF which was devised to address comprehensive development principles, but has been ignored by the Scheme in respect of the absence of a major leisure component and early delivery of Moselle Square which is necessary to minimise disruption to the local community.
- 3.14. As set out above, the TAAP was specifically put in place due to the history of North Tottenham, past failed attempts at regeneration and the continuing socio-economic challenges in the area.
- 3.15. The TAAP specifically explains (Paragraph 2.37 and 3.23), that leisure development is required to build on the investment being made by THFC in their stadium as a catalyst for wider change, ensuring that this area becomes a hub for activity throughout the week and

not just on match days. However, the delivery of the Tottenham Hotspur Stadium by itself was never intended to fulfil the TAAP objective to create a new leisure destination for London. This objective will not be met by the Scheme, or any development delivered through the High Road West Planning Permission.

- 3.16. The Statement of Reasons relies upon the grant of the High Road West Planning Permission as evidence that the Scheme fits with the adopted Local Plan.
- 3.17. However, as set out above, the High Road West Planning Permission related to a far wider area and the Council's assessment of the acceptability of the development was undertaken as against the full scheme. No assessment was undertaken in respect of the Scheme in isolation. This includes the wider phasing of the development, which the Council's adopted HRWMF shows is intrinsically linked to the wider NT5 area not just the Order Land which is confined to the south of White Hart Lane.

4. OVERSTATEMENT OF BENEFITS

- 4.1. The Guidance sets out that the Secretary of State will take into account the extent to which the proposed purpose for the CPO will contribute to the achievement of the promotion or improvement of the economic social or environmental wellbeing of the area.
- 4.2. Section 9 of the Statement of Reasons asserts that the Scheme will deliver a number of benefits including the following:
 - 1350-1665 new homes
 - A new public square
 - A new Library and Learning Centre
 - A new GP surgery
 - 89 FTE net additional jobs in retail, leisure, hospitality, catering and other services.
 - A District Energy Network
- 4.3. However due to the structure of the High Road West Planning Permission and associated Section 106 Agreement (together with the lack of clarity and transparency regarding the terms of the underlying Development Agreement), it is far from certain that all of these benefits will actually be delivered.
- 4.4. The High Road West Planning Permission includes an unusually large degree of flexibility regarding the scale of development and component uses for an urban scheme located in a dense urban area like Tottenham.
- 4.5. The significant amount of variability in physical parameters and huge degree of flexibility allowed for non-residential uses (many of which are in effect optional), means that the harms and benefits of the Scheme are very difficult to assess, particularly in relation to the numerous heritage assets in the local area that will be affected.
- 4.6. This flexibility creates particular problems in any justification for compulsory acquisition. Reliance can only be placed on the minimum amount approved and indeed a number of specific land uses (and associated benefits) could be omitted altogether and therefore cannot be given any weight.
- 4.7. Even within the ranges identified, leisure provision is tokenistic and contrary to the requirements of the TAAP cited above to deliver a leisure destination for London (in addition to THFC's stadium). The Scheme will also fail to provide meaningful employment which is essential to readdress Tottenham's social and economic challenges as identified in the *It Took Another Riot* Report set out above.
- 4.8. The CPO does not seek the compulsory purchase of any land within the wider High Road West site north of White Hart Lane. THFC is the majority landowner of that part of the High Road West site north of White Hart Lane and has secured planning permission for the comprehensive development of the Goods Yard, Depot and Printworks sites – and having already delivered the redevelopment of the old Cannon Rubber site, through the Rivers Apartment scheme.

4.9. The Scheme can only therefore facilitate development to the south of White Hart Lane. This means that:

- It delivers significantly fewer economic, social and environmental benefits than were assessed and balanced at the planning application stage.
- The Scheme is unbalanced because there is no certainty that essential components of the overall scheme which have been granted planning permission will be delivered. This includes the new public park (Peacock Park) to the north of White Hart Lane, an essential community asset in an area of open space deficiency. Without it the new residents would have to rely largely on Moselle Square (a very different civic square) – and as set out below there is no certainty that Moselle Square itself will be developed.
- The planning application process didn't consider or assess important planning considerations including the housing mix, affordable housing viability and open space just for land south of White Hart Lane.

