

This paper will be considered in public

1 Summary

- 1.1 We are working together with the London Borough of Lewisham (LB Lewisham) to deliver a comprehensive set of highway improvements to Catford town centre. The Catford Town Centre Realignment Project (the Scheme) involves realignment of the A205 South Circular and removal of the gyratory to improve pedestrian and cyclist safety including reconfigured crossings, segregated cycle lanes and placemaking to support active travel as the main transport choice in LB Lewisham’s wider regeneration of Catford.
- 1.2 Most of the land required for the Scheme is owned by TfL or by LB Lewisham. However, a Compulsory Purchase Order (CPO) is necessary to support the timely acquisition of the areas of land and rights required to deliver the Scheme. The land and rights (Property Interests) required are shown in Appendix 1.
- 1.3 The principle of the making of a CPO is a matter reserved for the Board. At the meeting of the Programmes and Investment Committee on 6 December 2023 (which meets after the papers for this meeting are published) the Committee will receive an update on the Catford Town Centre project, as part of the paper on the Safe and Healthy Streets Programme. The Committee is asked to approve entering into a funding agreement with the LB Lewisham to receive £10m of Housing Infrastructure Fund (HIF) funding and is made aware of the need for Board approval in principle for a CPO. The Board will receive a verbal update of the outcome of the Programmes and Investment Committee’s discussion and decision.

2 Recommendation

- 2.1 **The Board is asked to note the paper and approve the principle of the making of a Compulsory Purchase Order for the acquisition of the Property Interests for the Scheme, as shown on the plan at Appendix 1.**

3 Background

- 3.1 Catford is a major town centre in LB Lewisham. It is located on the junction of two major roads: the A205 and the A21. TfL is the highway authority for both roads. (Figure 1 shows the Scheme location).

