



TRANSPORT FOR LONDON

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

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

STATEMENT OF REASONS





1. INTRODUCTION

- 1.1 This is the Statement of Reasons for the making of the Transport for London (Surrey Quays Station Upgrade) Compulsory Purchase Order 2020 (the "**Order**") under section 156 and paragraph 19 of Schedule 11 of the Greater London Authority Act 1999 and the Acquisition of Land Act 1981. This Statement of Reasons is a non-statutory statement provided by Transport for London ("**TfL**") in compliance with the Ministry of Housing, Communities and Local Government's ("**MHCLG**") Guidance on Compulsory Purchase Process and The Crichton Down Rules 2019 (the "**Guidance**").
- 1.2 Under paragraph 19, Schedule 11 of the Greater London Authority Act 1999, the Secretary of State for Transport may authorise TfL to purchase compulsorily any land which is required by TfL or a subsidiary of TfL for the purposes of the discharge of any function.
- 1.3 If confirmed by the Secretary of State for Transport, the Order will enable TfL to acquire compulsorily the land included in the Order (the "**Order Land**") as shown coloured pink on the Order Plan at Appendix 1 to facilitate the upgrade of Surrey Quays Station to provide improved station facilities (including access) as well as a new station entrance and ticket hall (the "**Project**") adjoining the planned Canada Water Masterplan Development as described in Section 3 below.
- 1.4 Surrey Quays Station is situated on the East London Line ("**ELL**") which forms part of the London Overground. Part of TfL's functions include managing London Overground and TfL is charged with transforming London's rail based services to provide safer, modern, reliable, integrated, accessible and user friendly services with improved journey times and an increase in capacity of at least 80 per cent by 2041 to tackle overcrowding and facilitate mode shift to rail.
- 1.5 The Project is part of a wider programme on the ELL which will unlock approximately 14,000 new homes. The Project is funded by both the MHCLG and a section 106 Agreement with the developer of the Canada Water Masterplan Development. The MHCLG funding is time limited.
- 1.6 For the purposes of section 6A-E of the Land Compensation Act 1961 the "scheme" to be disregarded for the purposes of assessing compensation in the "no-scheme world" is the Project and the Canada Water Master





Development. The Project is pivotal to facilitating the Canada Water Masterplan Development.

- 1.7 The Order Land comprises a triangular section of hard standing and shrubs on the north side of Lower Road, Rotherhithe, London between 181 Lower Road and the ELL. The Order Land is owned by Wandle Housing Association Limited following a transfer of the freehold interest in this property from the London Borough of Southwark. However the transfer has not yet been registered at HM Land Registry and so the London Borough of Southwark remain the registered owner of the land. The land is also subject to a number of third-party occupiers.
- 1.8 TfL has endeavoured to acquire the necessary interests by negotiation, but it has not been possible to reach agreement with the parties affected. TfL will, however, continue to make reasonable attempts to acquire the interests by private treaty.
- 1.9 Whilst compulsory purchase is a last resort, the Secretary of State recognises in paragraph 2 of the Guidance that, if the acquiring authority waits for negotiations to break down before starting the compulsory purchase process, valuable time will be lost. Accordingly, it may often be sensible, given the amount of time required to complete the compulsory purchase process, for the acquiring authority to plan a compulsory purchase timetable as a contingency measure; and initiate formal procedures, at the same time as seeking to purchase land by agreement.
- 1.10 TfL has given careful consideration to all relevant issues, having done so, it is satisfied that there is a compelling case in the public interest for it to use its powers of compulsory acquisition.
- 1.11 On 9 December 2020, TfL's Board approved the principle of the making of a compulsory purchase order for the acquisition of the Order Land to enable the timely implementation of the Project.
- 1.12 Paragraph 19 of Schedule 11 to the Greater London Authority Act 1999 also requires that the Mayor of London give his consent before a compulsory purchase order is submitted to the Secretary of State for approval. That approval will be provided before submission of the Order to the Secretary of State for approval.





- 1.13 This Statement sets out the need for the Project, a description of the Project, a description of the Order Land, the planning framework for the Project, the need and justification for the Order, how the Project will be implemented and funded, and explains why overall, there is a compelling case in the public interest for the making of the Order.

2. NEED FOR THE PROJECT

- 2.1 As noted above, the Project is part of a wider programme on the ELL which will unlock approximately 14,000 new homes. The need to deliver new homes and an improved public transport experience are recognised in the Intend to Publish London Plan, the Mayor's Housing Strategy and the Mayor's Transport Strategy.
- 2.2 The Mayor's Transport Strategy covers various aspects of transport issues which will be addressed under his tenure. Part of TfL's role is delivering on the London Mayor's Transport Strategy. Key elements of the Transport Strategy include improving rail services which tackle the overcrowding issues (Policy 16), improving public transport accessibility and inclusivity (Policy 14) and unlocking new homes across London (Policy 21).
- 2.3 As the population of London is set to grow it is inevitable that commuters become increasingly reliant on the rail network more than any other city in the UK. Therefore it is essential that overcrowding issues are dealt with and hence the Mayor has developed a policy which seeks to "transform London's rail-based services to provide safer, modern, reliable, integrated, accessible and user friendly services, with improved journey times and an increase in capacity of at least 80 per cent by 2041 to tackle crowding and facilitate mode shift to rail" (Policy 16 of the Mayor's Transport Strategy March 2018).
- 2.4 The Mayor has also developed a policy to make the public transport network easier and more pleasant to use. Policy 13 of the Mayor's Transport Strategy March 2018 states "the Mayor, through TfL and the boroughs, and working with stakeholders, will seek to make the public transport network easier and more pleasant to use, enabling customers to enjoy comfortable, confident, safe and secure, informed and stress-free travel".
- 2.5 Surrey Quays station sits within the Canada Water Opportunity Area (the "OA"). The draft London Plan policy expects the OA to deliver over 20,000