4.10. This raises concerns about the reliance that can be placed on the current High Road West Planning Permission and alleged benefits of the Scheme – particularly given that the phasing plans accompanying the High Road West Planning Application contemplated certain development plots north of White Hart Lane (and therefore outside the scope of the CPO) coming forward before certain plots south of White Hart Lane

4.11. The High Road West Planning Permission does not assure the delivery of important social infrastructure on which the CPO has been justified in the Statement of Reasons.

4.12. By way of one example, the Section 106 Agreement only requires the Library and Learning Centre to be delivered when 95% of open market housing in the plot within which it is being delivered are occupied. In practice all the other plots within the Scheme could be built out with no guarantee that the Library would ever be built.

4.13. In turn the Section 106 Agreement allows Moselle Square to be deferred until 90% of the open market homes or 780 Open Market Units in the Scheme are occupied¹ which means that this crucial open space and link between the Railway Station and the Tottenham Hotspur Stadium may not be delivered.

4.14. Moselle Square is the heart of the Scheme, and the principal public realm is effectively being delivered last – contrary to regeneration best practice. In any event there would be nothing in planning terms to stop the developer walking away after selling 90% of the Open Market Units and all the Affordable Units in the Scheme – in total in excess of 1000 units – without ever being required to deliver Moselle Square.

¹ S106, Schedule 13, paragraphs 2.3 and 2.4

5. IMPEDIMENTS TO DELIVERY

- 5.1. Paragraph 15 of the Guidance advises that the acquiring authority will need to be able to show that the scheme is unlikely to be blocked by any physical or legal impediments to implementation – including the need for any planning permission.
- 5.2. As set out above the High Road West Planning Permission is subject to an ongoing claim for judicial review brought by THFC. The status of the High Road West Planning Permission is therefore, at best, uncertain.
- 5.3. Paragraph 14 of the Guidance advises that the acquiring authority should provide substantive information as to the sources of funding available for both acquiring the land and implementing the scheme for which the land is required.
- 5.4. Paragraph 106 of the Guidance makes clear that any decision about whether to confirm an order made under section 226(1)(a) will be made on its own merits, but the factors which the Secretary of State can be expected to consider include the potential financial viability of the scheme for which the land is being acquired.
- 5.5. Furthermore, Policy DM56 of the Council's Development Management DPD confirms that: *'The Council will support land assembly to achieve comprehensive and coordinated development and will use compulsory purchase powers, only where necessary, to assemble land for development in the borough where landowners and developers can demonstrate they have [amongst other things] a viable and deliverable Local Plan compliant scheme.'* [Our emphasis]
- 5.6. The financial viability of the CPO Scheme is therefore a relevant issue, particularly given it is proposed that the CPO Scheme will be brought forward by a private sector development partner which will require a target financial return in order to undertake the development and who may also need to attract third party funding.² If the target return cannot be achieved there is a significant risk that the developer will not progress the development under the terms of the Development Agreement and/or will not be able to attract any required funding
- 5.7. The Development Agreement the Council and the Developer have entered into contains pre and post planning viability conditions that require viability appraisals for individual phases and any sub-phases of development, as well as the CPO Scheme as a whole to be undertaken before and after the grant of consent for each development phase.
- 5.8. If any phase, sub-phase or the CPO Scheme as a whole is assessed as being unviable, it will be deemed a Mitigation Matter, requiring a Mitigation Plan. How exactly the process works is difficult to determine however, as parts of the Post Planning Viability Conditions have been redacted from the version of the Development Agreement that is publicly available as have the details of how Mitigation matters are dealt with Clause 34 of the Agreement. Moreover, while the measure of viability is likely to be connected to what is referred to in the Development Agreement as the 'Required Return', this section of the Development Agreement has also been

² See paragraph 7.16 of the CPO Statement of Reasons

redacted. THFC has sought to obtain more clarity on the terms of the Development Agreement, including initiating proceedings under the Freedom of Information Act 2000 which are ongoing. The Council has to date not been willing to disclose an unredacted copy of Development Agreement.

