



**TRANSPORT FOR LONDON**

**GREATER LONDON AUTHORITY ACT 1999  
AND  
ACQUISITION OF LAND ACT 1981**

**THE TRANSPORT FOR LONDON (SURREY QUAYS STATION UPGRADE)  
COMPULSORY PURCHASE ORDER 2020**

**STATEMENT OF CASE OF THE ACQUIRING AUTHORITY**

Pursuant to Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules 2007





## 1. INTRODUCTION

- 1.1 This is the Statement of Case of Transport for London ("**TfL**") in its capacity as acquiring authority pursuant to Rule 7 of the Compulsory Purchase (Inquiries Procedure) Rules 2007 (the "**Rules**").
- 1.2 On 11 December 2020 TfL made the Transport for London (Surrey Quays Station Upgrade) Compulsory Purchase Order 2020 (the "**Order**") under section 156 and paragraph 19 of Schedule 11 of the Greater London Authority Act 1999 and the Acquisition of Land Act 1981. TfL submitted the Order to the Secretary of State for Transport (the "**Secretary of State**") for confirmation on 5 January 2021. One objection has been made to the Order by Wandle Housing Association Limited.
- 1.3 The Department for Transport National Transport Casework Team gave notice on 23 March 2021, that a public inquiry would be held into the objection pursuant to Rule 3 of the Rules (the "**Inquiry**").
- 1.4 This Statement sets out the basis of TfL's case for confirmation of the Order as will be put forward at the Inquiry.
- 1.5 Under paragraph 19, Schedule 11 of the Greater London Authority Act 1999, the Secretary of State for Transport may authorise TfL to purchase compulsorily any land which is required by TfL or a subsidiary of TfL for the purposes of the discharge of any function.
- 1.6 If confirmed by the Secretary of State, the Order will enable TfL to acquire compulsorily the land included in the Order (the "**Order Land**") as shown coloured pink on the 'Map referred to in the Transport for London (Surrey Quays Station Upgrade) Compulsory Purchase Order 2020' (the "**Order Plan**") to facilitate the upgrade of Surrey Quays Station to provide improved station facilities (including access) as well as a new second station entrance and ticket hall (the "**Project**") adjoining the planned Canada Water Masterplan Development.
- 1.7 Surrey Quays Station is situated on the East London Line ("**ELL**") which forms part of the London Overground. The station is located on the south side of Lower Road at its junction with Rotherhithe Old Road.
- 1.8 Part of TfL's functions include managing London Overground and TfL is





charged with transforming London Overground's rail based services to provide safer, modern, reliable, integrated, accessible and user friendly services with improved journey times and an increase in capacity of at least 80 per cent by 2041 to tackle overcrowding and facilitate mode shift to rail.

- 1.9 The Project is part of a wider programme related to the ELL which will unlock approximately 14,000 new homes. The Project is funded by both the Ministry of Housing, Communities and Local Government ("**MHCLG**") and a section 106 Agreement with the developer of the Canada Water Masterplan Development. The MHCLG funding is time limited.
- 1.10 For the purposes of section 6A-E of the Land Compensation Act 1961 the "scheme" to be disregarded for the purposes of assessing compensation in the "no-scheme world" is the Project and the Canada Water Masterplan Development. The Project is pivotal to facilitating the Canada Water Masterplan Development.
- 1.11 The Order Land comprises a triangular section of hard standing and shrubs on the north side of Lower Road, Rotherhithe, London between 181 Lower Road and the ELL. The Order Land is owned by Wandle Housing Association Limited who hold both a long lease in the Order Land and the freehold interest in the Order Land following a transfer of that freehold interest from the London Borough of Southwark in 2020. However the transfer has not yet been registered at HM Land Registry and so the London Borough of Southwark remain the registered owner of the land. The land is also subject to a number of third-party occupiers.
- 1.12 The Order Land also provides vehicle access and standing and passenger access for the Surrey Quays station emergency entrance/exit adjacent along with maintenance access to the high wall forming the top of the cutting along which the ELL runs.
- 1.13 TfL has endeavoured to acquire the Order Land by negotiation, but it has not been possible to reach agreement with Wandle Housing Association. TfL is, however, continuing to make reasonable attempts to acquire the Order Land by agreement.
- 1.14 Whilst compulsory purchase is a last resort, the Secretary of State recognises





in paragraph 2 of MHCLG's Guidance on Compulsory Purchase Process and The Crichton Down Rules 2019 (the "**Guidance**") that, if the acquiring authority waits for negotiations to break down before starting the compulsory purchase process, valuable time will be lost. Accordingly, it may often be sensible, given the amount of time required to complete the compulsory purchase process, for the acquiring authority to plan a compulsory purchase timetable as a contingency measure; and initiate formal procedures, at the same time as seeking to purchase land by agreement.

- 1.15 TfL has given careful consideration to all relevant issues, having done so, it is satisfied that there is a compelling case in the public interest for the Order to be confirmed.

## 2. NEED FOR THE PROJECT

- 2.1 As noted above, the Project is part of a wider programme related to the ELL which will directly unlock approximately 14,000 new homes. The need to deliver new homes and an improved public transport experience are recognised in the London Plan (2021), the Mayor's Housing Strategy and the Mayor's Transport Strategy ("**MTS**").
- 2.2 In terms of the London Plan (2021) the improvements at Surrey Quays Station will help to unlock new homes and jobs as explained further below and facilitate the delivery of the Mayor's strategic target of 80 per cent of all trips in London to be made by foot, cycle or public transport by 2041 in accordance with Policy T1 Strategic approach to transport.
- 2.3 The MTS supplements the London Plan (2021) and covers the planning for and delivery of almost all aspects of transport in or affecting London. It is one of the strategies required to be produced and subsequently updated in the Mayor of London Order 2000 with the most recent MTS being published in 2018. As well as being responsible for drafting the MTS, TfL is responsible for its delivery either directly and/or via other parties. Key elements of the MTS include improving rail services which tackle the overcrowding issues (Policy 16), improving public transport accessibility and inclusivity (Policy 14) and unlocking new homes across London (Policy 21).
- 2.4 As the population of London is set to grow and given the emphasis on sustainable travel rather than that by private car it is inevitable that commuters and others making trips within or to/from the capital become





increasingly reliant on public transport. London has a much more extensive rail network than any other city in the UK and thus a greater use of trains rather than buses for many journeys. Therefore it is essential that overcrowding issues are dealt with and hence the Mayor has developed a policy which seeks to "transform London's rail-based services to provide safer, modern, reliable, integrated, accessible and user friendly services, with improved journey times and an increase in capacity of at least 80 per cent by 2041 to tackle crowding and facilitate mode shift to rail" (Policy 16 of the MTS March 2018).

