

# The Transport for London (Catford Town Centre Highway Realignment) Compulsory Purchase Order 2024

Sections 239(1), 239(3), 246(1) and  
250 of the Highways Act 1980 and  
The Acquisition of Land Act 1981

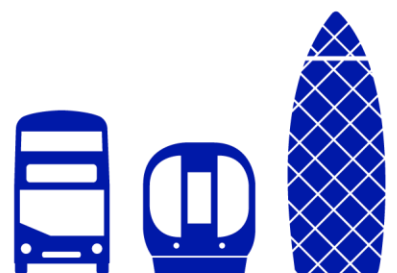
Statement of Case



# STATEMENT OF CASE

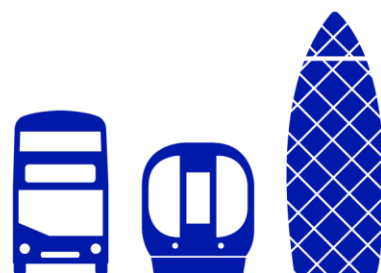
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## 1 INTRODUCTION AND PURPOSE OF THE STATEMENT OF CASE

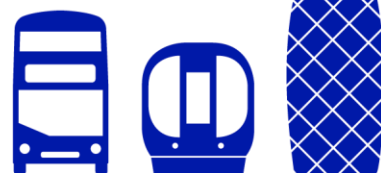
- 1.1 Transport for London (hereafter referred to as “TfL” and “Applicant” interchangeably) is a statutory body created by the Greater London Authority Act 1999, which imposes a general duty on the Mayor of London to develop and apply policies to promote and encourage safe, integrated, efficient and economic transport facilities and services within London. TfL is the integrated transport authority responsible for meeting the Mayor’s Transport Strategy (CD/29) and transport commitments in London. This is a broad remit including responsibility for, among other things, the Transport for London Road Network (“TLRN”), the London Underground, Docklands Light Railway and Overground rail services, buses and trams.
- 1.2 On 15 January 2024, TfL made the Transport for London (Catford Town Centre Highway Realignment) Compulsory Purchase Order 2024 (the “Order”) (CD/2) pursuant to sections 239, 246 and 250 of the Highways Act 1980.
- 1.3 The Order was publicised in accordance with the Acquisition of Land Act 1981. Three objections were received during the objection period, which ended on 16 February 2024, from—
- 1.3.1 Network Rail
  - 1.3.2 The Arch Company Properties Limited (represented by Gerald Eve LLP)
  - 1.3.3 St. Dunstan’s College (represented by Mills & Reeve LLP)
- Each of the objectors has rights in property affected by the Order.
- 1.4 TfL submitted the Order for confirmation to the Secretary of State for Transport on 21 February 2024. By letter dated 25 March 2024 (CD/42), the Secretary of State indicated his intention to hold a public inquiry into the Order and specified that the relevant date for the purpose of rule (3)1 of the Compulsory Purchase (Inquiries Procedure) Rules 2007 (the “2007 Rules”) was 25 March 2024. The inquiry is to be held on 2<sup>nd</sup> and 3<sup>rd</sup> October 2024 at Civic Suite, Lewisham Town Hall, Catford, London SE6 4RU. The Applicant will, on request, afford any person reasonable opportunity to inspect and, where practicable and subject to the payment of a reasonable charge, take copies of any statement or documents which have been served on or by it in connection with the Order at the offices of its solicitors BDB Pitmans LLP, One Bartholomew Close, EC1A 7BL during normal business hours.
- 1.5 This Statement of Case (the “Statement”) (CD/1) is provided in support of the Order. In preparing this Statement, the Applicant has endeavoured to provide sufficient information so its reasons for making the Order can be properly understood. The Applicant has also endeavoured to respond, at section 11 below, to the objections received.



- 1.6 This Statement has been prepared in accordance with the Department for Levelling Up, Housing & Communities' "Guidance on Compulsory Purchase Process and the Crichel Down Rules" (2019) (the "2019 Guidance") (CD/18). In accordance with paragraph 36 of the 2019 Guidance, it is based on the earlier non-statutory Statement of Reasons but contains a response to the objections made to the Order.

#### Purpose of Order

- 1.7 The Applicant's purpose in making the Order (CD/2) and seeking confirmation by the Secretary of State for Transport is to enable the Applicant to acquire compulsorily the land and rights over the land included in the Order (the "Order Land").
- 1.8 The Applicant seeks the compulsory acquisition of land and rights in Catford town centre to facilitate the delivery of high-priority improvements in the form of a road realignment and removal of gyratory (the "Road Scheme") as described further in section 2 of this Statement.
- 1.9 The Road Scheme addresses the road network challenges in and around Catford town centre<sup>2.3</sup>. It will benefit road users, pedestrians, and cyclists; improve road safety within Catford town centre and improve access to public transport and sustainable travel choices as London's population increases. As an incidental benefit, the Road Scheme is also expected to facilitate, in due course, the London Borough of Lewisham's ("LB Lewisham") separate growth and regeneration strategy for Catford town centre (see section 2.3 of this Statement for more detail). The Road Scheme was chosen, following consideration of a number of alternative schemes (see section 3.37.10 of this Statement) and consultation (see section 8.45 of this Statement), as achieving the greatest net benefits overall to Catford.
- 1.10 Several landowners are subject to the Order's compulsory acquisition powers (see section 4.7 of this Statement), which extend over some of their property. The full extent of the Order Land is set out in greater detail in sections 4.7 and 5.6 of this Statement and is identified on the map accompanying the Order (the "Order Map") (CD/2). Although the Applicant may need to acquire land compulsorily, its plans do not involve acquiring private dwellings.
- 1.11 Discussions and negotiations with the landowners, including those who have objected to the Order, are ongoing (see section 11 of this Statement). If agreement is not reached in a timely manner, the Applicant will not be able to deliver the Road Scheme as currently proposed. The Applicant has therefore brought forward the Order concurrent to those negotiations in accordance with the 2019 Guidance (CD/18).
- 1.12 The Applicant applied for planning permission for the Road Scheme from LB Lewisham on 15 December 2023 (case reference DC/23/134279) (CD/15). The planning application is progressing independently of the Order confirmation process (see section 6.2.5 of this Statement).

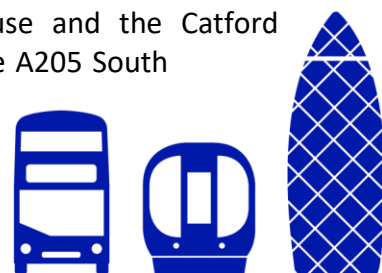


- 1.13 The Road Scheme’s objectives fall within local and national planning frameworks and policies to justify the acquisitions. This is explained in more detail in section 7.4 of this Statement.
- 1.14 The Applicant is satisfied that there is a compelling case in the public interest for the compulsory purchase of the Order Land (or rights in respect thereof), as required by the 2019 Guidance, to deliver the Road Scheme.

## 2 DESCRIPTION OF PROPOSED ROAD SCHEME

### General description

- 2.1 In summary, the Road Scheme consists of changing the layout of the South Circular A205 Catford Road (the “A205 South Circular”) including removing the one-way system around Plassy Island. In this Statement, references to Plassy Island are to the area enclosed by Brownhill Road to the north, Plassy Road to the east, Rushey Green to the west and Sangley Road to the south.
- 2.2 More specifically, the proposed Road Scheme includes the following:
- 2.2.1 realignment of a stretch of the A205 South Circular taking a strip of land on the northern edge of the St Dunstan’s College (“SDC”) Jubilee Ground sports field and re-routing the A205 South Circular through land currently forming a car park to the south of Laurence House;
  - 2.2.2 conversion of the existing A205 South Circular one-way gyratory system around Plassy Island to two-way working;
  - 2.2.3 the addition of three new pedestrian crossings, layout improvements to existing crossings, to widen them and make them more direct;
  - 2.2.4 widened footways to and from key locations, such as between the Catford Bridge railway station and the town centre area;
  - 2.2.5 dedicated cycling facilities on both the A205 South Circular (in the form of a dedicated and segregated track) and A21 (segregated with-flow cycle lanes and widened shared bus lanes);
  - 2.2.6 changing bus stop arrangements to complement the above elements of the Road Scheme;
  - 2.2.7 substantial augmentation of green and blue infrastructure including tree planting, permeable paving and sustainable drainage systems (“SuDs”);
  - 2.2.8 closure to traffic of the area between Laurence House and the Catford Broadway Theatre, to make redundant the section of the A205 South Circular between Laurence House and the Civic Suite;  
and





2.2.9 the creation of two new vehicle entrances to the SDC Jubilee Ground sports field.

2.3 Catford is a major town centre in the London Borough of Lewisham. The Road Scheme will make improvements to better accommodate pedestrians and cyclists, while promoting active forms of travel and improving journey time reliability for all users (section 2.3 of this Statement provides further details on the benefits which will be delivered by the Road Scheme). In addition to its intrinsic merits, the Road Scheme will reduce the effect of the gyratory system's severance of Catford town centre. Further, it aligns with LB Lewisham's ambition to regenerate Catford town centre, and the Catford Town Centre Framework (2021) (CD/33), which articulates LB Lewisham's aspiration to re-align the A205 South Circular to support significant redevelopment within the town centre.

### **3 NEED FOR THE PROPOSED ROAD SCHEME AND JUSTIFICATION FOR POWERS OF COMPULSORY ACQUISITION**

#### Current layout

- 3.1 A key orbital route across south London, the A205 South Circular runs from the Woolwich Ferry in the east, to the Chiswick Flyover in the west. Together with the North Circular Road and Woolwich Ferry, it makes a complete ring-road around central London. At Catford, the A205 South Circular (part of the national Major Road Network) intersects with the A21 (a key radial route), linking Catford with the town centres of Lewisham to the north and Bromley to the south.
- 3.2 The severance and noise associated with the A205 South Circular, two railway lines (serving two National Rail stations: Catford and Catford Bridge) and the A21 define the experience of Catford for pedestrians, cyclists, and road users. Severance caused by the road network is a particular issue. The high volume of traffic on the A205 South Circular, combined with its variable widths, make it an imposing road for pedestrians to cross, creating significant levels of severance and issues with road safety. The noise is also not mitigated by planting or wider pavement widths/level changes as it is in other parts of the A205 South Circular.
- 3.3 Further, the existing pedestrian and cycle links are inadequate, convoluted, and confusing for users. People using the A205 South Circular at Catford Bridge for active modes find that use to be compromised by narrow lanes and traffic. The narrow pavements and road make walking and cycling along the route feel unsafe.
- 3.4 There is also an issue with road safety of the current highway layout which causes a hostile environment for pedestrians, cyclists and public transport users. This is reflected in the high number of collisions involving pedestrians and other vulnerable road users, as outlined further at paragraph 3.17 below.



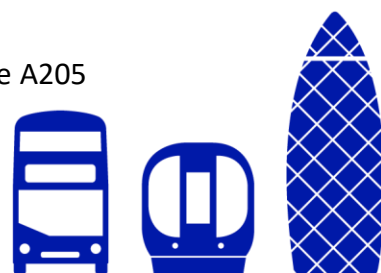
- 3.5 Severance is particularly pronounced at Plassy Island, where the A205 South Circular comprises a one-way gyratory system which entirely surrounds Plassy Island, cutting it off from the wider town centre. Whilst a road gyratory (one-way system) can be efficient for motor traffic, traffic and congestion is significant throughout the day, increasing the effect of the severance. This also negatively impacts bus passengers who are travelling on routes that do not have a contra-flow bus lane, requiring those passengers to cross busy roads to access bus stops which would otherwise be on their side of the road were it not for the one-way system.