- 5.9. Nonetheless, it appears evident that regular viability appraisals are an integral part of the Development Agreement, and given this, it would be reasonable to expect that in the event that the CPO Scheme (or part of it) proved to be financial unviable, the Developer could terminate the agreement.
- 5.10. Although neither the Council nor its development partner have yet produced (at least publicly) a viability appraisal for the CPO Scheme, viability assessments have been undertaken for the wider Regeneration Scheme. These demonstrated that the Regeneration Scheme is not currently viable, as it does not achieve the developer's required financial return.³
- 5.11. The Developer's 19 May 2022 viability appraisal concluded that the Regeneration Scheme produced an IRR of 6.6% against a target of 14%, a deficit of 7.4%. While this was challenged by the Local Planning Authority, in a letter dated 13 July 2022, the Developer's viability advisor confirmed that, following negotiations, the final agreed position was that the wider Regeneration Scheme produced an IRR of 11.62%; a deficit of 1.38% on a revised benchmark IRR rate of 13%. No final agreed appraisal has been made available, however.
- 5.12. Although, the Regeneration Scheme was considered unviable, the developer has chosen to progress with the CPO Scheme, apparently 'taking a view on future growth',⁴ and possible changes to 'sales and build cost inputs'.⁵ The CPO Statement of Reasons acknowledges that the developer '*is satisfied that the development which will deliver the Scheme will be viable...*',⁶ [our emphasis] implying a recognition that the CPO Scheme is not currently viable, but may become so. However, no evidence has yet been provided to demonstrate how the CPO Scheme could be made viable or why the fact it is currently unviable is not a material impediment to delivery.
- 5.13. Any viability assessment for the CPO Scheme must be undertaken in isolation, without taking into account the prospect of development of the wider Regeneration Scheme. This is because there is no obvious prospect of any further CPO's being promoted to deliver the Regeneration Scheme, nor any guarantee that the Council and Developer will bring forward the wider Regeneration Scheme at all. There is however a realistic prospect that development on land within the wider regeneration Scheme area, but outside of the CPO Scheme will instead be developed by THFC as owner of the majority of the land north of White Hart Lane (outside the CPO scheme boundary).
- 5.14. Since the Developer concluded its viability appraisal for the Regeneration Scheme, any possible changes to the sales and build cost inputs adopted for that appraisal which might be used for an appraisal of the CPO Scheme are likely to have a negative impact on viability, rather than a positive one.

³ See paragraph 1.11.1.6 of the 28 October 2021 (amended to 19 May 2022) High Road West Financial Viability Assessment

⁴ See paragraph 1.10.2.2 of the 28 October 2021 (amended to 19 May 2022) High Road West Financial Viability Assessment

⁵ See paragraph 1.11.1.7 of the 28 October 2021 (amended to 19 May 2022) High Road West Financial Viability Assessment