- 2.5 The Mayor has also developed a policy to make the public transport network easier and more pleasant to use. Policy 13 of the MTS March 2018 states "the Mayor, through TfL and the boroughs, and working with stakeholders, will seek to make the public transport network easier and more pleasant to use, enabling customers to enjoy comfortable, confident, safe and secure, informed and stress-free travel".
- 2.6 Surrey Quays station sits within the Canada Water Opportunity Area (the "OA"). The London Plan (2021) policy expects the OA to deliver over 20,000 new jobs, 5,000 new homes and a vibrant new high street. The quantum of jobs and housing are based upon data prepared in 2016 and 2017 and even only counting the schemes approved or in the planning pipeline the actual amount of development is likely to exceed this capacity.
- 2.7 There are a number of development sites within the OA which are at different stages of maturity. However, the British Land Canada Water Masterplan Development represents the largest development and accounts for almost all the new jobs and 60% of new homes identified in the London Plan (2021). Consequently, it is expected to have the biggest impact on existing transport infrastructure and services within the OA. It was granted planning permission last year and is already in the early stages of implementation.
- 2.8 Canada Water and Surrey Quays stations are the main points of access to the London Underground and London Overground networks for the OA. Surrey Quays station already suffers from congestion caused by the sub-standard width of the north bound staircase in the morning peak in particular. Similarly, on the south bound platform crowding is experienced particularly in the PM peak due to the narrow platform width. Surrey Quays station is not currently step free, and the delivery of passenger lifts is deemed costly and complicated within the footprint of the existing station layout.





- 2.9 Work by TfL City Planning to determine the impact of the proposed developments (alongside background growth) within the OA has been undertaken. The main conclusions of this assessment are that Surrey Quays station, in its existing configuration, will become increasingly congested as passenger numbers increase due to background growth, development in the area and the attraction of the Elizabeth Line to which the London Overground East London Line provides a direct link. By the mid-2020s there is expected to be a significant risk of frequent station closures despite crowding management procedures being put in place by station staff to ensure that passengers using the station can remain safe. Without improvement Surrey Quays station will continue not to be able to meet the demands of disabled people and others with reduced mobility such as those with buggies or carrying heavy/bulky items.
- 2.10 As a consequence of Covid-19, at the time of preparation of the Statement of Reasons for the Order, the East London Line weekday demand was running at approximately 50% of the level prior to the Lockdown that started in March 2020. TfL has, however, a planning assumption that by Spring 2022 travel demand for London Overground will return to circa 75% of the level pre-Covid-19. In addition, TfL has developed a range of future planning scenarios for 2030 featuring different levels of passenger demand on its rail networks, depending upon changes to travel habits and the health of the wider economy.
- 2.11 In comparison to 2016 these planning scenarios generate changes in demand from -23% to +55% (the assumption pre-Covid-19 was that demand would grow by an overall 23% by 2030). Whilst these scenario-based forecasts are generic for the TfL rail modes, at Surrey Quays Station the high level of development planned in the station catchment area results in forecast future growth in passenger demand of 240% by 2041.
- 2.12 Nearly all of this growth would be achieved in the early to mid-2030s as the developments planned in the Canada Water area are completed with significant occupations due in the current decade. Given that the level of demand growth forecast at Surrey Quays is an order of magnitude higher than the worst-case travel demand effects of Covid-19, the requirement for the Project remains unchanged given the constraints of the existing station layout to cope with this demand.





2.13 The Project makes provision for a second, northern station entrance at the Station, as well as step free access. The proposed second entrance at the Station provides an additional staircase and lifts to each platform from a new ticket hall which would more than double the amount of available vertical circulation. Additional ticket gates are also proposed for the existing ticket hall which would increase capacity significantly over the existing three ticket barriers. Together with a new ticket hall the Project would therefore at least double the capacity for moving passengers from the street to the platforms. It is also anticipated that making the Station more attractive, as a result of the new northern entrance, could reduce demand at Canada Water. It will also reduce pressure on the pedestrian crossing on Lower Road given that a significant number of existing passengers originate from sites north of Lower Road and much of the new development including the British Land Canada Water Masterplan will also be located north of the road, adjacent to the new station entrance.

2.14 In summary the Project is needed:

2.14.1 To provide sufficient capacity to accommodate existing and future forecast demand within the OA up to 2041 and alleviate pressures at Canada Water which are complex and costly to successfully address directly.

2.14.2 To provide step free access to support a more accessible and inclusive transport network.

2.14.3 To contribute to making the public transport network in this area easier and more pleasant to use, enabling customers to enjoy comfortable, confident, safe and secure, informed and stress-free travel.

2.14.4 To unlock the delivery of new homes and jobs forecast within the OA and to enhance the development and regeneration benefits that the Canada Water Masterplan in particular will bring to the OA.

2.14.5 To improve the accessibility of the Canada Water Masterplan site and other developments in the area and existing residents, workplaces and facilities by providing a new entrance on the north side of Lower Road closer to them and without the need to cross a busy road.





### 3. DESCRIPTION OF THE PROJECT

- 3.1 The new second station entrance at the Station will be on the opposite side of Lower Road to the existing entrance, to enable direct access to the station from the new Canada Water Masterplan Development and sites beyond. In addition to the new station entrance, the Project will provide a new ticket hall and gateline, passenger overbridge with stairs leading down to the platforms, a lift to each platform for passengers of restricted mobility and platform lengthening to accommodate connection with the new station entrance. The existing entrance and associated facilities will be retained to enable the required capacity increase and to continue to serve those living, working or visiting the area south of Lower Road.
- 3.2 A design process selected a Single Preferred Option for the Station in July 2019 from an initial longlist of six designs, which was further shortlisted to three options.
- 3.3 The development process for the Project identified the following project requirements:
- 3.3.1 increased capacity within the Station to accommodate background demand growth and the major redevelopment adjacent to the station (resulting in 2041 am peak demand increasing by around 240%);
  - 3.3.2 improved accessibility to the north side of Lower Road, to and from the Station, particularly the site of the major development; and
  - 3.3.3 the provision of step-free access between the street and the platform.
- 3.4 From these requirements the design process determined that a new entrance on the north side of Lower Road is required as this is the only solution that can deliver all the above objectives. The selected Project is shown below in Figure 1. The new Station entrance can be observed on the left-hand side of Figure 1, whilst the existing station building including its entrance is on the right-hand side. These would be retained and improved as part of the Project. Note this figure shows the highway arrangement with Cycleway 4 and removal of the gyratory having taken place. These projects are being led by Southwark and would be expected to be delivered by the time the new entrance is open.