new jobs, 5,000 new homes and a vibrant new high street, although on the basis of schemes approved or in the pipeline the actual amount of development is likely to exceed this capacity.

- 2.6 There are a number of development sites within the OA which are at different stages of maturity. However, the proposed British Land Canada Water Masterplan Development represents the largest development and accounts for almost all the new jobs and 60 % of new homes identified in the Intended to Publish London Plan. Consequently, it is expected to have the biggest impact on existing transport infrastructure and services within the OA.
- 2.7 Canada Water and Surrey Quays stations are the main points of access to the London Underground and London Overground networks for the OA. Surrey Quays station already suffers from congestion caused by the sub-standard width of the north bound staircase in the morning peak in particular. Similarly, on the south bound platform crowding is experienced particularly in the PM peak due to the narrow platform width. Surrey Quays station is not currently step free, and the delivery of passenger lifts is deemed costly and complicated within the footprint of the existing station layout.
- 2.8 Work by TfL City Planning to determine the impact of the proposed developments (alongside background growth) within the OA has been undertaken. The main conclusions of this assessment are that Surrey Quays station, in its existing configuration, will become increasingly congested as passenger numbers increase due to background growth, development in the area and the attraction of the Elizabeth Line to which the London Overground East London Line provides a direct link. By the mid 2020's there is expected to be a significant risk of frequent station closures despite crowding management procedures being put in place by station staff to ensure that passengers using the station can remain safe. Without improvement Surrey Quays station will continue not to be able to meet the demands of disabled people and others with reduced mobility such as those with buggies or carrying heavy/bulky items.
- 2.9 As a consequence of Covid-19, at the time of preparation of this Statement of Reasons, the East London Line weekday demand is currently running at approximately 50% of the level prior to the Lockdown that started in March 2020. TfL has, however, a planning assumption that by Spring 2022 travel demand for London Overground will return to circa 75% of the level pre-Covid-19. In addition, TfL has developed a range of future planning scenarios for





2030 featuring different levels of passenger demand on its rail networks, depending upon changes to travel habits and the health of the wider economy.

- 2.10 In comparison to 2016 these planning scenarios generate changes in demand from -23% to +55% (the assumption pre-Covid-19 was that demand would grow by an overall 23% by 2030). Whilst these scenario-based forecasts are generic for the TfL rail modes, at Surrey Quays Station the high level of property development planned in the station catchment area results in forecast future growth in passenger demand of 240% by 2041.
- 2.11 Nearly all of this would be achieved in the early 2030s as the property developments planned in the Canada Water area are completed. Given that the level of demand growth forecast at Surrey Quays is an order of magnitude higher than the worst-case travel demand effects of Covid-19, the requirement for the Project remains unchanged given the constraints of the existing station layout.
- 2.12 The Project makes provision for a second, northern station entrance at the Station. The proposed second entrance at the Station provides an additional staircase to each platform from a new ticket hall which would more than double the amount of available vertical circulation. Additional ticket gates are proposed for the existing ticket hall which would increase capacity significantly over the existing three ticket barriers. Together with a new ticket hall the Project would therefore at least double the capacity for moving passengers from the street to the platforms. It is also anticipated that making the Station more attractive, as a result of the new northern entrance, could reduce demand at Canada Water. It could also reduce pressure on the pedestrian crossing on Lower Road.
- 2.13 In summary the Project is needed:
- 2.13.1 To provide sufficient capacity to accommodate existing and future forecast demand within the OA up to 2041.
 - 2.13.2 To provide step free access to support a more accessible and inclusive transport network.
 - 2.13.3 To contribute to making make the public transport network in this area easier and more pleasant to use, enabling customers to enjoy





comfortable, confident, safe and secure, informed and stress-free travel.

2.13.4 To unlock the delivery of new homes forecast within the OA and to enhance the development and regeneration benefits that the Canada Water Masterplan will bring to the OA

2.13.5 To improve the accessibility of the Canada Water Masterplan development site by providing a new entrance on the north side of Lower Road.

3. DESCRIPTION OF THE PROJECT

3.1 The new station entrance at the Station will be on the opposite side of Lower Road to the existing entrance, to enable direct access to the station from the new Canada Water Masterplan Development. In addition to the new station entrance, the Project will provide a new ticket hall and gateline, passenger overbridge with stairs leading down to the platforms, a lift to each platform for passengers of restricted mobility and platform lengthening to accommodate connection with the new station entrance.

