

TRANSPORT FOR LONDON

BOARD

SUBJECT: EAST LONDON TRANSIT PHASE 1b - COMPULSORY PURCHASE ORDER APPLICATION

DATE: 30 JULY 2008

1 PURPOSE AND DECISION REQUIRED

1.1 This paper seeks the Board's in principle approval for the making of one or more compulsory purchase orders for the purposes of the East London Transit Phase 1b (ELT1b) and associated delegations.

2 BACKGROUND

2.1 The Board should note that Government funding of £18.5m has been granted "in principle" against a July 2012 live date. Consequently the delivery programme has been shortened by about 2 years, leaving little slack in the schedule.

2.2 The Finance Committee considered this proposal at its meeting on 10 July 2008 and approved it being recommended to the Board.

3. PROJECT DESCRIPTION

3.1 East London Transit (ELT) will be a high quality bus-based transit system, which will provide a fast, frequent and reliable service to key areas of regeneration in the Thames Gateway, specifically areas around Barking, Ilford and Dagenham. It has been developed by TfL in consultation with the London Boroughs of Redbridge (LBR) and Barking and Dagenham (LBBD) and other key external stakeholders such as the London Thames Gateway Development Corporation (LTGDC), and Barking Riverside Ltd (BRL) - a private joint venture company between Bellway Homes Ltd and English Partnerships.

3.2 ELT currently comprises two projects, ELT1a and ELT1b. The first phase, ELT1a, will operate between Ilford Town Centre and Dagenham Dock via Barking Town Centre and will open in late 2009. This paper relates to the second phase, ELT1b, which will run from Barking Town Centre through the significant new housing development being established at Barking Riverside, and potentially on to Dagenham Dock. The current route plan is at Appendix 1. ELT1b is planned to open during 2012.

3.3 The Barking Riverside Development (BRD) has received outline planning permission to provide 10,800 new homes and 2,000 jobs by 2026. A section 106 obligation means that an ELT route must be completed and available for use through the western quarter to the local centre before 1,500 residential units are occupied.

- 3.4 The developer, BRL, is committed to funding and delivering the segment of the busway through BRD. TfL has committed to develop and construct the element of the route that connects to BRD, subject to funding being confirmed by the Government via the Community Infrastructure Fund (CIF2). The Government has provisionally confirmed an award of £18.5 million to fund this project, with final confirmation expected in September 2008.
- 3.5 Following a public consultation in May 2007, a single route option has been chosen. This follows the ELT1a alignment from Barking to the A13. It then runs along River Road to Thames Road, along Thames Road into Creek Road and then follows Long Reach Road into BRD.
- 3.6 In order to minimise the impact on local properties and to reduce risk, the project is attempting to minimise land acquisitions. The majority of land to be used for ELT1b is adopted public highway with LBBB as the highway authority. However, under the current design, some land and certain rights will need to be acquired from a small number of third party landowners. No residential buildings, residential land, or open space is required to implement the scheme. An indicative plan, illustrating the areas of land involved, is attached at Appendix 2. Most of the land is connected to the widening of River Road, the main road leading to BRD, to allow northbound and southbound bus lanes. Designers will refine the design to reduce the number of small parcels of land, before the final CPO is made.
- 3.7 There are approximately 3,300 sq metres of non-highway land required for the current scheme. This impacts on 2 commercial buildings (one of which is currently empty) and private commercial land which, it is proposed, should be compulsorily acquired (if necessary).
- 3.8 TfL has commenced engagement with all the occupiers and landowners of land potentially affected by the CPO with the aim of reaching a negotiated settlement for the purchase of the land and rights required. Negotiations will continue in parallel to the compulsory purchase process.
- 3.9 It is not planned to 'stop-up' roads (i.e. close them permanently) or divert existing highways, but if this does become necessary, powers under the Highways Act 1980 and the Road Traffic Act 1984 would be used.
- 3.10 TfL has compulsory purchase powers under both the GLA Act 1999 and the Highways Act 1980.

Approaches

- 3.11 There are two approaches for acquiring the land:
- a) Negotiations with landowners, with no CPO sought. This approach introduces considerable risk into the project as there is no certainty that negotiations could be concluded within required timeframes.