However the Project is designed to accommodate both the existing highway arrangement and the new one.

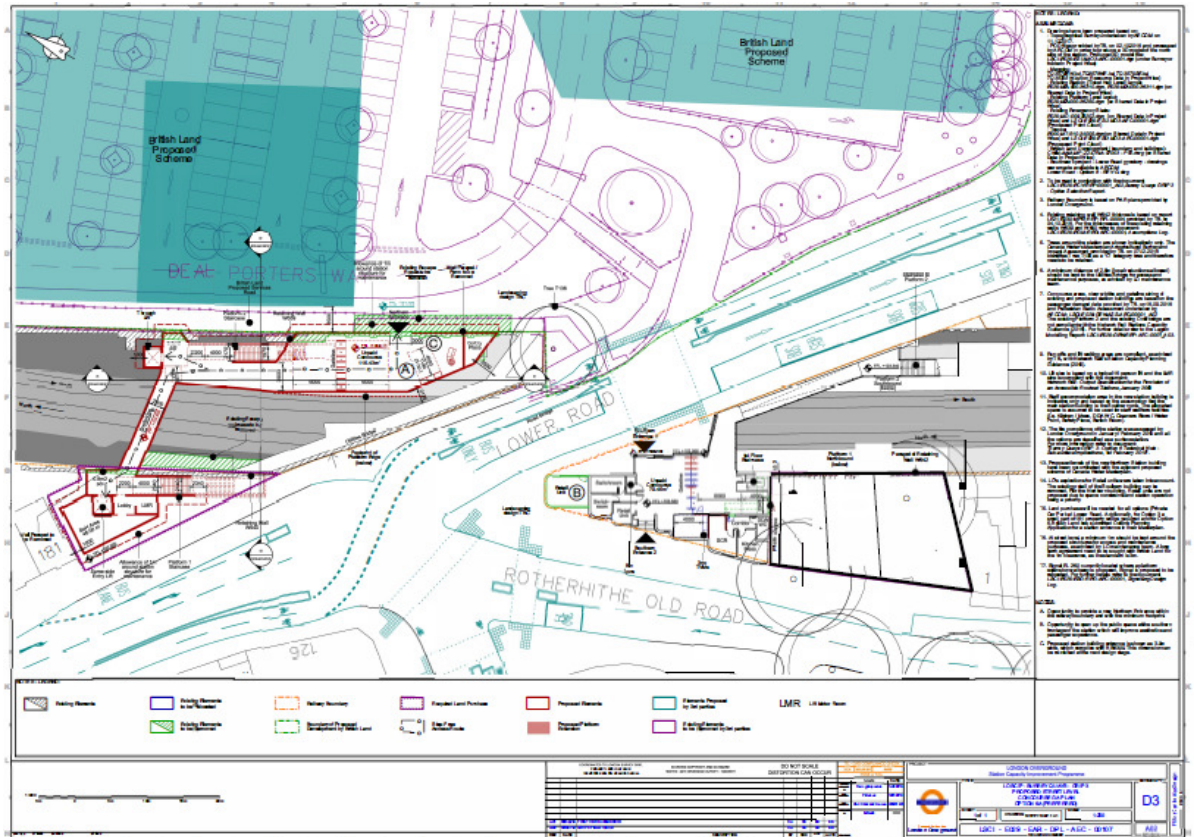


Figure 1

3.5 Figure 2 below shows the current design (following further design development since Figure 1) with the new Station entrance orientated towards the site for the new Canada Water Masterplan Development on the north side of Lower Road currently car parking for the Tesco supermarket.



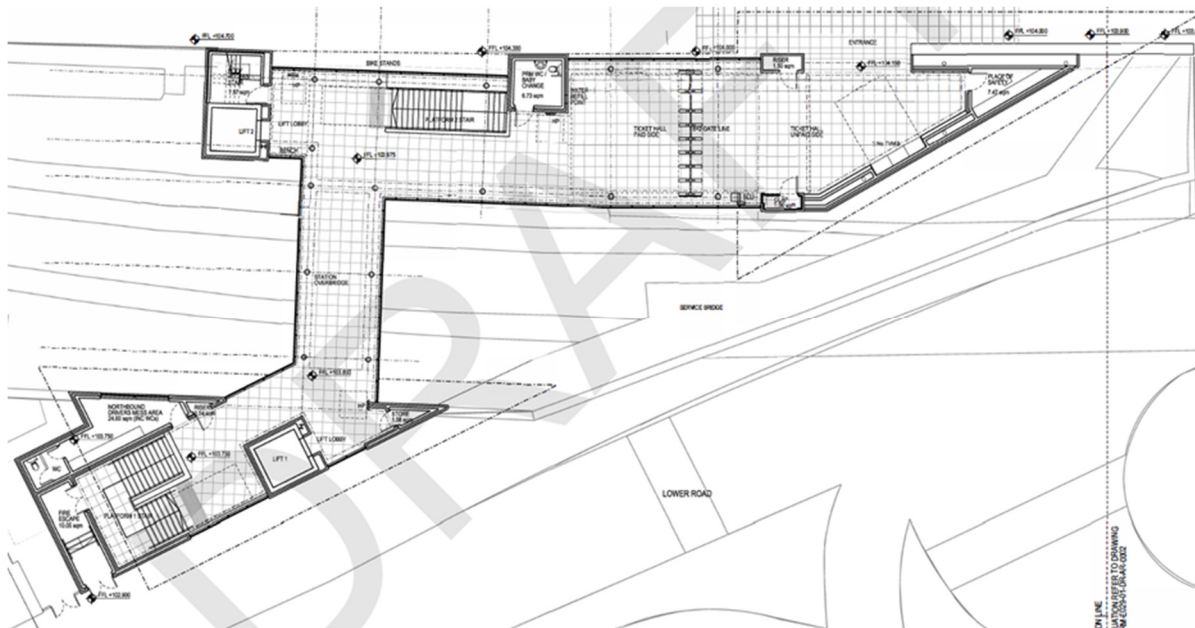


Figure 2

- 3.6 Passengers using the new entrance would pass through the ticket gates and access the platforms via staircases and lifts. The northbound platform (on the west side of the station) would be accessed via a footbridge which would be constructed on part of the Order Land. This Project requires the entrance area to be constructed above the southbound platform (on the east side of the station). The Project also requires a secondary emergency means of escape to replace that currently on the Order Land. A staff mess to accommodate additional drivers is also required, the existing facilities failing to meet existing demand. Both of these aspects are included on the Order Land.
- 3.7 The new station ticket hall is to be integrated with the Canada Water Masterplan Development, opening onto a new pedestrianised square. External materials used in the station design shall be specified to integrate with and be architecturally complementary to those used in the adjoining Canada Water Masterplan Development.
- 3.8 The existing station entrance and associated facilities are planned to be retained to serve customers to/from the south/western side of Lower Road with demand forecast to be split 60/40% between the new and existing ticket halls. The Project scope for the existing station mainly comprises the provision of additional ticket gates into the gateline and ticket hall





re-decoration, there being limited scope for anything else.