3.2 A design process selected a Single Preferred Option for the Station in July 2019 from an initial longlist of six designs, which was further shortlisted to three options. The development process for the Project identified the following project requirements:

3.2.1 increased capacity within the Station to accommodate background demand growth and the major redevelopment adjacent to the station (resulting in 2041 am peak demand increasing by around 240%);

3.2.2 improved accessibility to the north side of Lower Road, to and from the Station, particularly the site of the major development; and

3.2.3 the provision of step-free access between the street and the platform.

3.3 From these requirements the design process determined that a new entrance on the north side of Lower Road is required as this is the only solution that can deliver all the above objectives. The selected Project is shown below in Figure 1.





- 3.4 The new Station entrance can be observed on the left-hand side of the diagram orientated towards the new Canada Water Masterplan Development on the north side of Lower Road. (The existing station is on the right-hand side, which is planned to be retained.)

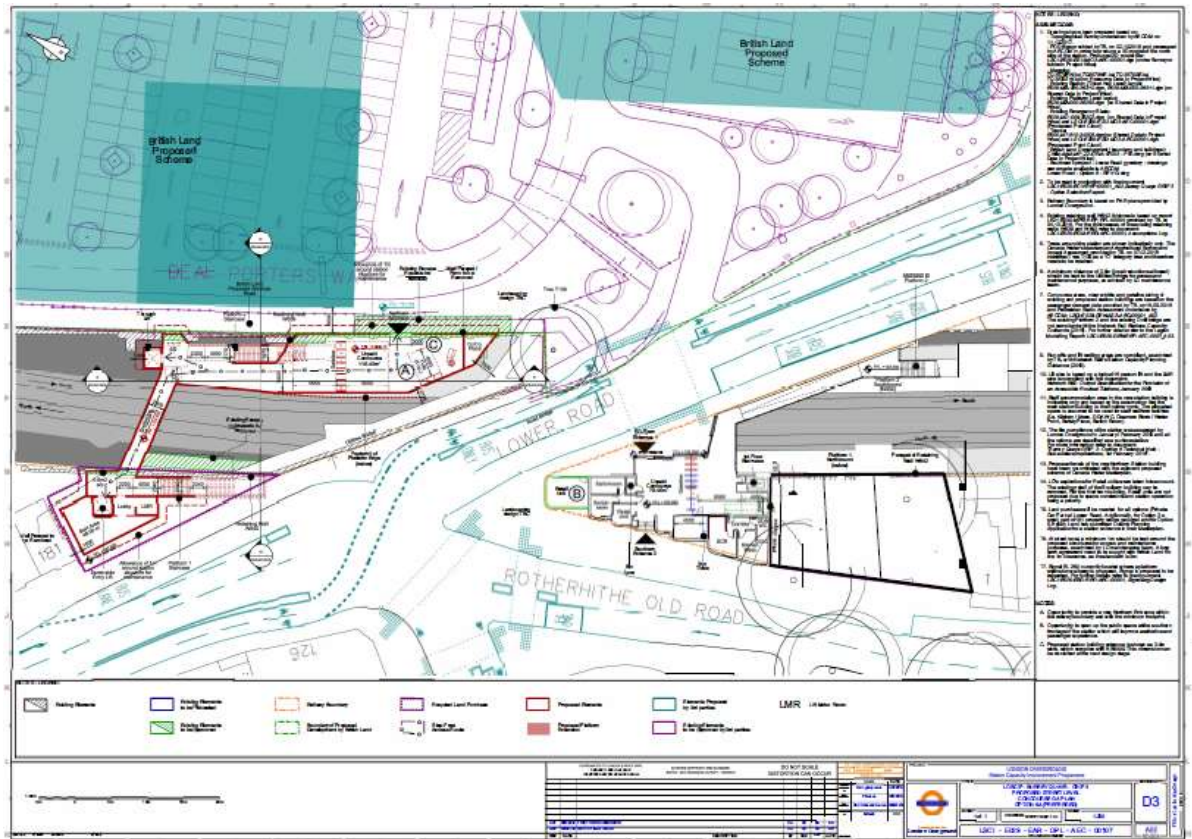


Figure 1

- 3.5 Passengers using the new entrance would pass through the ticket gates and access the platforms via staircases. The northbound platform (on the south side of the station) would be accessed via a footbridge which would be constructed on part of the Order Land. Lifts would be provided to both platforms. This Project requires the entrance area to be constructed above the southbound platform (on the north side of the station) and supported by a cantilever structure.
- 3.6 The new station ticket hall is to be integrated with the Canada Water Masterplan Development, opening onto a new pedestrianised square. External materials used in the station design shall be specified to integrate with and be architecturally complementary to those used in the adjoining Canada Water Masterplan Development.