- b) TfL to use the CPO powers under either the GLA Act 1999, or the Highways Act 1980, to acquire the land but endeavour to reach agreement through parallel negotiations. This is the current approach as it provides the most efficient and secure means of obtaining the land and rights required.

4. CRIME AND DISORDER / SUSTAINABILITY / EQUALITIES / RISK MANAGEMENT IMPLICATIONS

Crime and Disorder

- 4.1 The project team have sought advice from the TfL Crime and Disorder Partnerships Unit. Improved pavements and crossing places will lead to improvements in customer safety due to the improvement of safe walking routes and pedestrian crossing points, the reorganisation of the on-street parking and traffic control measures. High, uniform street lighting levels, together with the creation of a refreshed streetscape will help to improve passengers' and pedestrians' experience of the urban realm and improve perceptions of crime and anti-social behaviour risks.

Sustainability

- 4.2 The project will be undertaking a full environmental evaluation. Within the design, ELT1b will continue to comply with all relevant policies, industry standards and good practice to ensure that sustainability is an integral part of the design process. Issues such as energy conservation and materials management are being integrated within the scheme design, including the bus engine technology.

Equalities Implications

- 4.3 The delivery of ELT1b will assist in ensuring that the capacity of public transport in the area will meet predicted demands. An Equality Impact Assessment has been completed for the project and no negative impacts have been identified.

Risks

- 4.4 The key risks to the project are as follows:
 - a) In order to receive the CIF2 funding the project timetable has been compressed. In order to minimise this risk the project team has ensured regular engagement with the key stakeholders.
 - b) In order to deliver the scheme LBB, as the local highway authority, need to give their permission for TfL to construct the scheme on their highway. Although it is fully expected that such permission will be forthcoming, it has yet to be granted. This is not seen as a high risk as the transit scheme is supported by LBB.

5. LEGAL/ FINANCIAL / CROSS-MODAL IMPLICATIONS

Legal

- 5.1 The Human Rights Act 1998 incorporated the European Convention on Human Rights (“the Convention”) into UK law. The Convention contains provisions intended to prevent various rights of the individual (including rights to the peaceful enjoyment of possessions and protection of home and family life) being interfered with unless it is in the public interest to do so.
- 5.2 TfL has been conscious of the need to strike a balance between the Convention rights of the individual potentially affected by its proposals and the interests of the public at large. In light of the significant public benefit which would arise from the implementation of ELT1b, TfL has concluded that it would be appropriate and justifiable to submit a CPO, if required. It does not regard the CPO (if made) as constituting any unlawful interference with individual property rights.
- 5.3 Landowners will be given the opportunity to make representations at any public inquiry which the Secretary of State decides to hold in connection with the CPO. Under the Compensation Code, anyone whose property is directly affected by the proposed CPO will be entitled to compensation proportionate to the loss which they have suffered.

Financial Implications

- 5.4 The project cost of £20.65m is mainly funded by £18.5m of CIF2 money. BRL is contributing £466k as they will no longer have to undertake Section 106 works along River Road as these will be carried out as part of the project.
- 5.5 £4.0m of the overall cost is associated with acquiring property.

Cross Modal

- 5.6 ELT1b is a strategic transport link between Barking Town Centre and Dagenham Dock serving the BRD. This service will complement the ELT 1a service between Ilford and Dagenham Dock and the proposed ELT 2 service between Barking Town Centre and Gallions Reach with a possible extension over the Thames Gateway Bridge to Abbey Wood and Woolwich (via Greenwich Waterfront Transit).
- 5.7 The alignment is designed to join planned residential and commercial developments and should therefore reduce the reliance on private vehicles. The penetration of the services through the heart of these developments, and the linkages to key interchange points and employment/service centres in Barking and Dagenham is central to the scheme.
- 5.8 ELT1b will therefore provide a frequent and reliable service to the multi-modal interchange at Barking station. Providing links to other bus services, national rail, and underground services. Additionally ELT1b will provide an important link to the new stations of the planned DLR extension within the Barking Riverside site, and to the overland rail services at Dagenham Dock.