- 3.9 The Order Land would facilitate the construction of new footbridge and lifts for step free access and also house station accommodation that would need to be moved from other parts of the station to facilitate the other station improvements.
- 3.10 An integrated design consultant, WSP, was appointed on 7 September 2020 to undertake the overall ELL programme including the Project. WSP are developing the Project to approval in principle concept design (pathway stage gate 3), which is programmed for completion by October 2021. This development stage has been used to further refine and optimise the station design.

#### **4. LOCATION AND DESCRIPTION OF THE ORDER LAND**

- 4.1 The Order Land is identified on the Order Plan at Appendix 1 of the Order and comprises a triangular section of hard standing and shrubs situated to the northern side of Lower Road adjacent to 181 Lower Road and flanked to the rear by a high wall beyond which is East London Line Railway in cutting. The small roof overhang of 181 Lower Road is excluded from compulsory acquisition.
- 4.2 The Order Land is owned by Wandle Housing Association although as explained above the London Borough of Southwark remain the registered owner as the registration of the freehold transfer to Wandle Housing Association has not yet been completed. It is also used by a number of third-parties for car parking and prior to 4<sup>th</sup> December 2020 included an unauthorised advertising hoarding. The Order Land comprises 222.6 square metres.
- 4.3 The Order Land contains an area of land which is used for informal car parking of between 3 and 6 vehicles (with double parking and blocking of the ELL Emergency access). It is understood from conversations with Wandle Housing Association that at least one of the adjoining Housing Association tenants parks here under their tenancy agreement but TfL has not received evidence of this from Wandle Housing Association.
- 4.4 The remaining users of the car park were unknown at the time of the making of the CPO despite having made enquiries of Wandle Housing Association





and their residents. As explained below, discussions have taken place post the making of the Order with a Housing Association tenant at 181 Lower Road who does park on the Order Land and who identified other potential users of the car parking, namely persons resident at 177 and 179 Lower Road and another resident at either 173A, B or C Lower Road. Notice of the making of the CPO was served on all of these residents on 18<sup>th</sup> December, as well as site notices erected and no objections have been received.

- 4.5 In addition, the Property had an unauthorised advertising hoarding on it before 4<sup>th</sup> December 2020. The advertising hoarding has been removed but reference to the owner of the hoarding as an occupier is included in the schedule to the Order for completeness in case a land interest is claimed. Transport for London dispute that any such land interest exists. It is not clear what entity maintained the advertising hoarding prior to its removal and therefore it has not been possible to identify an address on which to serve a notice and so site notices were duly erected. No correspondence has been received in respect of the advertising hoarding since it was removed.
- 4.6 The Order Land also provides vehicle access and standing and passenger access for the Surrey Quays station emergency entrance/exit adjacent along with maintenance access to the high wall forming the top of the cutting within which the ELL runs.
- 4.7 The Order Land is located within Rotherhithe, within the London Borough of Southwark's administrative area.
- 4.8 The Order Land is not within a conservation area, nor does it include any statutorily listed buildings and structures.
- 4.9 The Order Land and the wider area sits within an Air Quality Management Area.
- 4.10 There are no records available indicating any relevant planning history for the Order Land.
- 4.11 The Order Land is more particularly described in the schedule of interests accompanying the Order, which lists the owners, lessees, tenants, occupiers of the land and other parties with a qualifying interest in the Order Land where





known as defined by section 12(2) of the 1981 Act. Details of statutory undertakers' rights and interests are also provided.

## 5. PLANNING FRAMEWORK

- 5.1 Following the publication of the updated London Plan in March 2021, the statutory development plan for the Order Land at the date of this Statement of Case now comprises:
- (a) The London Borough of Southwark's Core Strategy (2011) and saved policies from the Southwark Plan (2007);
  - (b) The London Plan (2021); and
  - (c) the Canada Water Area Action Plan ("**AAP**") which was adopted by the London Borough of Southwark in November 2015 and represents the specific policy document for determining planning applications within the Canada Water area.
- 5.2 The Core Strategy provides the spatial strategy for the borough and contains the strategic policies to guide development throughout Southwark during the period 2011-2026. The Core Strategy identifies Canada Water as a growth area and a priority for development (Strategic Objective 5A Developing in Growth Areas). The Council's vision is to transform Canada Water into a major town centre.
- 5.3 The Core Strategy supports additional business floorspace in the Action Area cores, targeting 2,000 net new jobs at Canada Water, through 35,000 sq m of additional shopping space and increased leisure space together with the provision of 2,500 new homes – 875 of which are to be affordable and at least 25% family homes (Strategic Target Policy 2 – Improving Places, Strategic Policy 3 – Shopping, leisure and entertainment, Strategic Policy 5 – Providing New Homes, Strategic Policy 6 – Homes for people on different incomes and Strategic Policy 7 – Family Homes).
- 5.4 Strategic Policy 2 of the Core Strategy (Sustainable Transport) confirms Southwark Council's approach of encouraging walking, cycling and the use of public transport rather than travel by car. The policy notes that this will help create safe, attractive, vibrant and healthy places for people to live and work





by reducing congestion, traffic and pollution. As noted above, the Order Land and the wider area sits within an Air Quality Management Area.