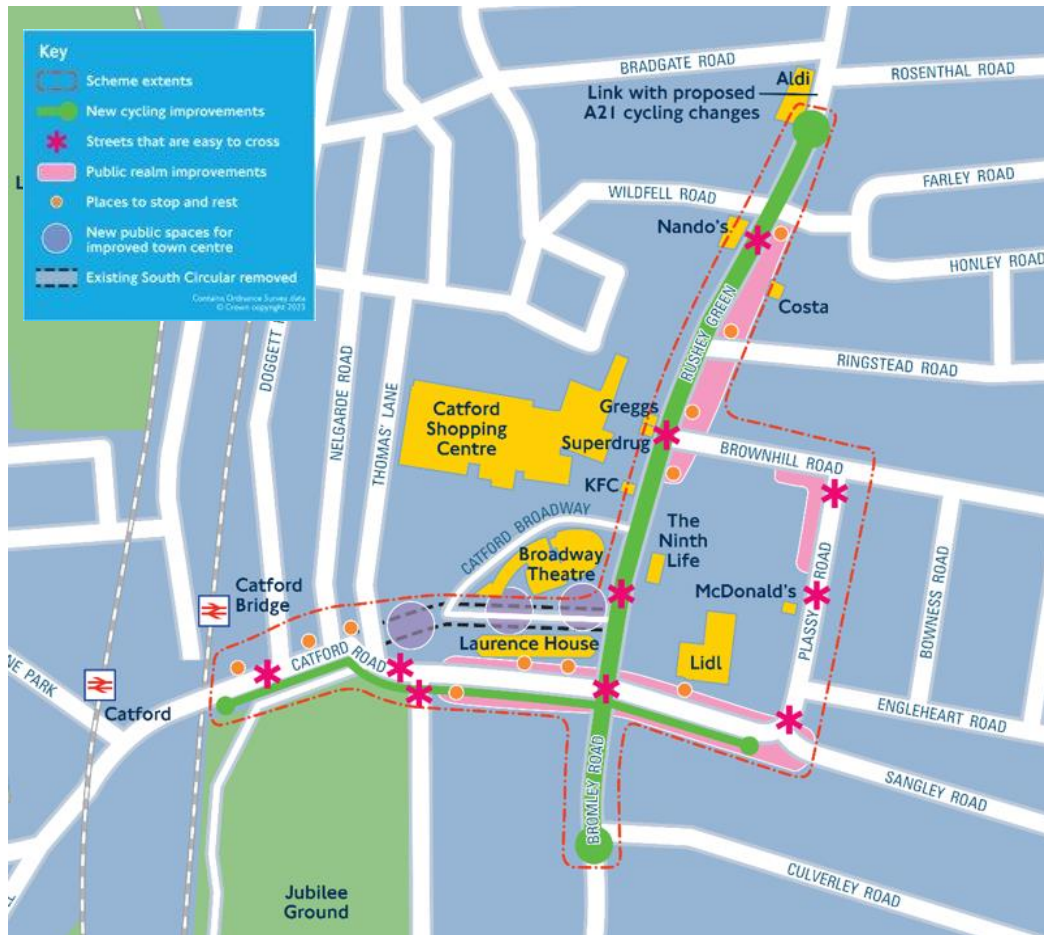


Figure 1: Location and physical scope of Catford Town Centre Realignment Scheme

- 3.2 We have been working with the LB Lewisham to support its ambition to transform and regenerate Catford town centre. In Catford, some local wards are categorised in the top 20 per cent of national deprivation levels.
- 3.3 The proposals encompass a comprehensive array of enhancements to prioritise the needs of people walking and cycling. These measures include segregated cycle lanes, several new and improved pedestrian crossings and substantial augmentation of green and blue infrastructure. Together, these initiatives are set to transform Catford into a more appealing and sustainable urban destination.



Figure 2: Catford Road looking eastwards towards Eltham, and the proposed alignment of the road to the south of Laurence House

- 3.4 The proposals align with the Mayor's Transport Strategy by supporting London's sustainable growth and promoting active travel by making it easier and safer to walk, cycle, use the bus and public transport in Catford.
- 3.5 The Scheme includes the realignment of the A205 South Circular Road to the south of the LB Lewisham's offices at Laurence House across currently owned council land shown indicatively on Figure 2. This releases the space between Laurence House and the Civic Suite, which is currently dissected by the South Circular, reducing severance of the town centre and provides an opportunity to refocus the whole town centre around a new public space. This supports the LB Lewisham's and the Mayor's good growth ambitions to help deliver up to 2,400 new homes and 33,470 square metres of commercial space in Catford town centre.
- 3.6 TfL also considers the existing pedestrian and cycle links are inadequate, convoluted, and confusing for users. People using the A205 Catford Bridge for active modes are compromised by narrow traffic lanes and footways and the dominance of traffic on the South Circular. There is also an issue with the road safety of the current highway layout, which causes a hostile environment for active travel options and public transport users. This is reflected in the high number of collisions for pedestrians and vulnerable road users. A total of 125 collisions between March 2017 and March 2020 have been recorded: 28 per cent involved pedestrians, 12 per cent cyclists and 60 per cent all other motorised modes. Included in these figures is one fatal collision, involving an HGV and a pedestrian.
- 3.7 To address these issues, the Scheme proposes the following changes:
 - (a) realignment of the A205 Catford Road;

- (b) removal of the one-way gyratory system around Plassy Island to create a two-way system;
 - (c) addition of three new crossings and improvements to the layout of existing crossings;
 - (d) widened footways and new and improved public spaces;
 - (e) pedestrianisation of the area between Laurence House and the Catford Broadway Theatre;
 - (f) bus facilities improved and bus stop arrangements updated;
 - (g) dedicated cycling tracks on the A205 and A21; and
 - (h) use of sustainable drainage systems and new tree planting.
- 3.8 A public consultation was held on the proposals from 24 April 2023 to 5 June 2023. 1,503 responses to the consultation were received, including 19 from key stakeholders. The proposals were largely supported and the response to issues raised was published last month.
- 3.9 Feedback from those who responded to the consultation showed that 75 per cent believed that the changes would make road safety slightly or much better, with 84 per cent saying that facilities for people cycling would improve. The consultation also showed that 56 per cent of respondents believed that people walking were the group most likely to benefit from the proposals.
- 3.10 The Scheme is estimated to cost £60m. This is to be met by:
- (a) £44m of Major Road Network (MRN) funding from the Government. An application is being considered by the Department for Transport for entry into the MRN programme. A decision on entry to the programme is expected shortly;
 - (b) £10m from the HIF. In December 2019, the LB Lewisham secured a £10m grant for the Scheme from the HIF. We expect to enter into a funding agreement shortly with the LB Lewisham to apply that grant to the Scheme;
 - (c) £3m as a contribution from the LB Lewisham; and
 - (d) a matched contribution of £3m from TfL.
- 3.11 The Scheme cost includes over 40 per cent risk to allow for cost increases and unplanned events. If a cost overrun is predicted to be more than the risk allowance, the funding agreement with the LB Lewisham stipulates that the parties will meet and agree how further cost overruns are covered. This will vary depending on the cause and quantum of the overrun.