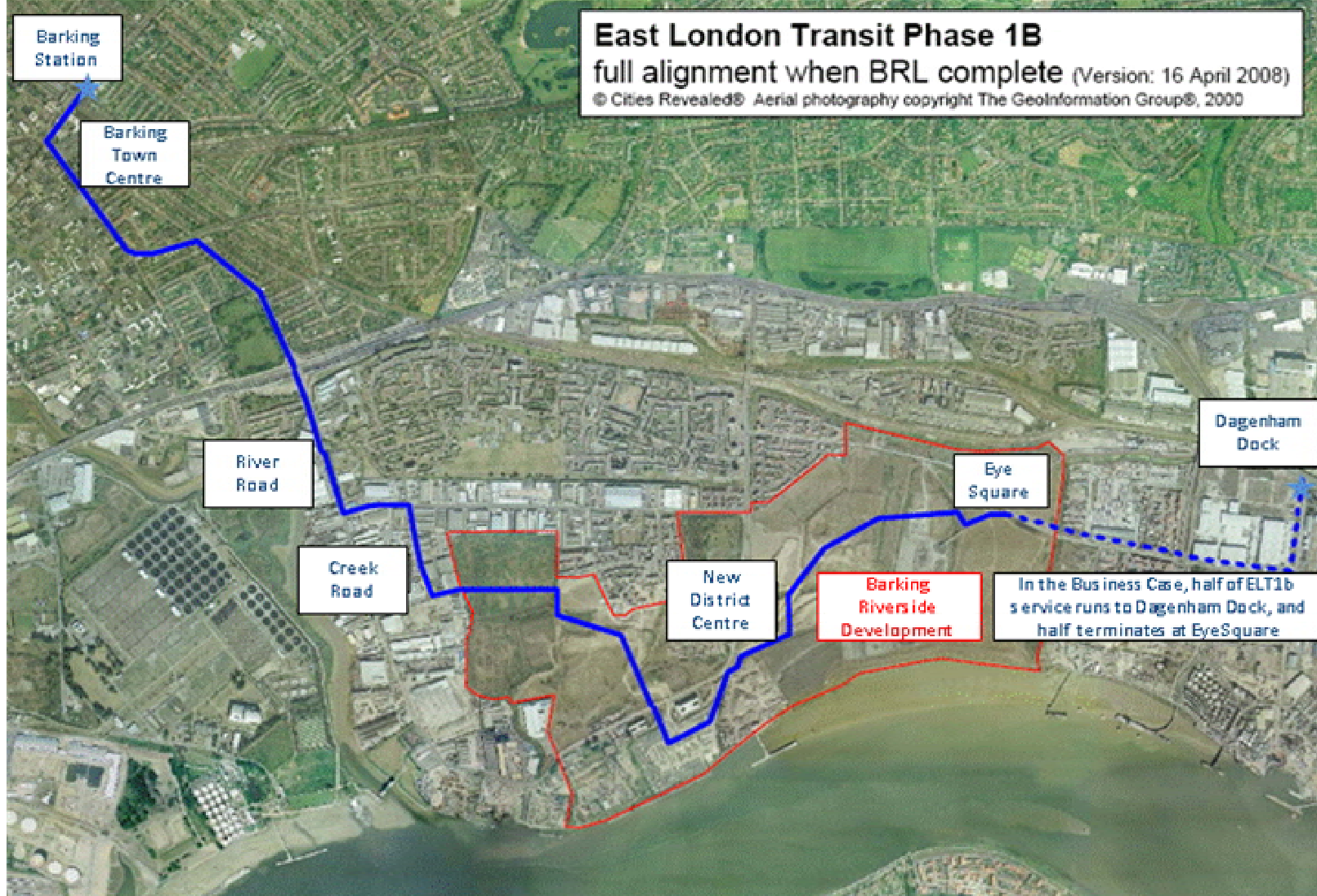
6. CONCLUSION AND NEXT STEPS

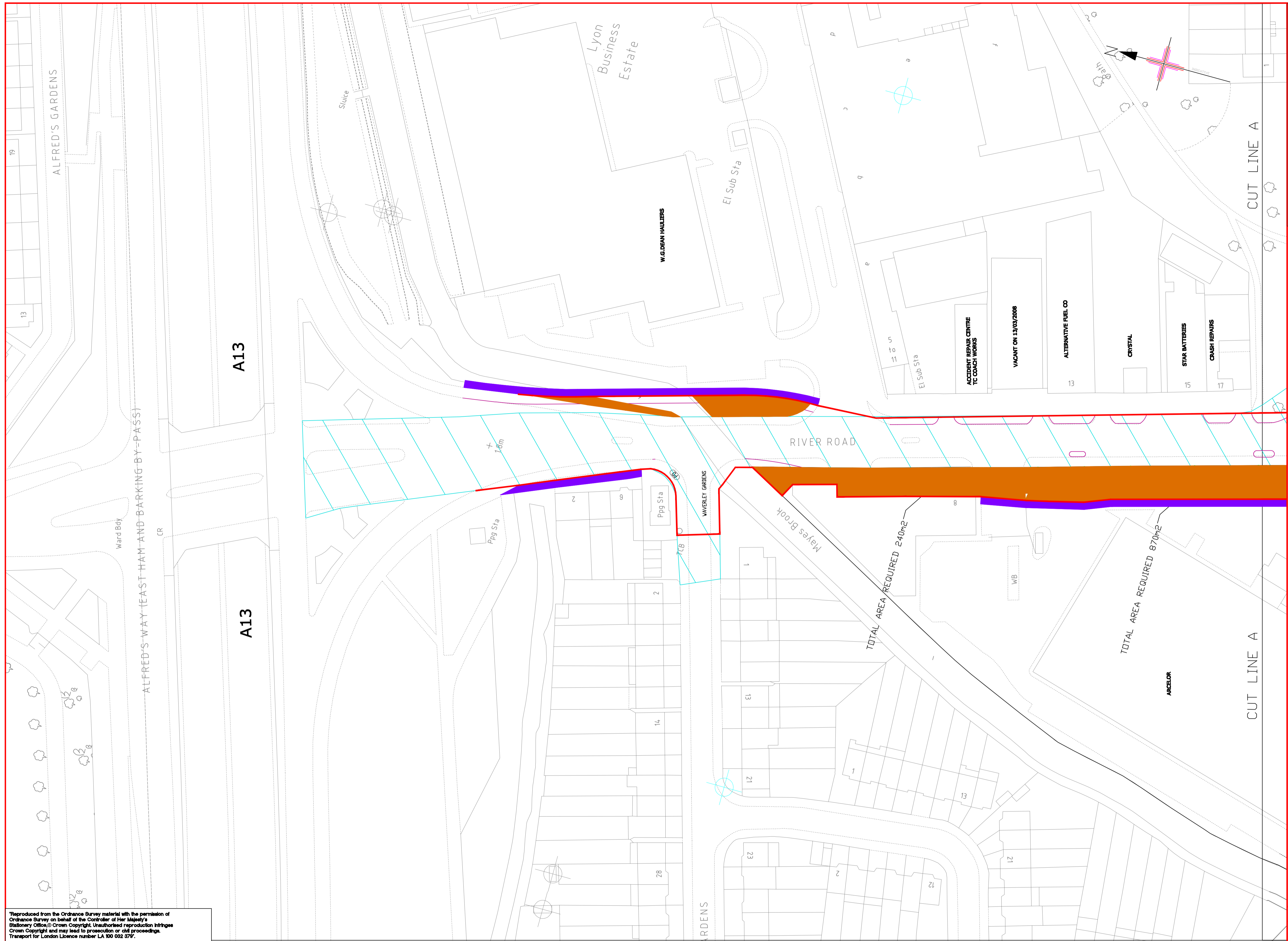
- 6.1 We are already at an advanced stage with preparations for the making of the CPO so that should this Board resolve, in principle, to the granting of a CPO, ELT1b can meet its timetable. For example land parcels have been identified, land referencing has begun and engagement with the affected landowners has commenced.
- 6.2 After making the CPO there is a month for objections to be lodged. We will then seek an Inquiry date and this might be given for 9 months' time. In this window we will continue to negotiate with owners and occupiers to get objections withdrawn and to reach private agreements if possible.
- 6.3 Engagement with affected land owners, stakeholders and local residents will continue throughout the design and construction phases.