- 3.7 The existing station entrance and associated facilities are planned to be retained to serve customers to/from the south/western side of Lower Road with demand forecast to be split 60/40% between the new and existing ticket halls. The Project scope for the existing station mainly comprises the provision of additional ticket gates into the gateline and ticket hall redecoration.
- 3.8 The Order Land would facilitate the construction of new footbridge and lifts also house station accommodation that would need to be moved from other parts of the station to facilitate the other station improvements.
- 3.9 An integrated design consultant, WSP, was appointed on 7 September 2020 to undertake the overall ELL programme including the Project. The consultants are in the process of undertaking survey works and reviewing the existing Station design to reduce cost and improve deliverability. For the Project the next project stage involves developing the Project to approval in principle concept design (pathway stage gate 3), which is programmed for completion by October 2021. This development stage will be used to further refine and optimize the station design.

4. LOCATION AND DESCRIPTION OF THE ORDER LAND

- 4.1 The Order Land is identified on the Order Plan at Appendix 1 and comprises a triangular section of hard standing and shrubs situated to the northern side of Lower Road adjacent to 181 Lower Road and flanked to the rear by the East London Line Railway open land. The roof overhang of 181 Lower Road is excluded from compulsory acquisition.
- 4.2 The Order Land is owned by Wandle Housing Association although as explained above the London Borough of Southwark remain the registered owner as the registration of the freehold transfer to Wandle Housing Association has not yet been completed. It is also subject to a number of third-party occupiers using the land for car parking and prior to 4th December 2020 included an unauthorized advertising hoarding. The Order Land comprises 222.6 square metres.
- 4.3 The Order Land contains an area of land which is used for 3-4 car parking spaces. It is known at least one of the adjoining Housing Association tenants of the current owner of the Order Land parks here under what is currently





understood to be an informal arrangement. The remaining users of the car park are currently unknown despite having made enquiries of Wandle Housing Association and their residents. This functionality will be lost with the acquisition of the Order Land and the construction of the Project. Proposals to relocate some or all of this parking elsewhere onto land owned by Wandle Housing Association are under discussion.

- 4.4 In addition, the Property had an unauthorised advertising hoarding on it before 4th December 2020. The advertising hoarding has been removed but reference to the owner of the hoarding as an occupier is included in the schedule to the Order for completeness in case a land interest is claimed. Transport for London dispute that any such land interest exists. It is not clear what entity maintained the advertising hoarding prior to its removal and therefore it has not been possible to identify an address on which to serve a notice.
- 4.5 The Order Land is located within Rotherhithe, within the London Borough of Southwark's administrative area.
- 4.6 The Order Land is not within a conservation area, nor does it include any listed buildings and structure.
- 4.7 There is no relevant planning history of note for the Order Land.
- 4.8 The Order Land is more particularly described in the schedule of interests accompanying the Order, which lists the owners, lessees, tenants, occupiers of the land and other parties with a qualifying interest in the Order Land where known as defined by section 12(2) of the 1981 Act. Details of statutory undertakers' rights and interests are also provided.

5. PLANNING FRAMEWORK

- 5.1 The statutory development plan for the Order Land comprises:
- (a) The London Borough of Southwark's Core Strategy (2011) and saved policies from the Southwark Plan (2007); and
 - (b) The London Plan Consolidated with Alterations since 2011 (March 2016).





- 5.2 In addition, the Canada Water Area Action Plan ("**AAP**") was adopted in November 2015 and represents the primary policy document for determining planning applications within the Canada Water area.
- 5.3 The Core Strategy provides the spatial strategy for the borough and contains the strategic policies to guide development throughout Southwark during the period 2011-2026. The Core Strategy identifies Canada Water as a growth area and a priority for development (Strategic Objective 5A Developing in Growth Areas). The Council's vision is to transform Canada Water into a major town centre.
- 5.4 The Core Strategy supports additional business floorspace in the Action Area cores, targeting 2,000 net new jobs at Canada Water, through 35,000 sq m of additional shopping space and increased leisure space together with the provision of 2,500 new homes - 875 of which are to be affordable and at least 25% family homes (Strategic Target Policy 2 – Improving Places, Strategic Policy 3 – Shopping, leisure and entertainment, Strategic Policy 5 – Providing New Homes, Strategic Policy 6 – Homes for people on different incomes and Strategic Policy 7 – Family Homes).
- 5.5 Strategic Policy 2 of the Core Strategy (Sustainable Transport) confirms Southwark Council's approach of encouraging walking, cycling and the use of public transport rather than travel by car. The policy notes that this will help create safe, attractive, vibrant and healthy places for people to live and work by reducing congestion, traffic and pollution. The Order Land and the wider area sits within an Air Quality Management Area.
- 5.6 The AAP further notes that Southwark Council is aiming to make sure that the Canada Water area is highly accessible, particularly by sustainable types of transport, such as walking cycling and public transport and to reduce the impact of new development on congestion and pollution (paragraph 4.3.1). Policy 7 of the AAP states that the Council will work with TfL to improve the frequency, quality and reliability of public transport and the Project forms part of that joint working.
- 5.7 Southwark Council has also been preparing the New Southwark Plan ("**NSP**"). The NSP will be a new borough-wide planning and regeneration strategy up to 2033 and will replace the saved policies of the 2007 Southwark Plan and the 2011 Core Strategy. Southwark Council submitted the NSP to the Secretary of State on 16 January 2020. Within the NSP Canada Water is designated as