#### Traffic Dominance

- 3.6 Catford's physical character is heavily dominated by infrastructure for motorised vehicles, with the A205 South Circular crossing the area east-west, the one-way gyratory system passing around Plassy Island to the west of the town centre, and the A21 Rushey Green / Bromley Road providing a north-south route. The main commercial areas are Catford Shopping Centre, situated to the north of Catford Broadway, Plassy Island, and commercial frontages on the A21 between Catford and Lewisham. Plassy Island is made up of a retail park on its eastern side with retail shops and other premises along the buildings facing onto Rushey Green on the western side.
- 3.7 The A205 South Circular is largely a sequence of urban streets joined together, requiring several at-grade turns, unlike the mostly purpose-made carriageways of the North Circular. As a result, it is frequently congested.
- 3.8 The Catford gyratory recorded a daily use of 43,096 vehicles at the last pre-pandemic manual classified count, from 2018, which represents an increase of 18 per cent from the previous full classified count carried out in 2013 (CD/43). This is the main cause of delays and congestion through the town centre. This congestion affects all travel modes.
- 3.9 Catford currently sees significant congestion on the A205 South Circular and A21 routes, partly due to the route not being suitable for the volume of traffic; and partly given the lack of alternatives for active travel and the difficulty of using public transport (see below).

#### Improving pedestrian crossings and cycling facilities

- 3.10 There are currently 20 signalised pedestrian crossing facilities within the Road Scheme area, on the A205 South Circular as well as on the A21. Some are dedicated crossings, whilst others are signalised carriageway junctions with pedestrian phases built in. There are no at-grade crossings within 50m of either National Rail station entrances, with the closest crossing to Catford Bridge station being around 110m west on the A205 South Circular. Whilst there is an existing subway that connects the A205 South Circular southern footway to Catford Bridge station, on-site observations suggested that pedestrians preferred to cross at-grade and 'gap-see' between the traffic, leading to several collisions involving pedestrians at this location over the last few years.
- 3.11 The lack of high-quality cycling facilities around the gyratory, on the A205 South Circular and the A21 within Catford town centre is to be noted, particularly when compared with similar inner London town centres.



- 3.12 Orbital routes that serve high volumes of traffic, such as the A205 South Circular, tend to see lower levels of cycle usage in shared carriageway conditions where no high-quality cycling facilities are available, due to their subjective unattractiveness. Lower levels of cycling usage are also noted on the A21, even though it functions as a main arterial route. Both routes have observed circa 2 per cent cyclist usage, as a total of their Annual Average Daily Flows from recent manual classified counts.
- 3.13 When approaching the A205 South Circular from the west, heading east, there is a short stretch of mandatory (but unsegregated) cycle lane between the Catford and Catford Bridge National Rail stations. This becomes an advisory cycle lane (both sections at circa 1.5m wide) as it approaches the Doggett Road junction, after which there are no further cycle lane facilities, although there are 5m-long cycle reservoirs (areas dedicated to cycles immediately before a traffic signal) at subsequent signalised junctions. There are no other similar facilities on the gyratory beyond Catford Road.
- 3.14 With regards to the A21, the bus lanes in both directions on the approach to, and within, the Road Scheme extents do permit cycle use but, at around 3m in width, they are not wide enough to allow buses to safely overtake cyclists without leaving the bus lane. There are no cycle reservoirs on the A21 at its signalised junctions within the Road Scheme extents.
- 3.15 Besides the issues noted above at paragraphs 3.13 and 3.14, there are no cycling facilities within the Road Scheme extents that are compliant with either the Applicant's London Cycling Design Standards (CD/40) or the national LTN 1/20 cycle infrastructure design guidance (CD/39). This acts as a barrier to the growth of cycling in the area, despite the significant levels of local potential set out in the Applicant's Strategic Cycling Analysis, which shows that Catford is in the top 5 per cent for potential cycling, London-wide. The Department for Transport's ("DfT") Propensity to Cycle Tool<sup>1</sup> also indicates significant unrealised cycling potential around Catford.

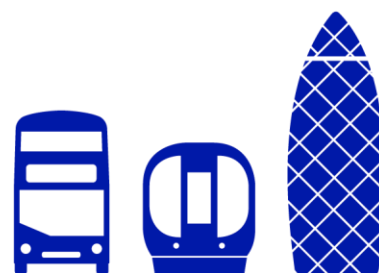
#### Improving road safety

- 3.16 The existing highway gyratory causes a hostile environment for active travel options and public transport users. This is reflected in the high number of collisions involving pedestrians and vulnerable road users.
- 3.17 Within the Road Scheme area, 125 collisions were recorded between March 2017 and March 2020.<sup>2</sup> 28 per cent of these involved pedestrians, 12 per cent involved cyclists and 60 per cent involved all other motorised modes. Included in these figures is one fatal collision, involving an HGV and a pedestrian, which occurred in May 2017.

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<sup>1</sup> Source: <https://www.pct.bike/>.

<sup>2</sup> The consideration period included the start of the nationally mandated Covid lockdown, which saw traffic levels reduced along with collisions. The Applicant will also consider the post-Covid position regarding types and causes of collisions as the design develops. The Applicant anticipates updated post-Covid traffic modelling to be available in May 2024

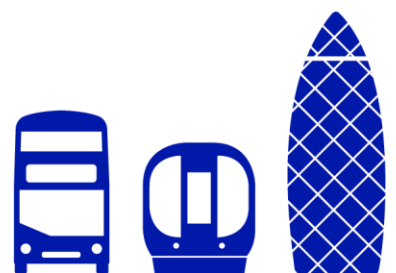




- 3.18 There are multiple collision clusters across the Catford town centre area. Cars and taxis have the highest collision numbers, when analysed by mode, which relates to their dominance within the modal mix.
- 3.19 TfL's road safety-related indicators show that Catford is a high priority area for intervention to improve road safety within London. Collisions at junctions and the roads approaching the junctions demonstrate an urgent need for intervention, with Catford's roads and junctions being the fifth highest priority for safety improvement in London when the links (roads approaching junctions) and nodes (junctions) are viewed together in aggregate.

#### Improving public transport and modal interchange

- 3.20 Catford is an important centre for bus and rail services, both for access and interchange. However, reliability of bus journey times has deteriorated significantly, due to frequent congestion in the town centre.
- 3.21 There are two National Rail stations in Catford town centre, Catford Bridge and Catford. The former provides services to Charing Cross and Hayes (Kent), whilst the latter provides services to Blackfriars, Sevenoaks and Orpington (generally during peak hours).
- 3.22 As noted previously, severance and noise associated with the A205 South Circular, two railway lines and the A21 define the poor-quality experience of Catford for pedestrians, cyclists, and road users. Severance caused by the road network is a particular issue.
- 3.23 The high volume of traffic on the A205 South Circular, combined with its variable widths, make it an imposing road for pedestrians to cross, creating significant levels of severance. The noise is also not mitigated by planting or wider pavement widths/level changes as it is in other parts of the A205 South Circular.
- 3.24 The gyratory system around Plassy Island also causes severance between the island and the surrounding town centre. The A21 is a key road within South London and carries a high volume of traffic. This furthers the severance experienced by the retail park and limits its integration with the surrounding context.
- 3.25 The existing pedestrian and cycle links in Catford town centre are convoluted and confusing for users. People using the A205 South Circular at Catford Bridge for active modes are compromised by narrow lanes and traffic. The narrow pavements and road make walking and cycling along the route feel unsafe.
- 3.26 As a consequence of the above, improvements to the experience of public transport users are required and that the improvements will allow improved modal interchange between different forms of public transport across Catford town centre.



## Road Scheme benefits

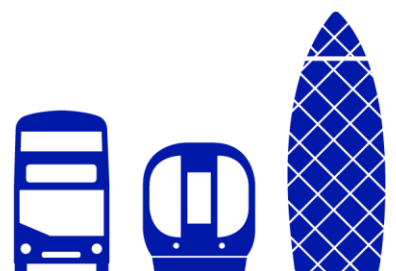
- 3.27 The Road Scheme would simplify the road network in Catford and make it easier and safer to walk, cycle and use public transport. This would provide an active and sustainable travel context while also improving reliability of journeys by all travel modes. The Road Scheme aims to make Catford town centre a more comfortable place to get around for those on foot, with wider footways, removed redundant street furniture, improved footway surfaces, and new light-controlled pedestrian crossings at several locations within the Road Scheme boundary. The realignment of the A205 South Circular and removal of the redundant sections of road would facilitate creation of a largely car-free town centre, with improved pedestrian and cycle access to shops, leisure facilities and other local amenities. It also supports LB Lewisham's ambitious long-term future regeneration plans to create a greener town centre and deliver new homes, shops and public space (as envisaged in Catford Town Centre Framework (CD/33)).
- 3.28 The Road Scheme is designed to improve journey time reliability for all modes and facilitate more active travel in the Catford town centre by:
- 3.28.1 optimising allocation of road space, protecting bus journey times and reliability through Catford town centre; and
  - 3.28.2 increasing active travel by providing segregated cycle facilities, improved wayfinding and improved walking and cycling links (e.g. to Catford Bridge station).
- 3.29 The Road Scheme will also improve road safety for vulnerable road users in particular by:
- 3.29.1 providing increased and improved crossing points, wider pavements where possible and segregated cycle routes with advanced stop lines;
  - 3.29.2 reducing road danger specifically for pedestrians, cyclists and bus users;
  - 3.29.3 improving road users' perceptions of road safety; and
  - 3.29.4 reducing the severity of collisions.
- 3.30 The Road Scheme will also improve access to public transport by improving access to the railway stations by providing a new crossing across the A205 South Circular near the stations and widening the pavements leading to the station forecourt. This, along with maintaining bus journey times, is expected to improve the perception of public transport use and increase bus patronage for travel to and from Catford town centre.
- 3.31 The Road Scheme will achieve these benefits by making the following improvements:
- 3.31.1 widening of more than 450m of footways, including along the A205 South Circular at key locations such as the western approach to the town centre;
  - 3.31.2 improving wayfinding and creating 20 improved controlled crossings on desire lines, including the provision of a new wider crossing directly in front of Catford Bridge Station;



- 3.31.3 delivering 750m of segregated cycle tracks and improved crossing arrangements; and
  - 3.31.4 introducing bus priority measures including the re-provision of 700m dedicated bus lanes and the relocation of bus stops in response to the highway realignment.
- 3.32 The Road Scheme is also designed to assist LB Lewisham’s future regeneration plans by putting in place improvements that will help LB Lewisham to realise its aspirations for Catford town centre, including:
- 3.32.1 comprehensive landscaping works to create a greener town centre with incorporation of SuDs. This includes extensive tree/shrub planting, new rain gardens<sup>3</sup>, planters and tree pits, and the use of permeable surfacing on cycle lanes and footways;
  - 3.32.2 provision of larger, more integrated and welcoming green spaces on Rushey Green, including the introduction of natural landscape features; and
  - 3.32.3 enhancing the area surrounding Catford Bridge station with widened pavements, seating areas and planting.
- 3.33 The Road Scheme will also release the currently hostile space that segregates Laurence House from Catford Broadway and Catford’s commercial core into what LB Lewisham envisage will be public realm space. Re-aligning the A205 South Circular has been under consideration for several years. LB Lewisham has safeguarded land to enable its delivery, and it remains a priority project that is key to the Catford Town Centre Framework (CD/33). The Road Scheme provides an opportunity to extend the pedestrianised zone around the Civic Centre that, through associated public realm improvements, would create a much more attractive, calm, and hospitable environment for people living, working, shopping and visiting the Catford town centre.
- 3.34 Although the Road Scheme will result in the loss of 43 trees, many of these are poor quality and the Applicant has included at least 132 new replacement trees within the design to be planted as part of the Road Scheme. Overall, the Catford town centre area will be greener and provide increased levels of biodiversity.
- 3.35 Habitat creation and enhancement will be finalised at the detailed design stage.