4 Property Interests Required

- 4.1 Most of the land required for the Scheme is either owned by TfL or the LB Lewisham and no buildings are being acquired. However, it will be necessary to acquire the Property Interests, the exact extent of which can be seen coloured red (land required permanently), blue (access) and yellow (extinguishment of interests) on the plan at Appendix 1.
- 4.2 The need for the acquisition of the Property Interests mainly arises from the realignment of the A205 Catford Road, south of Laurence House from its previous position north of Laurence House. This allows the A205 to meet the A21 opposite Sangley Road creating a crossing between the A205 and the A21. This requires land and rights:
- (a) from the northern edge of Jubilee playing field which currently forms a small section of an independent school playing field shown edged red on Figure 3. This land is currently designated as metropolitan open land, but the draft local plan proposes its de-designation as metropolitan open land to facilitate the Scheme. Further rights are required over parts of the remainder of the playing field to undertake accommodation works to mitigate for the loss of an access road over land affected as well as rights of maintenance for the new highway;
 - (b) at the north-western edge of the playing field, land and rights over a small area and subway owned by Network Rail. This land is not required for operational use by Network Rail;
 - (c) to the south of Laurence House (but not Laurence House itself) shown edged yellow on Figure 3. This land is owned by the LB Lewisham. This land will only be included in the CPO to the extent it is necessary to ensure any third-party interests from the land are removed to allow the construction and operation of the Scheme. TfL and the LB Lewisham expect to enter into a property agreement allowing TfL to secure the land and rights from the LB Lewisham for the purposes of the Scheme. This land is currently used as car and coach parking; and
 - (d) the widening of Sangley Road to create a two-way road as part of the removal of the gyratory system. Much of this land is already owned by TfL or dedicated as highway. However, there is a need to relocate an electricity substation in the vicinity and to ensure ownership of the subsoil to parts of the land where TfL is not currently the owner in order to acquire the existing substation rights and grant new rights for the relocated substation.



Figure 3: Aerial view of the Jubilee playing field area proposed for CPO (red) and Laurence House Car Park where extinguishment of interests is needed (yellow) to realign the A205.

- 4.3 Government guidance for compulsory purchase states that acquiring authorities must take reasonable steps to acquire all the land and rights included in the CPO by agreement and further that it is intended as a last resort to secure the assembly of all the land needed for the implementation of projects. However, it further states that if an acquiring authority waits for negotiations to break down before starting the compulsory purchase process, valuable time will be lost. Therefore, depending on when the land is required, 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 procedures.
- 4.4 Positive discussions have been had with affected landowners to date, however it has not been possible to conclude voluntary agreements to secure the Property Interests prior to the point at which it is necessary to make a CPO to ensure delivery of the Property Interests for the Scheme. In particular:
- (a) we have had extensive discussions with the landowner of Jubilee playing field, St Dunstan's College, for the acquisition by agreement of the necessary land and rights over the playing field. St Dunstan's College has expressed support for the Scheme, subject to necessary mitigation arising from interference with the playing field. However, it has not been possible to conclude a voluntary agreement to date;
 - (b) discussions with Network Rail have not raised any in principle objections to the Scheme and we are continuing to engage with Network Rail to acquire the necessary land and rights by voluntary agreement; and
 - (c) we are discussions with the Royal Borough of Kensington and Chelsea for the acquisition of the subsoil at Sangley Road and no objection to its acquisition has been received. However, a voluntary agreement has not yet been concluded.