- a Major Town Centre with capacity to expand shopping space. It falls within the broader Rotherhithe character area, where the vision is to create a new destination around Canada Water Dock, creating a new heart for Rotherhithe.
- 5.8 In the adopted London Plan Canada Water is defined as an Opportunity Area with significant potential for mixed use regeneration and intensification of existing commercial sites, focused on the transport interchanges (Policy 2.13 Opportunity Areas and intensification areas). A suggested capacity for 2,000 new jobs and a minimum of 3,300 new homes is given for the period up to 2031 (Annex 1 table A1.1 Opportunity Areas).
- 5.9 A new London Plan is at an advanced stage and Canada Water continues to be designated as an Opportunity Area with an increased indicative capacity for 5,000 new homes and 20,000 new jobs (Policy SD1 Opportunity Areas). Canada Water is also classified as a Major Town Centre within a strategic area for regeneration, with high potential for residential growth and medium potential for commercial growth. It is further classified as an area with more than local significance for the night-time economy, with a mix of culture, leisure, food and drink and other activities during the evening and at night.
- 5.10 Paragraph 2.1.12 of the Intend to Publish London Plan 2019 notes that "the Mayor's Transport Strategy seeks to ensure that public transport and walking and cycling provision are at the heart of planning for Opportunity Areas. It sets out that the Mayor will support growth in Opportunity Areas through transport investment and planning, and commits to setting ambitious mode share targets".
- 5.11 The designation of Canada Water as an Opportunity Area, where major growth will be focused, has meant the need for special attention to the transport impacts and how they will be mitigated. In achieving the Council's objectives of creating a major town centre at Canada Water with a vastly improved retail and leisure offer, a commercial area providing thousands of jobs and a neighbourhood delivering new homes including much needed affordable homes, there are expected to be impacts on the transport network that would lead to significant congestion and increased journey times. This is, to a large extent, a result of the constraints on the existing transport system not least the fact that the site lies in a peninsula formed by the bend in the River Thames.
- 5.12 The Project forms part of the measures required by planning policy to mitigate the transport impacts of the development in the Canada Water area and is,





therefore, aligned with the planning policy applicable to the Canada Water area and the wider planning policy on supporting growth through transport investment.

- 5.13 In terms of the Mayor's Transport Strategy ("**MTS**") the improvements at Surrey Quays Station will:
- 5.13.1 Provide sufficient capacity to accommodate existing and future forecast demand within the Canada Water Opportunity Area up to 2041, aligning to MTS Proposal 71 - to deliver a programme of station capacity improvements to complement line capacity enhancements and to improve the overall public transport journey experience in London - and proposal 82 – to support growth through transport investment and planning in the Central Activities Zone, in and around town centres, in close proximity to stations and in Opportunity Areas.
 - 5.13.2 Provide step free access to support a more accessible and inclusive transport network, aligning to MTS Proposal 55.
 - 5.13.3 Improve the accessibility of the Canada Water Masterplan development site by providing a new entrance on the north side of Lower Road, also aligning to MTS Proposal 82.
 - 5.13.4 Promote Heathy Streets principles within the Canada Water Opportunity Area, aligning to MTS Proposal 50 and Policy 2.
 - 5.13.5 Promote use of the public transport network through providing a high-quality passenger experience of Surrey Quays station, the London Overground network and interchange with other public transport modes, aligning to MTS Policy 10 and 13.
 - 5.13.6 Enhance the development and regeneration benefits that the Canada Water Masterplan will bring to the Canada Water Opportunity Area, aligning to MTS Policy 21.
 - 5.13.7 Unlock the delivery of new homes forecast within Canada Water Opportunity Area, also aligning to MTS Policy 21.
- 5.14 The Project also enables growth which supports the following Intend to Publish London Plan Good Growth policies:





- 5.14.1 Building strong and inclusive communities (Policy GG1) by unlocking strategic developments that include good quality services and amenities that strengthen communities and address social isolation.
- 5.14.2 Making the best use of land (Policy GG2) by prioritising higher density development on brownfield land, in Opportunity Areas, and on public sector land sites with good public transport connections.
- 5.14.3 Creating a healthy city (Policy GG3) by promoting the Healthy Streets Approach and improving accessibility of public transport infrastructure to promote active lifestyles.
- 5.14.4 Delivering the homes Londoners need (Policy GG4) by unlocking housing developments with an aim for all sites to deliver a minimum of 35% affordable housing in Southwark and Lewisham, using the Affordable Housing Viability Supplementary Planning Guidance where possible.
- 5.14.5 Growing a good economy (Policy GG5) by providing public transport access to key employment hubs as well as ensuring that sufficient high-quality affordable housing is provided.
- 5.15 In summary the Project is fully aligned with the applicable planning framework and there should be no planning impediments to the Project coming forward.