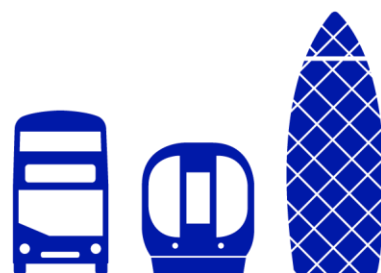
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<sup>3</sup> Rain Garden: A soft planted area that accepts water run-off from the road and/or pavement allowing this water to soak away, rather than this water going directly into a traditional highway gulley and on into the sewerage system.



## Public interest

- 3.36 The need for the compulsory purchase of land for the Road Scheme arises from the combination of the re-alignment of the A205 South Circular with improved modal separation, bus priority measures and widened footways, as compared to the existing highway being removed, as well as the widening of existing highway to accommodate two-way traffic together with improved modal separation, bus priority measures and widened footways.
- 3.37 The Applicant is satisfied that there is a compelling case in the public interest for the compulsory purchase of the Order Land and rights to deliver the Road Scheme, because it will bring net benefits to Catford in the form of:
- 3.37.1 improved journey time reliability resulting from optimised road space allocation;
  - 3.37.2 improved pedestrian and cycling facilities, including improved crossing points, widened pavements and segregated cycle facilities;
  - 3.37.3 increased walking and cycling trips through, to and from the Catford town centre, resulting from prioritising active modes of travel and improving wayfinding;
  - 3.37.4 reduced levels and severity of collisions, along with improvements to perception of road safety, resulting from increased and improved crossings, including controlled crossings;
  - 3.37.5 reduced road danger for pedestrians, cyclists and bus users, resulting from travel mode segregation where possible and widened footways at key locations;
  - 3.37.6 better access to public transport, resulting from improved links with active travel modes and a new crossing in front of Catford Bridge Station;
  - 3.37.7 increased bus patronage, resulting from 700m of dedicated bus lanes and relocation of stops;
  - 3.37.8 incorporation of sustainable urban drainage measures, permeable paving and tree planting;
  - 3.37.9 improved sense of place resulting from the reduced severance of the town centre and the release of land to facilitate LB Lewisham's planned improvements to public spaces and Catford's commercial core; and
  - 3.37.10 improved greening and climate resilience, resulting from both the Road Scheme works and the facilitation of LB Lewisham's regeneration of Catford town centre.



## 4 ALTERNATIVES TO THE PROPOSED ROAD SCHEME

4.1 The Applicant has considered different options to alleviate traffic, safety and public transport concerns in this area of Catford. Between 2017 and 2019, the Applicant carried out optioneering work during the Road Scheme's outcome definition and feasibility stages. An Options Assessment Report from March 2023 (CD/7) sets out the Applicant's work.

4.2 Four shortlisted design approaches were considered at the feasibility stage:

4.2.1 *Do nothing.*

4.2.2 *Design Approach 1: Do-Minimum.* The gyratory and A205 South Circular highway alignments would remain. There would be new pedestrian crossings, but there would not be new cycle facilities. Public space would be revised. Two design options were identified for this option initially (Do-Minimum Options A and B).

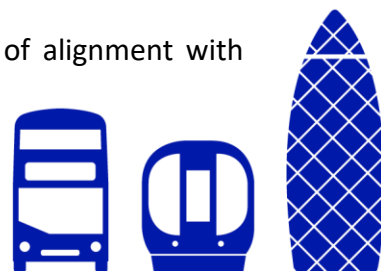
4.2.3 *Design Approach 2: Remove gyratory only.* Two-way highway traffic would be introduced to replace the gyratory but, as with Option A, the A205 South Circular highway alignment would be retained and the public space would be revised. New pedestrian crossings and cycle facilities would both be introduced. One design option was identified for this option (Hybrid Option A).

4.2.4 *Design Approach 3: Remove gyratory and realign A205 South Circular.* This goes further than Design Approach 2 by including both the removal of the gyratory system as well as the realignment of the A205 South Circular. There would be new pedestrian crossings, cycle facilities, and public space. Five design options were initially identified for this option (Hybrid Options B, C, D, E and F).

4.3 It was considered that Design Approach 3 met the objectives of the Road Scheme better than the other options in terms of the net benefits to Catford as described in paragraph 3.37 above: in particular, Design Approach 1 would not have improved journey time reliability, road safety or cycling facilities and would not have improved a sense of place by reducing severance of the town centre or improved greening and climate resilience; Design Approach 2 would have had lesser benefits in terms of improved journey time reliability and road safety and would not have improved a sense of place by reducing severance of the town centre or improved greening and climate resilience.

4.4 From Design Approach 3, all of the options would have required land take from third parties. Two options were shortlisted, Hybrid Options B and C. Hybrid Option C kept the current alignment of the A205 South Circular west of the A21 but required a new road through Plassy Island. This would have severed the current retail park, a considerable disbenefit. Hybrid Option B is the shortlisted option aligned with the Road Scheme under the Order (CD/2).

4.5 Hybrid Option B was the emerging favoured option, for reasons of alignment with scheme objectives, strategic fit with TfL and LB Lewisham objectives and deliverability, including land-take considerations.





- 4.6 It performed best in terms of the net benefits to Catford as described in paragraph 3.37 above, including as regards reducing severance across the town centre. Improving the public realm and the provision of enhanced pedestrian and cycle facilities were also best achieved through this option. It avoids severance of Plassy Island and realigns the A205 South Circular opposite Sangley Road which optimises the traffic flow with the removal of the gyratory system. It further aligned better with LB Lewisham’s local policies.
- 4.7 No objector to the Order has suggested that there is a preferable alternative for delivering the benefits of the Road Scheme.

## 5 SCOPE OF COMPULSORY ACQUISITION

5.1 The Applicant confirms that not all of the land needed to carry out the Road Scheme is Order Land, because:

5.1.1 The Applicant is either the highway authority or owns some of the required land.

5.1.2 Further required land is being acquired separately by private agreement.

5.2 Out of the total Road Scheme area of 6.8 hectares, the Order (CD/2) only provides for approximately 3.03 hectares of land over which land or rights are to be acquired compulsorily. Of this:

5.2.1 0.42 hectares will be permanently required for the widened highway from SDC (an independent school and established charity), Network Rail and the Royal Borough of Kensington and Chelsea at Sangley Road;

5.2.2 0.05 hectares over which permanent rights will be required on SDC and Network Rail land;

5.2.3 0.82 hectares of LB Lewisham land over which the acquisition of third-party interests only is sought; and

5.2.4 1.74 hectares for construction rights over SDC and Network Rail land (i.e. rights to be used temporarily for the purposes of construction of the Road Scheme),

(see section 5.6 of this Statement and the Order Map (CD/2) for details).

5.3 Of the Order Land not currently within the Applicant’s ownership or controlled by the Applicant as part of the TLRN, the majority is owned by either LB Lewisham or SDC. Section 11 summarises the ongoing discussions with these parties as regards the acquisition of land and rights by agreement.

5.4 None of the Order Land consists of private dwellings.

### Metropolitan Open Land and Special Category Land

5.5 None of the Order Land includes any special category land within the meaning of section 19(4) of the Acquisition of Land Act 1981.



5.6 Among the Order Land owned by SDC, approximately 0.2746 hectares comprises Metropolitan Open Land (“MOL”) that will be permanently lost. MOL is further discussed in section 7.4 of this Statement.

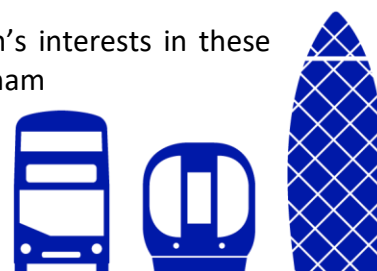
## 6 DESCRIPTION OF LAND SUBJECT TO COMPULSORY PURCHASE AND OTHER POWERS

6.1 The main areas of land subject to compulsory acquisition or the acquisition of rights are as follows:

6.1.1 An area at the north end of SDC’s Jubilee Ground sports field site, which is required for: (a) permanent land for the new highway (i.e. the re-aligned A205 South Circular) in an area presently designated as MOL (as described in paragraph 5.6 of this Statement); (b) a working area for the construction of the highway; and (c) rights for ongoing maintenance of the highway. Further rights are needed over the remainder of the Jubilee Ground sports field to provide accommodation works for new permanent access arrangements to the sports field site and some temporary access arrangements during the construction period. This land is owned by the trustees of SDC.

6.1.2 A subway under Catford Bridge and a small area of land to the south of Catford Bridge which are both owned by Network Rail. The Order (CD/2) would authorise the acquisition of some of this land (Plot 12). In respect of the remainder (Plots 11 and 13), the Order would authorise acquisition of certain rights (i.e. access and general construction, oversail, utilities and service media, and future inspections and maintenance) and the acquisition of all interests other than those of Network Rail and the Arch Company Properties Limited (“ArchCo”) (Network Rail’s tenant). ArchCo’s lease includes the subway (part of Plot 11) and adjoining arches. The majority of these arches will not be directly affected by the Road Scheme because they are accessed from the north and the majority of the works will be on the south side of the bridge. There will be works in the vicinity of the arches and to the structure of the bridge/retaining wall structures. One arch leased by SDC from ArchCo and accessed from the south will not be usable during the works. This will be managed by the Applicant providing SDC with alternative storage space during this time, and any losses of either SDC or ArchCo will be covered by disturbance claims in line with the compensation code. The subway is currently accessed via a pedestrian ramp. The Road Scheme would provide for the construction of two new pedestrian and cycle road level crossings (toucan crossings), such that the subway and pedestrian ramp would become redundant and closed to public use. In particular, a new pedestrian and cycle crossing is proposed to be built as part of the Road Scheme at the junction of the A205 South Circular and Doggett Road, which will provide a more visible, accessible and direct crossing point than that currently provided via the ramp and subway.

6.1.3 Two areas of land owned by LB Lewisham. LB Lewisham’s interests in these areas are not included in the Order because LB Lewisham intends to enter into a land swap arrangement with the Applicant to deliver this land for the Road Scheme. However, the terms of the



land swap are subject to Secretary of State' consent being given under s233 of the Town and Country Planning Act 1990 (applied for by LB Lewisham on 5 January 2024). The land is nevertheless otherwise included in the Order to remove third party interests that could interfere with the construction and operation of the Road Scheme:

- (a) An area of the former Canadian Avenue truck park, which is required for a worksite.
- (b) A car park to the south of Laurence House, which forms the main route of the Road Scheme's new A205 South Circular alignment.