⁶ See paragraph 7.24, bullet 3 of the CPO Statement of Reasons

- 5.15. Although average house prices in Haringey increased between May 2022 and November 2022,⁷ since the end of the year they have been in decline and are continuing to fall, so that any gains seen in 2022 have now been eroded. Moreover, the Office for Budget responsibility expects house prices to fall by a further 10% over the next two years. Lloyds and the Halifax are also predicting that values will decline by up to 8% in 2023, while Nationwide and Zoopla are predicting a 5% reduction. The sales values adopted within the viability appraisal agreed in July 2022 are therefore no longer likely to be appropriate and should be reduced.
- 5.16. In terms of build costs, the BCIS General Building Cost Index indicates that there was 7.3% year on year increase up to March 2023⁸ and that a further circa 5% increase is forecast over the next 12 months. Moreover, it is not clear whether the impact of the Building Safety Act 2022, or changes to the Building Regulations were reflected in the construction costs agreed for the Regeneration Scheme viability appraisal. If they were not included, this is likely to have a significant impact on the construction cost estimate, negatively impacting on the CPO Scheme's viability.
- 5.17. There is also a concern over to what extent the 'site wide infrastructure costs' assumed for the Regeneration Scheme Appraisal should be reflected in any viability appraisal for the CPO Scheme. It is often the case that economies of scale can be achieved for infrastructure costs with larger developments and there is a realistic prospect that the infrastructure costs for the CPO Scheme will be proportionately greater than for the Regeneration Scheme. For example, highways or services works that might have benefited the Regeneration Scheme as a whole, might still need to be undertaken for the CPO Scheme alone, without the benefit of development sales from the wider site. It is also the case that the cost of developing Moselle Square will need to be absorbed by the CPO Scheme in isolation.
- 5.18. The appraisal for the Regeneration Scheme was based on the provision of 35% affordable housing by unit, which equated to 39.5% affordable housing by habitable room. Of these affordable units it was proposed that 500 would be social rented tenure and 416 would be shared ownership. The July 2022 agreement of the viability appraisal confirmed that a value of £124 per sq.ft. had been placed on the social rented units, while £380 per sq.ft had been placed on the shared ownership units.
- 5.19. The Council's Statement of Reasons states that the CPO Scheme will produce at least 40% affordable housing by habitable room, of which 500 units will be social rented. The CPO Statement of Reasons says that the CPO Scheme will deliver a total of 1,350 – 1,665 new homes. Using the development assumed for the Regeneration Scheme viability appraisal as a guide, that would mean the CPO Scheme would deliver 574 affordable units, of which 500 would be social rented and only 74 shared ownership. The percentage of low value social rented homes for the CPO Scheme is therefore much greater than for the Regeneration Scheme – 87%, rather than 54.5%. This will also have a negative impact on the viability of the CPO Scheme.

⁷ Land Registry House price Index for L B Haringey

⁸ The last month for which there are currently 'provisional' as opposed to 'forecast' figures.

- 5.20. We also note that the Regeneration Scheme appraisal assumed that the cost of acquiring land within the CPO Scheme would reflect its existing use value. No account was taken of the Property Cost Estimate produced by CBRE which will have set out the estimated cost of acquisition using the compulsory purchase process.⁹ While the Developer's appraisal refers to an allowance for 'compensation costs', it is far from clear that this allowance was consistent to landowners and occupiers full entitlement to compensation.
- 5.21. In conclusion, no viability appraisal has been produced for the CPO Scheme. However, the appraisal agreed for the wider Regeneration Scheme indicated that the scheme was unviable and did not achieve the Developer's target return. Since the Regeneration Scheme appraisal was agreed, residential property prices have begun to fall and are expected to continue falling over the next two years. At the same time building costs have increased, both through market pressures and the introduction of new legislation. To compound this, it is highly likely that site wide infrastructure costs for the CPO Scheme will be proportionately higher for the CPO Scheme than the Regeneration Scheme, while at the same time revenue from affordable housing will fall.
- 5.22. If the Regeneration Scheme was unviable, there is little doubt that the CPO Scheme is even less viable. Moreover, the Council and the Developer have provided no indication of how the CPO Scheme could be made viable and the redactions to the Development Agreement mean it is impossible to determine the basis on which the developer could withdraw from the CPO Scheme in the highly likely event it could not achieve its Required return for an extended period, if ever.