6. THE NEED FOR AND JUSTIFICATION FOR THE ORDER

- 6.1 Under paragraph 19, Schedule 11 of the Greater London Authority Act 1999, the Secretary of State for Transport may authorise TfL to purchase compulsorily any land which is required by TfL or a subsidiary of TfL for the purposes of the discharge of any function.
- 6.2 The Guidance recognises compulsory purchase powers are an important tool to use as a means of assembling the land needed to help deliver social, environmental and economic change and used properly they can contribute to essential infrastructure. However, a compulsory purchase order should only be made where there is a compelling case in the public interest.
- 6.3 TfL has taken full account of the Guidance in making the Order. It is utilising the powers under paragraph 19, Schedule 11 of the Greater London Authority





Act 1999 because it is not certain that it will be able to acquire the interests to enable the Project to commence by agreement in a timely manner.

- 6.4 There is no specific guidance on the use of TfL's compulsory purchase powers under paragraph 19, Schedule 11 of the Greater London Authority Act 1999. Paragraph 12 of the Guidance notes, however, that there are certain fundamental principles that a confirming minister should consider when deciding whether or not to confirm a compulsory purchase order.
- 6.5 A compulsory purchase order should only be made where there is a compelling case in the public interest. An acquiring authority should also be sure that the purposes for which the compulsory purchase order is made justify interfering with the human rights of those with an interest in the land affected. Particular consideration should be given to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights and, in the case of a dwelling, Article 8 of the Convention.
- 6.6 Paragraph 13 of the Guidance notes that:

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

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

If an acquiring authority does not:

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





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

- 6.7 The land is required to deliver the Project and the design selection process has identified the Project as the only solution that can deliver the following objectives:
- 6.7.1 increasing capacity within the Station to accommodate background demand growth and the major redevelopment adjacent to the station (resulting in 2041 am peak demand increasing by around 240%);
 - 6.7.2 improved accessibility to the north side of Lower Road, to and from the Station, particularly the site of the major development; and
 - 6.7.3 to provide step-free access between the street and the platform.
- 6.8 The preferred station development option further balances the project requirements against minimising the impact on third party land and buildings in the surrounding area.
- 6.9 Surrey Quays station, in its existing configuration, will become increasingly congested as passenger numbers increase due to background growth, development in the area and the attraction of the Elizabeth Line to which the London Overground East London Line provides a direct link. By the mid 2020's there is expected to be a significant risk of frequent station closures despite crowding management procedures being put in place by station staff to ensure that passengers using the station can remain safe. Without improvement Surrey Quays station will continue not to be able to meet the demands of disabled people and others with reduced mobility such as those with buggies or carrying heavy/bulky items.
- 6.10 Moreover development of the OA cannot be achieved without the Project. The Canada Water Masterplan Development for example is restricted so that 157,500sqm GIA of commercial floorspace cannot be occupied until work on the Project has commenced.
- 6.11 The Guidance states that acquiring authorities must take reasonable steps to acquire all the land and rights included in the Order by agreement. Positive discussions have been had with Wandle as landowner since the end of 2019, however they have been complicated by the third-party interests over the land





(particularly car parking), issues over valuation and the unauthorised advertising hoarding.

- 6.12 Wandle have been unable to confirm which residents use the car park area of the Property or show any formal rights for particular residents to park there. Given the nature of the Property, Wandle requested that communications with their residents around the acquisition of the Property be made through or by them. Their direct enquiries with residents as to which residents are using the car park only produced a response from the resident at 181 Lower Road, a copy of which was provided to TfL but for whom no further contact details have been provided. The response outlined concern that part of the garden of 181 Lower Road would be removed as a result of the acquisition of land. In response to these concerns no part of the garden for 181 Lower Road is included within the Order Land. TfL have been seeking to establish direct communication with the resident at 181 Lower Road.
- 6.13 Accordingly discussions remain on-going with Wandle particularly around the removal/relocation of the car parking and valuation. TfL has, however, had to make the Order to ensure the timely delivery of the Order Land. Should it be possible to successfully acquire the Order Land by private treaty with vacant possession and free of third-party interests, then TfL will not pursue confirmation of the Order from the Secretary of State.

7. DELIVERY AND RESOURCES

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





- 7.4 The remainder of the funding will provide delivery of works on the ELL within its scope including the Project.
- 7.5 The HIF funding supplements an agreed £10m planning contribution for the Project from the Section 106 Agreement for the Canada Water Masterplan Development.
- 7.6 Planning permission for the Project needs to be secured as explained below. The Project is unlikely to be prevented by any other physical or legal impediments to implementation.

8. PLANNING

- 8.1 Those elements of the Project which are situated within the existing Station will constitute development for which permitted development rights exist under the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 8.2 The works situated outside the boundary of the existing Station need express planning permission and at the time of the making of the Order an outline planning application for the required planning permission will have been made or will be imminent. Given that the Project is consistent with the planning policy framework relevant to the Order Land and the surrounding area, the importance of the Project to the wider development of the OA and the overall scale of the proposals TfL is confident that planning permission will be secured in a timely manner.