6.1.4 Subsoil adjoining Sangley Road which forms part of the road widening at this location. This area is already dedicated as highway, however the subsoil is in the ownership of the Royal Borough of Kensington and Chelsea. The property houses a UKPN substation that will be relocated on to TfL owned land. This property is subject to a section 142 Highways Act 1981 licence to maintain the area with an adjoining landowner which will be terminated.

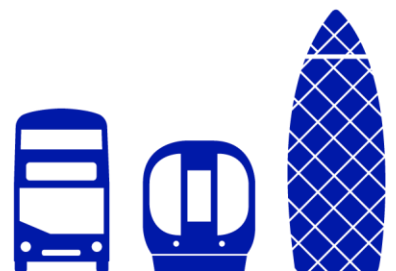
6.2 The Order also makes provision for the following new rights to be acquired over the land shown shaded blue on the Order Map (CD/2):

- 6.2.1 Access and general construction.
- 6.2.2 Oversail rights for re-aligned A205 South Circular and construction purposes.
- 6.2.3 Utilities and service media for utilities and service media that will need to be diverted as part of the Road Scheme.
- 6.2.4 Alterations to and construction of access.
- 6.2.5 Future inspections and maintenance of the highway and the structures.

## **7 APPLICATION FOR PLANNING PERMISSION**

7.1 TfL applied for planning permission for the Road Scheme from LB Lewisham on 15 December 2023 (case reference DC/23/134279) (CD/15).

7.2 The majority of the Road Scheme works within the town centre are highway improvement works which do not require express planning permission given the Applicant's permitted development rights. However, since express planning permission is required for some of the works that form new stretches of highway outside the Applicant's highway boundary (primarily at Jubilee Ground sports field and on the car park south of Laurence House), the planning application covers the entire Road Scheme in order for it to be understood as a whole.



- 7.3 The Applicant requested a screening opinion, under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 (as amended), in respect of the Road Scheme. On 8 December 2023, LB Lewisham adopted a negative screening opinion on the basis that “it is not considered that the nature, scale and location of the development would, either in isolation or cumulatively with other developments, give rise to significant environmental effects in the context of the EIA Regulations” (CD/14).
- 7.4 TfL is continuing to work through the planning application with the local planning authority. Further updates on the progress of the planning application will be provided to the Inquiry.

## 8 PLANNING POLICY FRAMEWORK

- 8.1 The Road Scheme as proposed is aligned with policies both national and local, including within the adopted development plan.
- 8.2 The statutory development plan for the London Borough of Lewisham comprises the London Plan 2021 (CD/28), Lewisham Core Strategy adopted in June 2011 and the Lewisham Development Management Local Plan adopted in 2014 (CD/32).

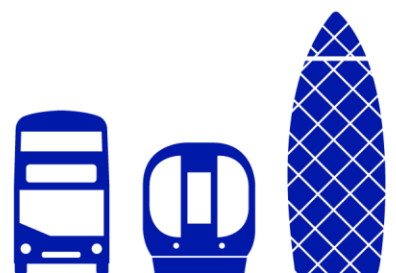
### National policies

#### *National Planning Policy Framework (NPPF)*

- 8.3 In December 2023 the Government published an updated NPPF (CD/19). This NPPF replaces previous national policy set out in earlier iterations of the NPPF and sets out the Government’s requirements and policies for planning in England.
- 8.4 The NPPF is a material consideration in planning decisions. Of particular importance is Annex 1 of the NPPF, which sets out the weight to be afforded to existing development plan policies. Paragraph 225 states that: “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”
- 8.5 Paragraph 7 of NPPF Section 2 explains that the purpose of a planning system is to “contribute to the achievement of sustainable development”. Paragraph 8 explains that includes three overarching objectives: economic, social and environmental. These objectives should be delivered through the preparation and implementation of plans and the application of the NPPF policies.
- 8.6 The economic objective requires ensuring that sufficient land of the right types to be available in the right places, and identification and coordination of infrastructure provision.

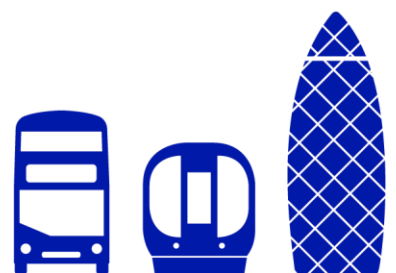


- 8.7 Transport issues, as highlighted in paragraph 108 of the NPPF, are integral considerations in the early stages of plan-making and development proposals. The development of the Road Scheme involved active engagement with LB Lewisham and other key stakeholders in order to foster a well-designed transport infrastructure proposal. Furthermore, section 12 of the NPPF emphasises the importance of achieving well-designed places. Early discussions and effective community engagement, as advocated in paragraphs 133 and 137 of the NPPF, play a pivotal role in the assessment of proposals. The Applicant has proactively engaged with local stakeholders, affected landowners, and LB Lewisham over an extended period to ensure the Road Scheme is well-designed, aligning with local plans.
- 8.8 Paragraph 116 of the NPPF emphasises that development should prioritise pedestrian and cycle movements while facilitating access to high quality public transport using suitable layouts, and creating safe, secure places with minimal conflict between travel modes. The Road Scheme design aligns with this policy by prioritising cyclists and minimising travelling mode conflicts and enhancing safety through dedicated cycling facilities on both the A205 South Circular and A21, three new pedestrian crossings, layout improvements to existing crossings, and widening of footways to and from the town centre.
- 8.9 In addition, the Road Scheme enhances public transport accessibility. This includes widening pavements, establishing new crossings around railway stations, and adjusting bus stop arrangements.
- 8.10 The NPPF’s social objective requires supporting strong and healthy communities with sufficient housing and well-designed, safe spaces that are (and will remain) accessible and open to support community wellbeing. The Road Scheme is designed to support the NPPF’s social objective relating to both public spaces and supporting a strong local community by facilitating active travel modes improving access to public transport. It will reduce severance within the town centre and also facilitate LB Lewisham’s town centre regeneration and improvements to public and green spaces within Catford town centre.
- 8.11 The NPPF’s environmental objective requires protecting and enhancing the natural environment, making effective use of land, and adapting to climate change with efforts like moving to a low carbon economy.
- 8.12 Section 13 of the NPPF relates to protections for Green Belt land. This ties in with Policy G3 of the London Plan (CD/28) (see paragraphs 8.31.7 – 8.31.11 below) and states that MOL is afforded the same status and level of protection as the Green Belt and should be protected from inappropriate development in accordance with national planning policy tests that apply to the Green Belt. Paragraph 155 of the NPPF confirms that certain forms of development are not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it. Part (c) of Paragraph 155 confirms this includes “local transport infrastructure which can demonstrate a requirement for a Green Belt Location”.





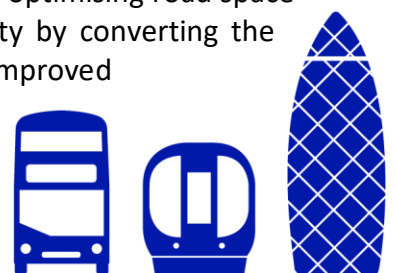
- 8.13 Although under the NPPF the existing MOL should be protected as Green Belt land, the Road Scheme meets the planning policy tests that allow it to proceed as planned. The existing MOL is proposed to be used for a necessary improvement to existing transport infrastructure, which will retain the land's openness as required by the NPPF. A small loss of MOL is required for this purpose, which will in turn support regeneration in LB Lewisham as planned in the Catford Town Centre Framework (CD/33) (see further paragraph 8.40 below). This justifies its loss as MOL.
- 8.14 Section 14 of the NPPF notes that planning authorities should avoid increasing flood risk elsewhere and, where appropriate, support applications with flood risk assessments. Paragraph 175 states that major developments "should incorporate sustainable drainage systems" and sets out features these should contain. The Road Scheme prioritises SuDs that are predicted to reduce overall flood risk, and its drainage strategy was developed to avoid exacerbating existing flood risk.
- 8.15 Section 15 of the NPPF highlights the significance of conserving and enhancing the natural environment, stressing the improvement of local environmental conditions, including air and water quality. The Applicant has assessed that the Road Scheme would not have a significant impact on air quality: there would be a small decrease in carbon dioxide within the wider study area and minimal impact on NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations, with a projection of either small improvements (attributed to an overall reduction in traffic flow) or a negligible increase, with no specific mitigation measures being required. In terms of noise impacts, the Applicant's assessment is that more receptors would experience a reduction in road traffic noise than an increase, and that there would be little change in the number of receptors exposed to high road traffic noise levels. (See further the Air Quality and Noise Modelling Assessment (CD/5).)
- 8.16 Section 16 of the NPPF notes at paragraph 195 that heritage assets should be conserved for current and future generations' enjoyment. When determining planning applications, paragraph 200 specifies that applicants should be required to describe the contribution of heritage assets that may be affected by a development and, where appropriate, to submit additional assessments or evaluations. According to paragraph 208, any "less than substantial harm" to a heritage asset should be weighed against a development's public benefits. The Heritage Statement (CD/8) submitted with the planning application assesses the impact on 11 heritage assets near the site, including a Grade II listed building (Lewisham Theatre), and non-designated heritage assets. The detailed Heritage Statement describes the contribution of each heritage asset affected by the development and provides assessments and evaluations, including the expected impact on each heritage asset and potential mitigation.



- 8.17 The Road Scheme is designed and expected to have an overall beneficial impact on the heritage significance of Lewisham Theatre (Grade II listed), a key heritage asset in the area. The stretch of the A205 South Circular between Laurence House and the theatre will become redundant, allowing for greater public realm opportunities. The Heritage Statement acknowledges "less than substantial harm" to certain heritage assets, such as the relocation of the Catford Pump and minor adverse impacts on London Squares. The Heritage Statement weighs any harm against the identified public benefits, including enhanced infrastructure for pedestrians and cyclists and the incidental benefits of regeneration, job and housing growth, improved urban realm and concludes that the public benefits of the Road Scheme are considered to exceed any harm, and provide significant advantages to the community. The Road Scheme therefore aligns with the NPPF requirements.
- 8.18 Taking all the above factors into account, the Applicant considers that the Road Scheme is aligned with the NPPF.

#### Major Road Network (MRN) objectives

- 8.19 The MRN is a classification for busy and economically important local authority 'A' roads. Following from the Government's response to a 2017-18 consultation into the creation of the Major Road Network (CD/20), five central objectives emerged for the MRN. They are:
- 8.19.1 reduce road congestion;
  - 8.19.2 support economic growth and rebalancing;
  - 8.19.3 support housing delivery;
  - 8.19.4 support all road users;
  - 8.19.5 support the Strategic Road Network.
- 8.20 The Road Scheme most strongly supports the first MRN objective by:
- 8.20.1 optimising road space;
  - 8.20.2 enhancing facilities for sustainable modes;
  - 8.20.3 improving opportunity for future sustainable travel choices;
  - 8.20.4 protecting bus journey times.
- 8.21 The Road Scheme supports the fourth MRN objective by encouraging growth in sustainable travel, improving road safety and supporting vulnerable road users. It supports the fifth MRN objective by facilitating use of non-car travel options, thereby optimising road space for freight and servicing, and by improving journey time reliability by converting the gyratory to two-way operation. It will also provide for an improved interface between the A21 and the A205 South Circular and a more resilient road network in the area.