- 5.5 The AAP further notes that Southwark Council is aiming to make sure that the Canada Water area is highly accessible, particularly by sustainable types of transport, such as walking cycling and public transport and to reduce the impact of new development on congestion and pollution (paragraph 4.3.1). Policy 7 of the AAP states that the Council will work with TfL to improve the frequency, quality and reliability of public transport and the Project forms part of that joint working.
- 5.6 Southwark Council has also been preparing the New Southwark Plan ("**NSP**"). The NSP will be a new borough-wide planning and regeneration strategy up to 2033 and will replace the saved policies of the 2007 Southwark Plan and the 2011 Core Strategy. Southwark Council submitted the NSP to the Secretary of State on 16 January 2020 and the NSP is currently being examined by the inspectors appointed to undertake the examination in public of the NSP. Within the NSP Canada Water is designated as a Major Town Centre with capacity to expand shopping space. It falls within the broader Rotherhithe character area, where the vision is to create a new destination around Canada Water Dock, creating a new heart for Rotherhithe.
- 5.7 In the recently published London Plan (2021) Canada Water is defined as an Opportunity Area with significant potential for mixed use regeneration and intensification of existing commercial sites, focused on the transport interchanges. The London Plan (2021) suggests an indicative capacity for 5,000 new homes and 20,000 new jobs (Policy SD1 Opportunity Areas). Canada Water is also classified as a Major Town Centre within a strategic area for regeneration, with high potential for residential growth and medium potential for commercial growth. It is further classified as an area with more than local significance for the night-time economy, with a mix of culture, leisure, food and drink and other activities during the evening and at night.
- 5.8 Paragraph 2.1.12 of the London Plan (2021) notes that "the Mayor's Transport Strategy seeks to ensure that public transport and walking and cycling provision are at the heart of planning for Opportunity Areas. It sets out that the





Mayor will support growth in Opportunity Areas through transport investment and planning, and commits to setting ambitious mode share targets".

- 5.9 The designation of Canada Water as an Opportunity Area, where major growth will be focused, has meant the need for special attention to the transport impacts and how they will be mitigated. In achieving the Council's objectives of creating a major town centre at Canada Water with a vastly improved retail and leisure offer, a commercial area providing thousands of jobs and a neighbourhood delivering new homes including much needed affordable homes, there are expected to be impacts on the transport network that would lead to significant congestion and increased journey times. This is, to a large extent, a result of the constraints on the existing transport system not least the fact that the site lies in a peninsula formed by the bend in the River Thames.
- 5.10 The Project forms part of the measures required by planning policy to mitigate the transport impacts of the development in the Canada Water area and is, therefore, aligned with the planning policy applicable to the Canada Water area and the wider planning policy on supporting growth through transport investment.
- 5.11 In terms of the London Plan (2021) the improvements at Surrey Quays Station will:
- 5.11.1 Facilitate the delivery of the Mayor's strategic target of 80 per cent of all trips in London to be made by foot, cycle or public transport by 2041 in accordance with Policy T1 Strategic approach to transport.
- 5.11.2 Provide the infrastructure, to provide increased strategic and local connectivity and capacity by public transport in line with Policy T3 Transport capacity, connectivity and safeguarding.
- 5.12 The Project also enables growth which supports the following London Plan (2021) Good Growth policies:
- 5.12.1 Building strong and inclusive communities (Policy GG1) by unlocking strategic developments that include good quality services and amenities that strengthen communities and address social isolation.
- 5.12.2 Making the best use of land (Policy GG2) by prioritising higher density development on brownfield land, in Opportunity Areas, and on public





sector land sites with good public transport connections.

- 5.12.3 Creating a healthy city (Policy GG3) by promoting the Healthy Streets Approach and improving accessibility of public transport infrastructure to promote active lifestyles.
  - 5.12.4 Delivering the homes Londoners need (Policy GG4) by unlocking housing developments with an aim for all sites to deliver a minimum of 35% affordable housing in Southwark and Lewisham, using the Affordable Housing Viability Supplementary Planning Guidance where possible.
  - 5.12.5 Growing a good economy (Policy GG5) by providing public transport access to key employment hubs as well as ensuring that sufficient high-quality affordable housing is provided.
- 5.13 In terms of the MTS the improvements at Surrey Quays Station will:
- 5.13.1 Provide sufficient capacity to accommodate existing and future forecast demand within the Canada Water Opportunity Area up to 2041, aligning to MTS Proposal 71 – to deliver a programme of station capacity improvements to complement line capacity enhancements and to improve the overall public transport journey experience in London – and proposal 82 – to support growth through transport investment and planning in the Central Activities Zone, in and around town centres in close proximity to stations and in Opportunity Areas.
  - 5.13.2 Provide step free access to support a more accessible and inclusive transport network, aligning to MTS Proposal 55.
  - 5.13.3 Improve the accessibility of the Canada Water Masterplan development site by providing a new entrance on the north side of Lower Road, also aligning to MTS Proposal 82.
  - 5.13.4 Promote Healthy Streets principles within the Canada Water Opportunity Area, aligning to MTS Proposal 50 and Policy 2.
  - 5.13.5 Promote use of the public transport network through providing a high-quality passenger experience of Surrey Quays station, the London Overground network and interchange with other public transport modes, aligning to MTS Policy 10 and 13.







- 5.13.6 Enhance the development and regeneration benefits that the Canada Water Masterplan will bring to the Canada Water Opportunity Area, aligning to MTS Policy 21.
- 5.13.7 Unlock the delivery of new homes forecast within Canada Water Opportunity Area, also aligning to MTS Policy 21.
- 5.14 In summary the Project is fully aligned with the applicable planning framework and there are no planning impediments to the Project coming forward; the London Borough of Southwark having granted outline planning permission for those parts of the Project which require planning permission, the remainder being either permitted development or not development.

## **6. THE NEED FOR AND JUSTIFICATION FOR THE ORDER**

- 6.1 Under paragraph 19, Schedule 11 of the Greater London Authority Act 1999, the Secretary of State for Transport may authorise TfL to purchase compulsorily any land which is required by TfL or a subsidiary of TfL for the purposes of the discharge of any function.
- 6.2 The Guidance recognises compulsory purchase powers are an important tool to use as a means of assembling the land needed to help deliver social, environmental and economic change and used properly they can contribute to essential infrastructure. However, a compulsory purchase order should only be made and confirmed where there is a compelling case in the public interest.
- 6.3 TfL took full account of the Guidance in making the Order. It is utilising the powers under paragraph 19, Schedule 11 of the Greater London Authority Act 1999 because it is not certain that it will be able to acquire the interests to enable the Project to commence by agreement in a timely manner.
- 6.4 There is no specific guidance on the use of TfL's compulsory purchase powers under paragraph 19, Schedule 11 of the Greater London Authority Act 1999. Paragraph 12 of the Guidance notes, however, that there are certain fundamental principles that a confirming minister should consider when deciding whether or not to confirm a compulsory purchase order.
- 6.5 A compulsory purchase order should only be made and confirmed where there is a compelling case in the public interest and the purposes for which





the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected. Particular consideration needs to be given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention.