7. RECOMMENDATIONS

- 7.1 The Board is asked to:
- a) AGREE, in principle, to the making of one or more compulsory purchase orders (the Order) (if required) for the purposes of the East London Transit Phase 1b (the Scheme);
 - b) DELEGATE authority to the Managing Director, Surface Transport (and in his absence General Counsel) to:
 - (i) agree the final terms of any Order (including the land and interest to be subject to the Order) for the Scheme;
 - (ii) do all such further things and sign (or seal) such further documents, agreements or notices as are required in connection with the making of any Order (if required); and
 - (iii) do all such further things and take all relevant actions to promote the making of any Order for ELT1b, including responding to any objections to the Scheme or in connection with responding to any public inquiry that may be held in relation to the Scheme and acquiring any land for the scheme resulting from parallel negotiations with landowners.

**Appendix 1 – ELT1b Route Alignment
(Barking Station to Dagenham Dock, via Creekmouth Commercial Area and Barking Riverside Development)**





KEY

- LAND DIRECTLY AFFECTED BY ELT 1b
- EXTENTS OF ELT 1b
- ELT 1b EXISTING HIGHWAY BOUNDARY
- TEMPORARY LAND REQUIRED DURING CONSTRUCTION

NOTES:

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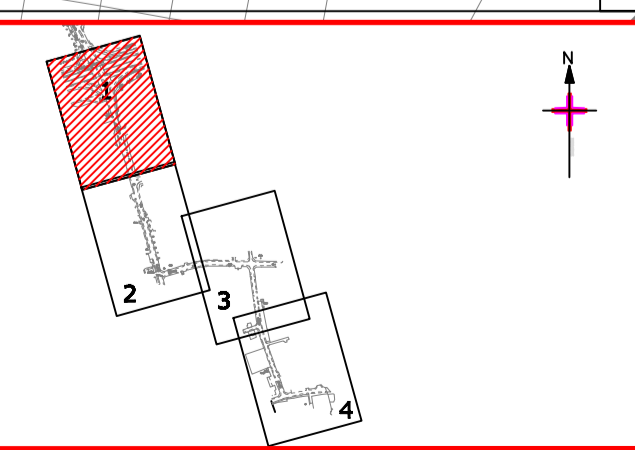
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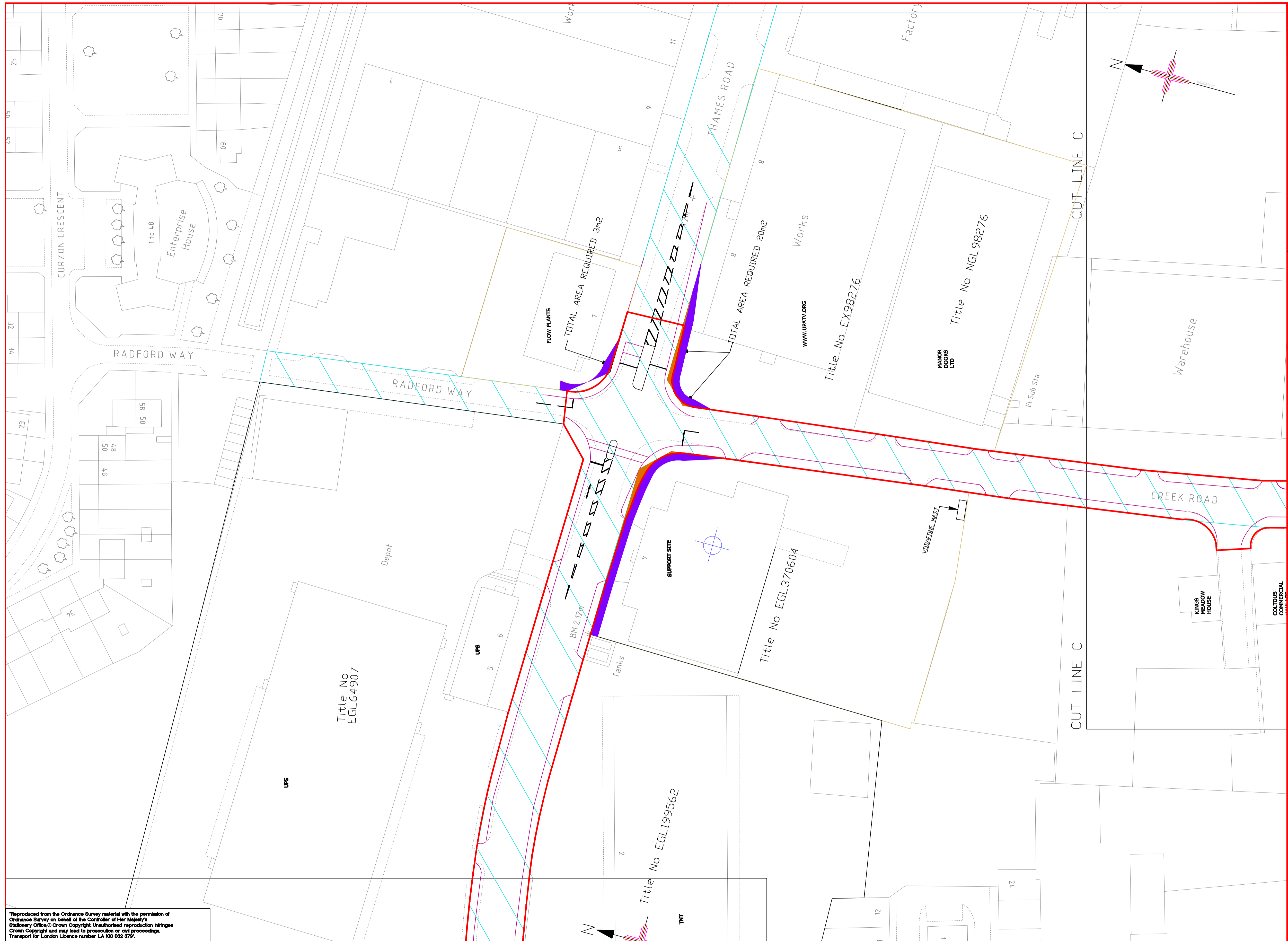
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East London Transit 1b