8.22 In summary, the Road Scheme has the potential to improve the attractiveness of the town centre for all, including vulnerable users; improve road safety in one of the highest priority areas for addressing current collision rates; optimise road space, creating greater resilience for the SRN; encourage local residents to switch away from the private car to sustainable modes of transport, increasing their health and wellbeing and reducing congestion; increase resilience to climate change; and encourage inward investment in homes and jobs, to restore civic and local pride in an area with high levels of deprivation, which has been left behind relative to neighbouring town centres.

8.23 The Road Scheme also helps achieve the second and third MRN objectives, by indirectly facilitating future LB Lewisham regeneration plans for the Catford town centre including up to 2,700 new homes.

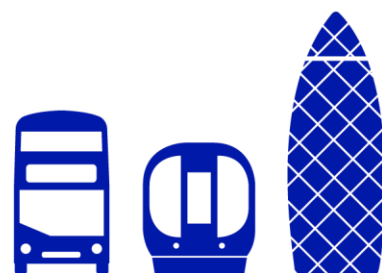
#### Other National Policies

8.24 The White Paper, Creating Growth Cutting Carbon (DfT, 2011) (CD/21) supports increasing active modes of transport to reduce carbon emissions and increase the availability of sustainable transport. Catford currently lacks active mode facilities, with significant congestion on the A205 South Circular and A21 routes, but the Road Scheme contributes to both by improving the walking and cycling facilities in Catford town centre, including cycleways on both of the main routes of A21 and A205 South Circular, and encouraging the transfer of trips towards active modes.

8.25 The Transport Investment Strategy (DfT, 2017) (CD/22) seeks to create a more reliable, less congested, better-connected transport that works for users. As above, the Road Scheme aims to improve the A205 South Circular and A21 journey time reliability and the effects on bus journeys.

8.26 The Government's 25-Year Environment Plan – A Green Future (2018) (CD/23) sought to embed the environmental net gain principle that is now part of the NPPF, by reducing air pollution and enhancing sustainability. As set out in paragraph 8.15, small improvements in air quality in some locations and an overall reduction in adverse noise impacts are expected from the Road Scheme (see further the Air Quality and Noise Modelling Assessment (CD/5)).

8.27 Gear Change – A bold vision for cycling and walking (DfT, 2020) (CD/24) sets out relevant key policy themes: better streets for cycling and people; cycling at the heart of decision making and enabling people to cycle and protecting them as they do. As described above, the few active mode facilities in the Catford town area currently disincentivise cycling or walking. The Road Scheme will improve the walking and cycling facilities on the A21 and A205 South Circular, bringing about a transformational level of change to the local road network. As the majority of the proposed new cycleways are segregated from motorised traffic and pedestrians, encouraging and enabling people to cycle and protecting them when they do.

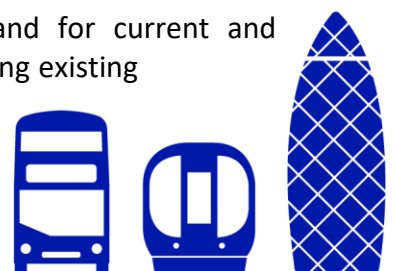


- 8.28 Decarbonising Transport – A Better, Greener Britain (DfT, 2021) (CD/25) also promotes themes of providing and supporting active travel modes for health and environmental reasons, and the Road Scheme is relevant to these goals as stated above.
- 8.29 The priority outcomes from the DfT’s Outcome Delivery Plan 2021 to 2022 (2021) (CD/26) emphasise improving connectivity across the UK, enhancing the transport network as well as users’ experience of it, and improving air quality. Connectivity between modes is not ideal in the Catford town centre, and there are many road-related accidents and congestion-related journey delays locally. The Road Scheme will enhance connectivity and safety with its road realignment design and additions to cyclist and pedestrian infrastructure. It will also improve reliability of bus journey times.
- 8.30 The Government’s Levelling Up the United Kingdom (2022) (CD/27) emphasises improving highways, particularly in places that may currently lack opportunities, and the Road Scheme will improve the Catford town centre’s connectivity and ease of transfer, help create a safe street environment and encourage uptake of sustainable transport modes, while being designed to facilitate future growth and regeneration.

### Regional policies

#### *The London Plan*

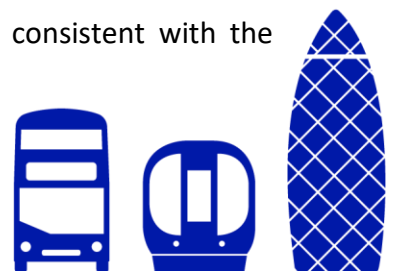
- 8.31 The London Plan (2021) (CD/28) provides a strategic framework for how London will develop over the next 20 – 25 years. The policies within the plan relating to design, transport and air quality are particularly relevant to the Road Scheme.
- 8.31.1 In terms of design, policy GG1 encourages early and inclusive stakeholder engagement regarding inclusive growth and consistent planning. Policy GG3 promotes a ‘Healthy Streets Approach’ to improve air quality and reduce public exposure to unhealthy air.
- 8.31.2 Policies D4, D5 and D8 of the London Plan support the London Plan’s emphasis on development design proposals being scrutinised and assessed at early stages, both generally and with respect to inclusivity and creating appropriate new public realm space.
- 8.31.3 In terms of transport and air quality, policies T1 and T2 state proposals should strategically support both the Mayor’s strategic target for 80% of trips to be made with sustainable modes, and the Healthy Streets Approach which includes reduced car use and road dangers, as well as increased active and public transport modes.
- 8.31.4 Policy T3 requires development plans to formulate effective transport policies and projects to promote sustainable development in London and the wider South East, emphasising the provision of adequate land for current and expanded public and active transport systems, safeguarding existing transport infrastructure, identifying new sites for strategic connectivity, and prioritising upgrades to key transportation networks. It also specifically refers



to safeguarding London's walking and cycling networks.

- 8.31.5 Policy T5 requires developers to reduce cycling barriers and create environments in which people choose to cycle. Policy SI 1 seeks to improve air quality in London, so development proposals should not further deteriorate that.
- 8.31.6 Policy T6 encourages reducing parking space provision by favouring active sustainable modes. The Road Scheme reduces parking space provision south of Laurence House in favour of the realignment of the A205 South Circular and the active sustainable modes of travel that it will facilitate.
- 8.31.7 Policies G1 and G3 relate to development proposals supporting green spaces and open land. As noted above, Policy G3 ties into NPPF Section 13 (CD/19) and states that MOL is afforded the same status and level of protection as the Green Belt and should be protected from inappropriate development in accordance with national planning policy tests that apply to the Green Belt.
- 8.31.8 As noted in paragraph 8.13 above, the existing MOL is proposed to be used for a necessary improvement to existing transport infrastructure, which will retain the land's openness. A small loss of MOL is required for the Road Scheme, because without it the Road Scheme's necessary improvements to transport infrastructure cannot be delivered. The Road Scheme development is therefore not inappropriate in the current location and the loss of existing MOL is justified.
- 8.31.9 Additionally, without the loss of MOL, land would not be freed up to accommodate a new Laurence House and the Civic Centre site allocation within the LB Lewisham's proposed new local plan (CD/36). This would adversely impact sustainable development and regeneration within the Catford town centre would not be fully realised. Therefore, without the loss of the MOL there would be adverse impacts in terms of the borough's development requirements, contrary to local regeneration and planning policy.
- 8.31.10 Further, without this loss of MOL, there would be no opportunity to provide the local community with the long-term benefits of the urban realm improvements, improved local transport links and access to green and social infrastructure resulting from the Road Scheme. The Road Scheme will enable the future possibility of LB Lewisham's creation of the new open spaces on the redundant section of Catford Road. As a result, this demonstrates exceptional circumstances and is compliant with Policy G3 of the London Plan.
- 8.31.11 The status of the MOL land is further subject to the emerging policy in the proposed new local plan for the LB Lewisham described in paragraphs 8.43 to 8.45 below (CD/36).

- 8.32 The Road Scheme constitutes a sustainable development that is consistent with the London Plan's objectives.





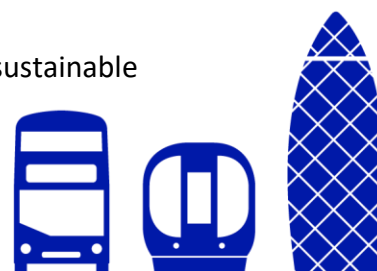
### *Mayoral strategy*

- 8.33 The Mayor’s Transport Strategy (2018) (CD/29) sets out how walking, cycling and using public transport in London can be improved, with a view to supporting healthy streets and people, and a good public transport experience. The overall goal is for 80% of trips to be made by walking, cycling or using public transport by 2041. The Road Scheme’s proposed layout scored higher overall than the existing situation in Catford town centre when assessed with TfL’s Healthy Streets Toolkit. This assessment considered 10 Healthy Streets measures, each with its own individual score, and, when combined, the aggregate score for the proposed layout was higher than that of the existing situation. The Road Scheme also provides safety improvements that reduce the likelihood of collisions and assist with achieving local safety targets. More reliable bus journey times and facilities are designed to improve the public transport experience.
- 8.34 The Mayor’s London Environment Strategy’s (CD/30) goals to improve air quality and energy use are also supported by the Road Scheme. Initial Road Scheme modelling suggests that more reliable, and in some cases shorter, journey times will be experienced for both buses and private vehicles. Fewer emissions should arise in some locations from less idling, and improved active mode facilities should facilitate people choosing sustainable modes as London’s population grows in the future and, therefore, provides a reduction in carbon emissions against the future do nothing scenario.
- 8.35 The Mayor’s Economic Development Strategy (CD/31) also emphasises the importance of transport and infrastructure, stating (at paragraph 5.25) that: “sustained investment in infrastructure, including transport ... will be essential if London’s competitiveness and innovation are to be maintained” and referring (at paragraph 5.41) to the Mayor’s Transport Strategy’s proposals to “further strengthen London’s strategic transport network ... [including] ... smoothing traffic flow and enhancing the quality and role of bus services ...”.

### Local policies

#### *The Local Plan*

- 8.36 LB Lewisham formally adopted their Local Plan on 29 June 2011 (CD/32), providing the basis for planning decisions and future development in the borough. The two key planning documents forming the Local Plan are the Core Strategy (2011) and the Development Management Local Plan (2014), and the current Proposals Map was published in 2015.
- 8.37 Within the Core Strategy:
- 8.37.1 LB Lewisham will emphasise sensitive and appropriate development design while it seeks to mitigate climate change and enhance the environment in key regeneration and growth areas like Catford.
- 8.37.2 LB Lewisham will seek to provide a safe, convenient and sustainable transport system that is accessible and reduces reliance



on travel by cars. This includes improving connectivity and accessibility, and minimising traffic, noise and emissions.