6.6 Paragraph 13 of the Guidance notes that:

*"The minister confirming the order has to be able to take a balanced view between the intentions of the acquiring authority and the concerns of those with an interest in the land that it is proposing to acquire compulsorily and the wider public interest. The more comprehensive the justification which the acquiring authority can present, the stronger its case is likely to be.*

*However, the confirming minister will consider each case on its own merits and this guidance is not intended to imply that the confirming minister will require any particular degree of justification for any specific order. It is not essential to show that land is required immediately to secure the purpose for which it is to be acquired, but a confirming minister will need to understand, and the acquiring authority must be able to demonstrate, that there are sufficiently compelling reasons for the powers to be sought at this time.*

*If an acquiring authority does not:*

- have a clear idea of how it intends to use the land which it is proposing to acquire; and*
- cannot show that all the necessary resources are likely to be available to achieve that end within a reasonable time-scale*

*it will be difficult to show conclusively that the compulsory acquisition of the land included in the order is justified in the public interest, at any rate at the time of its making."*

6.7 The land is required to deliver the Project and the design selection process has identified the Project as the only solution that can deliver the following objectives:

- 6.7.1 increasing capacity within the Station to accommodate background demand growth and the major redevelopment adjacent to and served by the station (resulting in 2041 am peak demand increasing by around





240%);

- 6.7.2 improved accessibility to the north side of Lower Road, to and from the Station, particularly the sites of the major development as well as existing homes, jobs and other origins/destinations; and
- 6.7.3 to provide step-free access between the street and the platform.
- 6.8 The preferred station development option further balances the project requirements against minimising the impact on third party land and buildings in the surrounding area.
- 6.9 Surrey Quays station, in its existing configuration, will become increasingly congested as passenger numbers increase due to background growth, development in the area and the attraction of the Elizabeth Line to which the London Overground East London Line provides a direct link. By the mid 2020s there is expected to be a significant risk of frequent station closures despite crowding management procedures being put in place by station staff to ensure that passengers using the station can remain safe. Without improvement Surrey Quays station will continue not to be able to meet the demands of disabled people and others with reduced mobility such as those with buggies or carrying heavy/bulky items.
- 6.10 Moreover development of the OA cannot be achieved without the Project. The Canada Water Masterplan Development for example is restricted so that no more than 157,500sqm GIA of commercial floorspace can be occupied until work on the Project has commenced.
- 6.11 The Guidance states that acquiring authorities must take reasonable steps to acquire all the land and rights included in the Order by agreement. Discussions have been had with Wandle as landowner since the end of 2019, however they have been complicated by the third-party use of the land (particularly car parking), issues over valuation and the unauthorised advertising hoarding.
- 6.12 Wandle were unable to confirm which residents use the car park area of the Order Land (other than the resident at 181 Lower Road) nor show any formal rights for particular residents to park there. Given the nature of the Order Land, Wandle requested that communications with their residents around the acquisition of the Order Land be made through or by them. Their direct enquiries with residents as to which residents are using the car park only





produced a response from the resident at 181 Lower Road, a copy of which was provided to TfL but for whom no further contact details were provided. The response outlined concern that part of the garden of 181 Lower Road would be removed as a result of the acquisition of land. In response to these concerns no part of the garden for 181 Lower Road is included within the Order Land.

- 6.13 TfL has since established direct communication with the resident at 181 Lower Road and communicated directly with other residents along Lower Road who may be affected by the acquisition of the Order Land, and, apart from the tenant at 181, telephone contact was made by the tenant at 179 Lower Road who advised that he parked his delivery van in the car park at nights. He confirmed that he had no contract with Wandle to park in the car park but no-one was looking after it and it was convenient. The tenant was, however, supportive of the proposals for the station enhancement.
- 6.14 Discussions have remained on-going with Wandle particularly around the valuation of their interest. Even if it is possible to successfully acquire Wandle's interest in the Order Land by private treaty, the existence of potential third-party interests, which are not under Wandle's control, mean that TfL will need to pursue confirmation of the Order from the Secretary of State.

## 7. DELIVERY AND RESOURCES

- 7.1 On 19 August 2020, TfL entered into a Grant Determination Agreement ("**GDA**") with the GLA and MHCLG. The GDA provides £80.84m in funding from the Housing and Infrastructure Fund ("**HIF**") towards work on the overall programme related to the ELL.
- 7.2 The first £8.53m of the £80.84m funding is classed in the GDA as Preliminary Costs. This is the funding amount required to take all projects within scope to completion of detailed design and the obtaining of necessary consents and, in the case of the Project this is planned to be achieved by October 2021. Initiating and developing the ELL enhancements programme as Preliminary Costs enables TfL to commence utilisation of the funding prior to completion of specific GDA conditions, such as confirmation of the Order.
- 7.3 The costs of the acquisition of the Order Land and the removal of any third-party interests can be funded as part of the Preliminary Costs or from the





wider funding as part of the delivery phase for the ELL improvements including the Project.

- 7.4 The HIF funding supplements a £10m planning obligation for the Project secured in the Section 106 Agreement for the Canada Water Masterplan Development.
- 7.5 Outline planning permission for the Project has now been secured with other necessary planning approvals to follow as explained below. The Project is unlikely to be prevented by any other physical or legal impediments to implementation.

## 8. PLANNING

8.1 Those elements of the Project which are situated within the existing Station will constitute development for which permitted development rights exist under the Town and Country Planning (General Permitted Development) (England) Order 2015.

8.2 The works situated outside the boundary of the existing Station need express planning permission and an outline planning application was submitted to the London Borough of Southwark (reference 20/AP/3744, validated on 21 December 2020). The description of the proposed development is:

“Outline planning permission with all matters reserved for a new canopy related to a future northern entrance to Surrey Quays Station fronting on Deal Porters Way and the change of use of land adjacent to 181 Lower Road to operational railway land to enable the development of step free access and stairs together with back of house facilities related to the station”.

8.3 Given that the Project is consistent with the planning policy framework relevant to the Order Land and the surrounding area (as described in the preceding sections), the importance of the Project to the wider development of the OA and the overall scale of the proposals, planning permission pursuant to the outline planning application was granted on 2<sup>nd</sup> May 2021.