COMPULSORY PURCHASE ORDER PLAN, SIGNALIZED OPTION
SHEET 1 OF 4





KEY

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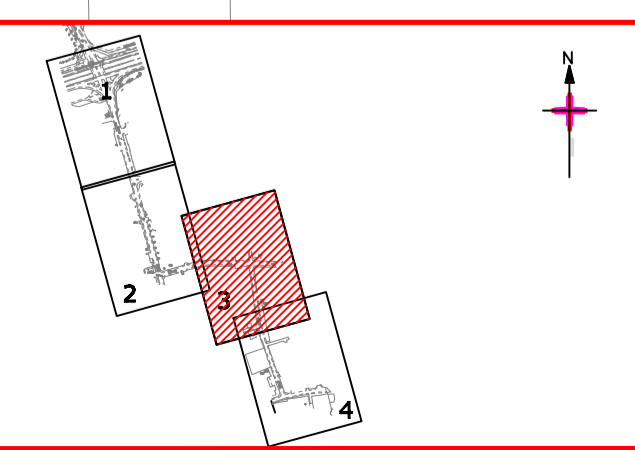
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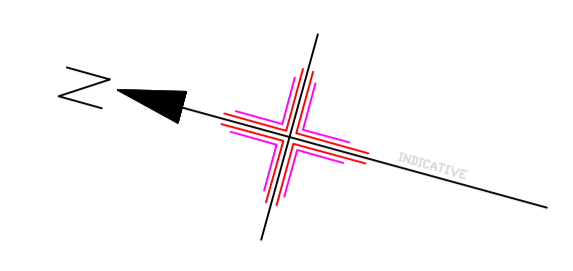
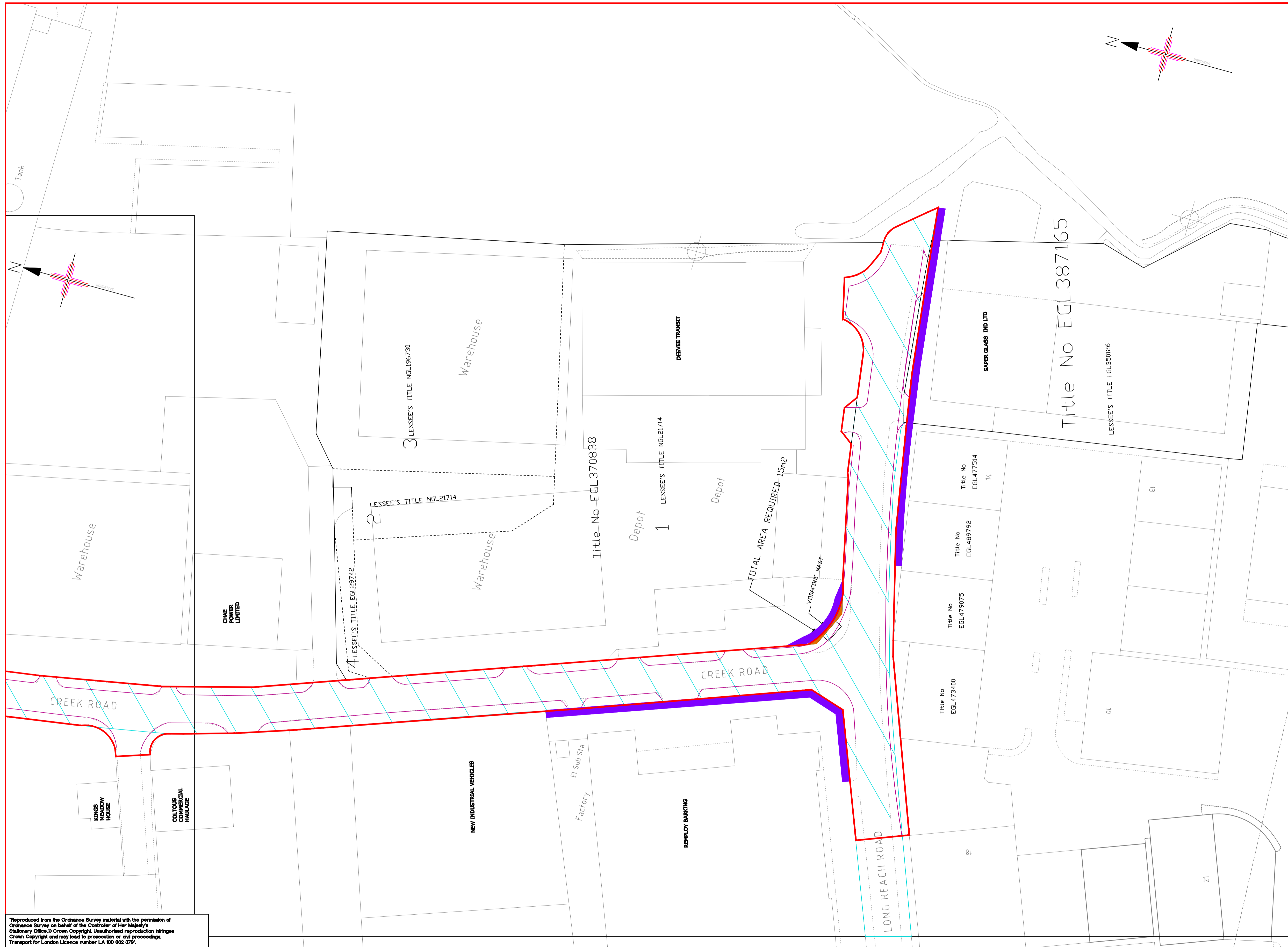
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COMPULSORY PURCHASE ORDER PLAN, SIGNALIZED OPTION

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