⁹ See paragraph 1.9.1.6 of the 28 October 2021 (amended to 19 May 2022) High Road West Financial Viability Assessment

6. IMPACT ON THE OPERATION OF THE TOTTENHAM HOTSPUR STADIUM

- 6.1. As set out above the THFC objected to the High Road West Planning Application for a number of reasons – including the impact of the proposals on the management of crowd flows to and from the Tottenham Hotspur Stadium. The objections remain directly relevant to consideration of the CPO.
- 6.2. Under its ZoneEX¹⁰ obligations, THFC has legal responsibility for the safety of crowds within a mile radius of the Stadium. The Scheme will involve the stopping up of sections of public highway which are currently used by spectators moving between the Stadium and White Hart Lane railway station and beyond.
- 6.3. The mechanisms within the High Road West Planning Permission and associated Section 106 Agreement that purport to provide for the provision of alternative access to THFC for the management of crowd flows are wholly inadequate.
- 6.4. Under the phasing arrangements within the High Road West Planning Permission, the key link between the Stadium and White Hart Lane Station through Moselle Square is not proposed to be completed until the final phase of the scheme. In turn, the anticipated construction programme for the High Road West scheme is scheduled to last for 10 years, and any interim access arrangement will need to be in place for the duration of this period – and potentially permanently if Moselle Square is never actually delivered.
- 6.5. THFC has raised significant concerns regarding the safety and effectiveness of the proposed interim arrangements, which will require crowds to move across a hoarded construction site.
- 6.6. In any event to enable the safe movement of spectators between the Stadium and White Hart Lane station, THFC is dependent upon Lendlease or the Council granting it a licence across the site both in the interim and completed development scenarios.
- 6.7. The Section 106 Agreement does not impose an absolute obligation on either Lendlease or the Council to grant such a licence nor does it otherwise guarantee that alternative access will be provided across the Scheme.
- 6.8. The S106 Agreement only imposes a qualified “reasonable endeavours” obligation with a requirement, amongst other matters for the payment by THFC of an unspecified licence fee.
- 6.9. There has been no assessment of the impact on the operation of the Tottenham Hotspur Stadium if access is not provided. In the event that a suitable Access Licence is not provided – and as such access for spectators to and from White Hart Lane Station cannot be provided there is a risk that the Stadium’s Safety Certificate might be withdrawn or a limitation on capacity imposed.

¹⁰ Zone Ex (the External Zone) and sometimes referred to as the “Last Mile” is in the public domain and should be considered to encompass the main pedestrian and vehicle routes from Zone 5 to public car parks, local train stations, bus stops etc (Guide to Safety at Sports Grounds ‘Green Guide’ 6th Edition, Sports Grounds Safety Authority, 2018)

- 6.10. Whilst initial discussions have taken place with Lendlease no agreement has been reached and fundamental questions that have been raised by THFC for some time regarding the terms of any access licence remain unanswered.