8.37.3 National and regional policy and guidance will be applied to ensure quality design and sustainable, accessible development that responds to local context and enhances local assets.

8.38 Within the Development Management Local Plan:

8.38.1 The Council will need to adopt the NPPF's presumption in favour of sustainable development that will improve conditions locally.

8.38.2 LB Lewisham is encouraged to use and design public spaces to enhance connectivity safely, accessibly and inclusively.

8.38.3 Developments are encouraged to consider heritage and non-heritage assets locally and protect the area's distinctiveness.

8.38.4 Core Strategy Policy 14, point 9 further refers to the LB Lewisham working with Transport for London (Network Rail and other partners) to ensure the delivery of necessary transport infrastructure, as well as working with adjoining boroughs to address the cumulative impact of development by enabling more effective management of traffic and improving the environment for all users, including pedestrians, cyclists and public transport use.

8.39 The Road Scheme aligns with and addresses these policy aims.

#### *Catford Town Centre Framework*

8.40 The Catford Town Centre Framework (LB Lewisham, 2021) (CD/33) is a long-term blueprint for the area that recognises the re-routing of the A205 South Circular is key to Catford's revival to free up space and reimagine the town centre to help accommodate growth. Through this framework, LB Lewisham seeks to transform Catford town centre based on the Road Scheme's A205 South Circular realignment, and the Applicant has been working with LB Lewisham for a number of years to ensure its proposals also support this ambition.

#### *Other local policies*

8.41 The Lewisham Air Quality Action Plan 2022-2027 (CD/34) sets out the LB Lewisham's commitment to improving air quality, given local exceedances of statutory limits on air quality – particularly in Catford town centre. The Road Scheme will support such improvements by reducing idling, and encouraging more walking, cycling and public transport trips, to replace current and future car use.

8.42 The Lewisham Transport Strategy and Local Implementation Plan 2019 – 2041 (2019) (CD/35) aims to expand sustainable transport infrastructure. The Road Scheme will contribute to this strategy by encouraging such trips, and it will deliver segregated cycling facilities in key locations within the Catford town centre.

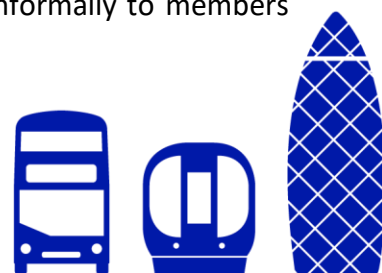


### *Emerging policy*

- 8.43 LB Lewisham has been preparing a new local plan (CD/36) and on 3 November 2023 submitted it to the Secretary of State for its independent examination. Even though it carries limited weight in current planning application, the Applicant notes that the areas of Laurence House, Civic Centre and part of the SDC Jubilee Ground sports field are allocated as sites 19 and 20 (Lewisham Central area) in the plan to support the realignment of the A205 South Circular and future town centre regeneration along with public realm and access improvements.
- 8.44 The proposed new local plan recognises the de-designation of the MOL required solely for the purposes of re-routing the A205 South Circular.
- 8.45 The Road Scheme is aligned with the emerging policy set out in the proposed new local plan including facilitating the regeneration of Catford town centre and the redevelopment of Plassy Island.

## **9 CONSULTATION**

- 9.1 A Compulsory Purchase Order (“CPO”) does not require a statutory consultation prior to submission for confirmation, and nor does the 2019 Guidance (CD/18) require or recommend such a consultation. However, paragraph 39 of the NPPF (CD/19) states that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.
- 9.2 The proposed development has been discussed with LB Lewisham over the course of several years and is supported in the Borough’s planning policy documents, such as the Catford Town Centre Framework (CD/33) and emerging local plan (CD/36).
- 9.3 Proposed de-designation of MOL for the Road Scheme has been discussed with SDC since they took ownership of the site a decade ago.
- 9.4 LB Lewisham extensively consulted with the local community in developing the Catford Town Centre Framework, including on planning policy and proposals around realigning the A205 South Circular and removing the gyratory.
- 9.5 The Applicant has undertaken extensive engagement with stakeholders to develop and refine the Road Scheme’s design, including a public consultation running from 24 April 2023 to 5 June 2023 (CD/44) which ran online alongside events.
- 9.6 Four drop-in sessions were held on the 30 April, 16 May, 25 May and 3 June 2023 to allow members of the public to view consultation materials and speak informally to members of TfL about the proposal.
- 9.7 TfL received 1,503 responses to the consultation. This included 19 responses from stakeholders. Key findings included:



- 9.7.1 56 per cent of respondents believe that pedestrians were the group most likely to benefit from the proposals;
- 9.7.2 36 per cent of respondents stated that a 'more attractive town centre and public spaces' should be the priority for the Road Scheme; and
- 9.7.3 25 per cent of respondents felt that 'ease of access to public transport' should be the priority.

9.8 TfL also gave the opportunity for respondents to make written comments about the proposals. 1,130 respondents chose to do so. A number of positive comments were received, either about specific aspects of the Road Scheme or more generally. From responses to our closed survey questions, across each of the following themes, a majority of all respondents felt the proposals would make the town centre slightly better or much better:

- 9.8.1 Facilities for cyclists (84 per cent)
- 9.8.2 Facilities for pedestrians (82 per cent)
- 9.8.3 Road safety (75 per cent)
- 9.8.4 Access to public transport (63 per cent)
- 9.8.5 Attractiveness of the town centre / public spaces (60 per cent)

9.9 For full details of the consultation process and responses, refer to 'Catford Town Centre, changes to South Circular Road Consultation Report' published on the Applicant's website in November 2023 (CD/37).

9.10 Following the submission of the planning application (CD/15) and the submission of the Order (CD/2) for confirmation the Applicant is continuing to liaise with stakeholders and the community as well as affected landowners in relation to the acquisition of land and rights.

## 10 ENABLING POWERS AND RELATED APPLICATIONS, ORDERS AND CONSENTS

### Enabling powers

10.1 The 2019 Guidance (CD/18) notes that bodies wishing to compulsorily purchase land can do so under different enabling powers depending on their purposes in acquiring the land. The most specific available power should be used, with general powers only being used where unavoidable.

10.2 In the case of the Road Scheme, the most appropriate enabling powers for the Applicant are sections 239, 246 and 250 of the Highways Act 1980 (the "HA").



- 10.3 The enabling powers to acquire land required for the construction or improvement of highways fall under the HA. For the purposes of the Road Scheme, Part 12 (Acquisition, Vesting and Transfer of Land etc) of the HA contains the appropriate enabling powers. This includes the following sections which are particularly relevant:
- 10.3.1 Section 239(1): power for any highway authority to acquire land required for the construction of a highway which is to be a highway maintainable at the public expense.
  - 10.3.2 Section 239(3): power to acquire land to improve a highway and land required for the improvement or development of frontages or of the land adjoining or adjacent to that highway (being an improvement which they are authorised by the HA to carry out in relation to the highway).
  - 10.3.3 Section 246(1): to compulsorily acquire land for the purpose of mitigating any adverse effect which the existence or use of the new highway will cause. This is only available if acquisition takes place before the highway is open for public use.
- 10.4 In addition to the acquisition of existing rights, under section 250 of the HA, highway authorities can acquire new rights in land under a compulsory purchase order.
- 10.5 By virtue of section 1(2A) of the HA, TfL is the highway authority for all GLA Roads including the A205 South Circular and to that extent both sections 239(1) and 239(3) of the HA may be relied on by TfL for the Order (CD/2). The proposed Road Scheme includes both the construction of a highway which is to be a highway maintainable at the public expense under section 239(1) of the HA, and an improvement of the A205 South Circular falling under section 239(3) of the HA. TfL is authorised to carry out improvements of the highway by virtue of section 62 of the HA and the construction of highway by virtue of section 24 of the HA.
- 10.6 Both sections 239(1) and (3) are subject to Schedule 18 to the HA which imposes limits on the extent of land that may be acquired under these powers. For example, in the case of s. 239(3) the highway authority can only compulsorily acquire land being no more than 220 yards away from the highway (or proposed highway) being improved.
- 10.7 All of the proposed improvements to the highway are within 220 yards of the highway or proposed highway.
- 10.8 In relation to rights sought that are more than 220 yards from the highway or proposed highway, these relate to rights required to provide accommodation works for the purpose of mitigating adverse effects on the SDC Jubilee Ground sports field due to loss of their existing access, as a result of the proposed Road Scheme. As mentioned above, TfL is using the power under section 246(1) of the HA in respect of these rights. This power is only available if acquisition takes place before the highway is open for public use, which will be the case for the Road Scheme.
- 10.9 Additionally, TfL is seeking the acquisition of rights, relying on section 250 of the HA, where the acquisition of the land would not be appropriate or necessary.



- 10.10 For the purposes of the Order in respect of the Road Scheme, TfL can therefore rely on the combination of several enabling powers under the HA: section 239(1) and 239(3), section 246(1) and section 250.

Lack of impediments, funding and deliverability

*Planning permission*

- 10.11 The 2019 Guidance (CD/18) also requires that the planning framework justifying a CPO be as detailed as possible to demonstrate there are no planning or other impediments to its implementation.
- 10.12 Planning permission has been applied for (CD/15) but not yet been secured for the Road Scheme (see section 6.2.5 of this Statement for details), however for the reasons set out in section 7.4 of this Statement the Applicant considers there is a good prospect that the required permission will be granted, and that the lack of an existing permission should not impede the confirmation of the Order.

*Consent for disposal of LB Lewisham land*

- 10.13 As noted at paragraphs 6.1.3 and 11.20 of this Statement, the disposal of the land and rights required from LB Lewisham is subject to consent from the Secretary of State for Levelling Up, Housing and Communities which has been applied for.

*Funding*

- 10.14 The 2019 Guidance (CD/18) also requires the Applicant to explain the funding sources available to acquire the land and implement the Road Scheme, as well as timing.

10.14.1 The Estimated Final Cost of the Road Scheme is £60m.

10.14.2 In July 2019, the Applicant and the London Councils<sup>4</sup> submitted a joint bid to the Department for Transport (DfT) for MRN funding of £44m. Ten priority schemes were identified, including the Road Scheme, and the DfT later indicated provisional support subject to development of satisfactory business cases for each, within the MRN programme timelines, to allow entry on to the MRN programme for the Road Scheme. A decision on entry to the MRN programme for the Road Scheme is expected soon and the Applicant will provide updates on this funding stream. While the Applicant has reasonable grounds to believe that MRN funding will be achieved, the Applicant would nevertheless have the funding to acquire the necessary land and rights for the Road Scheme through the funding set out in the remainder of this paragraph 10.14.

10.14.3 Further, the Applicant has entered into an agreement with LB Lewisham under which LB Lewisham will contribute £13m towards the Road Scheme. The £13m of funding is made up of:

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<sup>4</sup> London Councils is the collective of London local government, the 32 boroughs and the City of London Corporation.





- (a) £10m from the Housing Infrastructure Marginal Viability (HIF) Fund. In 2019, the Department for Levelling up, Housing and Communities (DLUHC) approved £10m of HIF funding for the Road Scheme. The Greater London Authority and LB Lewisham subsequently entered into a funding agreement for this in December 2019 to part-fund the scheme. The agreement with LB Lewisham flows this £10m to TfL.
- (b) £3m by way of a further contribution from LB Lewisham.