## 9. RELATED ORDERS AND SPECIAL KIND OF LAND

9.1 There are no other orders required to deliver the Project, other than the Order, and there is no special kind of land involved with this Order.





## 10. HUMAN RIGHTS ACT

- 10.1 The Human Rights Act 1998 incorporated into domestic law the Convention on Human Rights (the "**Convention**"). The Convention includes provisions in the form of Articles, which aim to protect the rights of the individual.
- 10.2 Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way that it incompatible with the Convention. The Guidance provides that a compulsory purchase order should only be made where there is a 'compelling case in the public interest', and that a public authority pursuing a compulsory purchase order should be sure that the purpose for which it is making that order sufficiently justifies interfering with the human rights of those with an interest in the land affected. In making this assessment, the authority should have regard, in particular, to the provisions of Article 1 of the First Protocol and Articles 6 and 8 to the Convention.
- 10.3 Under Article 1 of the Convention, every natural or legal person is entitled to the peaceful enjoyment of his possessions. Article 1 states 'no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law'.
- 10.4 Article 6 of the Convention provides that 'in determining his civil rights and obligations...everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law'.
- 10.5 Article 8 of the Convention protects private and family life, home and correspondence.
- 10.6 It is acknowledged that the above Convention rights may be at issue in the course of making and leading up to the confirmation or non-confirmation of the Order. As regards Article 1 of the Convention, it is acknowledged that the owners and occupiers of the land comprised within the Order Land may be deprived of their property if the Order is confirmed and thereafter implemented. However, such interference will be in accordance with the law. The public benefits associated with the Order are set out in this Statement, and TfL is satisfied that the Order will strike a fair balance between the private loss of property rights and the public interest in securing the implementation of the Project (which is unlikely to happen in the absence of the Order).





- 10.7 In respect of the right to a proper hearing under Article 6 of the Convention, TfL is satisfied that the statutory compulsory purchase process provides for the consideration of objections and, if such objections are duly made, for a public inquiry to be convened into the Order, all of which complies with Article 6. With regard to the decision as to whether or not the Order should be confirmed, a right of challenge before the High Court exists. In relation to compensation disputes, affected persons have the right to refer any claim for compensation to the Upper Tribunal (Lands Chamber), being an independent body.
- 10.8 As to Article 8, this right is qualified in the case of interference in accordance with the law, where there is a legitimate aim and where it is fair and proportionate in the public interest. TfL is satisfied that their proposed use of compulsory purchase powers for site assembly of the Order Land, the confirmation of the Order and the interference caused is justified and falls within these exceptions having regard to the compelling public benefit which would arise from the Project.

## 11. EQUALITIES ASSESSMENT

- 11.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics namely: age, disability, gender re-assignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. Pursuant to section 149 of the Equality Act 2010, TfL is subject to the Public Sector Equality Duty, which requires TfL, when exercising their powers, to have due regard to the need to:
- 11.1.1 eliminate unlawful discrimination, harassment and victimization and other conduct prohibited by the Equality Act 2010;
  - 11.1.2 advance equality of opportunity between people who share a protected characteristic and those who do not; and
  - 11.1.3 foster good relations between people who share a protected characteristic and those who do not.
- 11.2 TfL has been mindful of its duty and has had regard to the impact of regeneration of the Order Land and provision of the Project on such protected characteristics. A full Equalities Impact Assessment ("**EqIA**") was commissioned by TfL in support of the Order. It contains a detailed





assessment of whether the proposals have a direct or indirect impact on groups with protected equality characteristics.

- 11.3 It considers the impact on parties affected by the Order and in particular the effect of the loss or relocation of the informal parking as a consequence of the use of the Order Land for the Project.
- 11.4 The EqIA identifies risks which could have a negative impact in the short term during construction if not mitigated. Overall the Project is expected with mitigation to have positive impacts for older people, disabled people and pregnant people through the provision of the new lifts, removing issues of congestion, providing accessible urban realm improvements to integrate the new station entrance with the proposed Canada Water Masterplan Development site for seamless and safe travel between the two and the provision of raised platform bumps to aid visually impaired passengers and associated ramps.
- 11.5 Since the Order has been made, further enquiries have been made to try to establish any detriment that may be suffered as a result of the loss of the informal off-street parking. TfL have not been provided with any evidence from any owners, occupiers or neighbouring residents of the Order Land which would suggest that any of the residents would suffer a significant detriment as a result of the loss of the informal off-street parking including as a result of disability. In addition, none of the residents have objected to the CPO and the right to park on the Order Land is precarious.
- 11.6 Based on the information available to TfL at the date of this Statement, TfL currently considers that affected residents would have adequate replacement for their parking through on-street parking in the vicinity where necessary. TfL has considered alternative off-street parking however only one possible location was found and on further design review a number of issues arose in relation to its feasibility and the ability to secure planning permission for those replacement spaces.







## 12. OBJECTION

- 12.1 One objection has been made to the Order by Wandle Housing Association ("**Wandle**"). None of the users of the informal car parking have objected despite being served personal notices.
- 12.2 TfL is continuing to negotiate with Wandle with a view to acquiring Wandle's land by agreement.
- 12.3 TfL does not consider that the issues raised in the objections materially affect or undermine the compelling case in the public interest for confirmation of the Order.
- 12.4 The grounds raised by Wandle and TfL's response to the same are set out below. TfL will amplify these responses, as appropriate, in the evidence to be given at the Inquiry.

### **Grounds of Objection**

- 12.5 Wandle's objection is made on the following grounds:
1. the acquiring authority does not have a clear idea of how it intends to use the Order Land;
  2. the acquiring authority has made inadequate attempts to acquire by private treaty; and
  3. the proposed compensation does not take full account of the development potential of the Order Land, disturbance, severance and injurious affection.

### **Ground 1: the acquiring authority does not have a clear idea of how it intends to use the Land**

- 12.6 Wandle's first ground "the acquiring authority does not have a clear idea of how it intends to use the Land" stems from the fact that the detailed design of the station is still to be completed. Wandle's objection to this appears not to be that their land may not be required but that, due to only outline planning permission being sought for the elements of the Project which would not be on existing TfL operational land, the effect on the amenity of their retained land cannot be truly assessed.