- 4.5 The Property Interests are required to commence delivery of the Scheme in spring 2025. As the CPO process and the subsequent vesting of the Property Interests is expected to take around 15 months, we are initiating procedures for the compulsory purchase process to commence through this paper to ensure the timely delivery of the Property Interests.
- 4.6 Despite initiating procedures for the compulsory purchase process, we will continue to seek voluntary agreements with the affected owners to avoid the use of compulsory purchase powers.
- 4.7 The Property Interests to be acquired do not include any residential units or other business interests to be acquired other than those listed above.
- 4.8 Delivery of the project will be dependent on the necessary consents being acquired and a decision on the CPO will consider the consents required for the Scheme and whether they form an impediment to its delivery. In particular:
- (a) the Scheme will need a positive decision on its planning application which is due to be submitted soon. A decision on the planning application is expected to be made before the Secretary of State for Transport's decision on a CPO;
 - (b) a positive decision on the application for Major Road Network (MRN) funding and entry of the Scheme into the MRN programme will be needed for the Scheme to proceed to delivery; and
 - (c) the LB Lewisham will need consent from the Secretary of State for Levelling Up, Housing and Communities for disposal of their land to TfL.
- 4.9 Should confirmation of a CPO be refused, or if TfL withdrew seeking confirmation of a CPO from the Secretary of State for Transport, TfL may be liable for costs incurred by objectors to the CPO.

5 Public Sector Equality Duty and human rights

- 5.1 The Equality Act 2010 places a duty on TfL in the exercise of its functions to have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.
- 5.2 The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.
- 5.3 We have considered the Equality Act 2010 and how the proposals for the Scheme will improve capacity and experience for road users, pedestrians and cyclists.

- 5.4 An Equality Impact Assessment (EqIA) has been undertaken for the Scheme including implications from the acquisition of the Property Interests and a copy is annexed at Appendix 2. 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:
- (a) in relation to the general scheme, the EqIA sets out the impact arising from the change in the realignment of the A205 including the impact of bus stop relocations further from current civil amenities and Catford town centre; and
 - (b) in relation to the areas specifically affected by the CPO, it notes the positive impact on level access to the Jubilee playing field through the provision of improved pedestrian-controlled crossing across Catford Road.
- 5.5 A full list of actions arising from the EqIA is contained at the end of the assessment.
- 5.6 As the Scheme continues to develop, the EqIA will be kept under review and TfL's obligation under the public sector equality duty considered. Any new issues that we are made aware of that may impact protected characteristics will be reviewed, assessed and raised in accordance with the delegation for the making of a CPO that is provided under Standing Orders (see paragraph 6.2 below).
- 5.7 The Human Rights Act 1998 requires (among other things) that every public authority acts in a manner which is compatible with the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention"). Articles 1 and 8 of the First Protocol are relevant to the exercise of compulsory purchase powers in this instance and are respectively the right to peaceful enjoyment of possessions and the respect for private and family life and home.
- 5.8 A decision to make a CPO must strike a fair balance between the public interest for the 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 CPO and the compelling case in the public interest for the 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.
- 5.9 Those affected by the CPO will be 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 CPO, 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.

6 Legal Implications

- 6.1 The approval in principle of the making of a CPO is a matter reserved for the Board.
- 6.2 The making, withdrawing and/or amending of a CPO, including settling the detailed boundaries of the land to be acquired and doing all things necessary to

implement the CPO is delegated to the Commissioner and the Chief Officer to which the project relates. In this case it is the Chief Customer and Strategy Officer.

- 6.3 Under section 239 Highways Act 1980 (Act), the Secretary of State for Transport may authorise TfL to purchase compulsorily any land which is required by a highway authority for the construction or improvement of a highway. Further provisions under sections 246 and 250 of the Act extend the power of acquisition including for the mitigation of adverse effect of constructing or improving a highway as well as the acquisition of rights.
- 6.4 Planning permission for the Scheme is to be applied for shortly and will be run in parallel to seeking confirmation of the CPO.

7 Financial Implications

- 7.1 Programme and Project Authority for the Scheme was approved on 1 March 2023 by the Programmes and Investment Committee as part of the Healthy Streets Programme (now known as the Safe and Healthy Streets Programme) and an increase in authority is being sought from the Committee, at its meeting on 6 December 2023.
- 7.2 The cost of acquiring the Property Interests will be covered by the funding received under the funding agreement from the LB Lewisham.