10.14.4 TfL will contribute the remaining £3m to the Road Scheme.

10.14.5 Irrespective of the MRN funding, the costs of acquiring the land and the rights in the Road Scheme will still be covered by HIF or TfL/LBL funding.

#### *Traffic orders*

10.15 The Road Scheme will require amendments to traffic orders and to the designation of existing roads and newly created roads that is either within the Applicant's or LB Lewisham's control both to make and to make at appropriate times in the construction, development and completion of the Road Scheme. LB Lewisham have not objected to the Order and, as set out in the remainder of this Statement, are supportive of the Road Scheme and are partially funding it. Subject to the necessary due process, the making of traffic orders therefore poses no impediment to the delivery of the Road Scheme.

## **11 APPROACH TO ACQUIRING THE REQUIRED LAND AND RIGHTS IN LAND BY AGREEMENT**

11.1 As stated in section 5.1 of this Statement, the Applicant owns most of the land required to complete the Road Scheme. There are some other landowners with whom the Applicant has been negotiating to acquire land or rights, namely:

11.1.1 SDC;

11.1.2 Network Rail;

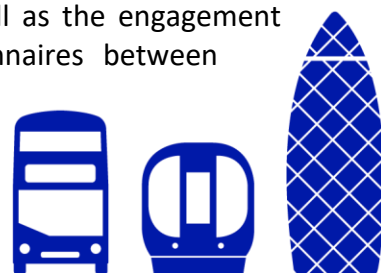
11.1.3 ArchCo;

11.1.4 Royal Borough of Kensington and Chelsea; and

11.1.5 LB Lewisham.

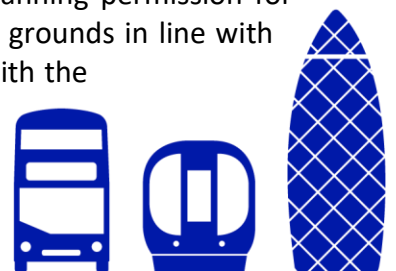
The first three landowners have objected to the Order (CD/2).

11.2 The remainder of this section summarises the Applicant's engagement with the landowners to acquire the necessary land or rights by agreement and, where an objection to the Order was submitted, in respect of that objection. As well as the engagement outlined, all landowners were sent Land Information Questionnaires between September and November 2023 requesting more information about the rights, owners and occupiers of the relevant part of the Order Land.

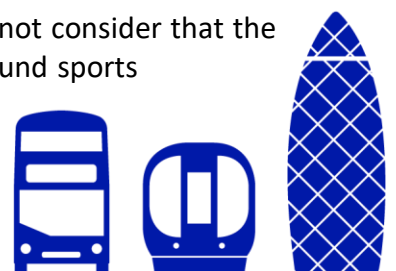


## SDC

- 11.3 As highlighted at paragraph 9.3 above, the proposed de-designation of MOL for the Road Scheme has been discussed with SDC since they took ownership of the site a decade ago.
- 11.4 The Applicant has specifically engaged with SDC on the Road Scheme proposal since a site visit in February 2022. The Road Scheme and its wider benefits were first explained to the College's Governors in the few months afterwards, and the SDC Headmaster wrote a letter expressing support in principle for the Road Scheme in June 2022.
- 11.5 The Applicant met on-site with CBRE as SDC's surveyor in September 2022 following which, between March 2023 to date, the Applicant has held numerous meetings, both remotely and in person with SDC and their appointed consultants as well as other planning professionals. These discussions have covered topics including the Applicant's proposals, provision of alternate access given loss of existing access to the sports ground, phasing of works and construction impacts, design and specification as well as mitigation. The initial draft Heads of Terms, including commercial terms, were sent to SDC in November 2022 and there have been updated commercial offers made to SDC to date. The Applicant has developed plans with SDC for the accommodation works to construct new access arrangements requested by SDC and has adapted their proposals based on the SDC's requirements. Rights sought in the Order over Jubilee playing fields reflect the accommodation works which have been discussed with SDC reflecting their requirements, including the request for the access from Canadian Avenue as well as Fordmill Road.
- 11.6 Despite the positive engagement to date, it has not been possible to reach agreement with SDC for the acquisition of the land and rights sought in the Order at this point. A key outstanding point remains agreement on the value of the land and rights required for the Road Scheme. Since making the Order, the Applicant has continued to try to reach agreement on the value of the land and rights.
- 11.7 The Applicant would prefer to acquire land it needs for the Road Scheme by agreement, rather than using compulsory purchase powers as a last resort, as required by the 2019 Guidance (CD/18). However, timing for the delivery of the Road Scheme necessitates moving forward with the Order in the absence of agreement.
- 11.8 SDC, represented by Mills & Reeve, has objected to the Order on the following grounds:
- 11.8.1 TfL has not included equivalent replacement land for the MOL that it intends to acquire at the northern side of the Jubilee Ground sports field, which MOL will be permanently lost. This, in conjunction with the point in paragraph 11.8.2 below, demonstrates a failure to comply with the local development plan and national policy.
- 11.8.2 TfL did not consult Sport England before applying for planning permission for the Road Scheme (see paragraph 7 above), or assess the grounds in line with Policy S5 of the London Plan 2021. This, in conjunction with the point in paragraph 11.8.1 above, demonstrates a failure to comply with the local development plan and national policy.



- 11.8.3 Because of above points, TfL has not cleared all the impediments to Order implementation – nor has it made a compelling case in the public interest for the Order.
- 11.8.4 The use of grassy SDC land as a Road Scheme working area will likely damage the existing pitch and result in the ground becoming compacted, which will in turn prevent immediate reinstatement. At the same time, TfL has not offered alternative provision or mitigation.
- 11.8.5 There will be a permanent loss of SDC land for accommodation works and the new highway alignment, for which TfL has also not offered alternative provision or mitigation.
- 11.8.6 TfL has not sufficiently engaged with SDC or taken reasonable steps to acquire its land ahead of proceeding with the Order.
- 11.9 TfL has continued to engage with SDC on the points raised in their objection. Dealing with each point respectively in the order set out in paragraph 11.8 above:
- 11.9.1 There is no statutory requirement for TfL to provide equivalent replacement land for the MOL lost. TfL considers the loss of the MOL can be appropriately addressed by means of modifications to SDC's existing facilities which are reflected in the proposed accommodation works. This involves the provision of new access arrangements for the playing fields and consequential reconfiguration.
- 11.9.2 Sport England have been consulted in respect of the planning application for the Road Scheme (see paragraph 6.2.5 above) being determined by LB Lewisham. This is a separate process. Based on the information currently available to TfL, it does not consider that the land which will be permanently lost from the Jubilee Ground sports field will affect the sports which are currently played at the sports field or the total number of pitches currently used for those sports.
- 11.9.3 Therefore, the impediments to Order implementation suggested by SDC are not present, and TfL has made a compelling case in the public interest for the Order as outlined in this Statement.
- 11.9.4 Construction impacts arising from temporary occupation of land can be mitigated through proper construction processes and reinstatement. Should SDC suffer any loss resulting then this will be covered in accordance with the usual principles for disturbance set out in the compensation code.
- 11.9.5 The Road Scheme includes elements designed to address the permanent loss of SDC land, such as the provision of a new access into the SDC site. As stated above, based on the information available to TfL, it does not consider that the land which will be permanently lost from the Jubilee Ground sports field will affect the sports which are currently played at the sports field or the total number of pitches currently used for those sports.



11.9.6 As set out above, TfL has engaged with SDC and taken reasonable steps to acquire its land ahead of proceeding with the Order, including offering to acquire the necessary land and rights through voluntary agreement.

11.10 The Applicant has sought to engage with SDC's solicitor on a draft legal agreement as to the land acquisition and scheme works to be undertaken on SDC's land in order to address the points in issue between the parties. This is being held back by a failure to agree the key commercial terms for that acquisition which the Applicant is actively seeking to resolve but which it is noted are not a matter for the Secretary of State or his Inspector at the Inquiry.

#### Network Rail

11.11 The Applicant initially contacted Network Rail in July 2023 and there has been engagement with Network Rail on the proposal for the Road Scheme since. There are no disagreements in principle about the use of Network Rail's land or the acquisition of necessary rights for the Road Scheme, however it has not been possible to progress to conclude a voluntary agreement for the acquisition of the land and rights needed at this point.

11.12 Network Rail has submitted an objection to the Order, citing to potential adverse effects on operational railway land. The Applicant does not consider that the Road Scheme would, in practice, affect Network Rail's operational land or assets, given the nature of the land and the interests to be acquired, and which are used (with Network Rail's permission) by members of the public as a means of access to Catford Bridge station. The Applicant has engaged with Network Rail in this regard and considers that agreement can be reached with Network Rail on terms to protect its interests such that its objection can be withdrawn. Negotiations are ongoing.

11.13 Negotiations have begun to formalise an agreement with Network Rail which would provide reassurance to Network Rail over the protection of its operational assets.

#### The Arch Company Properties Limited

11.14 Engagement with ArchCo commenced on 22 November 2023 and the impacts on the ArchCo's ownership (with a corresponding plan) were communicated to ArchCo in December 2023, before the making of the Order by TfL on 15 January 2024. As set out in paragraphs 11.11, the Applicant has also engaged with ArchCo's landlord, Network Rail, since mid-2023. Discussions are continuing.

11.15 ArchCo, represented by Gerald Eve, objected to the Order on the following grounds.

11.15.1 TfL has not made sufficient attempts to acquire construction rights by agreement before proceeding with the Order.

11.15.2 The Road Scheme's negative impacts on ArchCo's ability to let its vacant arches, due to both temporary and permanent access restrictions, which may result in potential loss of revenue.

11.16 The Applicant considers as follows:



11.16.1 Engagement with ArchCo commenced on 22 November 2023 and the impacts on the ArchCo's ownership (with a corresponding plan) were communicated to ArchCo in December 2023, before the making of the Order by TfL on 15 January 2024. As set out in paragraph 11.14, the Applicant has also engaged with ArchCo's landlord, Network Rail's property team, since mid-2023. The Applicant is, in any event, willing to acquire the rights required to deliver the Road Scheme by agreement. These rights consist of the closing of public access through the part of the claimant's property (i.e. the subway), as well as temporary construction rights over land. The Applicant is also willing to engage with ArchCo as regards the manner in which the subway is left following the works, subject to the conditions of the Network Rail / ArchCo lease.

11.16.2 The Applicant understands that ArchCo's concerns regarding loss of access relate, first, to loss of public access to the arches from the south via the existing subway (which falls within ArchCo's demise) and access ramp and, second, to the loss of private access to existing and potential tenants from the north during and as a consequence of the works. On the first point, tenants and the public will continue to be able access the arches from the north via the existing road to and from the arches. As part of the Road Scheme two new road level crossings will be constructed on the road above, which will render the need for public access through the subway and ramp redundant: in particular, a new pedestrian and cycle crossing is proposed to be built as part of the Road Scheme at the junction of the A205 South Circular and Doggett Road, which would provide a more visible, accessible and direct crossing point than that currently provided via the ramp and subway. Second, the Applicant has reassured ArchCo that the arches which are accessed from the north would remain accessible both during construction works and following completion of the works. The arch accessed from the south which is occupied SDC would not be accessible during the works and the Applicant would provide alternative storage space for SDC with any loss suffered by SDC or ArchCo covered by disturbance costs in accordance the principles in the compensation code.