9. RELATED ORDERS AND SPECIAL KIND OF LAND

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

10. HUMAN RIGHTS ACT

- 10.1 The Human Rights Act 1998 incorporated into domestic law the Convention on Human Rights (the "**Convention**"). The Convention includes provisions in the form of Articles, which aim to protect the rights of the individual.
- 10.2 Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way that it incompatible with the Convention. The Guidance provides that





a compulsory purchase order should only be made where there is a 'compelling case in the public interest', and that a public authority pursuing a compulsory purchase order should be sure that the purpose for which it is making that order sufficiently justifies interfering with the human rights of those with an interest in the land affected. In making this assessment, the authority should have regard, in particular, to the provisions of Article 1 of the First Protocol and Articles 6 and 8 to the Convention.

- 10.3 Under Article 1 of the Convention, every natural or legal person is entitled to the peaceful enjoyment of his possessions. Article 1 states 'no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law'.
- 10.4 Article 6 of the Convention provides that 'in determining his civil rights and obligations...everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law'.
- 10.5 Article 8 of the Convention protects private and family life, home and correspondence.
- 10.6 It is acknowledged that the above Convention rights may be at issue in the course of making and leading up to the confirmation or non-confirmation of the Order. As regards Article 1 of the Convention, it is acknowledged that the owners and occupiers of the land comprised within the Order Land may be deprived of their property if the Order is confirmed and thereafter implemented. However, such interference will be in accordance with the law. The public benefits associated with the Order are set out in this Statement, and TfL is satisfied that the Order will strike a fair balance between the private loss of property rights and the public interest in securing the implementation of the Project (which is unlikely to happen in the absence of the Order).
- 10.7 In respect of the right to a proper hearing under Article 6 of the Convention, TfL is satisfied that the statutory compulsory purchase process provides for the consideration of objections and, if such objections are duly made, for a public inquiry to be convened into the Order, all of which complies with Article 6. With regard to the decision as to whether or not the Order should be confirmed, a right of challenge before the High Court exists. In relation to compensation disputes, affected persons have the right to refer any claim for





compensation to the Upper Tribunal (Lands Chamber), being an independent body.

- 10.8 As to Article 8, this right is qualified in the case of interference in accordance with the law, where there is a legitimate aim and where it is fair and proportionate in the public interest. TfL is satisfied that their proposed use of compulsory purchase powers for site assembly of the Order Land and the interference caused is justified and falls within these exceptions having regard to the compelling public benefit which would arise from the Project.

11. EQUALITIES ASSESSMENT

- 11.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics namely: age, disability, gender re-assignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. Pursuant to section 149 of the Equality Act 2010, TfL is subject to the Public Sector Equality Duty, which requires TfL, when exercising their powers, to have due regard to the need to:

11.1.1 eliminate unlawful discrimination, harassment and victimization and other conduct prohibited by the Equality Act 2010;

11.1.2 advance equality of opportunity between people who share a protected characteristic and those who do not; and

11.1.3 foster good relations between people who share a protected characteristic and those who do not.

- 11.2 TfL has been mindful of its duty and has had regard to the impact of regeneration of the Order Land and provision of the Project on such protected characteristics. A full Equalities Impact Assessment ("**EqIA**") was commissioned by TfL in support of the Order. It contains a detailed assessment of whether the proposals have a direct or indirect impact on groups with protected equality characteristics.

- 11.3 It considers the impact on parties affected by the Order and in particular the effect of the relocation of neighbouring resident cars that use the Order Land for parking.





- 11.4 The EqIA identifies risks which could have a negative impact in the short term during construction if not mitigated. Overall the Project is expected with mitigation to have positive impacts for older people, disabled people and pregnant people through the provision of the new lifts, removing issues of congestion, providing accessible urban realm improvements to integrate the new station entrance with the proposed Canada Water Masterplan Development site for seamless and safe travel between the two and the provision of raised platform bumps to aid visually impaired passengers and associated ramps.
- 11.5 An exception to the above is that one of the residents who parks on the Order Land has a presumed disability and work continues to explore the impact of this and possible mitigation that can be put in place to minimise potential impact on this resident.

12. CONCLUSION

- 12.1 The Guidance sets out guidance for acquiring authorities regarding the making and confirmation of compulsory purchase orders. This includes key tests which the Secretary of State will expect to be satisfied before a compulsory purchase order is confirmed.
- 12.2 The Order is made under Section 156 and paragraph 19 of Schedule 11 of the Greater London Authority Act 1999 and the Acquisition of Land Act 1981 and relates to land required by TfL or a subsidiary of TfL for the purposes of the discharge of part of its functions, namely the improvement of rail services through the upgrade of Surrey Quays Station to provide a new station entrance and ticket hall adjoining the planned Canada Water Masterplan Development.
- 12.3 The Project forms part of the measures required by planning policy to mitigate the transport impacts of the development in the Canada Water area and is aligned with the planning policy applicable to the Canada Water area, the London Plan and the Mayor's Transport Strategy. Without the Project development of the OA is constrained.
- 12.4 Surrey Quays station, in its existing configuration, will become increasingly congested as passenger numbers increase due to background growth, development in the area and the attraction of the Elizabeth Line to which the London Overground East London Line provides a direct link. By the mid





2020's there is expected to be a significant risk of frequent station closures despite crowding management procedures being put in place by station staff to ensure that passengers using the station can remain safe. Without improvement Surrey Quays station will continue not to be able to meet the demands of disabled people and others with reduced mobility such as those with buggies or carrying heavy/bulky items.