7. AN ALTERNATIVE FUTURE FOR HIGH ROAD WEST

- 7.1. Paragraph 106 of the Guidance records that the Secretary of State will take into account whether the purpose for which the acquiring authority is proposing to acquire the land could be achieved by other means.
- 7.2. As set out above, THFC very much wishes to see the regeneration of High Road West in a way that is consistent with TAAP and principles of the adopted Masterplan. The TAAP and Masterplan were prepared in the context of several failed attempts to regenerate Tottenham. In the *It Took Another Riot* Report the ten critical recommendations included the need to re-imagine the built environment, deliver housing of all tenures and bring more fun to Tottenham (with cinemas, music venues or a theatre to help provide recreational pursuits particularly for the young).
- 7.3. THFC considers that its alternative vision and future for High Road West would provide genuine regeneration consistent with the full range of critical recommendations in *It Took Another Riot* which were translated into the TAAP, including the objective to create a leisure destination for London.
- 7.4. Attached in Appendix 1 is the summary of an Alternative Masterplan for High Road West, which has been prepared by Arup on behalf of THFC.
- 7.5. The Alternative Masterplan shows, in accordance with the TAAP, a flexible leisure/cultural venue on the southern side of Moselle Square replacing plot C of the High Road West Planning Permission. The alignment of building plots D and E are also adjusted with the inclusion of new education space at upper levels. The Library in Plot E could be relocated to The Grange situated on the north side of White Hart Lane.
- 7.6. THFC has agreed heads of terms with an entertainment group with the intention of forming a joint venture partnership for the leisure/cultural venue. The venue would create an architectural landmark and be an anchor to the wider High Road West redevelopment complementing THFC's Stadium. It would attract a programme of events that would not otherwise be staged in Tottenham, enhancing Haringey's existing cultural offer and contributing significantly to the TAAP objective of creating a leisure destination for London.
- 7.7. With a floorspace of circa 16,000 sq.m the flexible venue would have capacities ranging from 500 to 5500 people (seating and standing) and would be used for music, theatre, comedy, family, variety, sports and esports events. As well as increased direct, indirect and induced employment, benefits would include increased visitor spend locally and wider wellbeing benefits for the local area. It would also bring vibrancy and place making benefits that are associated with cultural activities, including helping local residents and businesses to develop new skills and enhancing the area's reputation and desirability.
- 7.6 The Alternative Masterplan would also contain higher education accommodation to complement existing education provision such as the London Academy of Excellence Tottenham and Dukes Aldridge Academy.

- 7.8. The Alternative Masterplan takes into account crowd movement at THFCs stadium by reconfiguring and enlarging Moselle Square. The Square would also be delivered much earlier thereby reducing disruption, improving crowd safety and avoiding delay to place making and other benefits.
- 7.9. In turn the Tottenham Hotspur Stadium is one of 10 shortlisted host stadiums for the UK and Ireland's bid to host the Euro 2028 championships. The Alternative Masterplan phasing would ensure that Moselle Square would be complete in advance of the championships which will not be possible under the CPO Scheme.
- 7.10. Relative to the development approved in outline by the High Road West Planning Permission, the Alternative Masterplan would increase jobs and other economic benefits. Whilst the Alternative Masterplan would result in a reduction of residential units in comparison with the CPO scheme, it is difficult to calculate the number of units that would be lost given the uncertainty over the number of units that the CPO Scheme will actually deliver. If a median figure is taken, there would be a net loss of 206 residential units, which would be more than offset by THFC's October 2022 Planning Permission (ref APP/Y5420/W/21/3289690) for the Depot and Goods Yard sites, which increased consented housing by 221 units relative to that approved in the High Road West Planning Permission. Both the CPO Scheme and the Alternative Masterplan would provide far in excess of the indicative net increase of 1200 homes in the NT5 Site Allocation.

8. CONCLUSION

- 8.1. For the reasons set out in this Statement of Case, THFC does not consider that there is a compelling case in the public interest to justify the confirmation of the CPO.
- 8.2. The CPO Scheme fails to deliver on the longstanding planning policy objectives for High Road West and more fundamentally risks repeating the mistakes of previous attempts to regenerate Tottenham identified in the “It Took Another Riot” report.
- 8.3. The benefits of the CPO scheme put forward by the Council have been overstated and there is a real prospect that many will never actually be delivered.
- 8.4. There are significant impediments to the delivery of the CPO Scheme and in particular based on the information submitted in support of the High Road West Planning Application the scheme is not financially viable. In turn that assessment related to the entirety of the High Road West scheme whereas the CPO only relates to land south of White Hart Lane. As a result of the combination of the Building Safety Act 2022 or changes to Building Regulations, and the dramatic increase in construction costs, the viability position will only have deteriorated even further.
- 8.5. Furthermore, the CPO scheme will give rise to significant safety risks in respect of the management of crowds attending the Tottenham Hotspur Stadium.
- 8.6. THFC’s Alternative Masterplan demonstrates that High Road West can be delivered in a way that is fully consistent with the vision and objectives of the TAAP and which will not repeat the past failures identified in the *It Took Another Riot* Report.
- 8.7. For these reasons THFC maintains that the CPO should not be confirmed.