11.16.3 The Applicant has indicated that it wishes to work with ArchCo in order to resolve ArchCo's concerns and is willing to discuss the above points further to achieve a mutually acceptable outcome.

#### Royal Borough of Kensington and Chelsea ("RBKC")

11.17 The Applicant initially contacted RBKC on 5 September 2023 to seek to acquire their land. Positive engagement has resulted, however the land is unregistered and RBKC is unable to offer good title to the land on any transfer because it does not have evidence of the root of title. It is believed that RBKC's title derives from the Education (London Residuary Body) (Property Transfer) Order 1992 however it has not been possible to confirm that. Accordingly, RBKC has only been able to offer a transfer of such rights as it may have.



11.18 Since RBKC is unable to offer a transfer of good title, the Applicant considers that compulsory purchase is necessary to obtain good title to the land. Notwithstanding this the Applicant has agreed a form of transfer of the land believed to be in RBKC's ownership to the extent RBKC is able to transfer it. The transfer is ready to be completed subject to sealing by RBKC.

#### LB Lewisham

11.19 As set out in paragraph 6.1.3 of this Statement, land owned by LB Lewisham for the Road Scheme is included within the Order Land, however LB Lewisham's interests in the land are excluded from the scope of the compulsory acquisition sought. This is because LB Lewisham intends to enter into a land swap arrangement with the Applicant to deliver the land and rights needed for the Road Scheme. Following the entering into of the funding agreement with LB Lewisham referred to at paragraph 10.14.3 of this Statement, the Applicant and LB Lewisham have an agreement in an agreed form which will formalise the land swap arrangements. This is expected to be entered into during May 2024.

11.20 The terms of the land swap are subject to the Secretary of State's consent being given under s233 of the Town and Country Planning Act 1990. This consent was applied for by LB Lewisham on 5 January 2024.

11.21 However, it is necessary to include the land owned by LB Lewisham in the Order to remove third party interests, including historic covenants, from the title to ensure they do not interfere with the construction and operation of the Road Scheme. In addition, an advertising hoarding is located on this land and that interest in the land will need to be extinguished. This is expected to be achieved through the termination of contractual arrangements, however it will be necessary to ensure the timely termination of that interest should issues arise from the contractual arrangements.

## **12 PUBLIC SECTOR EQUALITY DUTY AND HUMAN RIGHTS JUSTIFICATION FOR INTERFERENCE WITH HUMAN RIGHTS AND CONSIDERATION OF EQUALITIES**

### Public Sector Equality Duty

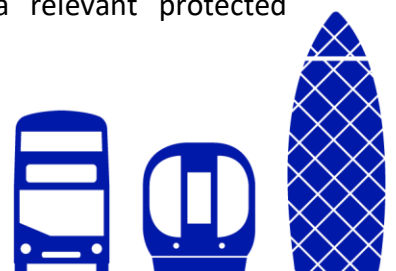
12.1 The Equality Act 2010 (the "2010 Act") places a duty on TfL in the exercise of its functions to have due regard to the need to:

12.1.1 eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the 2010 Act;

12.1.2 advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and

12.1.3 foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

12.2 The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

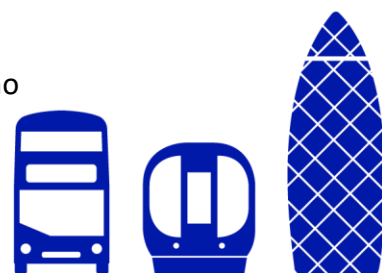




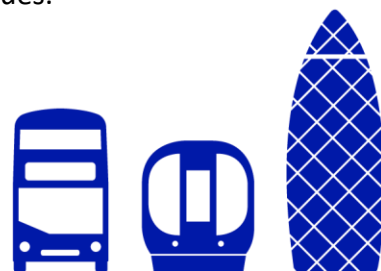
- 12.3 In formulating and promoting the Order (CD/2), the Applicant has considered the 2010 Act and how the proposals for the Road Scheme will improve capacity and experience for road users, pedestrians and cyclists.
- 12.4 An Equality Impact Assessment (“EqIA”) (CD/6) for the Road Scheme was undertaken in March 2022 and updated in November 2023. It contains a detailed assessment of whether the proposals have a direct or indirect impact on groups with protected equality characteristics including positive impacts arising from the changes. In particular:
- 12.4.1 in relation to the proposed Road Scheme, the EqIA sets out the potential adverse impact through the relocation of bus stops arising from the change in the realignment of the A205 South Circular which will be further from current civil amenities and Catford town centre; and
- 12.4.2 in relation to the areas specifically affected by the Order, it notes the positive impact on level access to the Jubilee Ground sports field through the provision of improved pedestrian-controlled crossing across Catford Road.
- 12.5 A full list of actions arising from the EqIA is contained at the end of the assessment.
- 12.6 As the Road Scheme continues to develop, the EqIA will be kept under review and the Applicant’s obligation under the public sector equality duty considered.

#### Human Rights Act

- 12.7 Section 6 of the Human Rights Act 1998 requires (among other things) that every public authority acts in a matter which is compatible with the rights in the European Convention for the Protection of Human Rights and Fundamental Freedoms (the “Convention”).
- 12.8 The Convention rights relevant to a compulsory purchase order include Article 1 of the First Protocol of the Convention, Article 6 and Article 8.
- 12.8.1 Article 1 of the First Protocol protects people’s peaceful enjoyment of their possessions: “No one shall be deprived of his possessions except in the public interests and subject to the conditions provided for by law and by the general principles of international law.”
- 12.8.2 Article 6 allows parties affected by a CPO’s powers to a “fair and public hearing within a reasonable time by an independent and impartial tribunal established by law”.
- 12.8.3 Article 8 protects people’s rights to “private and family life...home...and correspondence”. There “shall be no interference by a public authority with the exercise of this right” except where “necessary in a democratic society in the interests of...the economic well-being of the country”.
- 12.9 Although the Order (CD/2) can potentially infringe on people who own property within the Order Land, the infringement will be authorised provided that:



- 12.9.1 the Applicant follows the statutory procedures for obtaining the Order;
- 12.9.2 there is a compelling case in the public interest for making the Order; and
- 12.9.3 any infringement with the rights set out above is proportionate to the Order's aims.
- 12.10 The Applicant has considered the Order's impact on the Convention rights of those whose interests will be affected by it. Given the justification for the Order, the Applicant believes this Statement sets out public benefits to the Road Scheme that justify necessary interference with private rights. There is a clear and compelling case for the Order and for acquiring the properties in the Order Land where private agreements are not in place.
- 12.11 Additionally, the Applicant conducted a consultation as well as four public consultation events on the Road Scheme between 24 April 2023 and 5 June 2023, at various locations within the Catford community (for details, see the consultation website) (CD/44). These events allowed local residents and businesses to make representations about how the Road Scheme would affect them. See section 8.45 of this Statement for further details of the consultation.
- 12.12 If the Order is confirmed, the Applicant will exercise its compulsory acquisition powers to acquire the interests included in the Order Land that have not already been acquired by agreement. As set out in section 11 of this Statement, the Applicant has consistently engaged with local landowners to acquire the relevant interests and those efforts continue. Everyone whose interests are compulsorily acquired will be entitled to fair compensation assessed pursuant to the Land Compensation Acts and determined independently by the Upper Tribunal (Lands Chamber) if it is not agreed.
- 12.13 The Applicant believes that in making the Order it has struck a fair balance between the public interest for the Road Scheme and the interference with private rights. Taking into account the exercise of compulsory purchase powers as a statutory process requiring confirmation from the Secretary of State for Transport, the provision for compensation to be paid to those affected, the limited private interests affected by the proposed Order and the compelling case in the public interest for the Road Scheme to improve the highway network in Catford, it is considered that the interference with private property rights is necessary, proportionate and strikes a fair balance towards meeting TfL's objectives.
- 12.14 Those affected by the Order have been informed and advised of their right to make representations to the relevant Secretary of State, their right to be heard as part of the confirmation process for the Order, and of a fair entitlement to compensation (where applicable) thus ensuring compliance with Article 6 of the Convention and a right to a fair hearing.
- 12.15 No objectors to the Order have raised human rights or equalities issues.



## 13 CONCLUSIONS

- 13.1 Implementation of the Road Scheme will deliver a transformational highway scheme in Catford by realigning the A205 South Circular and removing the gyratory.
- 13.2 The Road Scheme will improve journey reliability times in the area and improve pedestrian and cycling facilities, which will itself increase road user safety and reduce levels and severity of collisions in the area. Local bus users will have better access to public transport. The Road Scheme will also facilitate LB Lewisham's future regeneration plans as an incidental benefit, in due course.
- 13.3 To achieve these goals, and to complete the Road Scheme, compulsory acquisition of interests in the Order Land is required so the Applicant can still deliver the Road Scheme in a timely fashion if it cannot acquire all the relevant interests privately.
- 13.4 The Road Scheme will positively transform the Catford town centre area, so the Applicant is satisfied that there is a compelling case in the public interest for the Secretary of State to confirm the Order (CD/2) to secure the Order Land so the Road Scheme can be completed. This will result in significant economic, social and environmental improvements locally.
- 13.5 This Statement sets out how the Order and the Road Scheme meet the requirements in both statute and the 2019 Guidance (CD/18):
- 13.5.1 the Road Scheme aligns with national and local planning and transport policies, as described in section 7.4;
- 13.5.2 the Road Scheme will deliver benefits as set out in section 2.3, specifically:
- (a) improved journey time reliability resulting from optimised road space allocation;
  - (b) improved pedestrian and cycling facilities, including improved crossing points, widened pavements and segregated cycle facilities;
  - (c) increased walking and cycling trips through, to and from the Catford town centre, resulting from prioritising active modes of travel and improving wayfinding;
  - (d) reduced levels and severity of collisions, along with improvements to perception of road safety, resulting from increased and improved crossings, including controlled crossings;
  - (e) reduced road danger for pedestrians, cyclists and bus users, resulting from travel mode segregation where possible and widened footways at key locations;
  - (f) better access to public transport, resulting from improved links with active travel modes and a new crossing in front of Catford Bridge Station;



- (g) increased bus patronage, resulting from 700m of dedicated bus lanes and relocation of stops;
- (h) incorporation of sustainable urban drainage measures, including tree planting, permeable paving and SuDs;
- (i) improved sense of place resulting from the reduced severance of the town centre and the release of land to facilitate LB Lewisham's planned improvements to public spaces and Catford's commercial core; and
- (j) improved greening and climate resilience, resulting from both the Road Scheme works and the facilitation of LB Lewisham's regeneration of Catford town centre.

13.5.3 the Road Scheme will also enable LB Lewisham's future regeneration plans for the Catford town centre;

13.5.4 the Applicant has access to funding to cover the costs of land acquisition and any associated compensation, and expects to have access to funding to cover construction of the Road Scheme;

13.5.5 the Applicant already owns the majority of the Order Land, and only the Applicant can deliver the Road Scheme; and

13.5.6 subject to the Order being confirmed, there are no likely impediments to the Road Scheme proceeding.

13.6 The Applicant requests the Secretary of State to confirm the Order.