- 12.7 Whilst outline planning permission has been sought and obtained, TfL is under no doubt that the Order Land is required. As explained in section 3 above, the Project has been through a design process which confirmed that a new entrance on the north side of Lower Road is required as this is the only solution that can deliver all of the project requirements. The Order Land would facilitate the construction of a new footbridge and lifts and also house station accommodation that would need to be moved from other parts of the station to facilitate the other station improvements. The Order Land will also include the provision of a secondary means of escape, provision and maintenance of which is a health and safety requirement.
- 12.8 The outline planning application has allowed for full consideration of the effects of the development on Wandle's land holdings at 181 Lower Road in particular. The outline planning permission is the subject of parameter plans and so the maximum extent of the station proposals on the Order Land are fixed and, therefore, the worst case (in terms of effects) on Wandle's retained land has been assessed.
- 12.9 The outline planning application was accompanied by a Design and Access Statement and a Daylight/Sunlight report. The former confirms TfL's intention to mitigate any effects on 181 Lower Road and indeed more generally on the adjacent property.
- 12.10 The Daylight/Sunlight report assesses the maximum parameters and represents the worst case. 181 Lower Road has only a single flank window facing the Order Land (there are three others which have been closed up and rendered over for many years). This is a secondary window to the living space with the room being principally lit from main windows overlooking Lower Road. The results of the daylight/sunlight assessment show that, whilst there will be some reductions to one individual window, the amount of daylight received within the neighbouring habitable room will remain very high and the normal use of this space should not be adversely affected. The assessment of sunlight to neighbouring windows has also shown full compliance with the BRE criteria. Overall, the effects of the scheme to the secondary flank window are considered to be acceptable given the high levels of retained daylight and sunlight amenity to the space as a whole. Due to the existence of other windows there is also no reason to assume that ventilation would be affected.
- 12.11 A gap has been left between the maximum extent of the built development





and 181 Lower Road to enable external access to the rear garden and maintenance of the side of 181 Lower Road. TfL will need to control this area to enable it to maintain the new station entrance and control access in this area. An easement would be granted to 181 Lower Road over the gap for access to the back garden of 181 Lower Road and for maintenance of the property. The gap will be kept secure through the erection of a secure gate, designed to prevent access to the gap by third parties, which would be important to both TfL and the occupiers of 181.

### **Ground 2: Attempts to negotiate**

12.12 Wandle allege that TfL has failed to engage meaningfully in negotiations proffering terms which do not reflect the commercial reality of the proposal. Three areas of complaint are pleaded:

- (a) TfL originally requiring an option agreement to be entered into rather than a sale. This remains TfL's preferred method of acquisition not because of the Project being uncertain, but because TfL do need the certainty of confirmation of the Order before being able to finalise the acquisition, due to potential third party interests and Wandle's inability to offer up vacant possession. This also has the benefit of enabling the existing informal parking arrangements to continue for a while longer until TfL is ready to commence construction.
- (b) No proposals have been put forward in respect of the access to the rear of 181 Lower Road. TfL have committed to continue to provide access to the rear and side of 181 Lower Road for the benefit of Wandle and the resident at 181 Lower Road.
- (c) Negotiations on the relocation of the car parking have relied solely on a possible alternative arrangement put forward by Wandle, TfL have not sought to offer any alternative as intimated in the Statement of Reasons. This is addressed at paragraph 11.5 and 11.6 above.

### **Ground 3: Compensation**

12.13 The crux of this ground is that TfL's original offer to acquire the land at £65,000, which is based on the existing use of the site as 4 car parking spaces, is not adequate compensation. Wandle claim, however, that they would be entitled to development value and their surveyor's view is that the





market value for the land would be £1,000,000. This figure is unsubstantiated.

- 12.14 Disagreement as to the level of compensation payable is not itself, a valid ground of objection, the amount of compensation that should be payable is a matter for the Upper Tribunal (Lands Chamber) and not for the Secretary of State.
- 12.15 Compensation payable for the compulsory acquisition of an interest in land is based on the 'equivalence principle' (ie that the owner should be paid neither less nor more than their loss). The value of land taken is the amount which it might be expected to realise if sold on the open market by a willing seller. Since the Order was made, TfL have received independent advice that a purchaser may be prepared to pay development value for the prospect of alternative development on the site and are continuing to try to reach agreement with Wandle on value on that basis. However the question as to the amount of compensation that should be paid is a matter for the Upper Tribunal (Lands Chamber) and not for the Secretary of State.
- 12.16 Accordingly TfL has made a meaningful attempt, informed by professional advice, to acquire the Order Land by Private Treaty.





### 13. CONCLUSION

13.1 For the reasons set out in this Statement of Case, TfL considers that the criteria in the Guidance is satisfied and that there is a compelling case in the public interest for confirmation of the Order.

### 14. SUPPORTING DOCUMENTS

14.1 TfL intends to refer to or put into evidence at the Inquiry the documents, plans and maps listed in section 15 of this Statement. TfL reserve the right to add or remove documents from this list, as necessary, including in response to evidence put forward by objectors.

14.2 Copies of the documents listed in the Appendix to this Statement are available are available on TfL's website:

<https://tfl.gov.uk/surrey-quays-upgrade>

14.3 Hard copies of the documents listed in the Appendix to this Statement can be made available by contacting Vicky Fowler, Gowling WLG, 4 More London Riverside, London, SE1 2AU, telephone 0370 903 1000 or e-mail [vicky.fowler@gowlingwlg.com](mailto:vicky.fowler@gowlingwlg.com).

### 15. INQUIRY SUPPORTING DOCUMENTS

15.1 TfL intends to refer to or put in evidence the following documents in addition to this Statement of Case and proofs of evidence:

No	Document Name
<b>A</b>	<b>Order Documents</b>
1	The Order
2	The Order Map





No	Document Name
3	Statement of Reasons for the Order
<b>B</b>	<b>Policy Documents</b>
1	Guidance on Compulsory purchase process and The Crichele Down Rules" issued by MHCLG
2	London Plan 2021
3	London Borough of Southwark's Core Strategy (2011) and saved policies from the Southwark Plan (2007)
4	Canada Water Area Action Plan (AAP)
5	New Southwark Plan
6	Mayor's Transport Strategy March 2018
<b>C</b>	<b>The Project</b>
1	Planning Application Drawings
2	Design and Access Statement
3	Daylight and Sunlight Report
4	Outline Planning Permission dated 2 May 2021
5	London Borough of Southwark Officer's Report in relation to the grant of the above Outline Planning Permission





15.2 TfL reserves the right to introduce such additional documents as may be relevant to any public inquiry in respect of the Order and will endeavour to notify the public inquiry and any statutory third parties of any such documents as soon as possible prior to the opening of such public inquiry.