- 12.5 The Order Land is required to deliver the Project and the design selection process has identified the Project as the only solution that can deliver the required objectives of increasing capacity to accommodate background growth and the major developments around the Station; improve accessibility to the north of Lower Road to and from the Station, particularly the site of the major development; and to provide step-free access between the street and the platform.
- 12.6 TfL has sought to acquire the affected interests by agreement but third party interests have made agreement more difficult and TfL is not confident of securing the Order Land in a timely manner.
- 12.7 Paragraph 13 of the Guidance advises that it will be difficult to show conclusively that the compulsory acquisition of land is justified in the public interest if the acquiring authority cannot show that all the necessary resources are likely to be available to achieve that end within a reasonable time-scale. TfL has secured the necessary funding to deliver the Project through MHCLG funding and a section 106 planning obligation associated with the Canada Water Masterplan Development. The costs of the acquisition of the Order Land, removal of the third-party interests and the Order are also funded as part of the Preliminary Costs under the GDA.
- 12.8 Accordingly TfL considers that the criteria in the Guidance is satisfied and that there is a compelling case in the public interest for confirmation of the Order.

13. COVID GUIDANCE

- 13.1 Given the current pandemic during which TfL has made the Order, TfL is following the Ministry for Housing, Communities and Local Government Coronavirus (COVID-19): compulsory purchase guidance which was last updated 27 May 2020 (COVID-19 Guidance) and the Minister of State for Housing's Written Statement (HCWS316) on the online inspection of documents made on 25 June 2020.





- 13.2 As a result, in accordance with the COVID-19 Guidance, where TfL uses post by recorded delivery to serve any documents under the Acquisition of Land Act 1981, TfL will rely on Royal Mail logging the name of the person accepting documents sent by recorded delivery, rather than capturing signatures.
- 13.3 In addition, as recommended by the COVID-19 Guidance, TfL has increased the time period for objections to the making of the Order to be submitted to the Secretary of State from the minimum statutory 21 day period from the date that the making of the Order is first advertised to 36 days (including the Christmas period).
- 13.4 The COVID-19 Guidance confirms that the Government considers that publication of the Order and its supporting map online by an acquiring authority fulfils the requirement under the Acquisition of Land Act 1981 to publish these documents in a 'place'. A copy of the Order, the map and this Statement of Reasons are available at the following website address: tfl.gov.uk/surrey-quays-upgrade . At the time of writing, the local library where the documents would otherwise have been deposited are operating a limited range of services on an appointment only basis.
- 13.5 In addition, it is also recommended under the COVID-19 Guidance that to ensure effective notice is provided of the Order having been made and to mitigate the risk of prejudicing interests of those who may not have access to the internet, that the acquiring authority provides contact details in the notices for individuals to request a hard copy of the Order and map. TfL notices for the making of the Order refer individuals who would like a hard copy of the Order to Vicky Fowler, Gowling WLG, 4 More London Riverside, London, SE1 2AU, telephone 0370 903 1000 or e-mail vicky.fowler@gowlingwlg.com.

14. ADDITIONAL INFORMATION

- 14.1 As noted above copies of the Order, Order Map and this Statement of Reasons, and the documents referred to in Section 15 below are available are available on TfL's website: tfl.gov.uk/surrey-quays-upgrade .
- 14.2 Hard copies of the Order, Order Map and this Statement of Reasons, and the documents referred to in Section 15 can be made available by contacting Vicky Fowler, Gowling WLG, 4 More London Riverside, London, SE1 2AU, telephone 0370 903 1000 or e-mail vicky.fowler@gowlingwlg.com.





15. LIST OF DOCUMENTS IN THE EVENT OF AN INQUIRY

15.1 In the event of a public inquiry, TfL would refer to or put in evidence concerning the following documents:

No	Document Name
1	Guidance on Compulsory purchase process and The Criche Down Rules" issued by MHCLG
2	London Plan Consolidated with Alterations since 2011 (March 2016)
3	Intend to Publish London Plan 2019
4	London Borough of Southwark's Core Strategy (2011) and saved policies from the Southwark Plan (2007)
5	Canada Water Area Action Plan (AAP)
6	New Southwark Plan
7	Mayor's Transport Strategy March 2018

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





STATEMENT OF REASONS

Appendix 1




TfL Operational Property
Estates Management Directorate
Palestra, 197 Blackfriars Road
Southwark, London, SE1 8NJ

MAYOR OF LONDON

**MAP REFERRED
TO IN THE
TRANSPORT FOR
LONDON (SURREY
QUAYS STATION
UPGRADE)
COMPULSORY
PURCHASE ORDER
2020**

Legend

 Land to be Acquired



0 10 20 m

Scale at A4 1:500
Coordinate Reference System: British National Grid

Date	08/12/2020
Initials	MT
Drg. No.	MG-SRQS-CP-AP1-R3
Rev	2
Copyright	Neither this drawing nor any of the information it contains may be copied or communicated to third parties without written permission

The COMMON SEAL of TRANSPORT FOR LONDON

was affixed this day of 2020
in the presence of:

.....
Authorised signatory