List of appendices to this report:

Appendix 1: Plan showing the land required for the CPO

Appendix 2: Equality Impact Assessment

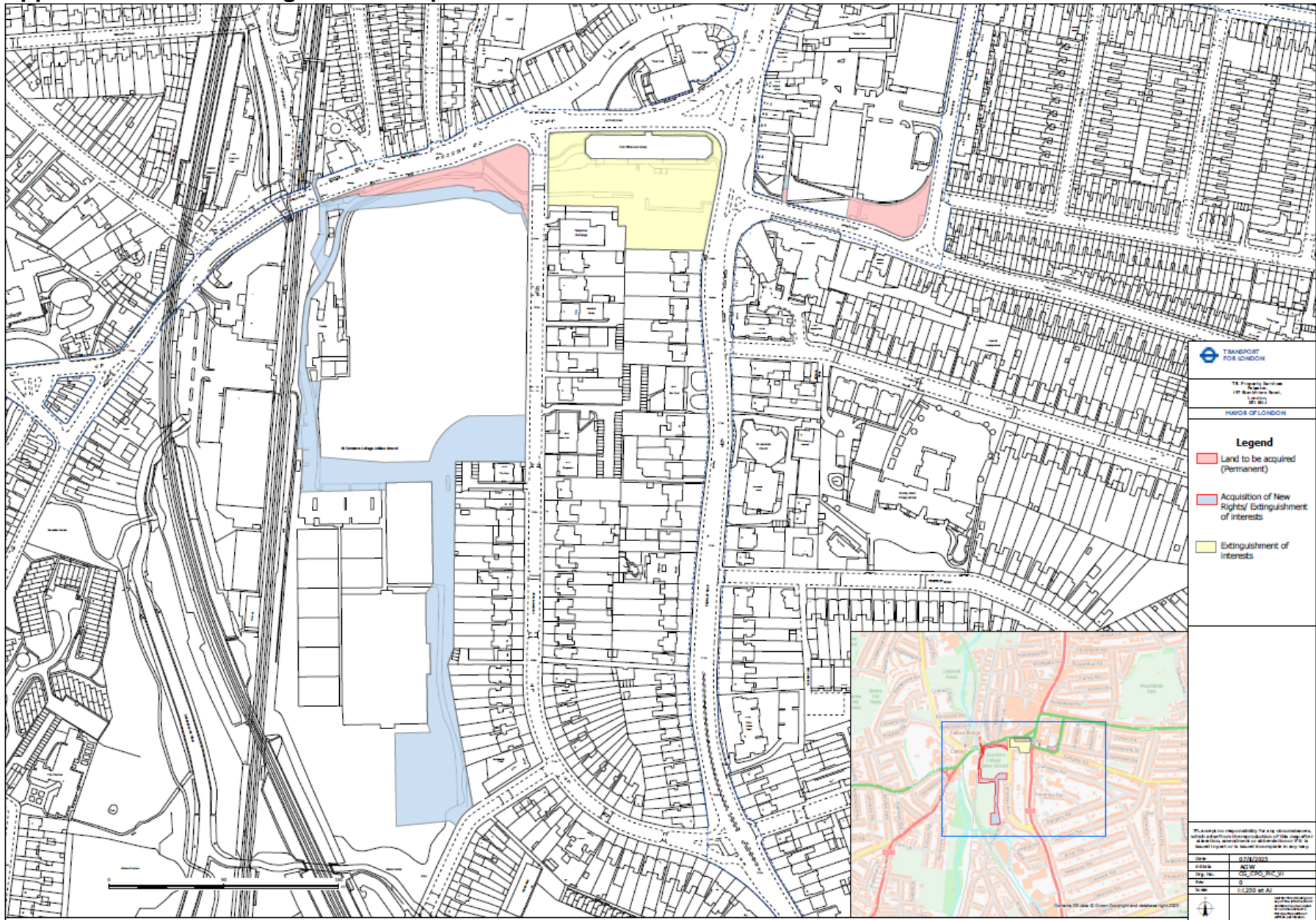
List of Background Papers:

Programmes and Investment Committee, 6 December 2023: Safe and Healthy Streets Programme

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Appendix 1: Plan showing the land required for CPO



Appendix 2
Equality Impact Assessment